
CULTURAL EFFECTS ASSESSMENT

The Rise Limited

Private Plan Change (PPC83)

“Cove Road North Precinct”

Cove Road, Mangawhai

June 2023



This Cultural Effects Assessment (CEA) has been prepared for The Rise Ltd (TRL) as part of the Mana Whenua engagement with Environs Te Uri o Hau (Environs) for the purpose of resource consent application for a Private Plan Change (PPC 83) and to introduce Cove Road North Precinct.

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Whakataukī

Tupu te Toi
Whanake te Toi
He Toi ora
He Toi he Toi i ahu mai i Hawaiki
To tau muri ki te Atua
No te mea
Ko taku taha tera

Knowledge that grows

Knowledge that expands

Knowledge that survives

Knowledge that comes from Hawaiki

Knowledge that comes from patience and tolerance

Knowledge that comes from God for that is wisdom

Whakapapa

Ko te tūpuna taketake o Te Uri o Hau, Ko Haumoewaarangi.
Ka moe a Haumoewaarangi i a Waihekeao,
Ka puta ki waho ko a rāua tamariki tokowhitu: Ko Makawe, Ko Mauku, Ko Whiti,
Ko Weka, Ko Ruinga, Ko Rongo rāua Ko Hakiputatomuri.
Ka puta i a Hakiputatomuri ko nga uri matinitini e mohiotia nei i tēnei wā,
Ko Te Uri o Hau.

According to the traditions of Te Uri o Hau, the eponymous ancestor

of Te Uri o Hau is Haumoewaarangi.

From the marriage of Haumoewaarangi with Waihekeao came seven offspring:

Makawe, Mauku, Whiti, Weka, Ruinga, Rongo and Hakiputatomuri.

From Hakiputatomuri came many descendants known to this day as

Te Uri o Hau.

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Cover Photo: Access to “the Rise” consented development

Credit: S. Worthington March 2023

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2. Introduction

2.1. Outline

The Rise Limited (the Client) seeks resource consent to undertake a private plan change (PPC) application to Kaipara District Council. This application seeks to change the Operative Kaipara District Plan to rezone a 56.9 hectares of land located at Cove Road, Mangawhai from Rural Zone to Residential Zone and introduce a precinct "Cove Road North Precinct" that will apply across the plan change area - see figures 1 and 2.

The PPC area seeks specific changes to the Residential Zone rules to manage potential effects of future development, including increased protection of indigenous vegetation, wetlands, and streams. The PPC will result in future works and the requirement of resource consents from KDC and likely NRC under Section 88 and Schedule 4 of the Resource Management Act 1991 and the Kaipara District Plan (KDP).

Te Uri o Hau holds mana whenua and mana moana status in the area and have a Te Uri o Hau Kaitiakitanga o te Taiao' Hapu Environmental Management Plan (HEMP) distributed to Kaipara District Council (KDC), Northland Regional Council (NRC) and Auckland Council (AC).

This Cultural Effects Assessment (CEA) has been prepared by Environs Te Uri o Hau (Environs) on behalf of Te Uri o Hau Settlement Trust (the Trust). Environs is the environmental subsidiary of the Trust mandated with participating in the resource management proceedings. Environs were involved in the consented subdivision of the Rise Ltd in 2017/18 and have interests in the plan change to provide increased ecological protection and mitigation of any effects of future development.

This CEA advises the cultural associations and possible impacts that the PPC may have on the Te Uri o Hau as Kaitiaki of their statutory area of interest (rōhe) and includes recommendations to be incorporated into the private plan change process.

This assessment also assists KDC in meeting its statutory obligations under the following legislative framework and/or planning provisions:

- a. Te Tiriti o Waitangi Principles 1840: Treaty of Waitangi;
- b. Resource Management Act 1991 (the RMA);
- c. Te Uri o Hau Deed of Settlement 2000;
- d. Te Uri o Hau Claims Settlement Act 2002 and associated Statutory Acknowledgments; and
- e. Te Uri o Hau Kaitiakitanga o Te Taiao 2011 – Hapū Environmental Management Plan.

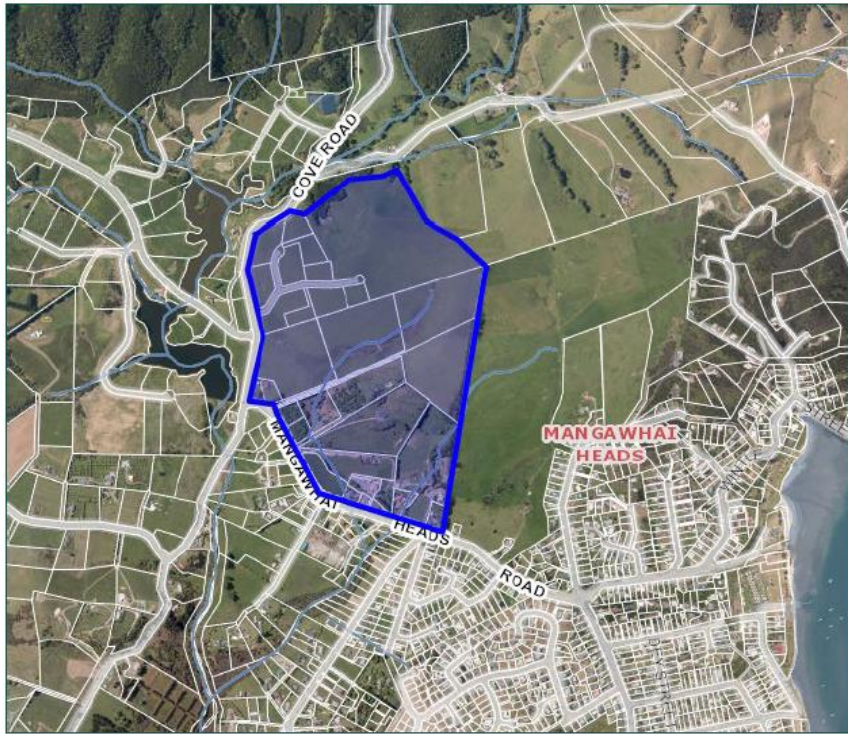


Figure 1: PPC83 Application Area Source: B & A Associates

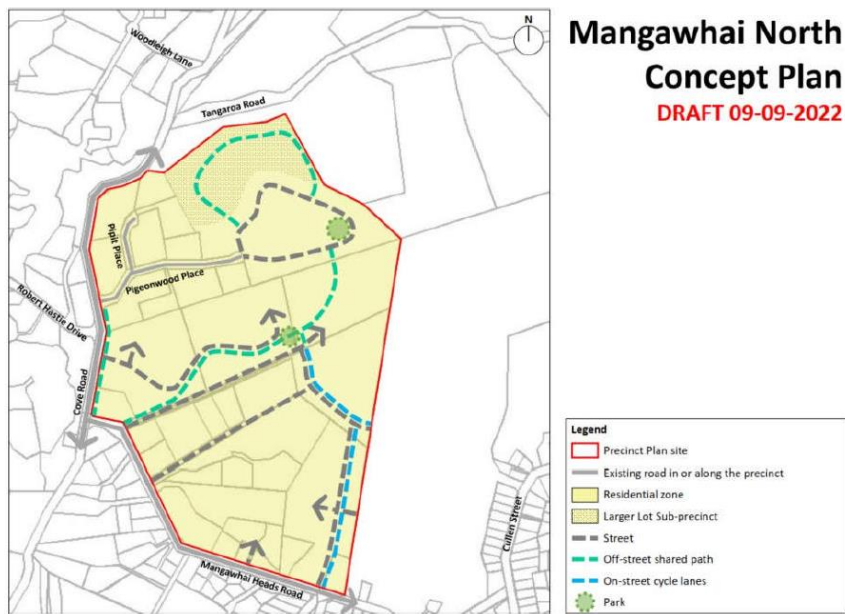


Figure 2: Concept Plan

2.2. Purpose

To advise the cultural associations and possible impacts that the PPC may have on the Te Uri o Hau associations, cultural values and interests and provide recommendations to be incorporated into the PPC. Te Uri o Hau obligations include (but not limited to) the following:

