

## **APPENDIX D** Cultural Values Assessment



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## CULTURAL VALUES ASSESSMENT

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Waka Kotahi New Zealand Transport Agency (Waka Kotahi)

Roading Recovery Project

Piroa Brynderwyn Highway

State Highway 1 (SH1), Northland

December 2023



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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 raua tamariki tokowhitu: ko Makawe, ko Mauku, ko Whiti,  
ko Weka, ko ruinga, ko rongo me Hakiputaomuri.  
Ka puta i a Hakiputatomuri ko nga uri matinitini e mohiotia nei i tenei wa,  
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.*



**Source: Waka Kotahi NZ Transport Agency Northland.Facebook page**

***Cover Photo: Waka Kotahi NZ Transport Agency Northland.***

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Prepared by: 18/01/2024

Approved by:

RMA

Fiona Kemp  
Environs Holdings Manager

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# 1 INTRODUCTION

## 1.1 Outline

This **Cultural Values Assessment** has been prepared by **Environs** Holdings Limited on behalf of the Te Uri o Hau Settlement Trust to inform the Waka Kotahi Resilience **Project**.

This assessment is the foundational document that will inform further Cultural Impact Assessments at each stage of the project.

To assist the applicant to meet their obligations through relevant legislative safeguards for Māori this assessment takes into consideration the following:

- Wahi tapu, wai tapu and taonga species
- Protection of taonga flora, fauna and indigenous forests, in particular Kauri;
- Protection of water and water quality, and the installation sediment controls;
- Protection of taonga species and their ecological habitats in particular the bat and frog;
- The practise of ethnobotany; and
- Cultural heritage sites and features (i.e. Archaeological Sites).
- The preservation of the Te Uri o Hau hitori, purakau, customary practices and reo

Recommendations regarding what the applicant should do in order to adequately avoid, remedy, mitigate and/or offset any adverse effects and enhance the positive effects and opportunities of Te Uri o Hau involvement are provided.

## 1.2 Methodology

A 'kaupapa Māori' methodology approach has been adopted to support the assessment of Te Uri o Hau values. This approach enables us 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' approach was the most appropriate framework to articulate a Te Uri o Hau world view. This methodology acknowledges the importance of applying tikanga and mātauranga Māori which is introspective of Māori ways of knowing and doing.

The general methodology included:

- Hui with Waka Kotahi and WSP
- Review of relevant documents provided by the applicant (Table 1)
- Research Ethnographic, Historical, Anthropological information
- Literature Review
- Consultation with key whānau and marae

- Expert Peer Reviews on applicants reports and final draft of the CVA
- Ecology
- Engineering Report
- Archaeologist

Information obtained as part of preparing this CVA was sourced from:

- Cultural Health Indicator reports 2016-2021 undertaken on Pukekakoro and Pukeareinga by Environs Kaitiaki.
- External Cultural Consultations with Taumata, DOC, Patuharakeke, Parawhau, and Otamatea marae, Te uri o Hau kaitiaki, biosence,
- Specialist kaitiaki reports (Nga Maunga Tapu and KMR)
- Review archaeological reports.
- Te Uri o Hau archives
- Kōrero tuku iho – Mātauranga Māori engagements.
- Natural areas of Rodney Ecological District (Northland Conservancy) Reconnaissance survey report for the Protected Natural Areas Programme Nick Goldwater, Pete Graham, Wendy Holland, Sarah Beadel, Tim Martin and Shona Myers 2012
- Piroa-Brynderwyns Landcare, 5 year Plan – 2018-2023 – August 2018
- Draft Piroa-Brynderwyns High Value Area Biodiversity Values & Opportunities for Ecological Restoration
- Review Wildlife Management plans
- Waka Kotahi Webinars
- Review of designs and plans
- Internal works consultations WSP, Governance Board, Fulton Hogan, Waka Kotahi.
- Design and Plan Peer Review - Tyrone Newson
- Site visits and site inspections
- Kaitiaki monitoring report's – ongoing.

Sources	Reference	Rationale
<b>Research</b>		
Arch sites (Heritage New Zealand Pouhere Taonga) online	<a href="http://www.archsite.org.nz/">http://www.archsite.org.nz/</a>	To identify wāhi tapu sites for interpretation of cultural occupation layers
Reconnecting Northland Taiao Maps	<a href="https://www.reconnectingnorthland.org.nz/">https://www.reconnectingnorthland.org.nz/</a>	To identify Maori landowners
MLIS – Māori Land Information System (onsite at Māori Court, Whangarei)	<a href="https://www.maorilandonline.govt.nz/">https://www.maorilandonline.govt.nz/</a>	Historical ownership
Te Uri o Hau Archives	Digital source of information.	Historical Mātauranga Māori.
<b>Consultation</b>		



Marae Chairs & Trustee representative, Taumata Kaumatua, hapū and iwi		Otamatea, Patuharakeke, Te Parawhau, Te Uri o Hau Taumata
Briefing Paper to Te Uri o Hau Governance	Informing respective Governance on the project and the processes to complete the CVA	
Cultural & Historical research		<ul style="list-style-type: none"> <li>▪ <a href="https://NgātiWhātua.iwi.nz/">https://NgātiWhātua.iwi.nz/</a></li> <li>▪ <a href="http://teara.govt.nz">teara.govt.nz</a><sup>1</sup></li> </ul>
Ecological research		<a href="http://www.forestandbird.org.nz">www.forestandbird.org.nz</a> <a href="http://www.doc.govt.nz">www.doc.govt.nz</a>
<b>Literature Reviews</b>		
Te Uri o Hau Kaitiakitanga o te Taiao	Environmental Management Plan 2011	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.
National Policy Statement for Freshwater Management 2020	August 2020	Assessment of Policies relevant to Te Uri o Hau
Kaupapa Māori Freshwater Assessment	H. Rainforth and G. Harmsworth 2019	
<b>Document Review</b>		
Archaeological Assessment		Geometria Limited –Russell Gibb

### 1.3 Activity

Applicant	Waka Kotahi New Zealand Transport Agency																																						
Agent																																							
Activity	<p>Order in Council under emergency works.). The activity will be completed in three stages. The three stages are known as Stage 1 Pre Works, Stage 2 - enabling works and Stage 3 - closure.</p> <p style="padding-left: 40px;"><b>1.0</b> Stage 1: Fill site's A &amp; B - Consists of approximately 150,000 cubic metres (m<sup>3</sup>) of fill removal. The fill will be transported to a designated consented area at Atlas Quarries</p> <p style="padding-left: 40px;"><b>2.0</b> Stage 2 : Works required in preparation for closure</p> <p style="padding-left: 40px;"><b>3.0</b> Stage 3: Closure</p> <p>The Stage 1 proposal</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;">Stage 1</th> <th style="width: 20%;">Classification</th> <th style="width: 40%;">Activity</th> </tr> </thead> <tbody> <tr> <td>A &amp; B Fill Site's</td> <td></td> <td>Earthworks volume approximately 150,000 cubic metres (m<sup>3</sup>)</td> </tr> <tr> <td>Atlas fill site</td> <td></td> <td>Preparation of fill site – N/A</td> </tr> <tr> <td>Wildlife management plans</td> <td></td> <td>Monitoring and surveillance</td> </tr> <tr> <td>Removal of Pine trees</td> <td></td> <td>Harvesting of trees</td> </tr> </tbody> </table> <p><b>Stage 2</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;">Plan Rule</th> <th style="width: 20%;">Classification</th> <th style="width: 40%;">Activity</th> </tr> </thead> <tbody> <tr> <td>Cut from fill site A to fill site B</td> <td></td> <td>To design batter slopes between the sites</td> </tr> <tr> <td>Gully extensions C D F G H I J</td> <td></td> <td>On hold until DOC approve management plans</td> </tr> </tbody> </table> <p><b>Stage 3</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;">Plan Rule</th> <th style="width: 20%;">Classification</th> <th style="width: 40%;">Activity</th> </tr> </thead> <tbody> <tr> <td>Waterfall retreat Area D</td> <td></td> <td>Still in consultation</td> </tr> <tr> <td>Benching between areas E and F</td> <td></td> <td>Access to enable works in areas of concern</td> </tr> <tr> <td>Widening of road area J and F</td> <td></td> <td>To allow 2 lane traffic flow, and accessibility for work machinery</td> </tr> </tbody> </table>			Stage 1	Classification	Activity	A & B Fill Site's		Earthworks volume approximately 150,000 cubic metres (m <sup>3</sup> )	Atlas fill site		Preparation of fill site – N/A	Wildlife management plans		Monitoring and surveillance	Removal of Pine trees		Harvesting of trees	Plan Rule	Classification	Activity	Cut from fill site A to fill site B		To design batter slopes between the sites	Gully extensions C D F G H I J		On hold until DOC approve management plans	Plan Rule	Classification	Activity	Waterfall retreat Area D		Still in consultation	Benching between areas E and F		Access to enable works in areas of concern	Widening of road area J and F		To allow 2 lane traffic flow, and accessibility for work machinery
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Location of	Brynderwyns Ranges State Highway 1																																						
Legal Description	State Highway 1																																						



Figure 1: Taken 2014 – Pukekaroro facing northwest

## 2 Ko Wai Matou - Te Uri o Hau

Te Uri o Hau are a hapū of Ngāti Whātua whose area of interest is located in the northern Kaipara region. Te Uri o Hau descends from Haumoewarangi and Waihekeao through their youngest son Hakiputatōmuri. Uri includes people who affiliate to ngā marae tūturu: Ōtamatea, Waikāretu, Ōruawharo, Arapāoa. In total there are 14 marae within our tribal boundaries.



