

**KAITUNA RIVER RE-DIVERSION AND
WETLAND CREATION PROJECT
CULTURAL IMPACT ASSESSMENT**



Report prepared for: Bay of Plenty Regional Council

Report prepared by: Te Maru o Ngāti Rangiwewehi Iwi Authority

This report was prepared by Gina Mohi, Te Tari Taiao on behalf of Te Maru o Ngāti Rangiwewehi Iwi Authority for inclusion in a resource consent application under the Resource Management Act that has the support of Ngāti Rangiwewehi. This report cannot be used for any other purpose without the express permission of Te Maru o Ngāti Rangiwewehi Iwi Authority's express written authorization. Cultural information contained in this report, including all traditional knowledge, is the intellectual property of indigenous Maori and their whanau who are culturally affiliated with the sites, and oral histories and traditions described herein.

This section of the report outlines the purpose, objectives, scope and methodology of the cultural impact assessment (CIA)

PURPOSE OF REPORT

This report has been commissioned by the Bay of Plenty Regional Council and prepared on behalf of the Ngati Rangiwewehi Iwi Authority as a technical report appended to the Kaituna River re-diversion and Wetland Creation resource consent application. The purpose of this report is to assess the potential cultural impact of the project on Ngati Rangiwewehi, and with a specific focus on the Papahikahawai 1 & 2 Ahu Whenua Trust located within the Maketu Estuary.

This report will:

- Identify and describe the Maori cultural values associated with the proposed activity
- Identify the impacts on Ngati Rangiwewehi
- Evaluate the effects of the proposed activity on cultural values
- Recommend measures to avoid, remedy or mitigate any adverse effects on Ngati Rangiwewehi and in particular the shareholders of Papahiikahawai 1 & 2.

CULTURAL IMPACT ASSESSMENT

A cultural impact assessment (CIA) is a report documenting Maori cultural values, interests and associations with an area or a resource, and the potential impacts of a proposed activity on these. A CIA is a planning tool that helps to facilitate Maori participation in the planning process. Like other technical reports, a resource consent applicant may commission a CIA and the report is regarded as technical advice. A CIA is not a statutory requirement for a resource consent application; however, an assessment can assist the applicant and consenting authority in responding to issues affecting Tangata Whenua.

The CIA will form part of the applicants Assessment of Environmental Effects. A CIA can:

- Identify the effects of a proposed activity on Tangata Whenua cultural associations with the environment.
- Identify or assist identification and formulation of methods to avoid, remedy or mitigate adverse effects on cultural values and associations.
- Suggest what conditions of consent could be applied if consent is granted.
- Provide iwi and hapu with comprehensive information and improved understanding of the proposed activity.
- Assist both the applicant and the consent authority in decision-making under the Resource Management Act 1991.

SCOPE

It is important to note that this CIA is for the purpose of the proposed Kaituna River re-diversion and wetland Creation Project resource consent application. If additional consents are required outside of those within the scope of this application, additional consultation with Ngati Rangiwewehi will be required.

The scope of the report focuses on the potential cultural impacts to Ngati Rangiwewehi resulting from the project to be undertaken by the Bay of Plenty Regional Council. Impacts will include cultural, social, spiritual and environmental issues. These elements are not independent of each other but are deeply enmeshed in the consciousness of Ngati Rangiwewehi.

The environmental and geographical scope of the assessment is not just confined to the Kaituna River and Maketu Estuary but extends to interconnected and interrelated landscapes and resources.

OBJECTIVES

The objectives of this report are to:

- Collect culturally relevant information related to the project area
- Review the underlying cultural values associated with the Kaituna River/Maketu Estuary and its associated natural resources
- Assess how the project might impact on those cultural values
- Identify measures to avoid, mitigate or remedy adverse affects on cultural values.

NGĀTI RANGIWEWEHI IDENTITY AND ROHE

Ngati Rangiwewehi trace their origins to Ohomairangi, a tupuna of Hawaiiiki from who all of the Te Arawa confederation descend. Ngati Rangiwewehi closely identify with those hapu that descend from the eight children of Rangitihi known as nga Pu Manawa e Waru, the eight beating hearts of Rangitihi. Ngati Rangiwewehi whakapapa traditions record that Tuhourangi – one of the children of Rangitihi – had a son named Uenukukopako, who in turn had a son called Whakauekaipapa. Whakauekaipapa married Rangiuuru, a woman of rank from Tapuika and their eldest son was called Tawakeheimoa. In time, Tawakeheimoa married Te Aongahoro, and they had Rangiwewehi, from who the tribe of Ngati Rangiwewehi descend.

The tribal rohe or boundaries of Ngāti Rangiwewehi can be separated into two branches, known as Ngāti Rangiwewehi Ki Uta (Ngāti Rangiwewehi on land) and Ngāti Rangiwewehi ki Tai (Ngāti Rangiwewehi by the sea) as illustrated by Map 1. The Ngati Rangiwewehi rohe incorporates both coastal and inland estate, Ngati Rangiwewehi-ki-Uta that begins on the north-western side of Lake Rotorua, and including the Mangorewa Kaharoa and Maraeroa Oturoa blocks. Ngati Rangiwewehi-ki-Tai takes in the historic and contemporary land interests. The present-day connection to the coast is also reflected in the significant ownership interests in sections in the Tumu, Pukaingataru and Te Puke land blocks. Together with other iwi, Ngati Rangiwewehi also occupied the island of Mokoia, land south-west of Lake Rotorua and the hill country around Otanewainuku. It is recognised that the pathways between the inland estate to those on the coast included numerous kainga noho and mara-kai where Iwi members would rest on their journey.

