

Mana Whenua Statement and Engagement Report

BRYMER FARMS LIMITED

A Statement that represents the interests of Mana Whenua (Ngaati Maahanga and Waikato-Tainui) to inform decisions related to the proposed development at Brymer Road, Hamilton, by Brymer Farms Limited.

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Prepared for Brymer Developments

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Ngaati Maahanga | Waikato-Tainui

Report to Russell Davies | Development Manager | Ultimate Developments

CONTENTS

Contents	1
1. Executive Summary	2
2. Mana Whenua Statement and Engagement Report	3
Objectives of the Report.....	3
Use of this Report	3
3. Te Tiriti O Waitangi	4
4. Project Information	5
5. Master Plan.....	6
6. Mana whenua.....	7
7. Te Whakakitenga o Waikato (Waikato-Tainui)	7
8. Ngaati Maahanga	9
History	10
9. Kaitiakitanga	12
10. Engagement Timeline	13
11. Assessment and Recommendations.....	14
Te Tai Tumu Tai Pari Tai Ao – Waikato-Tainui Environmental Plan.....	14
Te Ture Whaimana o te Awa o Waikato.....	15
Te Ture Whaimana Objectives	16
Te Mana o te Awa I Te Mana o te Wai.....	17
Waahi Tapu me ngā Taonga Tuku Iho.....	19
Earthworks.....	20
Wetlands I Repo	21
Ngaa Raakau me ngaa Taonga o Te Wao Nui o Taane.....	22
Restoration and Protection: Betterment	24
12. Decision.....	25
Appendix 1: Pre-construction protocols	26
Appendix 2: Taonga tuku iho discovery	27
Appendix 3: Kooiwi discovery	28
Appendix 4: Fauna Management protocol.....	29

1. EXECUTIVE SUMMARY

This Report was originally drafted in January 2024 to accompany an application for that time. The Report has been updated to accompany the application through the Fast-Track Consenting process.

Te Huia Natural Resources Limited is engaged by Ultimate Developments to produce a Mana Whenua Statement and Engagement Report for a proposed large (1650 lot) residential subdivision development at the Brymer Farms site located at 584 Whatawhata Road, Hamilton.

Te Huia Natural Resources Limited, has had initial engagement with kaitiaki representatives from Ngaati Maahanga to develop this Mana Whenua Statement and Engagement Report ("report"). Te Huia Natural Resources also notified Waikato-Tainui of this development, during the process of creating this report. The report intends to provide the following:

- Cultural, economic, social and environmental matters that support considerations for the consenting and plan change application
- Satisfy the obligations of respective councils to Te Tiriti o Waitangi and mana whenua;
- Demonstration of meaningful engagement driven by mana whenua;
- Provide the opportunity for mana whenua to draft and present their own narratives; and
- Deliver outcome statements that reflect the aspirations of mana whenua for the Brymer Road proposal.

In summary, engagement with Waikato-Tainui and mana whenua representatives produced recommendations outlined in section 11 of this report. Furthermore, mana whenua representatives confirm the following:

- Mana Whenua representatives have been genuinely engaged in this project;
- Mana Whenua representatives have a good relationship with the facilitators of this report and seek a continued relationship for the entirety of the project, with the project team for Brymer Farms Limited;
- Mana Whenua are satisfied with the recommendations presented in this report which have been reviewed and considered by Brymer Farms Limited;
- It is intended that this report accompanies all applications for consent, whether that is through an RMA process or any Fast-Track consenting process;
- There are no known waahi tapu, archaeological areas or significant cultural sites associated with the project area. However, the area is near culturally associated areas and is likely to have been a transition area to those sites, therefore appropriate protocols must be undertaken prior to any earthworks and upon any accidental discoveries.

The position of Waikato-Tainui and Ngaati Maahanga is:

- Waikato-Tainui **endorses** the position of Ngaati Maahanga representatives;
- Ngaati Maahanga representatives are **neutral** in position to the application.

This is a long term project, therefore Ngaati Maahanga seek a continued relationship with Brymer Limited.

2. MANA WHENUA STATEMENT AND ENGAGEMENT REPORT

This Report presents the position of mana whenua to inform the Brymer Farms Limited proposal.

Te Huia Ltd has developed this Mana Whenua Statement and Engagement Report (the Report) to support documentation to respective councils and decision makers. The Report will cover a range of matters that decision making authorities would expect in a Cultural Values Assessment (CVA). However, Te Huia Ltd has developed many CVA's and it is the authors preference to title the report as a "Mana Whenua Statement and Engagement Report". This is purely for personal reasons and based on previous experiences, as the term "cultural" implies that the values of mana whenua are limited only to that. This approach was supported by mana whenua. Also, it is important to note that the values of mana whenua change over time based on surrounding conditions, policy impositions and lack of regulation. The report captures a statement of this time and demonstrates the engagement required to satisfy the expectations of mana whenua and responsibilities of Brymer Farms Limited.

Objectives of the Report

The Report embraces the principles of Te Tiriti o Waitangi to deliver the following:

- Cultural, economic, social and environmental matters that support considerations for the consenting and plan change application
- Satisfy the obligations of respective councils to Te Tiriti o Waitangi and mana whenua;
- Demonstration of meaningful engagement driven by mana whenua;
- Provide the opportunity for mana whenua to draft and present their own narratives; and
- Deliver outcome statements that reflect the aspirations of mana whenua for the Brymer Road proposal.

Use of this Report

The Report is expected to accompany formal documentation for decision, not as an appendix, or attachment, but as an independent Volume to be held in the high regard.

Unless specifically stated, all sections of this report, can be used for intended purposes by the developer.