Figure: Locations of Te Uri o Hau Marae

### 2.1 Te Uri o Hau Hapū Groups

TE URI O HAU HAPŪ GROUPS		
Ngāi Tāhuhu	Ngāti Tahinga	Ngāti Mauku
Ngāti Rangī	Ngāti Kauae	Ngāti Kaiwhare
Ngāti Kura		

Te Uri o Hau settled its historical grievance with the Crown in 2002. Te Uri o Hau Settlement Trust has an elected board of 8 trustees charged with the responsibility to govern over our tribal assets, provide opportunities to enhance the wellbeing of its people and protect all interests of the hapū. The Taumata Kaunihera (council of Te Uri o Hau Kaumatua and Kuia) oversees all matters relating to tikanga.

### 2.2 Environs Holdings Limited (“Environs”)

The purpose of Environs is to advocate and support kaitiakitanga throughout the rohe as well as in the management and development of te Uri o Hau resources.

As the environmental subsidiary to Te Uri o Hau Settlement Trust, Environs is responsible for the implementation of activities that advance the well-being of the hapū and its environment within the statutory area of Te Uri o Hau. Environs are mandated by Te Uri o Hau Settlement Trust to advocate, protect, maintain, and preserve the kaitiakitanga status and rights of Te Uri o Hau on behalf of its people.

### **2.3 Te Uri o Hau Kaitiakitanga o Te Taiao (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 consider and give effect to, when preparing or reviewing regional and national statements, plans, policies and strategies.

### 3 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.

#### 3.1 Te Tiriti o Waitangi 1840: Treaty of Waitangi Principles.

Te Uri o Hau is mindful of the Coalition Government approach to Tiriti o Waitangi and have hopes that our relationship with Waka Kotahi is not diminished through the project and any future projects within Te Uri o Hau area of interest. Noted also that this Coalition Government will uphold all Treaty Settlements and the provisions it provides for.

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 such as Waka Kotahi, including involvement and participation in statutory processes within the project.

#### 3.2 Te Uri o Hau Claims Settlement Act 2002

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.
- (b) to give effect to certain provisions of that deed of settlement, being a deed that settles Te Uri o Hau historical claims.

Section 64: Distribution of applications to Te Uri o Hau governance entity

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister for the Environment, make regulations, as contemplated by clause 5.2.8 of the deed of settlement, —
  - (a) providing for consent authorities to forward to Te Uri o Hau governance entity a summary of any applications received for resource consents for activities within, adjacent to, or impacting directly on statutory areas; and
  - (b) providing for Te Uri o Hau governance entity to waive its rights to be notified under those regulations.
- (2) Nothing in regulations made under this section affects in any way the discretion of a consent authority as to—
  - (a) whether to notify an application under sections 93 to 94C of the Resource Management Act 1991; and
  - (b) whether Te Uri o Hau governance entity may be adversely affected under those sections.

### 3.3 Resource Management Act 1991 (“RMA”)

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 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 raNgātiratanga in their traditional territories and is capable of delivering effective influence and appropriate priority to kaitiaki interests”.*

The relationship to the Brynderwyn ranges for Te Uri o Hau 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.

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.

Te Uri o Hau have a range of relationships within the Brynderwyn ranges, including kaitiakitanga, mahinga kai, ahi kā, , foresters, trappers, Kauri ora teams, educators, employees/employers and members of the wider community.

### 3.4 Heritage New Zealand Pouhere Taonga Act 2014

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 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.

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.

### **3.5 National Policy Statement for Indigenous Biodiversity**

The objective of this National Policy Statement is to maintain indigenous biodiversity.

Policy 2 of the National Policy Statement for Indigenous Biodiversity (NPSIB) states that Tangata Whenua exercise kaitiakitanga for indigenous biodiversity in their rohe, including through:

- a. Managing indigenous biodiversity on their land and
- b. identifying and protecting indigenous species, populations and ecosystems that are taonga and
- c. actively participating in other decision making about indigenous biodiversity.

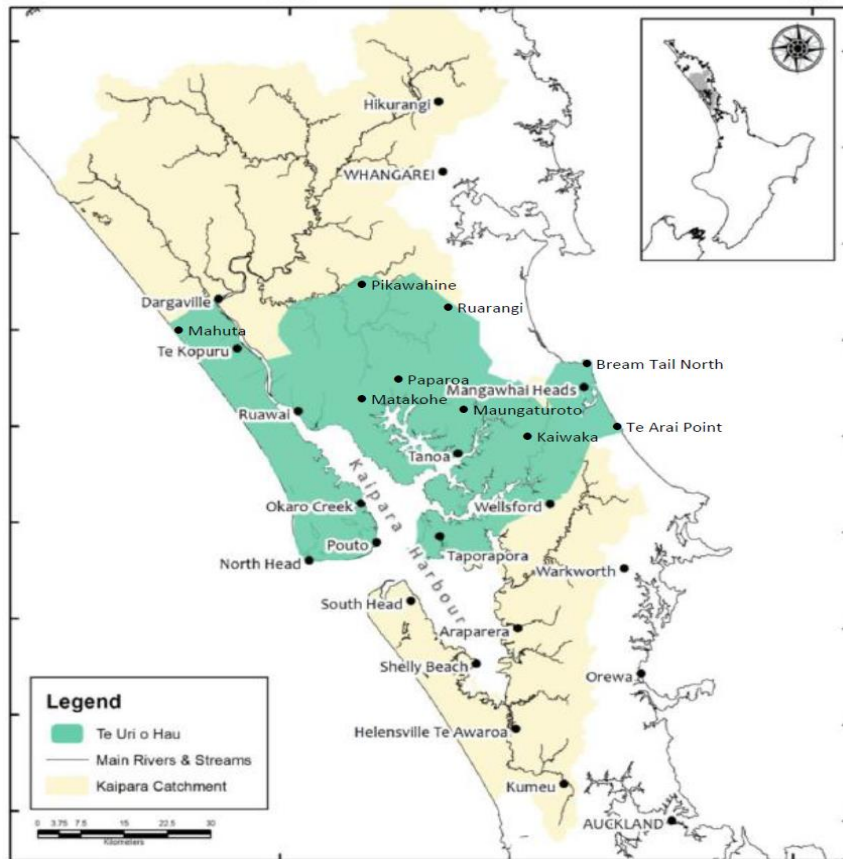
### **3.6 WAI 262**

The WAI 262 claim is about mātauranga Māori, which is the way we view the world, our traditional knowledge and culture. One part of the claim is around flora and fauna and our kaitiaki relationship.

Kaitiaki have the obligation to care and nurture our taonga species. Our reasons for caring for these taonga species are set out in our mātauranga Māori, which is our traditional knowledge. Our mātauranga is unique to our hapu and includes whakapapa lineage from te atua to our taonga species. Further along in this report you will read about the values our taonga species hold for us as Te Uri o Hau.

The WAI 262 claim found that kaitiaki relationships with taonga species are entitled to a reasonable degree of protection. And kaitiaki have valid rights in respect of their mātauranga Māori associated with their taonga species.





**Figure 2:** Te Uri o Hau’s Statutory Area of Interest

## 4 Te Uri o Hau History

The following is a history as it relates to the eastern side of Te Uri o Hau rohe and the significant tribal engagements during migration and settlement.

As it relates to the project area, movement and portages of Te Uri o Hau is not explicitly represented in this history in term of direct mention of the Brynderwyns. However, the reader must review this history in the context of how Te Uri o Hau moved and occupied its rohe in times of battles and raupatu.

The series of events that follow provides for a historical back drop to the Brynderwyns.

### 4.1 Initial conflicts between Ngāpuhi and Ngāti Whātua

The Kaipara hapū referred to collectively as Te Uri o Hau, have several lines of descent particularly to Ngāti Whātua and Tainui.

With the arrival of the Tainui waka at Ngunguru on Northland's east coast around 1250 AD, came Hotunui, a principal rangātira of the waka. After a failed attempt to build a wharenui during the night, he named his three sons after this incident. The tuakana he named Tāhuhu after the ridge pole, the second eldest son Tahinga, after the rafters and the pōtiki, Kura, after the red sunrise in the morning. Fourteen generations later, the descendants of the three sons migrated south to the Kaipara as Ngāti Tāhuhu under the mana of Tahu Karangarua, Ngāti Tahinga under the mana of Tahinganui, and Ngāti Kura under the mana of Kura Mangotini.

Their migration came through Mangakahia to Marohemo near Otamatea, where Ngāti Kura decided to live on the Hukatere Peninsula. Ngāti Tahinga decided to live on the southern side of the Oruawhoro River around the Topuni /Wellsford area, and Ngāti Tāhuhu decided to live in the area from Te Arai to the Waipu inlet and across to the Arapaoa River.