Ngāti Rangiwewehi is the kaitiaki over the traditional ancestral lands outlined above in close association with other Te Arawa iwi such as Tapuika. Parts of these traditional boundaries extend to Te Rotorua nui a Kahu which feeds into the Kaituna and eventually discharges at the mouth of the Kaituna. It is the Ngati Rangiwewehi-ki-Tai estate that this particular CIA will be focused upon.

NGATI RANGIWEWEHI-KI-TAI: VALUES & ASSOCIATIONS

The values arising from that traditional and historical association are tikanga based values consistent with the protection of the history, culture and traditional practices of the area. The protection of the water quality, the natural resources and its environment plus the aesthetic beauty of the place are also highly important.

Ngāti Rangiwewehi maintains their mana whenua associations with the Te Tumu, Papahikahawai and Te Puke blocks. The lands known as Tumu Kaituna are located to the west of Maketu in the Bay of Plenty.

Papahikahawai lies at the centre of what was a fertile and resource-rich area. Ngati Rangiwewehi moved between the historic pa sites built at Papahikahawai, Te Tumu and Otaiparia. They lived simultaneously at the pa and established extensive food cultivations in these locations.

According to Ngati Rangiwewehi tradition, the name Papahikahawai refers to the breeding ground for the fish species – kahawai (Papa i Kahawai). Ngati Rangiwewehi exploited the abundance of kahawai in the area as well as other sea food sources. In its time Papahikahawai was regarded as a principal Ngati Rangiwewehi ‘food bowl’ or pataka kai, and was essential for the well-being of the iwi.

Due to the rich resources in the area, these lands were highly prized and contests to acquire them were fierce. According to Ngati Rangiwewehi tradition, the tupuna Kahawai played a pivotal role in establishing Ngati Rangiwewehi in this area. The acquisition and retention of these lands provided the subsistence base essential for the welfare of the Iwi.

MAHINGA KAI

Ngati Rangiwewehi tupuna had considerable knowledge of the best places in the area to gather food and other resources, the way to prepare them, and the tikanga for their proper and sustainable use. Some of the food resources harvested from the Kaituna and Maketu Estuary included:

Inanga

Inanga have been traditionally harvested from the Papahikahawai area, and are highly valued. Iwi wish to enhance the estuary and lower Kaituna River habitat to encourage spawning of inanga.

Kahawai

Kahawai have also been traditionally harvested from the estuary and surrounding coastal area, as well as the lower Kaituna River. Kahawai has provided an abundant source of kai.

Shellfish

Shellfish, including cockles and pipis, have been traditionally harvested from the Papahikahawai coastal area and are highly valued.

Rituals prior to cultivation, harvest, and usage of resources are part of the cultural knowledge that Ngati Rangiwewehi calls 'Toku Rangiwewehitanga' – the Ngati Rangiwewehi way of being and doing things. These values endure and remain important for Ngati Rangiwewehi today.

TREATY SETTLEMENT / STATUTORY ACKNOWLEDGEMENTS

The Crown and Te Maru o Ngati Rangiwewehi Iwi Authority signed a Deed of Settlement on 16 December 2012.

Of particular relevance to this proposal are the following:

Statutory Acknowledgement Areas – relates to the Crown's acknowledgement of the statements by Ngati Rangiwewehi of our particular cultural, spiritual, historical, and traditional association with the following areas:

- Kaituna river (as shown on deed plan OTS-209-32)
- Maketu Wildlife Management Reserve (as shown on deed plan OTS-209-38)



Map 2: Maketu Wildlife Management Reserve.

The land known as the Maketu Wildlife Management Reserve is a partition of the Papahikahawai Block.

Kaituna river Co-governance –established by Te Maru o Kaituna (the Kaituna river Authority) who have invited Ngāti Rangiwēhī to participate as a full member of this statutory body.

NGATI RANGIWEHEHI IWI ENVIRONMENTAL MANGEMENT PLAN

This document was originally developed in 2008, and ratified in 2009 to compliment an existing Iwi Management Plan submitted to the Rotorua District Council in 2004 to ensure that Ngāti Rangiwēhī is proactively involved in the management and use of natural and physical resources within their tribal boundaries. A review was undertaken in 2012 to update the Iwi Management Plan to:

1. Reflect the Treaty of Waitangi Claims Settlement process that the Iwi is currently involved with.
2. Update the Environmental Management plan to reflect the proactive Iwi development initiatives being pursued by Ngāti Rangiwēhī Iwi.
3. Insert supplementary maps to support and inform this Environmental Management Plan.

IDENTIFIED COASTAL ISSUES:

- Desecration of ‘sites of significance’ and waahi tapu

- Loss of indigenous habitat and biota
- Loss of mahinga kai and associated resources
- Low-lying land flooding and/or permanent inundation
- Consequences of historical practices create greater risks and increased barriers when
- Development of Maori-owned land
- Post-Rena recovery environmental impacts

IDENTIFIED DEVELOPMENT BARRIERS & RISKS

Poor water quality of Maketu Estuary and Kaituna River directly related to past and current land use activities

Historically, Tangata whenua/Iwi objections have been largely dismissed by Regulatory Authorities and Interest Groups. Cumulative impacts of unsustainable development in the Lower Kaituna/Maketu area and associated mitigation requirements sky-rocket development costs

- Flooding/drainage of low-lying lands
- Saltwater intrusions in groundwater bores an increasing concern
- Development of sensitive coastal environment necessitates specific analysis and reporting of environmental effects
- Wastewater treatment options

The proposed Kaituna River re-diversion and wetland creation project is considered to be a positive move toward addressing a number of the issues identified within the Ngāti Rangiwewehi Iwi Management Plan and is not in conflict with any of the policies and objectives contained within this document.