- Upholding the customs, practises, and values of tikanga i.e. karakia (prayer);
- Preserving Māori language, stories, culture, waiata and traditional activities;

- Protection of Wāhi Tapu and Wāhi Taonga;
- Protecting and enhancing wai for all water bodies;
- Reducing silt and sediment in streams, waterways, rivers, and harbours;
- Advocating wastewater reuse and effective management of discharge;
- Planting of ecosourced indigenous vegetation;
- Protecting indigenous flora, fauna, and native forests;
- Promoting ecosystem health, wetlands, and estuary restoration;
- Promoting sustainable development where there are positive environmental and cultural outcomes; and
- Incorporating iwi narratives into the design concepts through landscape; architecture; interior/exterior design, road and street naming and public art.

2.3. Cultural and Intellectual Property Rights Statement

All information contained within this document will remain the property of the Te Uri o Hau Settlement Trust and Environs Te Uri o Hau. Any reproduction of this document in part or whole must first meet with the written approval of the trustees of aforementioned entities.

2.4. Limitations

Environs has relied upon the accuracy of data, analyses, designs, plans and other information ('Client Data') provided by or on behalf of the Client to complete this report. Except as otherwise stated in the Report, Environs has not independently verified the accuracy or completeness of the Client Data. Environs takes no responsibility for Client Data that is incorrect, withheld, misrepresented, or otherwise not fully disclosed to Environs at the time of writing this report.

3. Tribal Background

Te Uri o Hau is a hapū of Ngāti Whātua located in North Kaipara, defined in the Te Uri o Hau Claims Settlement Act 2020 Part 2, Section 13 as "every individual who can trace descent from one or more ancestors who exercised customary rights" -

- a) Arise from Descent from one or more of the following:
 - I. Haumoewaarangi.
 - II. the tribal groups of Te Uri o Hau, Ngai Tāhuhu, Ngāti Tahinga, Ngāti Rangī, Ngāti Mauku, Ngāti Kauae, Ngāti Kaiwhare, and Ngāti Kura); and
- b) predominately within Te Uri o Hau area of interest from 1840.

Te Uri o Hau, Ngāti Whātua arrived in Aotearoa New Zealand from Hawaiiiki on their ancestral waka Mahuhu ki te Rangī around the year 1250 AD at Taporapora on the shores of the Kaipara Harbour. From their tribal beginnings, Ngāti Whātua had grown and spread throughout the tribal area from Tāmaki Makaurau, now also referred to as the Auckland Isthmus, northwards along both coasts to Whangarei Harbour on the east coast and Waipoua Forest on the west coast.

Te Uri o Hau made strategic marriages with other tribal groupings such as Ngāti Manuhiri, Ngāti Whatua and Tainui. Through these marriages strengthened their links with the land, sea, and islands on the eastern coastline and inland to the west coast.

Te Uri o Hau maintain an unbroken connection with their rōhe exercising their mana in the form of tribal, traditions, songs, place names, tupuna (ancestral rights), urupā (burial grounds) and kaitiakitanga (guardianship) and management of their cultural interests and natural resources.

Te Uri o Hau Estates and Territories: Legislated Statutory Area of Interest spans the upper Kaipara region from the east coast of Mangawhai from Te Arai point following north to Paepae ō Tū - Bream Tail and inland to Ruarangi and Pikawahine (south of Whangārei) to the Kaipara Harbour in the west, south of Dargaville to Mahuta gap and south to Poutō then east to Taporapora, Wellsford to the east coast – see appendix 1. Both Mangawhai and Kaipara Harbours’ are inclusive of Te Uri o Hau Statutory Acknowledgement Areas (SAA).

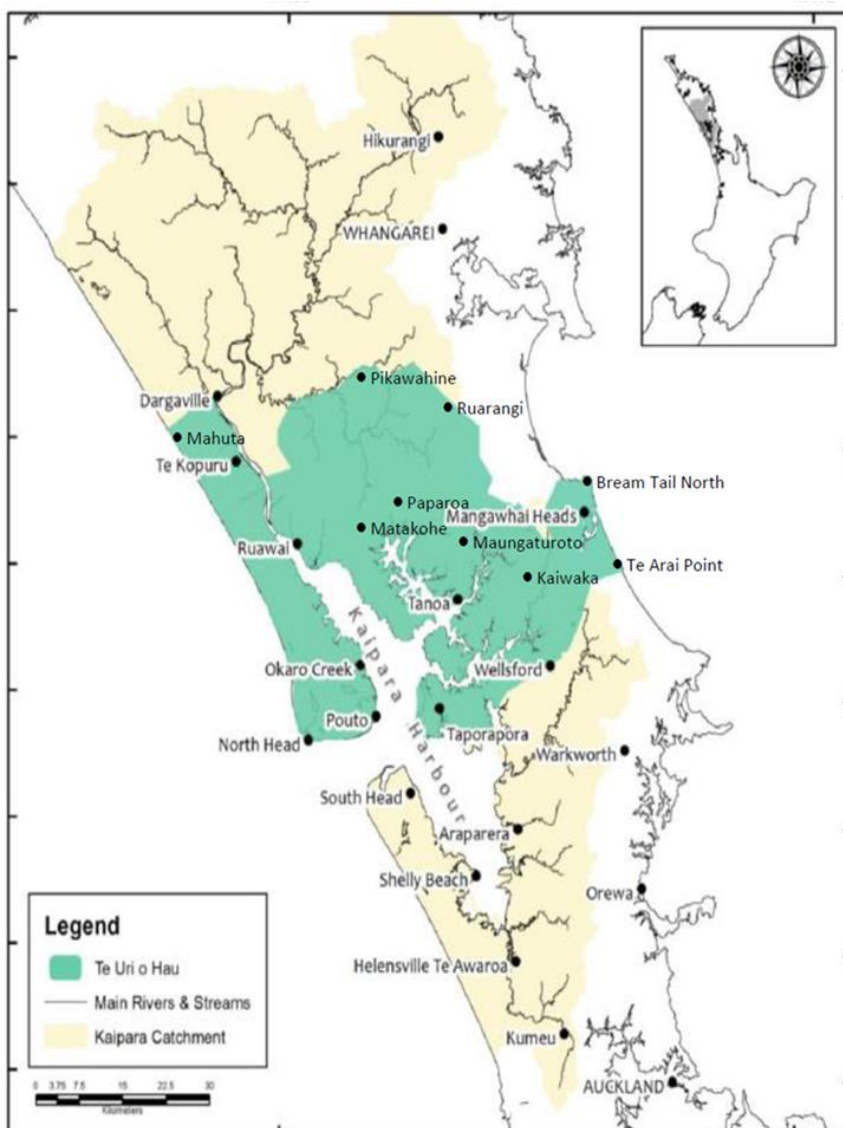


Figure 3: Te Uri o Hau Statutory Area of Interest in shaded green

4. Location and PPC Proposal.

The PPC area is located east of Cove Road and is approximately 1.5kms northwest of Mangawhai Heads Urban centre. The site is bound by Cove Road to the west, Mangawhai Heads Road to the south, rural land to the north and residential land to the east. The site comprises 56.9ha.