3. TE TIRITI O WAITANGI

Respective Councils to this proposal (Hamilton City Council and Waikato District Council) must uphold the duty to honour and give effect to the principles of Te Tiriti o Waitangi.

As an agent of the Crown, the duty of Council to uphold the principle of partnership is well-established in Treaty jurisprudence. Partnership is a duty on both parties to act reasonably, honourably and in good faith (as upheld by the Court of Appeal), with the Waitangi Tribunal emphasising that these duties are derived from the principle of reciprocity and the principle of mutual benefit.

The duty to act in good faith, goes further and obligates Council to make informed decisions on matters that affect the interests of Maaori. This requires the Crown to consult with Maaori. In this instance, the interests of Maaori are represented by mana whenua, notably Ngaati Maahanga and Waikato-Tainui.

Lastly, the Crown has a duty to actively protect Maaori use of their lands and waters to the fullest extent practicable (as upheld by the Court of Appeal). This is a central Treaty principle, under Article 2 of Te Tiriti, with guarantees in the preamble and Article 3. This principle presumes that the Crown is obligated to preserve and protect tino rangatiratanga of mana whenua over their whenua, kaainga and taonga. The duty of active protection is engaged when a taonga is negatively affected (and is also inclusive of disparities between Maaori and non-Maaori).

As such, the Council must uphold a genuine, active and enduring partnership with mana whenua, in ways that:

1. acknowledge their rights to exercise rangatiratanga and kaitiakitanga;
2. acknowledge that tikanga and mātauranga Māori are key to achieving the protection of Article 2 assets; and

Actively engaging in a genuine and enduring partnership with mana whenua and is key to decision-making that protects the interests of mana whenua and meets the Council's duty of active protection. The Report, hui and discussions held directly between mana whenua, project consultants and Te Huia Ltd sought to achieve the obligations of Council to Te Tiriti. Te Huia Ltd believes that the obligations of the Council's will be upheld if the recommendations by mana whenua are progressed.

4. PROJECT INFORMATION

Brymer is a residential development that comprises circa 1,650 residential units of varying typologies, such as detached, duplexes, terraces, apartment units and retirement village units, along with a supporting mixed-use neighbourhood centre, open spaces, and infrastructure. The Brymer Masterplan is shown in Figure 1 and contained within the Urban Design Memorandum.

The residential community is underpinned by a series of design principles, which focus on creating a well-connected, legible and diverse community on Hamilton City's urban fringe. The proposed transport network, with a 20-metre-wide spine road running north-to-south, is supported by local roads, cycle connections and pedestrian pathways to create an accessible and legible development. As aforementioned, a range of housing typologies and densities are proposed to meet the growing and changing needs of the housing market to ensure there are options for future residents. Each typology has been thoughtfully located, based on opportunities and constraints, with density ranging from terraces, duplexes and standalone dwellings to ensure integration with the adjoining urban footprint.

In the heart of Brymer is a 0.3 hectare mixed-use neighbourhood centre that will provide a range of amenities and services to support the residential development. This mixed-use neighbourhood centre will likely include commercial properties, cafés and a local superette. Apartment units are provided above the neighbourhood centre. The commercial element of the residential development has been scaled to support the density proposed, located directly adjacent to the majority of apartment building typology.

Sitting at the higher, northern point of the site is a retirement village, that comprises approximately 3.4 hectares, and provides villa terraces, apartment units and an amenity building. This will be serviced by its own private transport network, infrastructure, and high amenity open spaces.

Integrated throughout the residential development are a number of open spaces that are well distributed to create a highly amenable community that will be a pleasant and enjoyable place to live for future residents. The open spaces support ecological restoration through the retention of a number of natural wetlands and riparian revegetation.

The development will be appropriately serviced via a robust infrastructure strategy, which includes a new pump station, wastewater discharge and treatment area, stormwater ponds, and utilisation of the existing water bores.