LAND TENURE: PAPAHIKAHAWAI 1 & 2 AHU WHENUA TRUST

Papahikahawai Island is some 87ha in size and bound by the Maketu Estuary to the east, Papahikahawai stream to the south-west and the coast to the north. Papahikahawai is partitioned into two land blocks known as Papahikahawai 1 & 2 owned by whanau from Ngāti Rangiwewehi (Minute Book reference 26-JUN-1917 64 ROT 124-125, and CT: CIR 331977), which is administered by seven trustees.

Title orders for Papahikahawai 1 & 2 were issued by the Native Land Court in 1917. The land is listed as Maori freehold land and the Ahu Whenua Trust currently administers both titles.

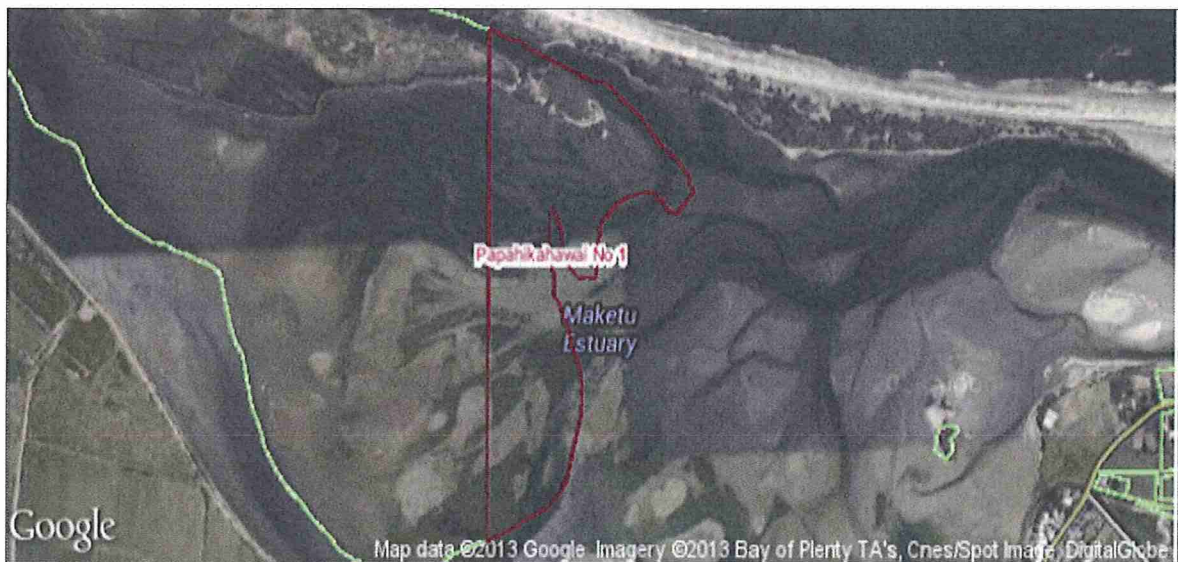
The title details for the island are noted in the Maori Land Court as follows:

	<i>Area (ha)</i>	<i>Total Owners</i>
Papahikahawai No 1	17.4	160
Papahikahawai No 2	69.6	121
	87.0	281

The current Papahikahawai 1 & 2 Ahu Whenua trustees are:

- Tauri Morgan (Chairperson)
- Rodney Allan Irving
- Phillip Jephcoate
- Vera Tauria Scott
- Wharekonehu Te Moni
- Maori Trustee – Custodian Trustee

The land is currently leased to the neighboring farmer for stock grazing. Maps two and three illustrate the two land titles that make up Papahikahawai Island.



Map 2: Papahikahawai No 1. (outlined in red)



Map 3: Papahikahawai No 2. (outlined in red)

Ngāti Rangiwewehi have identified that Papahikahawai above water has been reduced from 87ha to 10ha over time resulting in 77ha currently underwater as illustrated by Map four.



Map 4: Portion of Papahikahawai island above sea level highlight in red

HISTORICAL EVENTS ON THE KAITUNA-MAKETU ESTUARY

The degradation of the mauri of the river and estuary over time has been significant and the impact on the surrounding environment has been considerable

It has since been identified that the hydrodynamics of the Maketu Estuary and lower Kaituna River have altered Papahikahawai significantly over the last century¹. The Kaituna River historically flowed directly into the Maketu Estuary through the Papahikahawai channel. This system was interrupted by a major flood event in 1907, where the Kaituna River broke through the dune system at Te Umu creating a new inlet and discharging directly to sea. This event resulted in the majority of the Kaituna River flow bypassing the Maketu Estuary. The estuary itself is now a shallow intertidal estuary.