Approximately at the same time the Tainui waka landed at Ngunguru, the Ngāti Whātua waka, Mahuhu ki te Rangi landed at Taporapora in the middle of the Kaipara. Ngāti Awa was living in the Kaipara when Ngāti Whātua arrived. With the death of Rongomai, the captain of the Mahuhu-ki-te-Rangi waka, Te Po Hurihanga his son, took the waka north to Rangaunu Harbour after blaming the drowning of his father on the witchcraft of the Ngāti Awa people. Ngāti Whātua lived on the fertile Victoria Valley just south of Kaitaia for three centuries before migrating south to the Hokianga.

### 4.2 1825 Battle known as Te Ika a Ranganui - Te Whawhai i te Waimako

In the early beginning of the nineteenth century, the northern Kaipara district was the battleground between two large confederations: Ngāpuhi and Ngāti Whātua. Hostilities began around 1807 with a clash between Ngāpuhi and Te Roroa, who were supported by their Ngāti Whātua allies, including Te Uri o Hau.

In 1807 the battle, known as Te Kai a te Karoro (the seagull's feast), was fought at Moremonui, on the coast north-west of Dargaville. This resulted in a serious defeat for Ngāpuhi, who lost several of their leaders during battle. The Ngāpuhi confederation, led by Hongi Hika, later acquired guns after 1814 and asserted monopoly status in dealings, with Pākehā traders and missionaries in the Bay of Islands. In contrast, Kaipara Māori had little contact with Pākehā before the 1830s.

In February 1825, Mangawhai and Te Hakoru (known today as Hakaru) became the site of one of New Zealand's great battles, known as the Battle of Te Ika a Ranganui. A combined hapū of about 500 Ngāpuhi, nearly all armed with 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.

The following account is based on extracts taken from the combined korero (stories) of the local chiefs who fought against Ngāpuhi at Te Waimako, as told to Percy Smith:

*“As Ngāpuhi was expected; we met then at the head of Te Manga Kaiwaka. A hui was held to discuss the best method to meet our foes and Te Murupaenga proposed that we meet Ngāpuhi at Te Mangawhai and attack them when they attempted to land. Rewharewha of Te Uri o Hau overruled this saying; “Nawai I mea pena te matenga mō Hongi Hika”: What an absurd idea to suppose that Hongi Hika could be caught like that.” So, the plan was abandoned, and we decided to meet our foe at the place we later named Te Ika a Ranganui.*

*When the first division of Ngāpuhi arrived at the right bank of the Te Maunga Waimako they met our left flank barring passage over the stream extending towards Kaiwaka. We attacked Ngāpuhi by crossing Te Manga Waimako forcing Ngāpuhi to retreat. We caught the first fish: “Kei au te mataika! anana! Mate rawa! Mate rawa!” Then Hongi's main division arrived, and we were met with a storm of bullets, which drove us back cross the Te Waimako stream to our lines.*

*Again, we charged down to the stream, only to be driven back by the guns and losing a large number of our men, but we stood our ground fighting hand to hand against Ngāpuhi. We rallied, “Korahi, Korahi!” but 120 of us fell in one heap before the guns of Ngāpuhi. Seeing that the battle was lost, we retreated to our waka and escaped.*

*We would have perished that day but for the foolishness of Ngāpuhi. That day the waters of Te Waimako ran red with our blood and its waters are tapu our people none of whom will drink its waters, however thirsty they may be. We later returned to the Kaipara with a “taua hiku toto” war party and surprised a taua of Te Parawhau and killed them. Hongi's army was then at Otamatea.” (Source: Te Puriri, ratou Paikea Te Hekeua, Te Toko, Tieke, Hauraki Paore me etahi atu 1860).*

According to transcripts, the confederation of Kaipara hapū possessed a small number of muskets. Many of the Kaipara people were killed during that period of time and the area was declared tapu.

For the next decade, Tāmaki, Mangawhai and most of the Kaipara remained largely unoccupied as a result of the battle.

Ngāpuhi were victorious in this conflict, where Tainui survivors fled to the Waikato, Te Uri o Hau to the Tangihua ranges southwest of now known town of Whangarei, 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 surrounding areas.

The Tapu was eventually lifted in 1991.

### 4.3 Te Mangawhai or Mangawai

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.<sup>1</sup>

The Maori occupation of the district was severely disrupted by the battle of Te Ika ā Ranganui (1825) that resulted in the decimation of the local people. Following the battle, the Ngāpuhi force scoured the district for survivors some of who were killed and later buried, on the coastline between Mangawhai and Pākiri. Ngāhoroa, which is located at the southern end of the Mangawhai North Block, was one such place.<sup>2</sup>

From this time the land between Kaiwaka and Mangawhai became tapu and permanent occupation of the area ceased. It is for this reason that the documentary record relating to the occupation of the area around 1840 is minimal. It was for the same reason that the sale of the large Mangawhai block to the Crown in 1854 involved a number of tribal groups who sought collective security.<sup>3</sup>

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 RaNgātira Chief Te Whai. As described in section 8, Te Whai fled from the northern tribe Ngāpuhi and settled on a coastal headland Pa at the end of Moir Point Drive.

### 4.4 Te Hakoru or Hakaru

Te Hakoru formed part of the taonga waka, or portage route between Mangawhai and Kaipara Harbours. The area was once the hub of European settlement in the district. In 1870 the name was incorrectly recorded as Hakaru and it has remained this way ever since.

### 4.5 Tara

The property is situated north of Tara Valley. Tara is the volcanic valley in Mangawhai that joins the Mangawhai and Kaipara Harbours. The soil is rich, making it a food bowl for agricultural growing for Maori and European settlers. Tangata Whenua called the area “Te Raurau” in reference to the undulating landscape. There are recorded archaeological pits; terraces, Pa and agricultural fields listed near the northern side of Tara as far inland as Cattlemount and Brynderwyns.

The name Tara comes from Thomas Henry, an earlier settler with Irish ancestry who purchased the land in 1854 and named it for the hill of Tara in County Meath, in Ireland. Today the area is prized for its fertile soil, ideal for avocado growing.

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<sup>1</sup> Murdoch, G. (2008). A brief history of the human occupation of the Mangawhai Block and its environs. Report prepared for the Auckland Regional Council.

<sup>2</sup> Campbell, M. (2000). New Zealand Archaeological Association Journal 25, The Archaeology of Omaha. Pg 121-157.

<sup>3</sup> Ngāti Mauku & Ngāti Tahinga ki Kaipara WAI 721 Claim Report 2000.

#### 4.6 Land Purchases 1854

Ngai Tāhuhu/Te Uri o Hau claimed the Crown failed to protect their interests. They say the Crown failed to ensure that the block was properly surveyed prior to sale, did not pay a fair price, and failed to provide reserves for Ngai Tāhuhu/Te Uri o Hau within the block. When the Crown on-sold the land, it failed to ensure that Ngāi Tāhuhu /Te Uri o Hau received their share of the 10 per cent of the proceeds, as provided for in the Mangawhai deed. The alleged failure of the Crown to fulfil its obligations was one of several grievances made by Te Uri o Hau. Grievance was sought that required redress, which led to a series of settlements between Ngāti Whātua, Te Uri o Hau and the Crown.

As described in a recent archaeological assessment<sup>4</sup>, European settlement in the Mangawhai area began before the signing of the Treaty of Waitangi in 1840 although there is little evidence, historical or physical for this. William Mayhew, a settler of Te Wahapū in the Bay of Islands claimed 20,000 acres at Mangawhai in February 1841 (Figure 20). Mayhew had purchased the land from Henry Greensmith who had himself purchased it from James Reddy Clendon. Clendon had bought the land from Pomare and others of Ngāpuhi on 1 November 1839, presumably on the basis of the Ngapuhi victory at Te Ika-a-Ranganui in 1825, for £167 4s.<sup>5</sup>

The Mangawhai purchase was investigated during by the Land Claims Commission on 26 September 1842 with Mayhew testifying first and Maori and other Pakeha testifying later. It was found that there was no survey and no description of boundaries but the various payments were agreed upon. Commissioners Richmond and Godfery, in reporting on the claim, suggested that Pomare had no right to sell the land and that the actual payment had not occurred until after Governor George Gipps's proclamation forbidding such purchases on 14 January 1840. No grant was allowed but in recognition of Mayhew's outlay, a separate grant was made to him. There was some attempt by a subsequent claimant James Williamson in the course of the Bell Commission of the mid-1850s but by 1880 the claim had lapsed and Commissioner Heaphy declared it abandoned.<sup>6</sup>

Negotiations for the purchase of the so-called Mangawhai Block (Figure x) by the Crown began in late 1853. Land Commissioner John Grant Johnson began negotiations with Chief Tirarau who had fought with Ngapuhi at Te Ika a Ranganui in 1825 and continued with Ngāti Whātua interests at Pakiri. Tirarau's interests in the block were ultimately settled with a payment of £200.<sup>7</sup>

The deed to Mangawhai dated 3 March 1854 contained no formal survey and only descriptive boundaries, no Maori reserves, and no total acreage. The land was sold for £1060, however, a provision that 10% of any future sale by the Crown would be expended for the benefit of Maori was included<sup>8</sup>. This provision continued until 1874, when £419 13s. 2d was distributed to the last Maori owners of the Mangawhai Block<sup>9</sup>. The wording of the Mangawhai deed describes the land involved as follows:

*"The boundaries of the land are these: commencing at Te Arai, thence along the seacoast to the mouth of Mangawai thence to Paepae-o-tu, thence to Kohekohe thence to Wairahi,*

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<sup>4</sup> Geometria Ltd (2019). Unpublished Archaeological Assessment for Kaipara District Council for an All Tides Coastal Walkway, Mangawhai Esplanade Reserve, Mangawhai, Northland, New Zealand.