As mentioned, the PPC area is 56.9ha consisting of a range of multiple lots with various title references. The site is currently zoned 'Rural' under the Operative Kaipara District Plan (OKDP). The site is primarily covered in pasture, with established residential dwellings and existing infrastructure, scattered vegetation, indicative wetland areas and watercourses.

4.1. Previous Engagement

In 2018, TRL engaged Environs for a consented subdivision for stage 1 on the western and northern part of the site which has been developed and stage 2 on the eastern portion of the site which has yet to be developed.

5. Methodology

TRL have provided a full suite of technical reports for review including Assessment of Environmental Effects (Barker and Associates 2022), Land Development Report (JAS Civil 2022), Assessment of Traffic Effects (Engineering Outcomes 2022), Geotechnical Report (Wiley Engineering 2022), and Landscape Effects Assessment (Simon Cocker 2022). A review was undertaken of the Operative Kaipara District Plan (OKDP), Regional Policy Statement for Northland, Proposed Regional Plan for Northland (March 22 Appeals Version), Mangawhai Spatial Plan - Ngā Wawata 2050, internal research of cultural historical records and access to the New Zealand Archaeological Associations ArchSite <https://archsite.eaglegis.co.nz/NZAA/Map> for information on recorded archaeological sites in the area. This was complimented by a site visit on 17 March 2023 accompanied by Alisa Neal of Barker and Associates - see photo's below.



Figure 4: Looking northeast



Figure 5: Looking north

6. 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.

6.1. Te Tiriti o Waitangi 1840: Treaty of Waitangi Principles

Te Tiriti o Waitangi (The Treaty of Waitangi) is Aotearoa 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.

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. The 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 rōhe of Te Uri o Hau.

6.2. Te Uri o Hau Claims Settlement Act 2002

The Te Uri o Hau Claims Settlement Act 2002 came into effect 17 October 2002. It recognised and provided for breaches of the Treaty through an apology and injustices spanning over 150 years by historical Crown practices and passing of government laws in those times. The injustices had a severe impact on Te Uri o Hau economic, social, and cultural identity with the confiscation of large tracts of land and resources.

The purpose of this Act is to:

- (a) record the apology given by the Crown to Te Uri o Hau in the deed of settlement executed on 13 December 2000 by the Minister in Charge of Treaty of Waitangi Negotiations, the Honourable Margaret Wilson, for the Crown, and Sir Graham Stanley Latimer, Morehu Kena, Jimmy Maramatanga Connelly, William Harry Pomare, Russell Rata Kemp, Rawson Sydney Ambrose Wright, and Taphana Shelford, as mandated negotiators for Te Uri o Hau; and
- (b) to give effect to certain provisions of that deed of settlement, being a deed that settles Te Uri o Hau historical claims.

Te Uri o Hau have Statutory Acknowledgement Areas (SAA) at different locations throughout the rōhe. Under Section 59 of the Te Uri o Hau Claims Settlement Act 2002 the Crown acknowledges the statements made by Te Uri o Hau of the particular cultural, spiritual, historic, and traditional association of Te Uri o Hau with the statutory areas of Mangawhai Harbour Coastal Area and the Mangawhai Marginal Strip.

SAA's are an acknowledgement by the Crown that recognises the mana of a tangata whenua group in relation to specified areas - particularly the cultural, spiritual, historical, and traditional associations with an area. These acknowledgements relate to 'statutory areas' which include areas of land, geographic features, lakes, rivers, wetlands, and coastal marine areas, but are only given over Crown-owned land. SAA's requires councils to:

- forward summaries of all relevant resource consent applications to the relevant claimant group governance entity - and to provide the governance entity with the opportunity to waive its right to receive summaries
- have regard to a statutory acknowledgement in forming an opinion as to whether the relevant claimant group may be adversely affected in relation to resource consent applications concerning the relevant statutory area
- within the claim areas, attach for public information a record to all regional policy statements, district plans, and regional plans of all areas affected by statutory acknowledgements.