Fords Cut was then constructed in 1920 to divert some of the flow from the Kaituna River back into Maketu Estuary. Subsequently, in 1958 Fords Cut and Papahikahawai Channel were blocked to divert the Kaituna River away from the Maketu Estuary as part of flood control measures. The diversion seemed to have contributed to sediment infilling and general ecological decline of the estuary. Subsequent to the 1956 diversion, major realignment work was carried out on the lower river during the 1970s and 80s to reduce the effects of flooding, resulting in alteration of the hydrodynamics in the lower river.

Resource consent was granted in 1998 to construct control gates at Fords Cut to divert Kaituna River water back into the Maketu Estuary. The intent of this construction was to alleviate the sediment infilling and restore some of the declining wetland marsh and kai-moana to the estuary.

Ngāti Rangiwewehi has identified that there was no consultation undertaken with Papahikahawai trustees, land owners, nor the wider Ngāti Rangiwewehi whanau through the history of the Fords Cut works. Furthermore, the Iwi has identified that no consultation was undertaken in regards to the construction of the control gates as required under the provisions of the Resource Management Act 1991 (RMA). The Papahikahawai land blocks are situated directly to the east of the cut, and therefore directly affected by the physical processes that have eventuated over time from the works.

In response to this a claim was filed by the Papahikahawai Ahu Whenua Trustees with the Waitangi Tribunal and subsequently, this recognised claim is to be settled as part of the Ngāti Rangiwewehi Deed of Settlement in May 2014.

¹ Tonken & Taylor Ltd, 2009, Papahikahawai Outline Management Plan =TTT Funding Management Trust

OPPORTUNITIES FOR ENHANCEMENT

Developing a vision for Papahikahawai requires establishing an understanding of the value the iwi places on the Whenua, estuary, river and coast, together with determining the key management issues that are facing Papahikahawai now and into the future. An overall vision for the area as determined by Iwi is set out below:

“All planning, actions and development must ensure that the mana, mauri and wairua of Papahikahawai and the surrounding area are fully restored. The continued preservation of these resources is paramount to ensure that they survive for future generations and that they are managed in a manner that is in full partnership with Tangata Whenua.” (T.Morgan, 2009)

With the establishment of the Iwi Authority and furthered via the Treaty of Waitangi Settlement process Ngati Rangiwewehi has since developed and maintains a working relationship with the Bay of Plenty Regional Council. The proposed wetland enhancement project is considered to be an appropriate approach to address a number of ecological and cultural adverse effects of the past on Papahikahawai.

CULTURAL IMPACT OF PROPOSAL

The proposal involves re-diverting approximately 20% of the flow of the Kaituna River into Ōngātoro/Maketū Estuary. Works proposed by the Bay of Plenty Regional Council include:

- Excavation of the river bed and bank to create the proposed re-diversion channel and to deepen and widen Ford’s Cut
- Placement of a bridge or a series of culverts under Ford Road
- Removal of stopbanks/causeways between Papahikahawai Island, Maketū Spit and the low-lying land north of Ford’s Cut
- Flow in the existing channel between Ford Road and Ford island would be blocked
- Restoration/creation of wetlands within the project area (~20ha)



IMPACT ON PAPAHIKAHAWAI ISLAND

Objective: *Maintain and enhance existing ecological, natural character, landscape, cultural and historic values.*

The environmental benefit to the Maketu Estuary resulting from the ecological restoration project will be significant and the proposal to convert the remaining land from pasture to an estuarine wetland can only be supported by Ngati Rangiwewehi. The enhancement of habitat and consequent re-population of the island by native fauna (particularly birds and waterfowl) will be positive and mauri-enhancing.

The potential to re-vegetate the island may give some initiative to support land accretion to occur along the southern boundary of the island over time, which would greatly enhance the restoration of historical loss of land on Papahikahawai.

However, what must be also considered is the loss of economic return on an already marginal land block to the owners of the island, additional to this is the loss of physical access to the island with the proposed removal of the existing causeways. We acknowledge that the Bay of Plenty Regional Council has entered into negotiations with the Trust and are actively working to develop a satisfactory solution for all parties. Also it is noted that the Trust has been recognised as an 'Affected party' as a result of this proposed activity as per Section 95E of the RMA and will therefore be consulted with directly as part of any subsequent application for resource consent.

Ngati Rangiwewehi Iwi Authority supports the Papahikahawai Ahu Whenua Trust in this process.

OUTCOME SOUGHT: That Papahikahawai Island is recognised and acknowledged as an area of significance to Ngati Rangiwewehi. Protection of the island from any potential adverse effects as a result of this proposal must be avoided, mitigated or remedied.

IMPACT ON MAHINGA KAI AND TAUNGA IKA

***OBJECTIVE:** Enhance the water quality to restore the mauri, mana and wairua of the water*

It is considered that the proposed restoration of the Kaituna – Maketu Estuary area will have a positive effect on the mahinga kai and ika populations. The ecological enhancement programme combined with the increase in freshwater flows are considered critical to the restoration of these taonga species.

The Tumu Cut is a well-known and frequented fishing area. It is important also that the project has taken into account the important socio-economic function this area provides for many people both local and travellers. There are a number of maimai within the estuary indicating that bird hunting is still practiced in the area.

OUTCOME SOUGHT: That any potential adverse effects on mahinga kai resources as a result of this proposal are minimal.

IMPACT ON HISTORICAL WRONGS

***OBJECTIVE:** Establish genuine partnership management of the environment*

A description of the historical modifications to the river and the significant impact this had on Papahikahawai Island has already been detailed earlier in the report. However, the considerable loss of land (approximately 90%!) over time as a result of past events cannot be taken lightly.