<sup>5</sup> Wai 674, 2006

<sup>6</sup> Bergan 2006, Rigby 1998, Carpenter 2016

<sup>7</sup> Carpenter 2015

<sup>8</sup> Turton, 1877

<sup>9</sup> Turton 1883: 8; Wai 674, 2006

*Wakatarariki, Waipu, te Boundaries. Uritete thence inland to Poherangi, Pukehinau, Pohuenui, Pukeramarama thence in a southerly direction to the Raka, Puketotara, Rotomoeho, thence along the ridge to the source of Taotaoroa, the source of Te Haronga, the source of Waionepu, thence to Taumatatuhi, the source of Kaupare, thence to Kohiraunui thence along the ridge to Kapewhiti to Uriowhetau Waka Tararihi, thence to Mairiroai Taumatatirotiro Pukekohe thence to te Hakuru, and in the course of that stream to Kaparaunui thence to the sea, Wakaurangi, Rauawe, Papawi, Waitete, Ngarakauewha and by the side of the lake to te Arai, where it ends”.*

The names of 63 owners were listed in the original deed, 23 of whom were chiefs, with the principals of the sale being Arama Karaka of Ngai Tāhuhu (the writer’s great ancestor) and Eramiha Paikea of Te Uri o Hau.

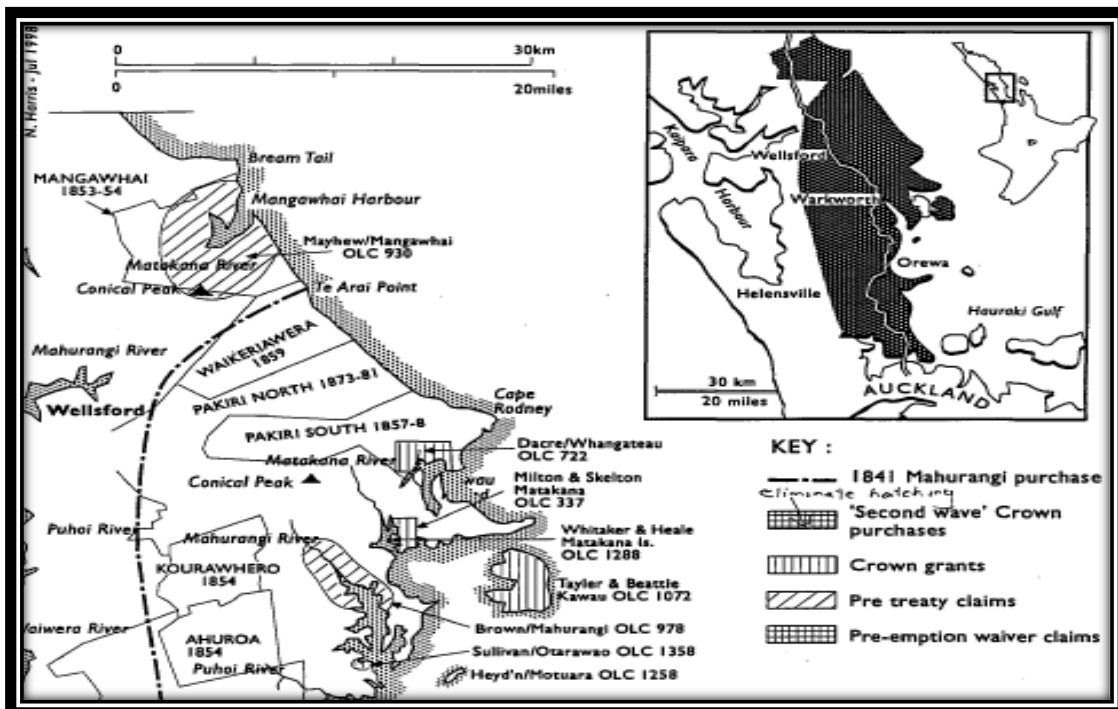
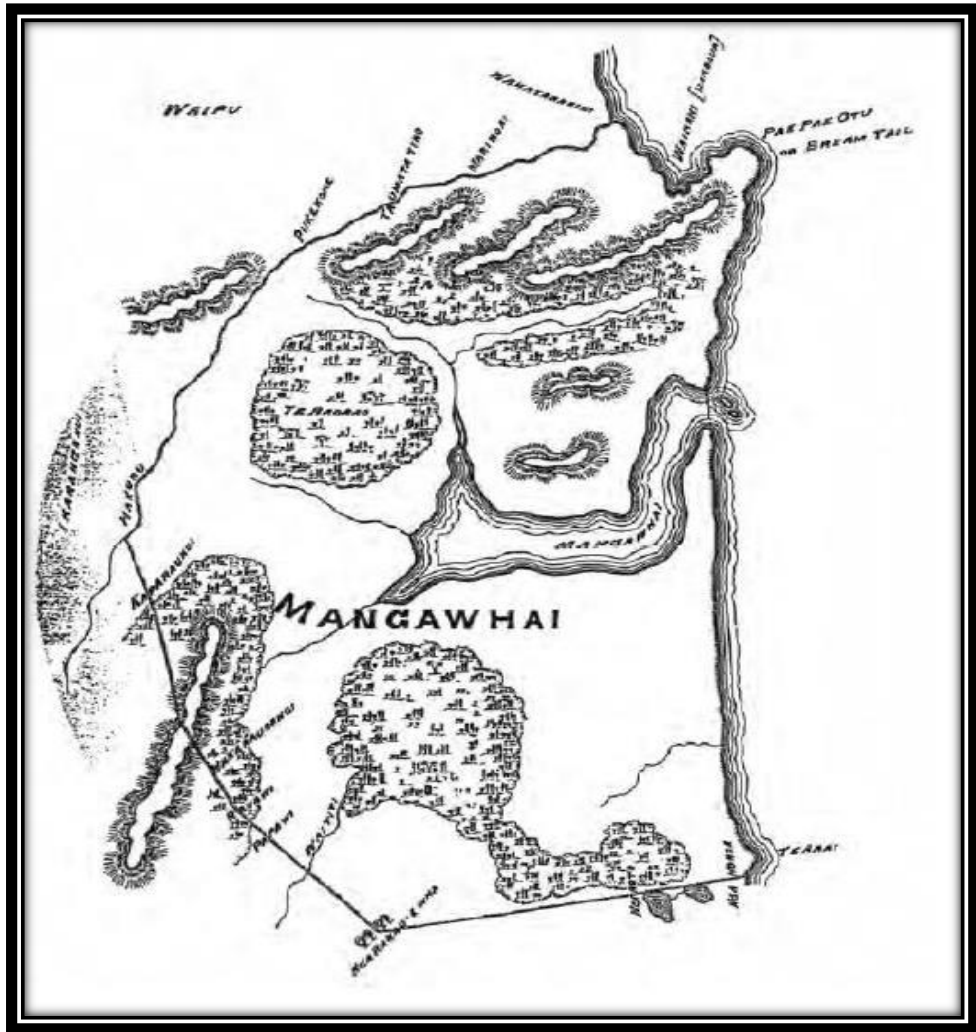


Figure: 1839 (Mayhew) and 1854 (Crown) purchases at Mangawhai

Source: Rigby (1998: 3)



**Figure: Crown Mangawhai Block Purchase of 1854**

Source: Turton, H. H. (1877). Map of Old Land Purchases in Mangawhai. George Didsbury, Government Printer, Wellington, New Zealand.

## 5 Te Uri o Hau Cultural Values

### 5.1 Te Ao Māori

To provide a context for assessing Te Uri o Hau 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’*

### 5.2 Mauri

The concept of mauri is highly relevant to the Brynderwyns ranges. The interconnectedness of all things means that, the wellbeing of any part of the environment will directly impact on the wellbeing of our people.

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

To assist with the concept of mauri, Te Uri o Hau supports the description provided by Barlow (1991).

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.

Te Uri o Hau are the kaitiaki of mauri within its rohe – we have a cultural and spiritual responsibility to ensure it is maintained, protected, and enhanced. Therefore, meeting the needs and aspirations of the hapū is to protect the mauri of the Brynderwyns ranges.

### 5.5 Whakapapa

Everything in Te Ao Māori holds whakapapa. It is the bond that ties someone or something to the whenua. This can be seen in the generations of seeds sprouting around the existing foliage, a persons ties to somewhere due to generational connection. Whakapapa also provides a continuum of life from the spiritual world to the physical world, from the creation of the universe to people – past, present and future.