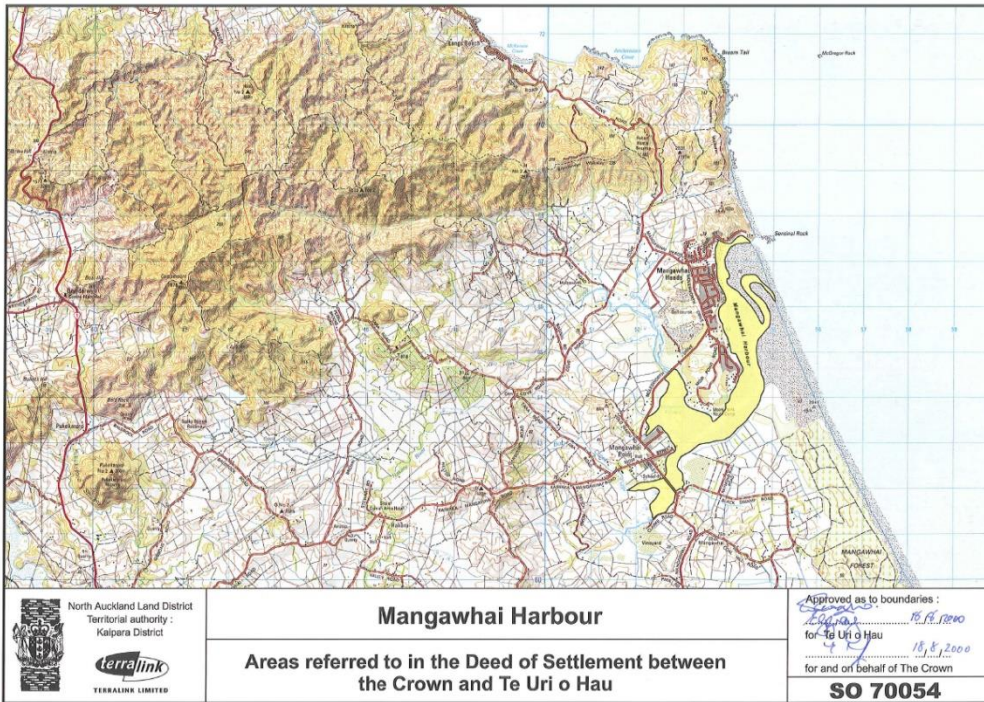


Figure 6: SO70054 Mangawhai Harbour Coastal Area

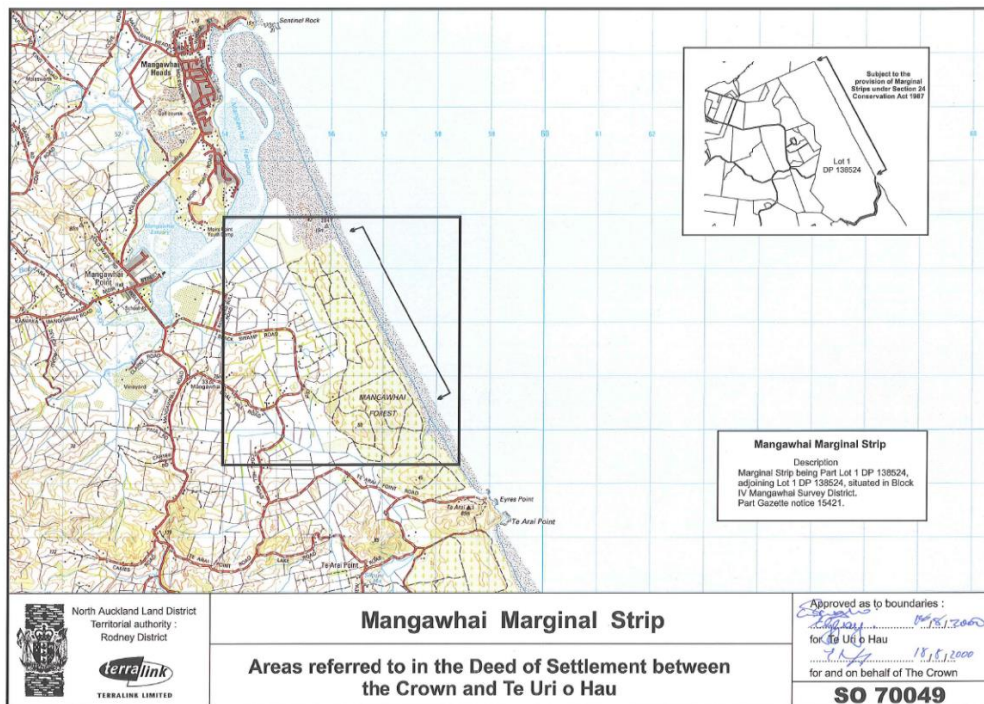


Figure 7: SO70049 Mangawhai Marginal Strip

6.3. Resource Management Act 1991 ('RMA')

The purpose of the RMA is to promote the sustainable management of natural and physical resources. In the Act, 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 health and safety.

Part II of the RMA contains a number of specific provisions relating to tangata whenua that must be considered in resource consent processes being:

- Sections 6(e),6(f) and 6(g) require that "the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga", the protection of historic heritage from inappropriate subdivision, use and development" and "the protection of protected customary rights" is recognised and provided for.
- Section 7(a) sets out 'other matters' which persons exercising functions and powers under the Act must 'have particular regard to'. This includes section 7(a) Kaitiakitanga.
- Section 8 requires that the principles of the Treaty of Waitangi are taken into account.

NOTE: The RMA will be repealed and replaced with three new Acts; the Spatial Planning Act (currently the Spatial Planning Bill) (SPA); and the Natural and Built Environment Act (currently the Natural and Built Environment Bill) (NBA). The third bill is the Climate Adaptation Act which will be introduced to Parliament and is expected to come into law in 2024.

6.4. The Heritage New Zealand Pouhere Taonga Act 2014

Under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA; previously the Historic Places Act 1993) all archaeological sites are protected from any modification, damage, or destruction except by the authority of the Historic Places Trust.

Section 6 of the HNZPTA defines an archaeological site as:

" any place in New Zealand, including any building or structure (or part of a building or structure), that—

- (i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and
- (ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and

(b) includes a site for which a declaration is made under section 43(1)"

To be protected under the HNZPTA an archaeological site must have physical remains that pre-date 1900 and that can be investigated by scientific archaeological techniques. Sites from 1900 or post-1900 can be declared archaeological under section 43(1) of the Act.

6.5. Operative Kaipara District Plan (ODP)¹

A district plan determines resource management issues, objectives, policies, methods, and rules which control and manage the development of the district or city. A district plan zones the district and regulates what can be built or developed within these zones.

The Operative Kaipara District Plan does this mainly in two linked ways. It splits our District into 'zones' (residential, commercial, rural and others) and then it sets objectives and policies for each

¹ Kaipara District Council (2013), Kaipara District Operative Plan November 2013, New Zealand Government, Wellington: New Zealand. Retrieved 12 February 2017 from: <http://www.kaipara.govt.nz/Service++Info/District+Plan.html>.

zone. In most cases the District Plan then provides rules designed to ensure the objectives and policies are met.

The objectives are designed to describe the outcome the District Plan is trying to achieve. The policies explain how the outcome can be achieved. The rules then reflect the policy. Generally, rules state what activities are permitted (i.e. you do not need a resource consent), what activities require a resource consent and, in a few instances, activities that are prohibited.

The District Plan recognises that Te Uri o Hau (and 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 Maori issues in the northern Kaipara. Tangata Whenua cultural values are also referenced in a range of chapters in the District Plan.

6.6. National Policy Statement (NPS) for Freshwater Management 2020²

The National Policy Statement for Freshwater Management (NPSFM) serves to strengthen the RMA and is the top planning instrument under the RMA. The NZ government website states that the NPSFM “provides direction on how local authorities should carry out their responsibilities under the Resource Management Act 1991 for managing fresh water” (Ministry for the Environment, 2020).

Local authorities must give effect to this Statement through their own regional policy statements and regional and district plans. RMA decision makers must also comply with NPSFM when considering consent applications.

➤ **Te Ao Māori concepts embedded into The National Policy Statement for Freshwater Management**

The National Policy Statement for Freshwater Management 2014 (amended 2017) states that the matter of national significance to which this national policy statement applies is the management of fresh water through a framework that considers and recognises Te Mana o te Wai as an integral part of freshwater management. It explains this as follows:

“Te Mana o te Wai is the integrated and holistic well-being of a freshwater body. Upholding Te Mana o te Wai acknowledges and protects the mauri of the water.

This requires that in using water you must also provide for Te Hauora o te Taiao (the health of the environment), Te Hauora o te Wai (the health of the waterbody) and Te Hauora o te Tangata (the health of the people). Te Mana o te Wai incorporates the values of tangata whenua and the wider community in relation to each water body.

² Ministry for the Environment: National Policy Statement for Freshwater Management 2020. Retrieved from: <https://environment.govt.nz/assets/Publications/Files/national-policy-statement-for-freshwater-management-2020.pdf>

6.7. Proposed Regional Plan for Northland – Appeals Version

The Proposed Regional Plan for Northland (the Plan) was issued by Northland Regional Council in accordance with the Resource Management Act 1991 (the RMA). It is a combined regional air, land, water, and coastal plan.

Of relevance to the region and this Plan are the higher-level provisions within national policy statements and the Regional Policy Statement. Under the RMA, this Plan is required to give effect to these higher order documents.

6.8. Regional Policy Statement for Northland

The Regional Policy Statement's role is to promote sustainable management of Northland's natural and physical resources. It does this 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.

The regional council developed the following principles with public input when it set about developing this Regional Policy Statement. These principles were used to guide the initial development of the Regional Policy Statement and are now embodied in the content of the document. They include:

Partnership with tangata whenua - In recognition of the partnership principles in the Treaty of Waitangi / Te Tiriti o Waitangi, and the benefits of working in partnership, tangata whenua have a key role in resource management.

6.9. Te Uri o Hau Kaitiakitanga o Te Taiao (Environmental Management Plan) 2011

Te Uri o Hau Kaitiakitanga o Te Taiao (2011) is an environmental management plan to support Te Uri o Hau kaitiakitanga (guardianship) and rangatiratanga (authority) responsibilities in natural resource management within Te Uri o Hau Estates and Territory: Statutory Area of Interest.

Te Uri o Hau Kaitiakitanga o te Taiao plan provides the policies that the Crown and representative agencies, resource consent practitioners, applicants and research institutions take into account and give effect to, when preparing or reviewing regional and national statements, plans, policies, and strategies.

6.10. Other Legislation and Planning Documents

There are a number of other Acts and Policy documents that recognise Te Tiriti o Waitangi and provide for meaningful consultation and engagement with the relevant Mana Whenua, including (but not limited to) the Conservation Act (1987), Local Government Act (2002), Marine Reserves Act (1971) and the National Policy Statement (NPS FW) for Freshwater Management 2020 and others.