The project to restore the Kaituna-Maketu Estuary via wetland restoration and complimentary works is a positive step toward righting the wrongs of the past. On-going engagement and relationship-building via formal protocols or agreements with tangata whenua groups is a tool that Ngati Rangiwewehi encourages the Regional Council to utilise to ensure on-going mutually beneficial relationships.

OUTCOME SOUGHT: That the significant adverse impacts of historical modification to the Kaituna River, and its impact on Papahikahawai be acknowledged

MITIGATION

Impacts on Papahikahawai to Ngati Rangiwewehi

- Site visit to be held with Ngati Rangiwewehi representatives during the Detailed Design stage of the project to identify potential areas to avoid (in terms of excavation/deposition/machinery movement).
- Prior to and during any works, appropriate tikanga is to be endorsed by Tapuika and Ngāti Rangiwewehi, in regards to karakia me ngā tikanga me ngā wairua mo te mauri o te awa.
- Onsite earthwork monitoring in or near the Papahikahawai Creek and associated cause-ways be approved with Ngati Rangiwewehi representatives before and during excavation.
- That the Guide to Consultation with Te Maru o Ngati Rangiwewehi Iwi Authority and the Ngati Rangiwewehi Koiwi and Accidental Discovery Protocol are in place - via resource consent conditions. This protocol is to include the immediate notification of Ngati Rangiwewehi representatives in the event that a site or objects of significance is discovered during works in or around Papahikahawai Island or any associated causeways. The Consultation Guide outlines the principles of engagement when seeking to work with Ngati Rangiwewehi in relation to resource consent applications (See Appendices).
- That a process is established toward the development of a relationship protocol between the Bay of Plenty Regional Council and Te Maru o Ngati Rangiwewehi.

Impacts on Mahinga Kai and Taunga Ika Resources

- Consideration of timing and staging of works to minimise any impacts on fish passage, aquatic habitats and spawning areas.
- Ngati Rangiwewehi are involved in wetland restoration planning in relation to Papahikahawai to ensure that the enhancement of mahinga kai and cultural harvesting resources are appropriate. This includes the ability to impart traditional knowledge in terms of wetland plant species and method of restoration.
- Inclusion of information / interpretation panels near the new/restored wetlands regarding the history and value of the area. Ngati Rangiwewehi are to be involved in any planning associated with interpretation panels to ensure the accuracy of information.
- Ngati Rangiwewehi is interested in any opportunities for the development of educational projects / resources and research developments that may transpire or be associated to the project.

CONCLUSION

Modifications to rivers, coastal areas and wider catchments have altered our relationship with our resources. Ngati Rangiwewehi, as kaitiaki, has a strong interest in preserving the environment for the use of future generations.

In summary it is considered that the Kaituna River Re-diversion and Wetland Creation Project will go in some way toward rectifying the historical impacts on Papahikahawai due to the Kaituna River modifications. The on-going effects as a result have been significant ecologically, culturally and economically. Ngati Rangiwewehi supports the application for resource consent by the Bay of Plenty Regional Council with recommendations as contained within this report.

“Ma te mauri o te wai, hei oranga mo te katoa”²

² Source: Position Statement on behalf of Papahikahawai 1 & 2 to the Draft Kaituna River and Ongatoro/Maketu Estuary Strategy, Action Plan and Re-diversion options (2008)

APPENDICES:

- 1. Guide to Consultation with Te Maru o Ngati Rangiwewehi Iwi Authority**
- 2. Ngati Rangiwewehi Koiwi and Accidental Discovery Protocol**

Guide to Consultation with Te Maru o Ngāti Rangiwewehi Iwi Authority For Resource Consent Applicants in Te Rohe o Ngāti Rangiwewehi

Need to Consult - Resource Management Act (1991)

The RMA establishes a set of principles. These principles recognise the importance of Māori interests in natural and physical resources. The process of granting resource consent requires Councils to consider:

- 1 The relationship of Māori, their culture and traditions with ancestral lands, water, sites, wāhi tapu (sacred places) and other taonga (treasure);
- 2 Kaitiakitanga the exercise of guardianship over natural resources;
- 3 The principles of the Treaty of Waitangi.

Need to Consult - Historic Places Act (1993)

For work that may affect an archaeological site developers must obtain an archaeological authority from the Historic Places Trust before starting work. This could be earthworks for subdivision, forestry operations, mining, road construction, and building, landscaping or fencing. Applications must include:

- A description of the activity that may affect the site
- A description of the archaeological site
- An assessment of the archaeological values of the site and the effect of the work on those values
- An assessment of any Māori values of the site and the effect of the work on those values
- A statement about consultation. If you have consulted with Tangata Whenua, what are their views? If you have not consulted, you must inform the Trust of the reasons why consultation has not taken place.

Information for External Agencies and Applicants

Within Te Maru o Ngāti Rangiwewehi Iwi Authority (TMoNR). District there is one Iwi, Ngāti Rangiwewehi, which is represented in regard to all matters related to the RMA and HPA by Te Maru o Ngāti Rangiwewehi Iwi Authority (TMoNR). This document is a guide to the consultation process with TMoNR for all External Agencies and for Applicants in Te Rohe o Ngāti Rangiwewehi.