## 5.6 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) 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 hapū, 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. Potentially, it could cause a long-term adverse effect on the ecosystem of Brynderwyns. 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 to Te Uri o Hau.

## 5.7 Manaakitanga

In the past the Brynderwyns were a strategic vantage point for our tupuna as they could look out and see all the surrounding area. The Brynderwyns provided wai, kai, shelter and taonga vital to the wellbeing of our people.

In more recent years it provided the manaaki to all people with the road that multitudes travel over every day creating vital connections between Northland and South.

The top of the Brynderwyns provides a sense of being "home" to all Northlanders that travel the road. This is the ngākau connection to the whenua created by the Manaaki that the Brynderwyn ranges provides.

The waterfall that flows from the ranges has become a "good luck" Waterfall. This often leads to people paying back the manaaki shown from the maunga by tossing a coin into the waterfall as they drive past. Many people have been recipients of the coins that have been collected at the Waterfall.

## 6 Taonga Species Values

Within a valued cultural landscape for Te Uri o Hau, the Brynderwyns are noted as an Outstanding Natural Landscape (ONL) and a High Values Area in Northland Regional Council and Kaipara District Council respective plans. The physical environment includes rivers, streams and bush it those associated ecosystems which our taonga species should thrive in.

Te Uri o Hau values as it relates to the mauri of taonga species within the project area contains a diverse range of environments and ecosystems that are of significant. Important and valued taonga flora and fauna and biodiversity species for Te Uri o Hau, includes:

- Kauri
- Kauri snails
- Tuna
- Inanga
- Koura
- Bats
- Gecko and Skinks
- Brown Kiwi
- Grey Duck
- Kākā
- Black mudfish
- Rata
- Pororporo
- Kawakawa
- Ferns
- Rimu
- Hochstetter frog (Pepeketua)

In addition, live fungal cultures, dried fungi collections, plant collections and insect collections sites have a high density of presence around the project site. These collections provide values information for our taonga species as this is the kai that resources them.

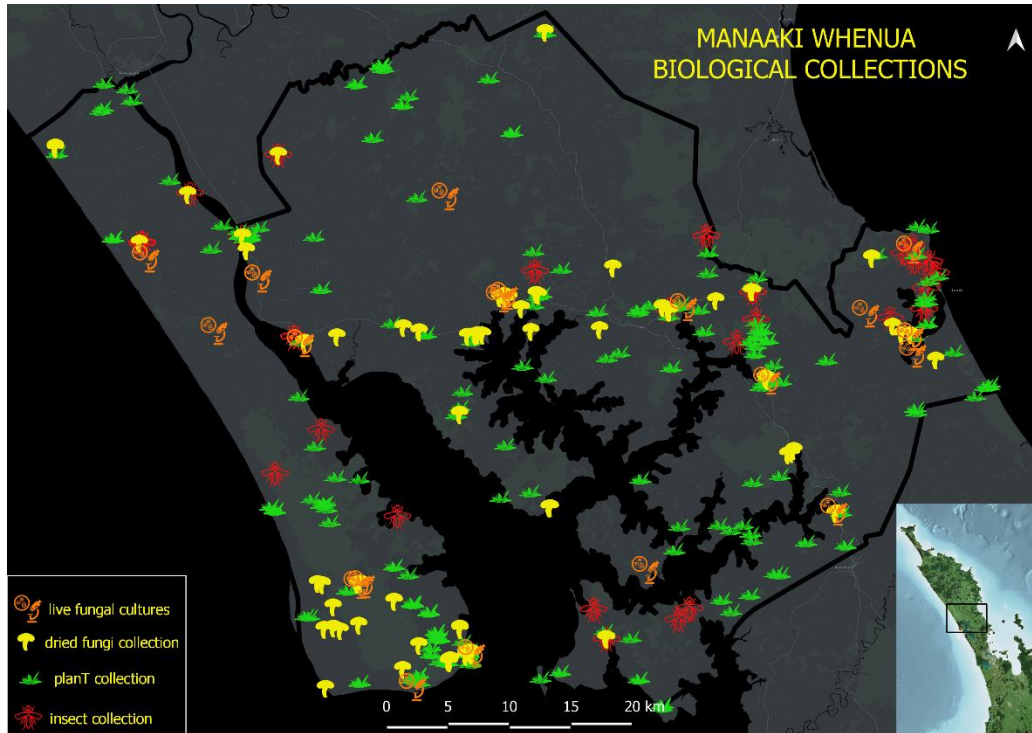


Figure 2: Disbursement of Biological Collections within Te Uri o Hau rohe held by Manaaki Whenua

### 6.1 Kauri

Te Uri o Hau holds a strong value for Kauri within its rohe and in particular on the east coast. The Kaipara Report<sup>10</sup> covers 14 individual claims stretching from Dargaville down the West Coast to Muriwai, and from Mangawhai on the East Coast to Riverhead on the Waitemata harbour. It extensively records the vast extent of the Kauri forests across the Te Uri o Hau rohe.

In a Geodatabase for the Kauri Mapping Project by commission by MPI in July 2020. The density of Kauri around the Brynderwyns



Figure 3: Distribution of kauri at varying densities in Northland<sup>11</sup>

<sup>10</sup> [https://forms.justice.govt.nz/search/Documents/WT/wt\\_DOC\\_68333936/Kaipara%20Report%20W.pdf](https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68333936/Kaipara%20Report%20W.pdf)

<sup>11</sup> [Geobase-for-Kauri-Mapping-Project.pdf \(kauriprotection.co.nz\)](http://www.kauriprotection.co.nz/Geobase-for-Kauri-Mapping-Project.pdf)

The report details the significant interest in the Kauri as a trading commodity – for its gum and timber. Typically Māori formed the labour to extract the Kauri for trading. Today we are now faced with many significant environmental impacts within Te Uri o Hau as a result of this trade and milling of the Kauri:

- a. High sediment impact due to loss of Kauri and Ngāhere;
- b. Loss of biodiversity and habitat;
- c. Spread of diseases – Kauri Dieback.

Today, Te Uri o Hau continues its efforts to protect Kauri from the spread of Kauri Dieback while developing new informed Kauri protection initiatives, ensuring continuous improvements to our methods, research and data analysis

Kauri is well known for its strength and longevity.

Kauri holds Atua Whakapapa from Ranginui and Papatūānuku. The kōrero of this whakapapa is told through the pūrakau of Tane Mahuta (The Atua of the Ngāhere) being one of Rangi and Papatuanuku's six children.

Kauri is indispensable in the ngāhere (bush) because they are an essential source of food, shelter, and tools. A mātua of mankind, birds and trees that maintain the lush and diverse resources of the whenua (earth).

Māori pūrakau informs of the connection between the Kauri and the Tohorā (Sperm Whale) being brothers

Kauri gum was a perfect fire starter. Due to the gum burning easily, it was used as torches to hunt fish i.e flounder. Kauri gum was also mixed with Puha milk and chewed like chewing gum.

Kauri is only found in the Northern parts of New Zealand (Aotearoa) and is under threat from the pathogen *Phytophthora agathidicida*.

- The Tī Kōuka (cabbage tree) often grows alone, is a symbol of independence. It provided food, fibre, medicine for manu and māori . It was also used as an indication of boundaries.
- Harakeke (flax) represents a family – the outside leaves represent the parents, and the new leaf in the middle is the child. Harakeke is a significant taonga species, passed down from generation to generation, and has many stories and traditions associated with it. It held a multitude of uses such as clothing, Rongoa, kai, baskets and whāriki.
- Hochstetter frog's and bats have a spiritual connection to the land and our ancestor's. They are indicators to the health and vitality of the ngāhere and water ecosystem's, which are essential for Māori and all living things.
- There is an abundance of taonga species on the Brynderwyn ranges that are classified as nationally critical and threatened species. Māori have a responsibility to protect and conserve for future generations.

- Brynderwyn ranges are part of a wider ecological habitat that includes two of our Significant cultural redress properties to the south of the Brynderwyn Range's, Pukekaroro and Pukeareinga

## 6.2 Frogs

Pepeketua frogs have a spiritual connection to the land and our tūpuna. They are indicators to the health and vitality of the ngāhere and water ecosystem's, which are essential for Māori and all living things. They are highly valued by Māori because of the spiritual association and sensitivity to negativity.

Pepeketua also are of atua whakapapa descending from Tūtewehiwehi the ancestor of all freshwater creatures.

Te putanga mai o tētahi poroka i roto i tōna whare raupō i waenga repo, ka pānuitia e ia ki ngā manu katoa ka taea e ia te whakaora ngā mate katoa (Popi 1887 wh53). / A frog emerged from inside of his raupō house in the middle of the swamp and announced to all the birds that he was able to cure all diseases. (AUT, 2003-2012)

## 6.3 Bat

Pekapeka also have a spiritual connection and are spoken of with dark undertones, associating bats with the mythical bird, hokioi, which comes out at night and foretells death or disaster.

## 6.4 Tuna

Tuna, or eels, were an important food source for the Māori . They were abundant in freshwater rivers and lakes, and could be caught using various methods, such as traps, spears, nets, and hooks. Tuna were also valued for their cultural and spiritual significance, as they were associated with the god of the sea, Tangaroa, and the ancestor of all freshwater creatures, Tūtewehiwehi. Tuna were often preserved by smoking or drying, and used in trade or as gifts.