7. Mātauranga Māori - Te Ao Māori: Māori World View

The term mātauranga Māori literally means Māori knowledge and is closely aligned to the period of pre-European contact as it encompasses traditional concepts of knowledge and knowing that Māori ancestors brought with them to Aotearoa/New Zealand. The survival of the Māori language is a cultural and historical marker linking us back to this period and demonstrates a continuum from pre-contact to the present day. Post first-contact, mātauranga Māori evolved in important and significant ways as the ancestors encountered new environments and contexts such as flora and fauna, climate, and geography and in terms of the need to respond to modern technology, languages, and cultures they had not known or experienced before.

Whanaungatanga – connections through kinship and linkages – refers to interdependency between people and their external world. People are considered more than their individual ‘selves’, to be understood through the links that go beyond them, such as their whakapapa (genealogy), and this same idea extends into the natural world.

Tāwhiowhio – relates to learning and thinking from looking outside of and beyond just us. The search for meaning then differs from the often-Western style, or reductionist approach that keeps narrowing down things to analyse it in divided parts.

Mauri: All life possess a mauri; an intangible life force that unites all creatures and enables them to flourish. The principles of holistic management acknowledge that human interactions with the natural environment impose a reaction to the mauri of nga taonga. The same principles are equally associated to the energy of life in an ecosystem.

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 who have a cultural and spiritual responsibility to ensure the essence of Mauri is maintained and protected.

Tikanga: Tikanga Māori forms the basis of how we live in a relationship with all living things and their environment, and how we manage those natural and physical resources and all mauri. Tikanga Māori is defined under Section 2 of the Resource Management Act 1991 and Section 3 of Te Ture Whenua Māori Act 1993 as Māori customary values and practices.

Taonga: Taonga are those things considered culturally valuable to Te Uri o Hau which may be a tangible or intangible element. Article 2 of the Treaty of Waitangi acknowledges taonga as being lands, estates, forests, fisheries, and other properties. Taonga represents an element of the Māori philosophical worldview and all living things representing mauri. All living and non-living things contain a life force, one cannot live without the other, all intricately living in harmony to sustain their being and existence on earth.

Kaitiakitanga: Te Uri o Hau as Kaitiaki, acknowledge customary lore to include the protection of all living things, natural resources, culture, and people. In this regard Kaitiaki are universal. The protection of the natural resources and culture requires a commitment through the whole of Māori society which is constantly evolving. Kaitiakitanga not only relates to the environment and the

management of natural resources but also extends to the socio-economic well-being of future generations.

Mana: Of all the attributes of Te Ao Māori, mana is arguably the most highly prized and most jealously guarded. A return to one's marae is also a return to the land, to one's tūrangawaewae (place where one has rights of residence and belonging through kinship and whakapapa). After the birth of a child their pito (umbilical cord) and the whenua (afterbirth) are buried in the ground or placed up in a tree. The whenua is also the word for land and the burial of the umbilical cord, and the afterbirth ensures a strong link with one's own land.

8. Cultural Heritage

Mangawhai is of historical, cultural, and spiritual importance to Te Uri o Hau. Historically, the Mangawhai harbour was an important route and canoe portage between the eastern coastline and the Kaipara Harbour.

Mangawhai was of strategic significance as an important route and canoe portage between the eastern coastline and the Kaipara Harbour. The strategic importance of Mangawhai Harbour is reflected by the fact that its entrance was defended by two pā. Te Ārai ō Tāhuhu (Te Ārai Point) and further to the south Te Whetumakuru was a tribal boundary marker.

Te Mangawhai means "Stream of the (Sting) Rays. The name is ancient and relates to the evil that will be returned if anyone should harm the stingrays within the harbour. In the early 1800's Mangawhai Harbour was the home of Rangatira Chief Te Whai. Te Whai fled from the northern tribe Nga Puhi and settled on a coastal headland pā at the end of Estuary Drive.

The Maori occupation of the district was severely disrupted by a major battle between two large iwi tribes. In February 1825, Mangawhai and Te Hakoru (known today as Hākaru) became the site of a great battle, known as the "**Battle of Te Ika a Ranganui**". A combined hapū of Ngā Puhi, armed with approximately 300 muskets journeyed from their northern lands and landed their waka at Mangawhai. They travelled and met a confederation of Kaipara hapū consisting of Tainui, Te Uri o Hau, Ngāti Rongo, Ngāti Whātua and Te Roroa at Te Hakoru at the Te Waimako stream between Mangawhai and Kaiwaka.

According to transcripts, the confederation of Kaipara hapū possessed a small number of muskets. Many of the Kaipara people were killed and the area declared tapu. For the next decade, Tāmaki, Mangawhai and most of the Kaipara remained largely unoccupied as a result of the battle. Ngā Puhi were victorious in this conflict, where Tainui survivors fled to the Waikato, Te Uri o Hau to the Tangihua ranges south west of now known town of Whāngārei, Mareretu, and Waikeikei forests, Ngāti Whātua fled to the Waitakere ranges, Ngāti Rongo to their Parawhau relatives whilst other survivors sought refuge with their Te Roroa and Ngāti Hine relatives. By the 1830's, Ngāti Whātua began moving back to the Kaipara and the surrounding areas. The tapu was eventually lifted in 1991.

In remembrance of the battle, a stone plinth sits to the east of Kaiwaka which reads:

"Te Ika a Ranganui – Here in 1825, Ngapuhi, under Te Whareumu and Hongi fought their last great battle against Ngati Whatua and their allies."



Figure 8: Plaque Statement
Credit: S. Worthington (2018)



Figure 9: Plaque Location

Te Uri o Hau seek to ensure the provision and implementation of policies which give recognition to kaitiakitanga. Kaitiakitanga is a central manifestation of the Māori natural resource management system and should be recognised as both a practice and the result of a philosophy of natural resource management within the Te Uri o Hau rōhe.

Te Uri o Hau as tangata whenua, value themselves as an integral part of the natural resources in the environment. Everything has a purpose in life and natural resources that were available to Māori were held most precious to that hapū. Since ancient times, Te Uri o Hau natural resources have always been a part of Te Uri o Hau culture and traditions. This can be heard by way of whaikōrero (oration) within Te Uri o Hau marae, through whakapapa and through customary lore. Natural resources are central to Te Uri o Hau life. Natural resources are taonga left by ancestor's tuku iho (gone by) to provide and sustain life. It is for the present generation to ensure that natural resources are sustained for future generations in as good as, if not better state.

Te Uri o Hau traditional environmental knowledge is based upon concepts which differ from those of western society. These concepts recognise the interrelatedness, the interdependence of all living things in the natural world. For Te Uri o Hau natural resource management is a continued vigilance in the observation and monitoring of the environment so that humans may dwell within the design of the natural world. Te Uri o Hau recognises human beings as part of the natural world and subject to the same natural laws and processes of that environment. Natural resources of the world constitute all those taonga of the environment, some which were traditionally managed for a particular purpose. These natural resources are harvested in every area of a hapū, marae and whānau sphere of influence. For example:

- Plants for weaving – pingao, kakaho and harakeke;
- Plants for food consumption – kumara and puha;
- Fish and other kaimoana;
- Plants for medicinal purposes;

- Plants for ceremonial purpose;
- Animals and birds for a variety of purposes;
- Tūhua, obsidian used for a variety of purposes;
- The bones of whales and other animals;
- Particular kinds of clay and dyes; and
- Trees for building waka and whare.

Kaitiakitanga requires the recognition and empowerment of kaitiaki as the implementers. The role of kaitiaki would traditionally belong with a particular whānau 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.

Te Uri o Hau seek to ensure that policies and plans enable the practice of kaitiakitanga. This requires clarifying the meaning, function, and effect of the practice of kaitiakitanga in natural resource management. The recognition of the role and function of kaitiaki is consistent with the sustainable management of resources and in particular the sustaining the mauri of a resource.