On receipt of a Resource Consents Application Environment Bay of Plenty the Regional and/or Rotorua District Council will advise TMoNR in a letter addressed to the Chairperson, **Te Maru o Ngāti Rangiwewehi Iwi Authority Board (TMoNR), P.O. Box 971, Rotorua**. Noting the responsibility of Councils "under the Resource Management Act 1991 to ensure that adequate and appropriate consultation with Tangata Whenua takes place and that sufficient information on Tangata Whenua values is provided". Rotorua District Council and Environment Bay of Plenty will need to establish a relationship of trust and will build towards a Memorandum of Understanding with TMoNR in regard to the RMA 1991.

On receipt of this letter TMoNR will respond in writing to Council(s), Historic Places Trust and Applicants as follows:

- *All applications for resource consent in Ngāti Rangiwewehi Rohe are significant for Ngāti Rangiwewehi people.*
- *Resource management and historic places matters are administered by Te Maru o Ngāti Rangiwewehi Iwi Authority (TMoNR)*

- (see attached Guidelines and Earthworks Protocols) in the rohe.
- Please therefore take care to ensure that effective consultation is now engaged and maintained with the Board

Initiation of Consultation by the Applicant

N.B. It is the responsibility of the Applicant to initiate the consultation by contacting:

- The Iwi Authority administration desk onPh 07 3494590 or email: info@rangiwewehi.com.

TMoNR will respond to the Applicant's "contact" with a written invitation to meet with Board representatives at the Board Office, Tarimano Marae.

For this meeting the Applicant should provide the following documentation *in advance* to the Board Administrator:

- Applicant's name and subject site reference (location, description and site map);
- The name, position title and contact details (including email) of the individual responsible for engaging the consultation process with TMoNR on behalf of the Applicant;
- Copies of all relevant material to facilitate the consultation including an archaeological assessment report if this has been undertaken;
- Ideas for the Consultation Plan (see Stage 1 below) bearing in mind the size of the subject site and likely impacts.

Schedule of Fees

Consultation Costs and Conditions

Component	Rate	Description	Comments
Consultation Meeting	\$350.00 +gst	Appointment at monthly meeting	First Friday of every month except Dec & Jan
Special Consultation Meeting	\$700.00 +gst	Board meeting at a date other than regular monthly meetings	
Research	\$120.00 +gst per/hour	Review application, CIA research	Collation, report writing.
Site Visit	\$135.00 +gst per/hour per /person	Site research, archaeological protection	Protection of cultural values
Cultural Onsite Monitoring	\$60.00 +gst per/hour	Monitoring of existing archaeological sites & cultural values.	Searching for new archaeological sites.
Administration	10% of total application	Copying, printing, photography costs.	
Mileage	\$0.81 cents per km	As per the most current IRD rates.	

Venue (unless otherwise advised): the Te Maru o Ngāti Rangiwewehi Office, Tarimano Marae, Gloucester Road, and Te Awahou/Rotorua.

Date: the FIRST Friday of the month except January

Special Meeting: In the event that an Applicant is unable to attend a monthly meeting of the Board then the Applicant will be responsible for the travel costs (and accommodation costs where necessary) of the Board members to attend a Special meeting in order that Consultation can take place.

Charge: \$700 plus GST per Special Meeting

N.B. It is the primary responsibility of the Applicant to ensure that Consultation between the Applicant and Te Maru o Ngāti Rangiwewehi Iwi Authority (TMoNR) for time, cost and outcomes are efficient.

Terms of Agreement: Once this guide is signed and accepted a Terms of Agreement can be drafted outlining the appropriate schedule of fees for each application.

Late Payment Fees: Clients will be liable for collection fees, late payment fees etc if they do not pay within the specified time. (An invoice issued on the 15th of month will be due for payment on the 20th of month)

Basis of the Consultation

The consultation process has four stages:

- Stage 1:** Establishment of the Terms of Agreement between Te Maru o Ngāti Rangiwewehi Iwi Authority (TMoNR). And Applicant
- Stage 2A:** Endorsement of the documented Agreement in a regular Te Maru o Ngāti Rangiwewehi Iwi Authority (TMoNR). Meeting **AND**
- Stage 2B:** Letter of support for the Application provided to the Applicant and copied to Rotorua District Council, Environment Bay of Plenty Regional Council, the Historic Places Trust Office, including the conditions of the consent.
- Stage 2C:** Submission in opposition to the agreement made directly to authorising Council(s) and Historic Places Trust, copied to the Applicant for reasons (a) there is no Agreement because the Board is in fundamental disagreement with the application or (b) as follows:

Te Maru o Ngāti Rangiwewehi Iwi Authority (TMoNR). Opposes the application on the grounds that no / inadequate consultation with Tangata Whenua (meaning TMoNR in Rangiwewehi rohe) took place and no / insufficient information on Tangata Whenua (Ngāti Rangiwewehi (Iwi) values was provided.

Stage 1 (Establishment of the Terms of Agreement) will be based on a consultation plan, which will be established between an Applicant and Te Maru o Ngāti Rangiwewehi Iwi Authority (TMoNR). The plan will include (but is not limited to) any or all of the following:

1. Archaeological Assessment

An archaeological assessment -

- The Applicant will commission a HPT registered archaeologist to carry out an assessment and prepare a report;
- Statement of adherence to the report with its recommendations is included in the Agreement;
- The report is included in the Agreement documentation for Stage 2A endorsement;
- All related costs are at the expense of the Applicant.

NB: In most circumstances an archaeological assessment is a not-negotiable requirement.