5. MASTER PLAN

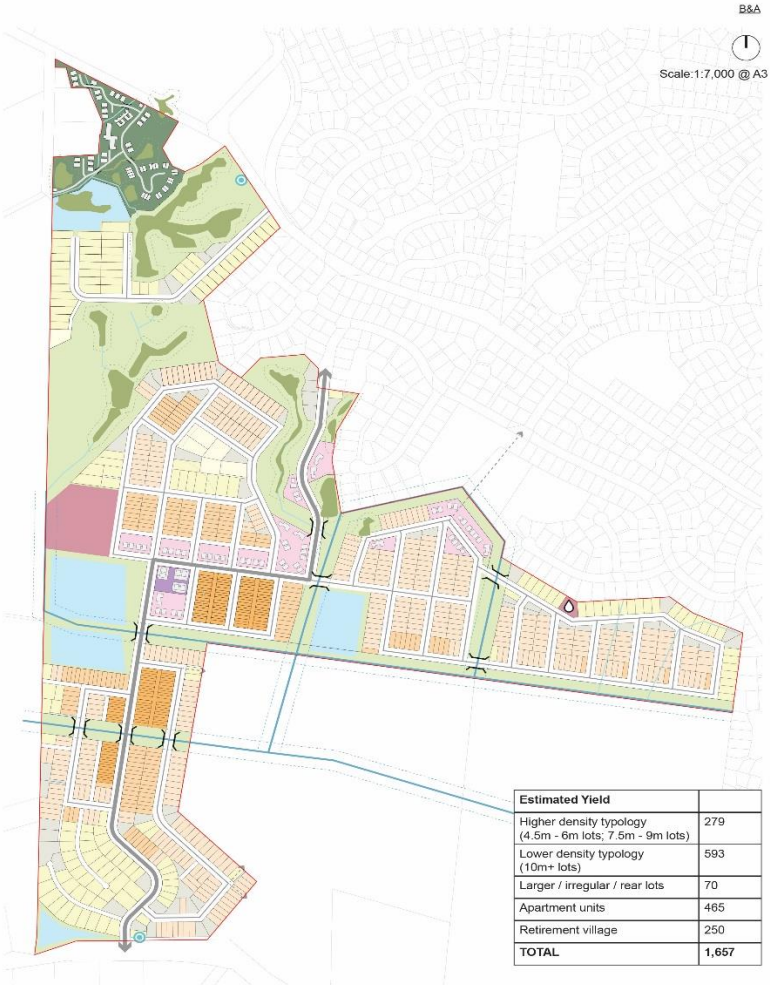
Brymer Road Development / Hamilton

High-level Masterplan*

* This masterplan document represents a high-level conceptual layout only. The proposed site layout, estimated yield, typologies, and land uses illustrated herein are indicative and are subject to further adjustments upon comprehensive technical investigations and detailed design processes, including but not limited to engineering, ecological assessment, geotechnical analysis, and hydrological studies.

Legend

-  Apartment Blocks
-  Higher Density with Rear Lanes - Terrace Housing (4.5m - 6m lot typology)
-  Higher Density - Duplex / Terraces (7.5m - 9m lot typology)
-  Lower Density - Duplex / Detached (10m - 12m lot typology)
-  Lower Density - Detached (12m+ lot typology)
-  Larger Lot Residential (1000m² and above)
-  Irregular Shaped / Rear Lots
-  Retirement Village - Villa terrace, apartment units, amenity building (approx. 0.3ha)
-  Mixed-use with apartment units above / Neighbourhood Centre (approx. 0.3ha)
-  Proposed Open Spaces / Riparian / Native Revegetation Areas
-  Existing Water Bores
-  Proposed Pump Station
-  Proposed Wastewater Discharge and Treatment Area
-  Proposed Stormwater Ponds (shapes to be confirmed at future design stages)
-  Existing Key Drains (as identified through Waikato Regional Council GIS mapping)
-  Existing Waterway
-  Existing Wetlands To Be Retained and Revegetation (include 10m buffer areas)
-  Proposed Main Road (~20m)
-  Proposed Local Road (~16.8m)
-  Proposed Bridge or Culvert
-  Connections to Existing Street Network
-  Possible Future Road Connections



6. MANA WHENUA

Waikato-Tainui and Ngaati Maahanga hold mana with regards to decision making associated with this report.

The rights and interests of mana whenua are confirmed and recognised by decision making authorities, supported by the establishment of Joint Management Agreements and collaborative partnerships. Their rights and interests within this space do not need to be proven.

Te Whakakitenga o Waikato-Tainui (Waikato-Tainui) is the Iwi Authority on behalf of the 68 Marae and its beneficiaries. The hapuu, on behalf of their beneficiaries, are mana whenua and hold mana (power and authority derived from whakapapa, continued occupation and use) within the proposed development area.

Mana whenua, in simple terms, are naturally the people of the lands. Mana whenua have a historic and spiritual affiliation to the lands, waters and all the taonga that they embrace. Mana whenua continue to occupy and actively demonstrate their affiliation and interests to the Waikato River and Waipaa River, its lands, waters and taonga. They are representative of their marae and whaanau in matters related to local and central Government, fisheries, aquaculture, farming, education, environmental, social and other affairs.

They hold political, cultural and occupational authority over the proposed development area that is determined by whakapapa (genealogical ties) and secured by ahi kaa (continued occupation). They have a responsibility to protect the taonga, hauanga kai, and other values of these places for the benefit and use of their whaanau and its communities.

Each of the mana whenua groups have a responsibility to protect the taonga, mahinga kai, and other values of the rohe for the benefit and use of their tribal members. The following descriptions are an introduction to the full narratives provided by each of the mana whenua groups engaged to provide advice into the structure plan and town centre plan.

7. TE WHAKAKITENGA O WAIKATO (WAIKATO-TAINUI)

Te Whakakitenga o Waikato is the iwi authority that represents tribal members of the 68 Marae of Te Whakakitenga o Waikato. Te Whakakitenga is the governance body that serves to protect and advance the collective interests of the iwi and more than 80,000 registered beneficiaries.

The Iwi Authority has a governance structure which is led by two representatives of each marae, act as its parliament and is known as Te Whakakitenga o Waikato. This organisation appoints an executive committee known as Te Arataura which oversees the operational functions of the organisation.

The proposal will require an assessment against the responsibilities of Waikato-Tainui, namely:

Waikato-Tainui Claims Settlement Act 1995

- Right of First Refusal
Any lands owned by Council prior to 1995 are subject to this provision in the Settlement Act 1995. If any properties subject to this provision are being disposed of, or the

purpose of the property changes, then the Council must inform Waikato-Tainui and agree the process for disposal.

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

- **Joint Management Agreement**
The JMA includes schedules and principles that express interests and expectations of Waikato-Tainui related to the management of its taonga, including the Waikato River and all it embraces. Waikato-Tainui has a JMA with both the Waikato District Council and Hamilton City Council.
- **Te Ture Whaimana o te Awa o Waikato (Vision and Strategy for the Waikato River)**
Te Ture Whaimana is the primary direction setting document for the Waikato and Waipaa Rivers. All activities within the catchment should advance Te Ture Whaimana and its objectives. An assessment of this proposal should demonstrate the advancement of Te Ture Whaimana in its activities.

Tai Tumu, Tai Pari, Tai Ao – Waikato-Tainui Environmental Plan¹

- The Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao is developed out of the Whakatupuranga 2050 long-term development approach and seeks to build the capacity of marae, hapuu, and iwi in the sustainability space.
- The overarching purpose of the Plan is to provide a map or pathway that will return the Waikato-Tainui rohe to the modern day equivalent of the environmental state that it was in when Kiingi Taawhiao composed his maimai aroha.