9. Cultural Values

Cultural values are principles by which Māori view, interpret, and make sense of the world and its natural environment. The universal values and beliefs are centred around land, water, and air as the essential ingredients of life that are to be respected, cherished, and sustained. 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’³.

This is supported by Marsden (1992) who expands on this concept and explains 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.

- **Tikanga** - Values and principles that guide our role as Kaitiaki in environmental management.
- **Whakaponu** - Upholding integrity and honesty.
- **Tūmanako** - Fostering and instilling a better future.
- **Manaakitanga** - Committed to caring for responsibilities and obligations.
- **Aroha** - Respecting all people and all things created.
- **Mātauranga** - Sharing of traditional knowledge with others in environmental stewardship and economic development.

³ Barlow, C. (1991). Tikanga Whaakaro: key concepts in Māori culture. Auckland: Oxford.

- **Sustainability** - Advocating sustainable practices and the environmentally friendly use of materials.
- **Long-term cultural well being** – Clean and healthy environment for future generations.
- **Holistic Integrated Catchment Management** – managing freshwater ecosystems.

10. Cultural Effects Assessment

10.1. Wai: Water

Te Uri o Hau view wai water as a necessity for all living things. In Te Uri o Hau traditions, wai water is sacred for its purity and life supporting qualities. Wai water is an essential resource which plays a key role for Te Uri o Hau as indigenous people from birth through to death. Each wai water body has its own mauri of life essence. Pollution, poisoning, siltation, and degradation of wai water is major concern for Te Uri o Hau.

The Maori worldview and value of wai water is expressed in the concept wairua, which is an underlying principle of Te Uri o Hau's relationship to wai water. Traditionally wai water was always conserved by Maori; like all taonga, wai water was protected. In order to prevent the bad uses of wai water, traditional methods for protection included for example rāhui and tapu.

The mauri of wai water represents life-force and the ecological systems that live within that resource. Human activities such as urbanisation, development, mining, agriculture, and horticulture impact on the mauri of wai water which degrades the resource. In addition, water is valued for drinking, transport, as a source of kai, and for irrigation. Waterways can become severely degraded due to poor management of waste, stormwater, earthworks and other pollutants or pest fish which destroy or significantly decrease their mauri.

Te Uri o Hau advocates for:

- Ways in which Te Uri o Hau Kaitiaki can participate in the management of wai water conservation, preservation, management, and enhancement within their statutory area of interest.
- Te Uri o Hau rangatiratanga and kaitiakitanga values of wai water as guaranteed by article 2 of the Tiriti o Waitangi 1840.
- The sanctity of wai water within Te Uri o Hau estates and territories for the benefit of Te Uri o Hau hapu, wider community, and future generations.
- Te Uri o Hau kaitiaki, statutory agencies, developers, owners, users, communities, Government and non-government agencies, corporate bodies in the conservation, preservation, and management of wai water.
- The preservation and restoration of the mauri of all wai water within the statutory area of Te Uri o Hau.
- The maintenance and enhancement of wai water and the quality in our rivers, streams, lakes, wetlands, catchments, channels, and other bodies of wai whether naturally occurring or artificially made.

A Land Development Report identifies and outlines the solutions that are available to enable the PPC through assessing the Natural Hazard (Flooding), earthworks, Erosion & Sediment Controls, Te Mana o te Wai 3 Waters i.e. Water Supply, Stormwater, Wastewater and Utilities (power and phone). In summary, the details in relation to those areas includes:

- Earthworks required to develop the site may be relatively minor due to the gentle topography of the site and earthwork operations are able to be undertaken without substantial modification to the existing landform.
- Water sources have been identified as being limited in availability in Mangawhai therefore, future subdivisions in the area will be reliant on rainwater from dwelling roof to household water tanks.
- Impermeable coverage from the existing Rural permitted activity coverage of 15% to proposed permitted activity coverage of 60% is noted as being a distinguishable difference in the assessment of the potential effects for stormwater.
- As part of future subdivision, it is possible for the properties within the plan change area to connect to the wastewater communal network and the possibility for the installation of a new wastewater line to extend up into the northern extent of the plan change area that would enable connection to reticulated services.
- Particular potential constraints of the existing Mangawhai Wastewater Treatment Plant (MWWTP) and possible upgrades required to councils existing pipe network and wastewater pump stations and capacity limitations of the MWWTP to accommodate for the future growth being planned for in Mangawhai.

Environs notes the earthwork mitigation measures will include:

- The requirement for an Excavation and Fill Management Plan for future development under the RMA provisions.
- Implementation of best practice erosion and sediment controls as a standard requirement within a residential zone to mitigate the effect of the earthworks on the receiving and surrounding environment.

It is widely known that Mangawhai has an existing reticulated wastewater network and that the reticulated network carries wastewater to the Mangawhai Wastewater Treatment Plant.

Comments

There is potential for an increase in stormwater flows and related natural hazards with the risks of floods and effects of erosion as a result of proposed increase in impermeable surface coverage. Environs considers additional consideration is given for stormwater design and management as a priority, particularly for existing lots owners that reside on the southern aspect of the site. Environs supports the requirement for a detailed stormwater assessment and management plan to be prepared and submitted in support of any subdivision application.

10.2. Whenua: Land

Whenua land is considered a taonga to te Uri o Hau; this also includes all natural resources associated to it. Te Uri o Hau is committed to the holistic management of land. The coastal margins and forest regions historically provided Te Uri o Hau with a profusion of kai and living materials. Natural features and landscapes are valued for their unique characteristics, strategic locations, or historical importance. Te Uri o Hau has identified many of these areas that are of importance and as kaitiaki, we must ensure they are protected and maintained for future generations.

As kaitiaki, Te Uri o Hau is responsible for maintaining the health and connections of the whenua land. The life supporting capacity of the whenua enables optimum health and wellbeing for all - tāngata (people); plants and animals; awa (waterways) and moana (sea). There are also specific connections to the whenua through historical events and activities which may limit the types of use of whenua land.

Issues:

- Impacts from silt, sediment and erosion on whenua land, waterways, flora and fauna and the coastal marine environment.
- Altered landscapes by the removal of indigenous vegetation and effects to cultural landscape values (e.g. pā, other significant geographic features)
- Damage, and effects to taonga including kōiwi.
- Soil degradation and the effects to the soils natural structure.
- The removal of soil from its natural whakapapa.
- Impacts of climate change.

Comments

Te Uri o Hau advocates for appropriate planning of land use, subdivision, and development techniques that minimise adverse effects on whenua land, mitigation of adverse effects e.g. from silt and sediment on waterways and water quality, protection of sensitive cultural landscapes and individual sites from unnecessary disturbance, retaining/return of soil removed in the development process and incorporate Kaitiakitanga and rangatiratanga values in resource management planning and Mātauranga (knowledge) in local and regional government policies, rules, and regulations.

10.3. Wāhi Tapu and Wāhi Taonga: Sacred Areas, Treasures, Places

The application of Wāhi Tapu and Wāhi Taonga is related to those things considered culturally valuable to Te Uri o Hau which may have a tangible or intangible element. Article 2 of the Te Tiriti o Waitangi 1840 Treaty of Waitangi 1840 acknowledges taonga as being lands, estates, forests, fisheries, and other properties. Wāhi Tapu and Wāhi Taonga represent an element of Te Uri o Hau's philosophical worldview that all living things represent mauri.

Taonga are tangible and intangible elements considered culturally valuable to Te Uri o Hau. Article 2 of Te Tiriti o Waitangi Treaty of Waitangi 1840 acknowledges taonga as being lands, estates, forests, fisheries, and other properties. Taonga represents an element of the Maori philosophical worldview

and all living things having mauri. All living and non-living things contain a life force, one cannot live without the other, all intricately living in harmony to sustain their being and existence on earth.