A) S11/12 Application to HPT to Modify/Destroy Middens

- An S11/12 application to HPT is furnished where, arising from the Archaeological Assessment, the Applicant is seeking authority for such action
- The S11/12 is included in the Agreement documentation for Stage 2A endorsement;
- All related costs are at the expense of the Applicant.

NB: An S11/12 application is always required where there is intent to modify / destroy

B) Cultural Mitigation Plan

- The Applicant will prepare a Cultural Mitigation Plan explaining how the Applicant will avoid/mitigate negative consequences and facilitate the Boards duty of Kaitiakitanga;
- Statement of adherence to the CMP is included in the Agreement;
- The CMP is included in the Agreement documentation for Stage 2A endorsement;
- All related costs are at the expense of the Applicant.

NB: A Cultural Mitigation Plan is always required.

A) TMoNR Protocols Relating to Archaeological Sites, Waahi Tapu and Koiwi

- Statement of adherence to the Protocols is included in the Agreement;
- The Protocols are included in the Agreement documentation for Stage 2A endorsement;
- All related costs are at the expense of the Applicant.

NB: Adherence to the Protocols is always required.

3. Cultural Impact Assessment Report

- A Cultural Impact Assessment Report is included in the Consultation Plan -
- TMoNR commissions a Report Writer and negotiates a writing fee to be paid by the Applicant;
- Applicant and TMoNR agree a commissioning fee to be paid by the Applicant to the Board;
- A timeline and process for completion is agreed between TMoNR the Applicant and the Report Writer including:

- A) A first draft copy is provided to TMoNR and the Applicant and based on feedback:
- B) A revised draft copy is provided to TMoNR and the Applicant and based on feedback
- C) A final version is provided to TMoNR for sign-off;
- D) The Cultural Impact Assessment Report is provided to the Applicant by TMoNR;
- E) The Applicant acts on the Report as agreed.

NB: A Cultural Impact Assessment Report is always required.

4. Memorandum of Understanding

- A Memorandum of Understanding is included in the Consultation Plan -
- A draft MoU is developed with ideas and clauses contributed to the draft by the Applicant's and TMoNR representatives charged with responsibility for the drafting;
- Ongoing discussion, both face-to-face and electronic continues until there is mutual agreement by TMoNR and the Applicant on the draft MoU;
- Final version is agreed by TMoNR and the Applicant;
- MoU is signed for TMoNR by all Board members;
- TMoNR and Applicant act in accordance with the Memorandum as agreed;
- All related costs are at the expense of the Applicant.

➤ ***Only ever required for extraordinary projects.***

For Stage 2A (Endorsement of the Documented Agreement in a regularly scheduled TMoNR meeting) the following applies:

- A) The Applicant will provide hard copies of the following material collated into a single document times seven (7) for presentation to the agreed meeting:
- Cover letter with appropriate requests for Board decision-making / support which can be taken from the list provided below, signed by appropriate Applicant authoriser with marked space for the signature of the Board Chair
 - Copy of Cultural Mitigation Plan including all required statements of adherence
 - Copy of Archaeological Assessment
 - Copy of S11/12 application where required
 - Copy of PTB Protocols Relating to Archaeological Sites, Waahi Tapu and Koiwi
 - Copy of Cultural Impact Assessment

AND (where required)

- Copy of signed Memorandum of Understanding.

Stage 2B / C (Letter of support provided to the Applicant and copied to RDC and / or EBOPRC, HPT Archaeologist)

- A) Where the Board has voted to support the decision a letter of support with copies of the documented Agreement will be dealt with as follows:

Signed Copies	For
1	Applicant
2	RDC
3	EBOPRC

4	HPT
5	HPT
6	Board Archives
7	Cultural Monitoring

Requests for Board Decision-making / support for Resource Consent Application – examples that can be used:

Applicant recommendations contained in letter to the Board “covering” Cultural Mitigation Plan, copy of Archaeological Assessment Report and PTB and Project Companies Protocols Relating to Archaeological Sites, Waahi Tapu and Koiwi.

- A) That Te Maru o Ngāti Rangiwewehi Iwi Authority Board (TMONR) approves the Cultural Mitigation Plan prepared by (APPLICANT) and authorise the Chair to sign it on behalf of the Board.

IF ARCHAEOLOGICAL SITES ARE FOUND

- B) That the Board support (APPLICANT) intent to complete destruction of the midden (NUMBERED) and to relocate archaeological material from the midden into a marked landscaping feature within a covenanted reserve
- C) That subject to adherence to the Boards *Protocols Relating to Archaeological Sites, Wāhi Tapu and Koiwi* and the Cultural Mitigation Plan and noting B) above that the Te Maru O Ngāti Rangiwewehi Iwi Authority support this application in writing to (APPLICANT) copied to Rotorua District Council, Environment Bay Of Plenty Regional Council and Historic Places Trust.

OR: IF ARCHAEOLOGICAL SITES ARE NOT FOUND

- D) Noting that the archaeological assessment undertaken found no archaeological sites in the project area that: subject to adherence to the Boards *Protocols Relating to Archaeological Sites, Waahi Tapu and Koiwi* and the Cultural Mitigation Plan that the Te Maru O Ngāti Rangiwewehi Iwi authority support this application in writing to (APPLICANT) copied to Rotorua District Council, Environment Bay Of Plenty Regional Council, HPT Archaeologist and Historic Places Trust.