Whakatupuranga 2050²

- Whakatupuranga Waikato-Tainui 2050 is the blueprint for cultural, social and economic advancement for Waikato-Tainui people. It is a long-term development approach to building the capacity of Waikato-Tainui Marae, hapuu, and Iwi.

Waikato-Tainui are tangata whenua and exercise mana whakahaere within their rohe (tribal region) and including the proposed project area. The Waikato-Tainui rohe is bounded by Auckland in the north and Te Rohe Potae (King Country) in the south, and extends from the west coast to the mountain ranges of Hapuakohe and Kaimai in the east. Significant landmarks within the rohe of Waikato include the Waikato and Waipaa Rivers, the sacred mountains of Taupiri, Karioi, Pirongia and Maungatautari, the west coast harbours of Whaingaroa (Raglan), Manukau, Aotea and Kaawhia moana, the eastern areas of Tikapa Moana (Firth of Thames), and New Zealand's longest river, Te Awa o Waikato and the lower reaches of the Waipaa River.

Waikato-Tainui acknowledges and affirms its intrinsic relationship with the natural environment. The iwi, hapuu and marae of Waikato-Tainui are kaitiaki of our environment and consider the holistic integrated management of all elements of the environment (including flora, fauna, land, air and water) to be of utmost importance.

¹ [Environmental Plan – Waikato-Tainui \(waikatotainui.com\)](http://waikatotainui.com)

² [Whakatupuranga 2050 – Waikato-Tainui \(waikatotainui.com\)](http://waikatotainui.com)

8. NGAATI MAAHANGA

WHAKAPAPA (GENEOLOGY) Hoturoa = Whakaotirangi Hotuope Hotumatapu Puhanga Putetere Uetihi Uenoho Ueraki Taipu Tamapoto = Takotonuiarangi Tuheitia = Te Ataihaea Maahanga	The Hapuu of Ngaati Maahanga include: a) Ngaati Hourua; b) Ngaati Hararanui; c) Ngaati Hinetepei; d) Ngaati Hinetuu; e) Ngaati Kahupeke; f) Ngaati Kuku; g) Ngaati Marutuahu; h) Ngaati Ngaarape; i) Ngaati Parawai; j) Ngaati Peke; k) Ngaati Ruateatea; l) Ngaati Tamakaahu; m) Ngaati Tarao; n) Ngaati Tonganui; o) Ngaati Waieranui; p) Ngaati Whare; q) Ngaati Taka; r) Ngaati Wai ki Waikōwhai; s) Ngaati Wharewaiata; t) Ngaati Kieraunui; u) Ngaati Tohe; v) Ngaati Paratai; w) Ngaati Paakura; and x) Ngaati Te Iwikairakau.
Ngaati Maahanga have the following Marae: a) Oomaero, b) Te Kaharoa, c) Te Papa-o-Rotu, d) Mootakotako, e) Te Papatapu.	

History

Maahanga, from whom the Ngaati Maahanga lineage is descended, lived in the 1500's - his father Tuheitia was a direct descendent of Hoturua, the captain of the Tainui canoe. He had four wives and had 7 children to Paratai, 1 son to Wharewaiata, 1 son to Hine-te-pei and 3 children to Te Aka Tawhia. One of his daughters Tukotuku, married a warrior named Tamainupo and they had a son named Wairere. This was the start of Ngaati Wairere.

Historically Ngāti Māhanga is an Iwi in its own right. However, in recent times it has been referred to as a hapuu of Waikato Tainui Iwi because it was administratively part of the 33 hapuu that made up the structure of the former Tainui Māori Trust Board.

Today, Ngaati Maahanga is an Iwi made up of some 30 hapuu. Many of these hapuu were separate until the early 1900s but have now consolidated under the general name Ngaati Maahanga. This has been caused by historic forces, particularly land loss, and prolific intermarriage, which has seen the distinctions between the different hapuu gradually disappear.

Before the consolidation, prominent Ngaati Maahanga hapuu were Ngaati Hourua, Ngaati Ruatēatea (Maahanga's son), Ngaati Kuku, and Ngaati Tonganui. These hapuu were in turn made up of smaller hapuu. There were also splinter groups from other Iwi, which became part of Ngaati Maahanga through intermarriage, the most notable ones being Ngaati Ruru and Ngaati Ngaamurikaitaua. Ngaati Ruru also consisted of smaller factions of Ngaati Patupoo, Ngaati Werokookoo and Ngaati Koura.

Ngaati Hourua, often termed, Ngaati Maahanga-Hourua, the main hapuu who occupied Hamilton was made up of smaller sections: Ngaati Hourua tuuturu, Ngaati Whare, Ngaati Ngaarape, Ngaati Ngaamurikaitaua, and a section of Ngaati Ruru. Intermarriage with Ngaati Hourua explains why a section of Ngaati Ruru occupied land in Ngaati Maahanga country.

An illustration of smaller groups giving up their name and becoming part of Ngai Maahanga is given in a well-known account of the late Pouwhero Kihī, a Ngaati Ruru elder, who was one of the last occupants at Nukuhau Paa. He laid the name of Ngaati Ruru [ki Whatawhata] to rest, so that they would no longer be separate in name, but would hence forth come under Ngaati Maahanga. In this way, when reference is made to Ngaati Ruru, Ngaati Ngaamurikaitaua, or any of these smaller hapuu living within the Ngaati Maahanga rohe, it refers to the specific lines of those hapuu that became part of Ngaati Maahanga, and not to the main population of these hapuu who live in other places.