Issues:

- The desecration of wāhi tapu and wāhi taonga such as urupā or tauranga waka and areas of sites of significance within the rōhe of Te Uri o Hau.
- The loss to mana and cultural and spiritual identity with the desecration of wāhi tapu and wāhi taonga sites and features.
- Lack of legislative accountability with the destruction of wāhi tapu and wāhi taonga cultural sites and features.
- The effects of erosion upon koiwi, wāhi tapu, and wāhi taonga.

The protection and preservation of all urupā, wāhi tapu and wāhi taonga and cultural sites remains paramount to Te Uri o Hau values. The importance of Wāhi Tapu and Wāhi Taonga as part of Te Uri o Hau cultural heritage is recognised in various legislative Acts e.g. Heritage New Zealand Pouhere Taonga Act 2014, the Resource Management Act 1991, and Reserves Act 1977.

The NZ Archaeological Association (NZAA) ArchSite database was reviewed as part of assessing the proposal. ArchSite is an online database that contains information about recorded archaeological sites in New Zealand. It is the national inventory of archaeological sites in New Zealand with over 60,000 sites registered in ArchSite (<http://www.archsite.org.nz/Default.aspx>) – see figure 9.

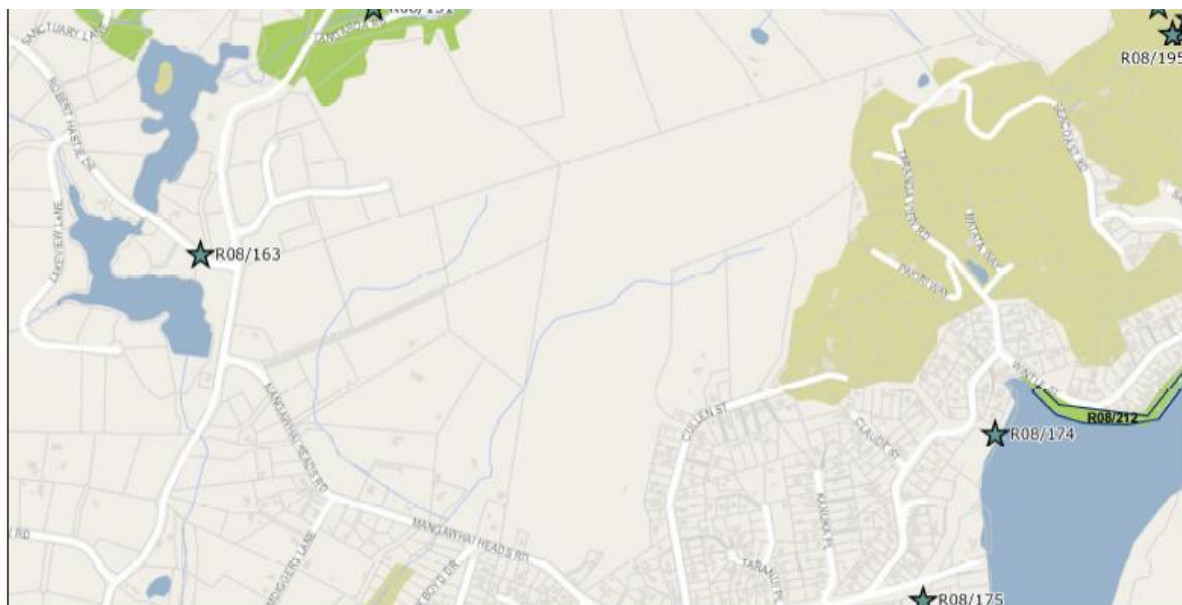


Figure 10: ArchSite map of the PPC area

Comments

- I. There are no previously recorded archaeological sites on the PPC area.
- II. No earthworks are proposed under the PPC.

- III. The PPC will result in future works and the requirement of resource consents from KDC and likely NRC.
- IV. No Archaeological Assessment report has been commissioned for the PPC application area.
- V. The potential for unknown shell deposits to be uncovered during earthworks is a distinct possibility. As a pre-cautionary measure, the Accidental Discovery Protocols (ADP) for Archaeological sites shall apply.

10.4. Biodiversity

The cultural value of “Ki uta, ki Tai” from the source to the sea, demonstrates the interconnectedness of all life, not just in waterways but all ecosystems. As kaitiaki, Te Uri o Hau is responsible for maintaining healthy indigenous ecosystems which in turn sustain indigenous biodiversity and therefore sustain the people.

Native birds, plants, and animals are of iconic and cultural significance and are taonga to Te Uri o Hau. Generally, taonga species have a body of inherited knowledge relating to them, they are related to the Iwi or Hapū by whakapapa, and the Iwi or Hapū is obliged to act as their kaitiaki. As kaitiaki, Te Uri o Hau is responsible for maintaining taonga species to sustain the people, our cultural practices, connections, and identity.

Issues

- Loss of indigenous biodiversity and habitats, especially wetlands, compounded by increasing pest plant and animal numbers.
- The lack of recognition of Te Uri o Hau special association with indigenous species, fish, flora, and fauna within the Te Uri o Hau Area of Interest.
- Intellectual property rights to indigenous forests, flora and fauna is an issue under WAI 262 e.g. bioprospecting.
- On-going disregard for the mauri of indigenous forests, flora, and fauna within the statutory area of Te Uri o Hau.
- Introduced pests and the effects of bush clearing has meant that there has been almost total destruction of native forests within the statutory area of Te Uri o Hau .

A report by Wild Ecology which recognises that the PPC is able to:

- Enhance and protect the ecological corridors from the hills to the sea.
- Improve connectivity and public access to the local natural environment.
- Provide blue-green infrastructure to enhance biodiversity, environmental health, and stormwater management.

The report further states: *the proposal also aims to integrate ecological/landscape and public access provisions throughout the site by establishing a pedestrian walkway/cycleway along the central aspect of the site encompassing the intermittent stream and wetland feature. This presents an excellent opportunity for public access and recreation opportunities between the proposed development area and the wider Mangawhai Heads urban areas, as well as an opportunity to appropriately enhance natural features and provide for outdoor education.*

Comments

- I. Advocates for a complete ban on cats and other pet pest species (rodents) and control measures for pet dogs are implemented.
- II. Te Uri o Hau supports the ecological values and the associated recommendations of the Ecological report.
- III. The protection and enhancement of the natural features constitute a significant net ecological benefit.
- IV. Te Uri o Hau Native Nursery can be used as an option for eco-sourcing native plants suitable for the area. Refer to the following link for more information: <https://www.tearainative.com>

10.5. Growth and Development

Ensuring sustainable growth through the development of subdivisions is pivotal in the development of any lands within the statutory area of Te Uri o Hau. There are many ways in which mitigation or remediation might be undertaken. The challenge for Te Uri o Hau, resource consent applicants, developers, and landholders, will be finding practical solutions for creating sustainable development.

Issues:

- Inappropriate development and uncontrolled growth is having adverse effects on Te Uri o Hau environment, taonga and relationships.
- The mitigation and remediation of adverse effects to natural resources within the statutory area of Te Uri o Hau in the development of subdivisions and the associated infrastructure.

10.6. Toi – Cultural Wayfinding - Iwi concepts, designs, naming

Heritage and art are embedded in Māori culture which captures a sense of community, language, ethnicity, sports, recreation, places, and space (such as built environment and landscapes). It encompasses all the multiple interactions of emotion, spiritual, historical, and physical aspects of human life within local contexts such as, seeing the surf at Mangawhai Heads or the smell of Pohutukawa trees blossoming.