## 6.5 Kauri Snail



Figure 4: Te Uri o Hau Kaitiaki Jan 2022

Kauri snails were part of our traditional diet. However, they were also respected as a taonga, or treasure, and our tūpuna did not overexploit them.

Kauri snails were cooked in a hāngi, or earth oven, and their shells were used as ornaments or tools for mixing herbs and rongoa. The slime was used on wounds to help them heal faster.

In Jan 2022, Te Uri o Hau was apart of the translocation of Kauri snails at the southern base of the Brynderwyns.

## 7 Relationship to Brynderwyns

The relationship to the Brynderwyns for Te Uri o Hau 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 the only practitioners of matauranga and 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; and

s8: Take into account the principles of the Treaty of Waitangi

The status of Te Uri o Hau and has not been disputed by Waka Kotahi.

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 raNgātiratanga in their traditional territories and is capable of delivering effective influence and appropriate priority to kaitiaki interests”.

Te Uri o Hau have a range of relationships in their rohe, including kaitiakitanga, mahinga kai, ahi kā, Māori land ownership, foresters, fishers, educators, employees/employers and members of the wider community.

### 7.1 Brynderwyns Bus Disaster Memorial

On 7 February 1963, tragedy struck when a bus crashed on the Brynderwyn and 15 passengers passed away. The busses were full with whānau and others who were returning from the Waitangi celebrations. A memorial to the victims was unveiled on 7 February 2003 by descendants of those who had passed away (figures 7 and 8). Below the crash site, a memorial area was created with a kohatu and plaque. The plaque reads:

He whakamaharatanga tēnei mō te matenga hinepōuri o ngā tūpuna i te 7 o Pepuere 1963.

This is a memorial to the tragic deaths of our loved ones on 7 February 1963.

He pahi aituā i taka i konei i te hokinga mai i te rā whakahirahira o te Tirīti o Waitangi.

In an accident a bus fell here on the return from attending Waitangi Day.

Kei raro iho ngā rārangi ingoa.

The names of those who died are listed below.

Huraina tēnei kōhatu i te 7 o Pepuere 2003 Nā ngā uri whakatapu.

This stone was unveiled on 7 February 2003 by the descendants of those who died.

I ngā ringaringa o Ihoa koutou e moe.

You now slumber in the arms of the Lord.



## 7.2 Traditional Relationship

Whakapapa plays an important part in Te Uri o Hau relationship with the Brynderwyn Ranges. Everything has a whakapapa. Whakapapa links us to the past and to Nga Atua it is a fundamental principle in te ao Maori. Reciting one's whakapapa proclaims one's Māori identity, places oneself in a wider context, and links oneself to land and tribal groupings and the mana of those.

The Brynderwyn ranges is within the recognised statutory rohe of Te Uri o Hau. Te Uri o Hau having an inter-woven whakapapa to Ngāti Whātua through the waka Mahuhu-ki-te-rangi and various common tupuna.

Through respective eponymous tūpuna, whakapapa in modern times, is reflective of the late Raiha Paniora's words during the Waitangi Tribunal oral recordings as 'resembling the mange-mange vine. As complex and intricate as whakapapa can be, it is the foundation of Te Uri o Hau, mana wai, and mana moana rights and access to resources.

Te Uri o Hau acknowledge traditional relationships for Brynderwyn ranges, derives 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, Te Uri o Hau traditional relationships with the natural environmental is intimate, transactional, and transformative under the 'lore' of tikanga and kawa.

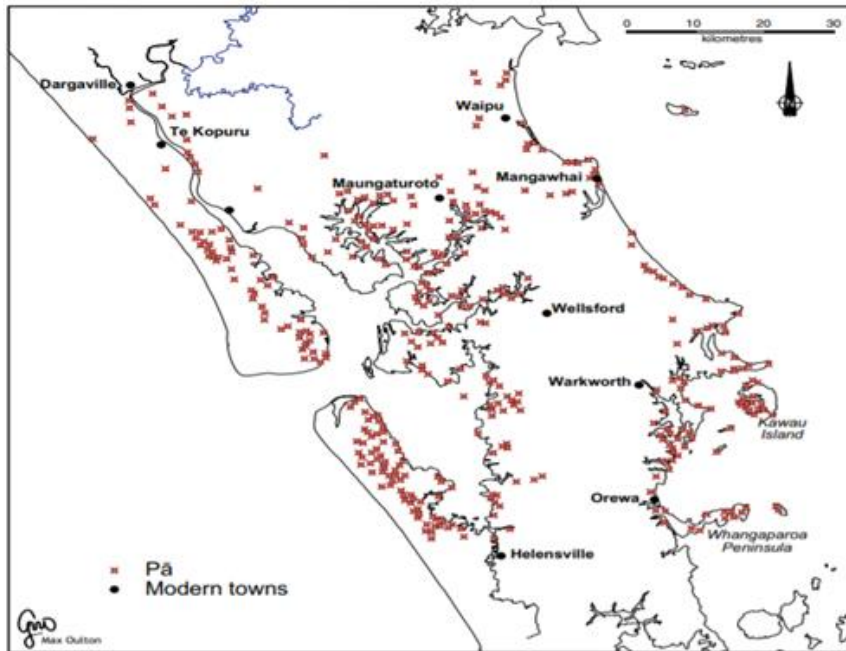


Figure 5 Pā site taken from the Kaipara Report

### 7.3 Relationship to Wai

Te Uri o Hau 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 the many rivers are elaborated in the whaikōrero, waiata, karakia and pūrākau of our tūpuna.

Within Ngāti Whātua oral histories, Tupu whose whakapapa begat from Kupe, 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 Te Uri o Hau.

Tipa (2016) highlights the difficulty for Māori to a part of decision making associated with water management flow regimes, hence through poor planning decision and ignorance of Mātauranga Māori practices, the waterways will continue to be in a state of degradation.

Throughout kōrero with the hau kainga it was repeatedly stressed that our relationship with wai is a highly valued connection.

<sup>13</sup>The six principles of Te Mana o te Wai

- Mana Whakahaere:** The power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater.
- Kaitiakitanga:** The obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations.
- Manaakitanga:** The process by which tangata whenua show respect, generosity, and care for freshwater and for others.



<b>Governance:</b>	The responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future.
<b>Stewardship:</b>	The obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations.
<b>Care and respect:</b>	The responsibility of all New Zealanders to care for freshwater in providing for the health of the nation. <sup>12</sup>

#### 7.4 Cultural Relationships

Te Uri o Hau hold a historic and contemporary cultural relationship with the Brynderwyn ranges. This relationship is affirmed through Te Uri o Hau, mana wai, mana moana and mana tangata. Historical connection and whakapapa ahikāroa for generations with Brynderwyn ranges.

Cultural relationships are ongoing and vibrant in history, in living memory and cumulative. 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”.*

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.

Ensuring the protection and preservation of cultural landscapes or cultural sites of significance 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.

#### 7.5 Community Relationship

In addition to Te Uri o Hau cultural and traditional relationship, Te Uri o Hau has articulated that they also value their relationship as locals (residents), employers, landowners and members of the wider community within the Brynderwyn ranges.

The most directly affected relationship will be that of the resident whānau, including the extended whānau and marae that make up the hau kainga (those that maintain ahikāroa).

Key concerns raised during various hui prior to the inception of TTWT were the benefits of Brynderwyns being limited to those who were in proximity (primarily farmland) or who are existing horticultural providers. Therefore, immediate benefit to Māori landowners can only be viewed as residual and not of direct benefit.

#### 7.6 Kaitiakitanga Relationships

To have ‘particular regard for kaitiakitanga’ under section 8 of the Resource Management Act 1991 in relation to the project, is to understand the application of kaitiakitanga. Te Uri o Hau advocate that the project must have provision for the application of kaitiakitanga.

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<sup>12</sup> The six principles of Te Mana o te Wai in the NPS-FM 2020

Kaitiakitanga is the application of indigenous planning of resource management. Unfortunately, the practise of kaitiakitanga has been suppressed, degraded, and removed from the landscape within Brnderwyn ranges through colonised planning practices, land loss, and degradation of mauri. A major Crown mechanism was legislation that marginalised and destroyed the use of kaitiakitanga.

Mātauranga Māori. The Tohunga Suppression Act 1907 had an enormous impact on the transference of Mātauranga kaitiakitanga.

Kaitiakitanga was transmitted through pūrakau, waiata, karakia, and whakatauki, to name but a few transparent methodologies. The knowledge of mahinga kai 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 whānau, hapū, and hau kainga is somewhat undermined through systematic misunderstandings of what Mātauranga means and its benefits to the environment. Often quantified or interpreted poorly to fit into a Pākehā scientific model which requires repeated justification.

Te uri o hau 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, Te uri o hau and government agencies have been making a concerted effort and provision towards inclusive decision making which incorporates Mātauranga Māori. This is reflected in Te Mana o Te Wai amongst other policies and plans. The application of this policy is yet to be defined.