Ngaati Koura is another example of this process. The entity of Ngaati Koura has become largely historical and obscure. Ngaati Koura was not in the list of 33 hapuu consolidated (administratively) as Waikato-Tainui in 1946. At this time, remnants of smaller hapuu were absorbed into their natural larger groups. Hence, Ngaati Koura remnant lines can be found in Ngaati Hauaa, Ngaati Ruru, Ngaati Wairere (originally from the branch of Ngaati Hauaa) and Ngaati Maahanga. Koura, from whom Ngaati Koura descended, is an ancestress of most, if not all, of Waikato Tainui. Hotumauea (Koura's grandson) is a tupuna belonging to Ngaati Hauaa, Ngaati Koroki, Ngaati Maahuta and some parts of Ngaati Maniapoto. As both Koura, and Hotumauea, lived many generations ago, and because of inter-marriage, they are the tupuna of everyone in Waikato Tainui. In any case, many generations had passed before the name Ngaati Koura came into general usage. Ngaati Koura as a distinct hapuu began in the time of Te Ironui, who was Ngaati Hauaa and Ngaati Ruru. He rose to prominence in the

Battle of Rangipootiki, a battle fought primarily by Ngaati Maahanga and Ngaati Te Wehi against the people of Te Rauparaha. This is estimated by Pei Jones to be during the very early 1800s. In the documentation of Nga Tapuwae O Hotumaua reference is made to the battle of Rangipootiki, but Te Ironui is confused with Iranui the son of Wairere. Te Ironui was a contemporary

to Te Waharoa and Te Tiwha, Chiefs of Ngaati Hauaa and to Te Rauparaha. This chronology demonstrates this confusion, as Iranui, a son of Wairere (who lived in the 1600's) could not have fought in the Battle of Rangipootiki which occurred in the 1800's.

Whilst Ngaati Hourua is clearly part of Ngaati Maahanga, it is sometimes recorded with other affiliations. For example, because Ngaati Hourua fought with other Iwi and hapuu, in military contexts Ngaati Hourua is often referred to as part of Ngāti Hauaa, particularly in reference to the battles at Kaipaka and Taumatawiiwii. This assumption is also made because Hourua's husband Puukauae, was the son of Hauaa. Similarly, Ngaati Hourua is also referred to as part of Waikato Tainui, because the Ngaati Hourua Chief Te Awaitaia led the Southern Waikato tribes in battle. This clearly illustrates the flexibility of relationships in the hapuu structures of Waikato Tainui. Another example is Ngaati Hourua (Mura Section) which was originally part of Ngaati Hourua tuuturu, but later became part of Ngaati Kooroki.

When the British arrived in the Hamilton area Te Awaitaia (Te Awaitaia Wiremu Nera) was Chief of Ngaati Maahanga – he was known as Te Awaitaia until he assumed the name Wiremu Neera when he converted to the Wesleyan Faith in 1836. He was the great grandson of Maahanga and ruled most of the western areas of Kirikiriroa along the Waipa River towards Ngaaruawaahia.

His principle hapuu were Ngaati Hourua and Ngaati Ngaarape. He was often called Pootatau's (Maaori King) Fighting General. History remembers him as the chief who slayed the Ngāti Tama Chief, Raparapa, an ally of Te Rauparaha, at the Battle of Taharoa. Along with other Waikato Chiefs, he was instrumental in the expulsion of the West Coast tribes, and the conquering of that Territory. He played a large role in the battle at Kaipaka. Te Awaitaia lived the later years of his life at Whaaingarua (Raglan), though his mana over the Hamilton West lands remained constant.

Predominantly located to the west of the Waikato River, Ngaati Maahanga have had a long - standing presence alongside Tamainupo, Wairere, Koroki, and Hauaa within the Hamilton rohe (district). Like these other hapuu, Ngaati Maahanga experienced significant land losses during the colonial confiscation period. In the 1850's, to encourage trade and good relations, Ngaati Maahanga made their land available for settlement and use by immigrant Europeans. From this a strong trade network developed in the agricultural and horticultural industry. However, Ngaati Maahanga expected the Europeans would comply with the laws of the Maaori community and values of manaakitanga (serving and looking after others). Instead Ngaati Maahanga's lands were confiscated under deeds of sale and the Reserves set aside for Ngaati Maahanga were also subsequently taken. With the introduction of various Crown laws, Ngaati Maahanga saw almost all their land lost to the Crown.

Following the land confiscations, Ngaati Maahanga moved "outwards" to the Whatawhata, Te Pahu, Waitetuna, Whaaingarua, Aotea, Ohaupo and Pirongia areas.

9. KAITIAKITANGA

The term kaitiakitanga is often used to refer to the active guardianship and management of natural organisms and their environments. Maatauranga Maaori or Maaori knowledge positions humans within nature and focuses on ways in which cultural understandings and inter-generational connections between people and their biophysical contexts assist in the retention and protection of biodiversity and ecologically sustainable ecosystems.

Kaitiakitanga a Maaori perspective of the natural world encapsulates a holistic knowledgeable world view. Our ways of knowing, being and doing are connected with Papatuaanuku (earth mother), Ranginui (sky father) and their many children, including Tangaroa (oceans). All of whom act as guardians of the natural world and its domains. As ira tangata (humans) our role is that of kaitiaki (caretaker) and it is our obligation to nurture and protect the physical and spiritual well-being of the natural systems that surround and support us. Kaitiaki are agents that perform the task of active guardianship. They are charged with the responsibility to safeguard and manage natural resources for present and future generations. Decisions enacted by kaitiaki are based on the inter-generational observations and experiential understandings of mātauranga Māori or traditional tribal ecological knowledge and, puukenga or informed environmental practitioners and experts. This process ensures the active engagement and retention of bio-cultural information and ecological management practices into the future. The notions and practices of kaitiakitanga have developed over generations of use and the active, sustainable guardianship of natural resources. Inter-generational observations and ecological understandings of species interactions and patterns of use have been accumulated and grounded in the existence of Maaori and Indigenous cultures, which are intimately bound to residing in one place for many generations.