Board Members:

Chair

Board Administrator / Board Member:

Secretary

Treasurer

The Applicant to sign:

I / We _____ agree to abide by the requirements set out in the above Consultation Guidelines

Signed

**Applicant
Authority Board (Inc)**

Te Maru o Ngāti Rangiwewehi Iwi

Chairperson

NGATI RANGIWEWEHI KOIWI AND ACCIDENTAL DISCOVERY PROTOCOL

Purpose

The purpose of the 'Koiwi Tangata and Accidental discovery Protocol' is:

- To manage and protect the integrity of 'known' and unknown' archaeological and Wahi tapu from damage and loss.
- To maximise the opportunity to retrieve physical and archaeological evidence from disturbed sites.
- To obtain quality information on the lives, activities, food and resource use, trails and campsites for resource use, trails and campsites of Ngati Rangiwewehi ancestors from archaeological sites.
- To ensure Te Maru o Ngati Rangiwewehi Iwi Authority is happy with the management if any koiwi tangata are discovered.

Definition

"Archaeological site" means any place in New Zealand that –

- a) Either –
 - i. Was associated with human activity that occurred before 1900; or
 - ii. Is the site of the wreck of any vessel where that wreck occurred before 1900:

And

- b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand (Historic Places Act 1993)

Process for Discovery of Archaeological Sites

The applicant shall consult with Te Maru o Ngati Rangiwewehi Iwi Authority to determine, in accordance with Tikanga Maori, if there are any matters of protocol which tangata whenua wish to undertake in relation to the commencement of any development works, significant events or the commissioning of completed works.

In the event of any discovery of suspected cultural remains (e.g. shells, charcoal or charcoal-stained soil, fire-fractured stone, or bones) the contractor / workman shall take the following actions:

- 1) Cease all works immediately.
- 2) Advise the site supervisor of the find.
- 3) The site supervisor shall contact an appointed expert to advise on the significance of the find.
- 4) If the 'expert' believes the find is of potential significance to Ngati Rangiwewehi, contact persons (s) from Te Maru o Ngati Rangiwewehi Iwi Authority must be advised.
- 5) The Historic Places Trust must be advised in all cases (not that it is an offence under section 99 of the HPA 1993 to modify, damage or destroy an archaeological site without the prior authority of the New Zealand Historic Places Trust).

In cases of Wahi taonga and Wahi tapu

- The appointed expert and site supervisor will consult with the nominated Te Maru o Ngati Rangiwewehi representatives to determine further actions to avoid, reduce, remedy or mitigate any damage to Wahi taonga and Wahi tapu.
- The applicant shall consult with Te Maru o Ngati Rangiwewehi on any matters of protocol, which they may wish to undertaken in relation to the find and prior to the commencement of any investigation.
- The applicant shall consult with Historic Places Trust for advice of any requirements under the HPT 1999.

In case of suspected Koiwi Tangata

- The site supervisor shall take steps to immediately stop work, shut down all machinery or activity, and secure the area to ensure that the remains are not touched.
- The applicant shall notify the nominated Te Maru o Ngati Rangiwewehi representatives and the police.
- The applicant shall consult with Historic Places Trust for advice of any requirements under the HPT 1993.
- The site supervisor must ensure that staff is available to meet and guide Police (not that the coroners Act applies), Kaumatua, and Historic Places staff to the site and to assist with any requests made. The area shall be marked off and if the remains are of Maori remains are of Maori origin, kaumatua will decide what will happen to the remains and advise the Police and other parties of their decision
- Work may only recommence in the area with the approval of the Police, Kaumatua, and the Historic Places Trust.

In all other cases

- The expert and site supervisor shall determine what further actions are appropriate to avoid, reduce, remedy or mitigate any damage to archaeological sites
- The Historic Places Trust shall be consulted for advice of any requirements under the HPT 1993.

Responsibilities

Te Maru o Ngati Rangiwewehi

1. To inform the applicant of the position of any known sites prior to earth disturbance.
2. To inform the applicant in accordance with tikanga Maori, if there are any matters of protocol which tangata whenua wish to undertake in relation to the commencement of work or significant events.
3. To provide a list of contact persons and phone, fax and mobile numbers to the applicant.
4. To adopt a policy of guaranteeing response to notification of a site find, within a 24-hr time frame.
 - a) This will consist of contacting appropriate people and organisations depending on the nature of the 'find';
 - b) Arranging a time for inspection of the site'
 - c) Coordination of the appropriate action to remove or otherwise any archaeological material from the site.

The Applicant

1. To ensure staff are aware of the applicant's responsibilities under this Accidental Discovery Find Protocol.
2. To implement a reporting procedure in the instance of a 'find' of any archaeological material.
3. To ensure that all statutory obligations under the Historic Places Act 1993 are met.
4. To provide the following reports to Te Maru o Ngati Rangiwewehi no less than 25 working days prior to any earth moving works:
 - A schedule of the dates of all significant earthmoving events, their sequence and duration.
 - A summary of all measures being undertaken to ensure that adverse effects on archaeological values are avoided, remedied or mitigated.
5. To invite Te Maru o Ngati Rangiwewehi to attend any episode of archaeological, monitoring or earthmoving activity.
6. To provide Te Maru o Ngati Rangiwewehi with a copy of all-archaeological monitoring and investigation results with an invitation to respond, comment or meet to discuss any results.
7. To appoint an expert, jointly approved by Te Maru o Ngati Rangiwewehi, who will advise on identification or protection of wahi tapu, wahi taonga, urupa, or historic cultural sites.