## **7.7 Treaty Relationships**

Te Uri o Hau have a further relationship as a Treaty partner to the Crown. Settlement for both Te Uri o Hau gave provision for mechanism designed to give effect to their status as a Treaty partner, 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 Te Uri o Hau relationship to the Crown.

In a zoom hui with marae chairs, and hapū/iwi representatives, it was crucial that as a collective, that our partnership status with the TTWT must be given effect through a Mana Enhancement Agreement. While the RMA fails to adequately devolve the Crown's Tiriti responsibilities to Māori, Te Uri o Hau still expect their status and position as Tiriti partners to be acknowledged and upheld through all resource consent application in their respective rohe.

## 8 Cultural Values Summary

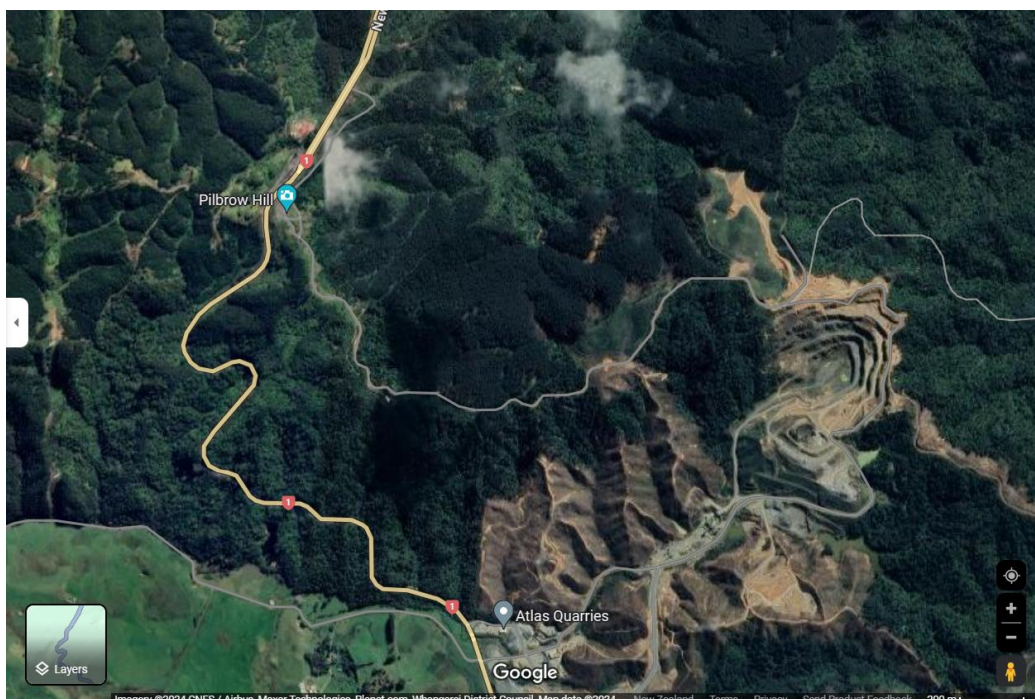


Figure 6: Project Site

The purpose of the Cultural Values assessment is to highlight the values of the area held by Te Uri o Hau or otherwise of the proposal on Te Uri o Hau cultural, traditional, spiritual and heritage values, and to provide appropriate recommendations to avoid, remedy or mitigate potential or actual effects on those values.

Te Uri o Hau key values have 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 ethnobotany; and
- The preservation of the Māori language, stories, culture, and cultural practices, as some examples.

## 9 Recommendations

The identification of potential effects on Te Uri o Hau 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 potential effects are to Te Uri o Hau:

‘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.

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 recommendation framework is taken from an integrated approach formulated by the Ministry of Culture and Heritage in conjunction with Local Government which guides obligations to cultural well-being.

The framework 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.

### 9.1 Bio Physical

#### 9.1.1 Land Stability

Land use within the footprint is a combination of farmland, quarry and forestry. There are waterfalls and waterways on the southern and northern side of the footprint they are implementing erosion causing instability. Through the natural environmental climate, a lot of the ngahere has been damaged. Roots have been exposed of taonga species.

### 9.1.2 Climate Change

Climate change needs particular regard under section 7(i) of the RMA. It is important to Te Uri o Hau given the area is coastal areas.

Climate change considerations need to be recognised given the direct affects to the natural environment. Climate change will influence the social-ecological practices of mahinga kai and matauranga held by local hau kainga.

### 9.2 Economic

- Kaitiaki opportunities to work alongside the project in active kaitiakitanga.
- Cultural Monitoring of earthworks to ensure our taonga are protected.
- Monitoring of Mauri works such as Invertebrates, flora, fauna and wildlife.
- Pest Control opportunities to ensure that the health of our taonga species are given the opportunity to thrive. This includes endangered wildlife, flora and fauna.
- Monitoring of the Hydroseeding to ensure our taonga species are healthy.
- Kauri Assessments and Monitoring – to ensure that we don't spread Kauri Dieback.
- Water Testing to ensure that the mauri of the wai isn't impacted.
- Relocations of taonga species.

### 9.3 Social

- Te Uri o Hau Engagement at all levels of the project
- recognition of Te Uri o Hau history, values, and cultural interests to the area.
- create, grow, and foster meaningful relationships through ongoing engagement that is both continuous and constructive.
- undertake proactive engagement that allows the practice whakapapa, rangatiratanga, Whanaungatanga and kaitiakitanga values.
- discuss the establishment of a formal partnership through a Memorandum of Understanding or Mana Enhancing Agreement (MEA) with Waka Kotahi as a relationship guiding document that recognises partnership beyond the project.
- explore project related opportunities for whanau training and involvement.
- project related agreements and MOU sit alongside conditions of consent for the project and remains effective throughout the project duration.
- Te Uri o Hau involvement in decision-making processes, designs, and planning.
- Te Uri o Hau involvement in the management of taonga from effects of works in keeping with the principles of the Treaty of Waitangi and the Resource Management Act 1991 (sections 6(e), 7(a) and 8).
- Active collaboration in conservation, preservation, and management of wai water.
- Use of Mātauranga Māori as a key opportunity for Te Uri o Hau to participate in the management of areas of significant indigenous vegetation and significant habitats of indigenous fauna, freshwater quality, heritage and archaeological values, cultural landscape, natural character, and other interconnected natural and physical resources.
- Inclusion of Mātauranga values and integrate kaitiakitanga into the works project including Planning and roading design.

## 9.4 Cultural

Cultural Sites of Significance, Identify, preserve, and protect Wāhi Tapu and Wāhi Taonga and archaeological sites of significance.

- Acknowledge the relationship and association with Te Uri o Hau and their Wāhi Tapu, Wāhi Taonga, and other cultural sites of significance.

### 9.4.1 Cultural place-making

- Encourage appreciation and understanding of the importance of cultural sites and landscapes amongst the general public through cultural streetscape enhancement (including acknowledge historic and archaeological sites) and landscape design.
- The inclusion of Pouwhenua or pou whenua (land post) to mark places and history of those places/sites of significance.

### 9.4.2 Management of Values

To collaborate with Waka Kotahi on issues of mutual interest to Te Uri o Hau including cultural, social, environmental and economic interests;

- engage on issues of significance to Te Uri o Hau collectively;
- provide specialist services where required.
- Liaison, consultation and engagement with Waka Kotahi and/or their agents.
- Involvement in the decision making processes with design and concepts.
- Prioritizing Mātauranga concepts, techniques and tikanga in the management of taonga species and wai stream and waterfall health.
- Cultural monitoring, surveys and training.
- Kauri protection and management and Kauri Ora prevention.
- Te Uri o Hau are involved in managing any cultural sites in the area.
- assess the state of the identified cultural heritage sites and develop strategies for their protection and for their appropriate restoration (if degraded);
- provide opportunities for Te Uri o Hau kaitiaki in the management and preservation of the natural and historic heritage.

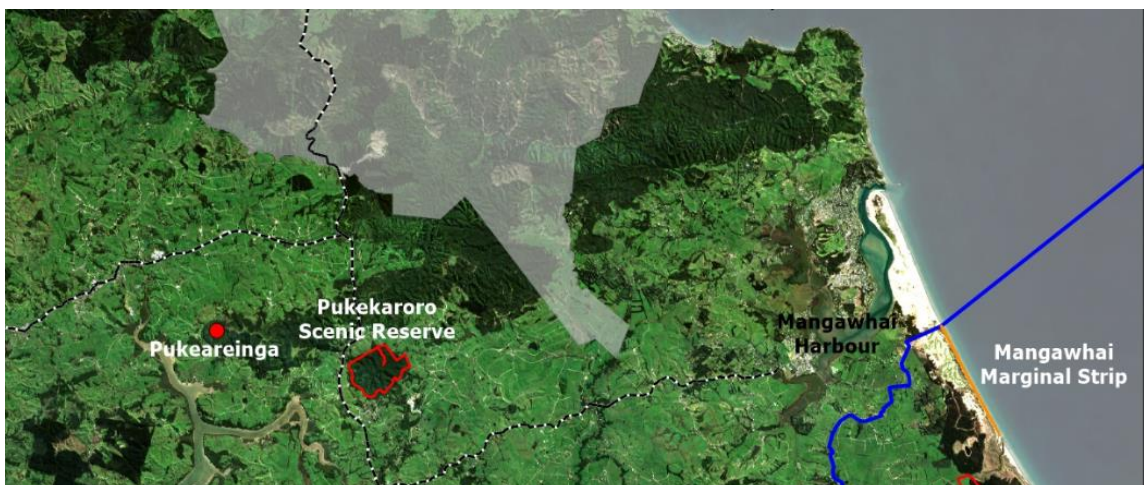


Figure 7: Te Uri o Hau Cultural Redress Properties with proximity to the Project site

### 9.4.3 Taonga Species

- Identification, management, and protection of Taonga Species
- Avoidance of work where taonga species have been identified where possible.