10. ENGAGEMENT TIMELINE

Te Huia Ltd engaged with the mana whenua and Waikato-Tainui through email and hui. Phone contact also occurred during the development of the Report.

- Monday 11th July 2022
Email Summary of development sent to Ngaati Maahanga representatives and Waikato-Tainui.
- Wednesday 10th August 2022
Meeting with Jo Kukutai Ngaati Maahanga representative. Overview of project and recommendations
- September/October 2022
Emails and correspondence with Ngaati Maahanga representative Jo Kukutai with updated progress and correspondence.
- October 2022
Correspondence shared with Waikato-Tainui providing updates and progression of this report.
- Wednesday 28th February 2024
Site visit of the property undertaken with Ngaati Maahanga representative Jo Kukutai.
- March 2024
Final report sent to Ngaati Maahanga and Waikato-Tainui.
- April 2025
Updates to this Report shared with Ngaati Mahaanga representative and Waikato-Tainui.
Note that the only amendments to this report are related to the master plan only.

11. ASSESSMENT AND RECOMMENDATIONS

Te Tai Tumu Tai Pari Tai Ao – Waikato-Tainui Environmental Plan

The Waikato-Tainui Environmental Plan - Tai Tumu Tai Pari Tai Ao was prepared by the Waikato Raupatu River Trust in consultation with Waikato-Tainui Marae. It is a comprehensive document with the principal purpose to provide a pathway that aims to return the Waikato-Tainui rohe to the modern equivalent of the environmental condition, that it was in before the land was taken. The Environmental Plan also represents the Waikato-Tainui environmental planning document that has statutory recognition and planning status for the purpose of the Resource Management Act 1991 under section 35A. The Environment Plan is intended as a means, that is continually developing and updating, and working document to provide clear superior direction on Waikato-Tainui objectives and policies with respect to the environment within the Waikato-Tainui rohe.

The Environmental Plan provides that proposed developments shall demonstrate how they have considered and applied development principles that enhance the environment including, but not limited to how the development:

1. Improve the capacity of ecosystems;
2. Creates or maintains ecosystems that function without human intervention;
3. Understands and acknowledges the diversity and uniqueness of the development location
4. (socially, culturally, spiritually, economically, and environmentally);
5. Considers how the development design incorporates the diversity and uniqueness of the development location (such as culturally appropriate design, interpretive panels, commemorative pou [poles], etc);
6. Minimises pollution and waste;
7. Promotes efficient and effective energy conservation and use;
8. Preserves and preferably enhances the natural hydrologic functions of the site;
9. Identifies and preserves sensitive areas that affect the hydrology, including streams and their buffers, floodplains, wetlands, steep slopes, high-permeability soils and areas of indigenous vegetation;
10. Effectively manages natural hazards;
11. Considers beneficial re-use on-site of stormwater and wastewater;
12. Considers water conservation; and
13. Provides for visual amenity consistent with the surrounding environment.

Te Ture Whaimana o te Awa o Waikato

Te Ture Whaimana o te Awa o Waikato (“**Te Ture Whaimana**”) is the primary direction setting document for the Waikato River and all it embraces. Te Ture Whaimana is the Vision and Strategy for the Waikato and Waipā Rivers.

There are a unique set of specific statutory provisions relating to Te Ture Whaimana which make it one of the most powerful planning documents in New Zealand. In summary:

- ▶ Te Ture Whaimana is a central element of the unique legislation enacted in relation to the Waikato River, its catchment, and all it encompasses including the Waipā River;
- ▶ Te Ture Whaimana is intended by Parliament to be the 'primary direction setting document' for the Waikato River;³
- ▶ the legislation reflects a long history and recognises the mana of the rivers themselves (Te Mana o Te Awa) and the significance of the relationship between the Iwi and the rivers (Mana Whakahaere);⁴
- ▶ Te Ture Whaimana is unique under the RMA in that it has been incorporated directly into the Waikato Regional Policy Statement (**RPS**), and the rest of the RPS must be consistent with Te Ture Whaimana;⁵
- ▶ Te Ture Whaimana is also unique in that it prevails over any inconsistent provision in an NPS or the NZCPS, and amendments cannot be made to RMA planning documents to give effect to an NPS/NZCPS, if that would make the document inconsistent with Te Ture Whaimana;⁶
- ▶ a regional plan must consequently 'give effect to' Te Ture Whaimana (as it forms part of the RPS); and
- ▶ the BOI is required to 'have particular regard' to Te Ture Whaimana when considering applications for resource consent.⁷

Those matters reinforce the pre-eminent weight to be afforded to Te Ture Whaimana when decisions are being made under the RMA. There is no other example nationally of an external planning document that is to be given greater weight and effect through RMA planning processes.

Section 8(3) of the Settlement Act provides the following description of the Waikato River to Waikato-Tainui:

“The Waikato River is our tupuna (ancestor) which has mana (spiritual authority and power) and in turn represents the mana and mauri (life force) of Waikato-Tainui. The Waikato River is a single indivisible being that flows from Te Taheke Hukahuka to Te Pu uaha o Waikato (the mouth) and includes its waters, banks and beds (and all minerals under them) and its streams, waterways, tributaries, lakes, aquatic fisheries, vegetation, flood plains, wetlands, islands, springs, water column, airspace, and substratum as well as its metaphysical being.”