Wayfinding is about all of the ways in which people (and animals) orient themselves in physical space and navigate from place to place. Cultural Wayfinding can include elements from a particular cultural or heritage which are included to express:

- a) urban development, the creative industries, tourism, and recreation;
- b) aspects of economic development and leisure activities (including sport);
- c) diversity, participation, partnership, and innovation;
- d) impact on the individual, the neighbourhood, and the community; and
- e) vitality, health, and inclusion.

Comments:

The opportunity to include Mahi Toi as a creative and engaging way to share our stories, celebrate our journey and reinvigorate the area by incorporating into future design concepts ancestral names, local

tohu and iwi narratives included in landscape and architecture plans; interior design, street and development naming and public art.

11. Recommendations/ Consent Notices/ Conditions of Consent

The following recommendations for avoidance or mitigation of cultural impacts have been provided. Environs Te Uri o Hau supports the Rise Ltd proposed Private Plan Change **in principle** subject to the following recommendations being considered and/or implemented.

Consent Conditions:

1. The Consent Holder/their agent shall forward a copy of the granted consent conditions and approved plans to Environs at rma@uriohau.co.nz within five working days of the consent being granted.

Future Construction and Development:

2. Mana whenua values and Mātauranga must be considered with regards to all environmental policy, planning and management of the PPC area.
3. Provision for open space within sub zones to break up large tranches of dense housing.

Archaeological:

All archaeological sites, whether these are known (or recorded) or unknown are protected under the Heritage New Zealand Pouhere Taonga Act (HNZPTA 2014). The potential for sub-surface taonga to be discovered during works is a distinct possibility.

4. All contractors, servicers, workers, or independents involved in earthworks activities will be made aware of and adhere to Accidental Discovery Conditions set out in Appendix 1.
5. Te Uri o Hau assigned kaitiaki can be present at a pre-start meeting to inform those involved in earthworks activities of their responsibilities under the HNZPTA and Te Uri o Hau ADP.
6. The applicant considers commissioning an updated archaeological assessment for the PPC area.

Earthworks

7. All earthworks shall comply with the applicable sediment control standards or Councils regulations.
8. Sediment Reduction Plan shall be implemented that will ensure high water quality standards are being met.
9. Implementation of rain gardens into development design where possible to assist with silt and sediment reduction.
10. Soil is retained on the site during any development process.

Wai

11. The values and principles of Te Mana o Te Wai are incorporated into developing the PPC area.
12. All watercourses including areas that have an underground wai source shall be formally protected.
13. Storm water management controls shall be implemented to avoid mixing of contaminated water with fresh water.
14. The use of raingardens to mitigate against the effects of stormwater runoff and disposal.
15. On-going protection of the mauri of the wai and watercourses that are recognised as wāhi taonga to Te Uri o Hau.
16. Wetlands shall be formally protected and enhanced with additional native planting.
17. Wastewater systems are connected to public reticulation for each future household.

Ecological

18. The natural ecological features within the PPC area are formally and physically protected and enhanced.
19. Te Uri o Hau is involved in the planting plan for the PPC area.
20. A buffer zone of native planting to screen the existing residential lots to the south is incorporated into the design plan.
21. A low density of housing located near to the significant natural areas.
22. Low density housing near existing residential Lots.
23. Provision for fish passage is implemented into design plans where possible.
24. Te Uri o Hau Native Nursery can be used as an option for eco-sourcing native plants suitable for the area. Refer to the following link for more information: <https://www.tearainative.com>

Cultural Footprint

Te Uri o Hau welcomes the opportunity for input into development of Cove Road North Precinct by including:

25. Discussions with the client to incorporate cultural design concepts ancestral names, local tohu and iwi narratives included in landscape and architecture plans; interior design, street, road and development naming and public art.
26. Opportunities for Te Uri o Hau to advise and provide input into the proposed walkway for the PPC area.
27. Such opportunities would support Kaipara Councils Mangawhai Spatial Plan 2020 and Spatial Plan themes for iwi and culture.

Cultural Monitoring

Kaitiakitanga is the application of indigenous planning of resource management. Te Uri o Hau are able to offer environmental services as kaitiaki of our rōhe that may add value to this development and assist in better environmental outcomes. Cultural monitoring would apply to this development in future, which may include (but is not limited) to the following areas:

- Wai (surface) water monitoring
- Earthworks monitoring

- Archaeological monitoring
- Consultation on indigenous planting
- Incorporating mātauranga concepts
- Additional site inspections

Climate Change

28. Use of sustainable, energy-efficient materials and sustainably sourced materials in future construction methods proposed within the PPC area.

Additional Engagement

29. Additional engagement with Environs for future development requiring subdivision or land use consent for each title contained within The Cove Road North Precinct.

Costs

30. All costs associated with any ceremonies, inductions, monitoring, reports, site visits and/or meetings attended by Te Uri o Hau representatives shall be met by the applicant.

Appendix 1: Accidental Discovery Protocols

The **Accidental Discovery Protocols** for Archaeological Sites shall be included in with PPC83 provisions.

1. All earthworks shall cease in the immediate vicinity (at least 10m from the site of the discovery).
2. The Contractors/ Works Supervisor/Consent Holder shall shut down all equipment and activities and ensure archaeological remains are undisturbed and the site is safe. Work may continue outside the site area.
3. The Contractors/ Works Supervisor/Consent Holder shall notify Heritage NZ (HNZ) – Pouhere Taonga (Northland Office), Environs Holdings Ltd, Council and any required statutory agencies (e.g., NZ Police for human skeletal remains).
4. An archaeological survey and assessment are commissioned and undertaken by a reputable and fully qualified Archaeologist (if not completed prior to lodging consent).
5. If the material or materials are confirmed to be Taonga tūturu of Māori origin, additional engagement between Te Uri o Hau, the commissioned Archaeologist (representing HNZ) to discuss Manatū Taonga - Ministry for Culture and Heritage Taonga Tūturu protocols and the expenditure process for the return of Taonga Tūturu to Te Uri o Hau.
6. Works in the area shall not commence until all cultural and HNZ statutory requirements have been met.
7. All parties will work together towards the recommencement of site works in the shortest possible timeframe while ensuring that archaeological and cultural requirements have been complied with.

Appendix 2: Glossary

Battle of Te Ika a Ranganui	1825 Battle between Ngāpuhi and Ngāti Whātua at Hākaru, Mangawhai
Hapū	Sub-tribe
Haumoewaarangi	Eponymous ancestor of Te Uri o Hau
Iwi	Tribe
Iwi authority	The authority that represents an iwi or hapū
Kaitiaki	To guard; to keep guardian over
Kaitiakitanga	Exercise of guardianship; and in relation to a resource includes the ethic of stewardship based on the nature of the resource itself
Kai Moana	Seafood
Karakia	Prayer
Kōiwi	Human skeletal remains
Mahinga kai	Customary food /resources
Marae	Meeting house
Pā	Fortified settlement /village/site
Papatūānuku	Earth Mother
Tino Rāngātiratanga	Sovereignty, chieftainship, right to exercise authority, chiefly autonomy, self-determination, self-management, ownership
Ranginui	Sky Father
Rōhe	Region of Interest
Mana whenua	People belonging to any particular place – Indigenous people
Tāne Māhuta	Guardian spirit of the forest
Tangaroa	Guardian of the sea
Te Uri o Hau	The descendants of Haumoewaarangi
Tūpuna	Ancestor(s)
Wāhi Tapu	Sacred areas/Reserved ground/cemetery
Wāhi Taonga	Sacred treasures
Wairoa	Water body

Appendix 3: References

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