### 9.4.4 Kaitiakitanga

- The implementation of Cultural monitors
- Nga Maunga Tapu involvement in Kauri Ora (Kauri protection) and seed collection
- Pest control to protect taonga species.

### 9.4.5 Tikanga

- Pre Works blessings
- Further blessings as required for things such as workers hurt, significant finds to māori.
- Pōwhiri/ whakatau to new workers to welcome them into our rohe

### 9.4.6 Sites of Significance

Te Uri o Hau through various whakapapa linkages occupied the eastern coastline, its tributaries and inland catchments as identify statutory area<sup>13</sup>. Living in strategic locations either seasonally or permanent kainga, periods of occupation was relevant to the gathering of key resources for various purposes. Forest birds, rakau, rongoa, insects amongst others.

Wāhi tapu site and wāhi taonga within our rohe between the coastlines of Mangawhai to the Ōtamatea river. Pā were usually built on defensive or strategic places of significance either temporarily or permanent near sheltered waters, the rivers or the coast, with access to resource such as freshwater and kai (food) or the gathering of kaimoana (seafood).

Evidence of wāhi tapu and wāhi taonga gives substance to the stories, precise locations of specific activities and the details of daily activities recorded among the stories of ancestors, wars and other notable events.

Key wahi tapu sites are Pukekaroro and Pukeareinga.

Te Uri o Hau advocates and promotes for:

- the protection and preservation of all urupā, wāhi tapu and wāhi taonga and archaeological sites
- respect for Te Uri o Hau association with urupā, wāhi tapu and wāhi taonga, and archaeological sites
- acknowledgement of the relationship and association with Te Uri o Hau and their wāhi tapu, wāhi taonga, and archaeological sites as being recognised and provided for through various Government legislation and Te Uri o Hau Claims Settlement Act 2012.
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<sup>13</sup> Te Uri o Hau Claims Settlement Act 2012

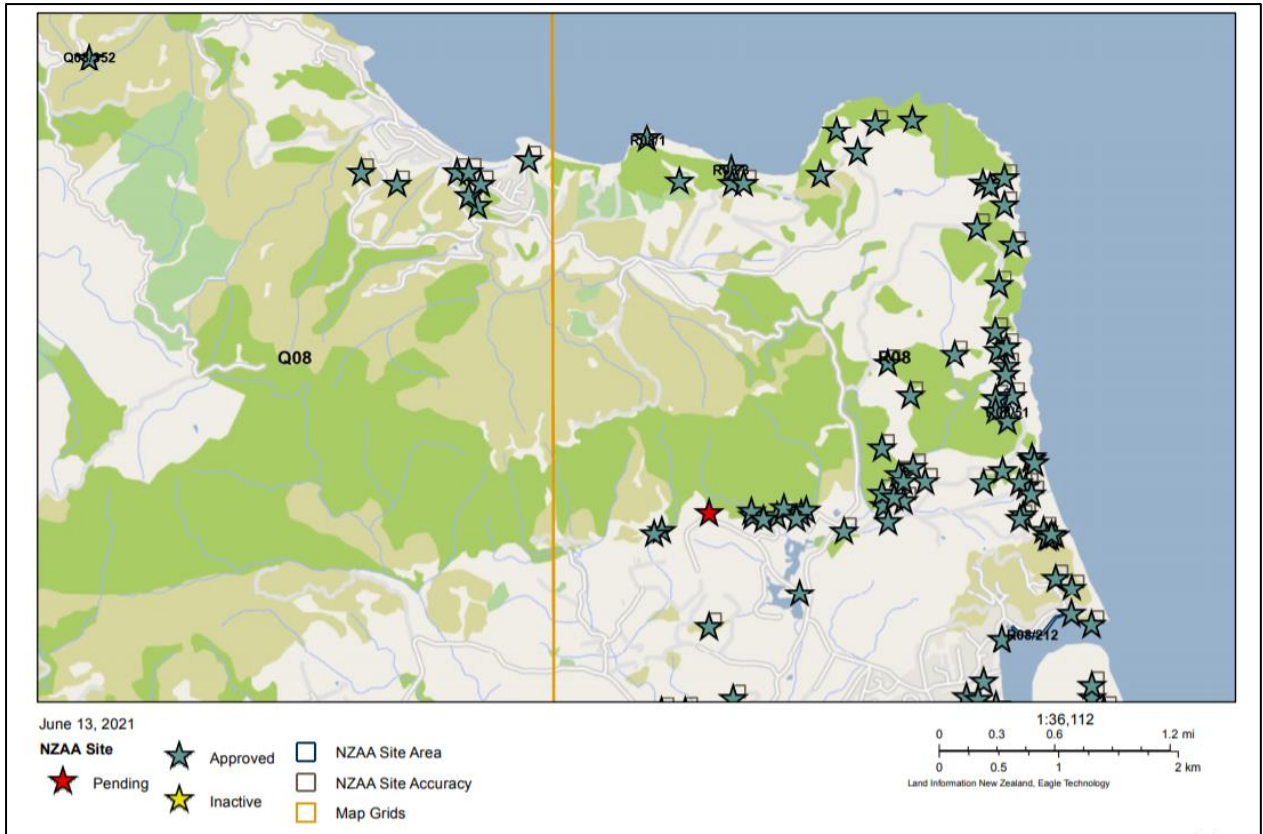
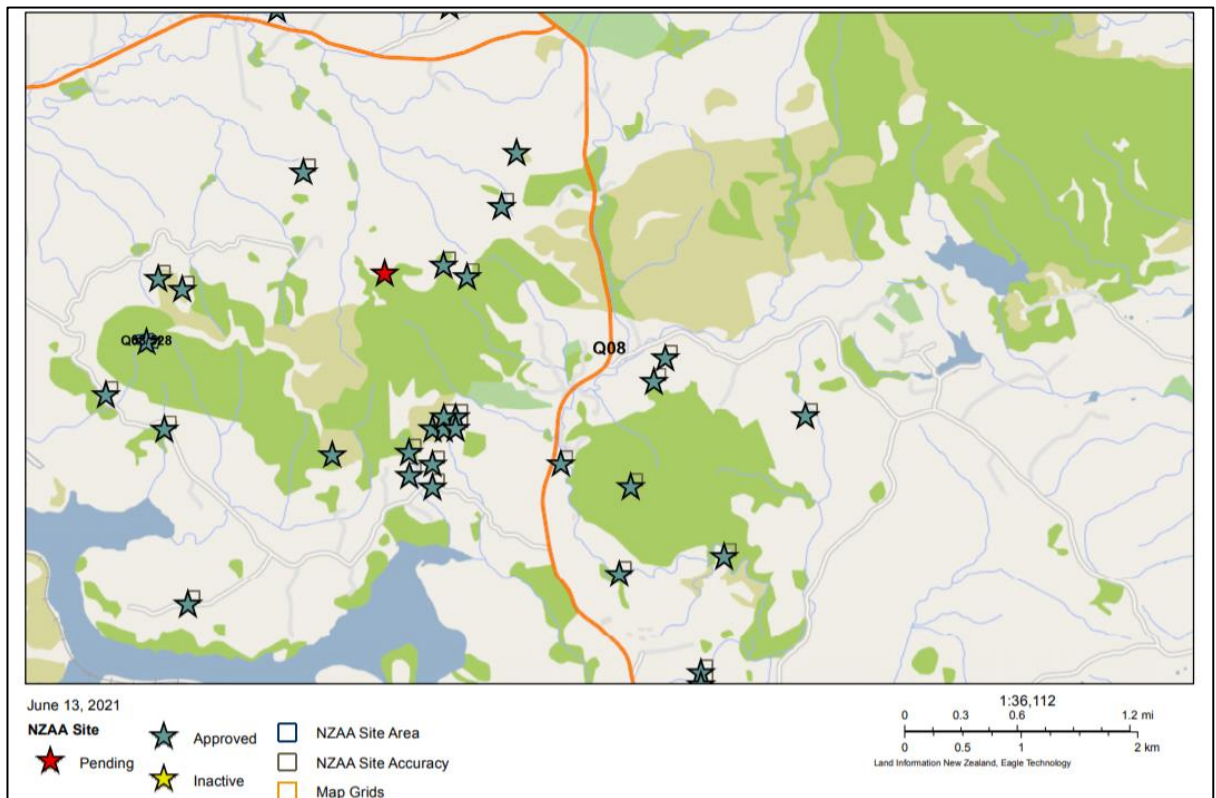


Figure 8: Taken from Archsite Online as at 11/2023





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