The 'vision' of Te Ture Whaimana is:⁸

Tooku awa koiora me oona pikonga he kura tangihia o te maataamuri.

The river of life, each curve more beautiful than the last.

³ Section 5(1) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

⁴ See the preamble of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

⁵ Section 11 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

⁶ Section 12(1) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

⁷ Section 17(3) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

⁸ Schedule 2 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

Our vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.

It is the view of mana whenua that the relevant objectives, associated with this proposal, of Te Ture Whaimana will be advanced through the implementation of the recommendations in this report.

Te Ture Whaimana Objectives

(a) The restoration and protection of the health and wellbeing of the Waikato River
(b) The restoration and protection of the relationship of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships
(c) The restoration and protection of the relationship of Waikato River iwi according to their tikanga and kawa, with the Waikato River, including their economic, social, cultural, and spiritual relationships
(d) The restoration and protection of the relationship of the Waikato region's communities with the Waikato River including their economic, social, cultural and spiritual relationships.
(e) The integrated, holistic and coordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River.
(f) The adoption of a precautionary approach towards decision that may result in significant adverse effects on the Waikato River, and in particular those effects that threaten serious or irreversible damage to the Waikato River
(g) The recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within its catchments on the health and wellbeing of the Waikato River
(h) The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.
(i) The protection and enhancement of significant sites, fisheries, flora and fauna
(j) The recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental and economic wellbeing is subject to the restoration and protection of the health and wellbeing of the Waikato River.
(k) The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.
(l) The promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities.
(m) The application to the above of both mātauranga Māori and latest scientific methods

Te Mana o te Awa | Te Mana o te Wai

Mana whenua acknowledge Tangaroa as the originator of wai. All water bodies derive from Atua Tangaroa and are therefore intrinsically linked with puna wai which are the source of our streams, rivers, lakes and oceans. Papatuaanuku, the mother of Tangaroa, cleanses the wai from Ranginui as it transitions through her tiinana (body). As the tears of water from Ranginui is water in its most purest form. As it falls to the body of the earthmother and traverses her veins, the water becomes sanctified through the embrace of each other's love. At this point, the oroko, or derivative of mauri for water is created.

The Waikato-Tainui Environmental Plan ("**WTEP**"), section 8.2.1, provides the following understanding:

Water has the ability to both create and sustain life. It is of no coincidence that Waikato-Tainui marae were established alongside or near water bodies. Water is required to sustain the functions of the marae, hapuu, and the people. The significance of water to Waikato-Tainui is immeasurable and the respect for it is demonstrated by the manner and purposes for which it is used and handled. This includes certain waters being used only for bathing, blessings, healing, spiritual cleansing, gathering kai, and waters that are totally excluded from use for cultural reasons.

The WTEP further asserts that (*emphasis added*):

Those waters that do not fall into the waiora, or upper echelon of wai maaori, can be allocated for general human purposes, but must be used in a manner that demonstrates greatest efficiency, and optimises cultural, spiritual, environmental, social, and economic well beings.

Section 19.1.2 of the WTEP provides a summary of the Waikato-Tainui view of water, and regard for its use can be broadly noted as the following:

- a) **Wai Ora** – Life giving and sustaining, primarily used for “higher” purposes such as ceremonial use, blessings, cleansing of chiefs etc. These waters must be protected.
- b) **Wai Maaori** – These are waters that can be used for general purposes such as drinking, recreation, sustenance, economic use and provision for food gathering. Waters used for general purpose should be managed in a way that ensures the future of the tribe can be sustained.
- c) **Wai Kino** – These waters can still be used generally, but may have limited ability to sustain life or to be safely used due to poor water quality, accessibility, or other limiting factors. These waters require greater management to ensure safe and optimal use.
- d) **Wai Mate** – Waters that have exceeded the ability to properly sustain life. These waters must be better managed and restored to a higher quality.

Recommendations

Mana whenua provide the following direction based on the above expressions and to further the objectives of Te Ture Whaimana:

Decision Making

- Te Mana o te Awa must be at the forefront of decisions;
- Te Ture Whaimana objectives should be advanced.
- Water must be respected while in the domain of the developer.

Abstraction and Water Use

- Mana whenua should inform designation for all water takes;
- Puna (water springs) should be the last considered option for water abstraction;
- Preference that water should not be drawn from wetlands.

Conveyance

- Conveyance of water must be respected while in conveyance systems. There should be no leakages in the conveyance of wastewater and drinking water;
- Mana whenua should inform conveyance methods i.e. open swale systems are preferred over piping;
- Conveyance should only continue for the time it is required;
- Conveyance systems should avoid identified cultural sites of significance;
- Conveyance systems such as daylighted swales are preferred as these provide for exposure to air and light, reinvigorates the mauri of waters, which in turn provide for flora and fauna.

Discharge

- Mana whenua should determine the most appropriate places for discharge;
- There should be minimal discharge structures in the bed, or banks, of the Awa or streams;
- Structures and discharges should only continue for the time it is required;
- Discharge quality should enhance the wellbeing of the receiving environment and waterbody;
- Discharges should not restrict customary activities and use.

Waters

- Any headwaters, such as the water near Brymer Rd, should be protected;
- Puna (springs) should be avoided and protected;
- There should be no further degradation to the streams or the Awa;
- It is preferred that waters are treated through the physical representation of Papatuaanuku such as wetlands, swales or earth bunds to provide for cultural and spiritual purification.

Waahi Tapu me ngā Taonga Tuku Iho

The Waikato River and Waipaa Rivers are tuupuna (ancestors) which has mana (spiritual authority and power) and in turn represents the mana and mauri (life force) of Waikato-Tainui and Ngaati Maahanga. The areas along the awa were historically settled and accessed for sustenance, protection, spiritual support, travel and enjoyment.

While many cultural sites and areas of significance to mana whenua, have been destroyed, damaged or highly modified by urban and rural development and are not easily recognisable for their original purpose and form, their historical and cultural importance has not diminished. Sites and areas of significance to mana whenua and archaeological sites form an important part of the cultural history of the district and should be appropriately recognised and protected for the benefit of current and future generations.

In many cases, a site or area has both archaeological significance and historic or cultural significance to mana whenua. And the extent of the site and area of significance to mana whenua encompasses and is more extensive, than the archaeological site.

The project area does not identify any known cultural sites, and nor are any sites identified by the developer. A site visit will be required by mana whenua to determine whether there are cultural sites within, or near, the project area. And any cultural viewshafts that require acknowledgment.

Recommendations

Mana whenua provide the following recommendations:

- Site visits must occur to identify cultural sites, and cultural corridors prior to making final decisions within the project;
- Tikanga-aa-Iwi must be applied and enabled, before construction, commissioning phase and completion;
- All protocols must apply:
 - Taonga Tuku Iho Discovery Protocol
 - Kooiwi Discovery Protocol

Earthworks

Papatuuaanuku is Earth Mother, encompassing every facet of the natural environment, adorned with the fauna and flora species of her children Tanemahuta and Tangaroa. Puraakau (stories) relate the separation of Papatuuaanuku from Ranginui by the efforts of their son Tanemahuta. The formation of the first human woman from the soils of Papatuuaanuku occurred at a place called Kurawaka. The many children of Papatuuaanuku and Ranginui gifted aspects of their bodies and the breath of life was given to her by Taanemahuta. Upon receiving this breath, she sneezed and uttered the words “Tihei-mauriora”. Her name is Hineahuone, the earth maiden from whom all taangata whenua descend.

Papatuuaanuku provides physical and spiritual sustenance to taangata whenua. She possesses absolute mauri that is beyond the comprehension of te ira taangata (the human essence). Each part of Papatuuaanuku contains its own unique whakapapa and when damaged, or removed, the balance of tapu (the sacred) and noa (the common) is disturbed. Papatuuaanuku houses taonga (treasures), provides the necessities for life and has a direct relationship to atua Māori through the outer realms of the heavens. Papatuuaanuku therefore permeates mauri to every organic being or life form that dwells within, and out of, her tiinana (body). Mana whenua honour this relationship with Papatuuaanuku through karakia and when using, or developing, the natural environment.

Recommendations

Mana whenua provide the following recommendations:

- Excavated soils should remain as close to their extraction site as possible. The area where the soils lay, is its kaainga, its home;
- Soils imported from other areas require permission from mana whenua and information about where it is sourced;
- Contaminated soils must not be imported to the project area;
- Excavated soils near areas identified as culturally significant (if any), should have mana whenua kaimahi present to observe the potential discovery of taonga;
- Any soil excavated as part of an archaeological investigation should ideally be returned to the immediate location from where it was excavated;
- Surplus soils may be used for restoration purposes within the project corridor;
- Earthworks shall not contaminate waterways;
- Mana whenua shall review the sediment management plan prior to approval.

Wetlands I Repo

For mana whenua, wetlands are areas of huge significance. Due to the concealing nature of wetlands, they would store and preserve taonga within them, thus ensuring the safety of those taonga. Wetlands are an integral component within the whakapapa of rivers, streams and lakes. They provide important spawning grounds and habitat for fish and other taonga species. They also provide important ecosystem services such as reducing peak flood flows, increasing low flows, and trapping and removing sediments and nutrients.

Because of the important connections between wetlands, rivers, lakes, and taonga species, it is important to mana whenua to protect and restore what exists today, and where possible, to re-store wetlands that were lost. The mauri of the wetlands is linked to the overall ecological health and well-being of their whakapapa (i.e. to the native fauna and flora found in those systems).

There are wetlands / peatlands within the project area. Mana whenua support works that has minimum overall impact on wetlands in five ways:

1. Direct impact on the wetlands;
2. Impact on streams, headwaters and puna, that invigorate the wetlands;
3. Impact on flora and fauna that rely on the wetlands for habitat;
4. Impact on the relationship that mana whenua have with the wetlands including the exercise of protection, use, enhancement and access; and
5. The ability to create wetlands, within the project area, in place of any wetlands that are destroyed to ensure no net physical loss.

With regards to point 5, it should be noted that to mana whenua, physical loss is different to spiritual and cultural loss. Any wetland that is destroyed is gone forever in its existing form. The whakapapa of that wetland is altered. Off-setting the physical loss of a wetland may never bring about balance, or restoration in its fullest form.

Recommendations

- In the first instance, existing wetlands should be protected. This includes the waterways that nourish the wetlands;
- Waters required for construction purposes should not be extracted from wetlands;
- Water levels of wetlands shall be maintained and stabilised to prevent further deterioration in wetland ecological condition;
- There shall be no discharges of point or non-point sources to wetlands, unless it enhances the health of the wetland;
- Wetlands should be protected from the risk of pest species and not enabled through the project;
- Access to wetlands for mana whenua should be maintained;
- Wetlands that may be impacted by the construction of the corridor should be fenced; and
- If wetlands, in whole or in part, are required to be altered or removed, there should be a process for the transfer of flora and fauna.

Ngaa Raakau me ngaa Taonga o Te Wao Nui o Taane

All native plant species fall into the realm of Te Wao Nui o Taane and are considered to be the cloak of Papatuaanuku. Each species shares whakapapa to Taanemahuta through various intermarriages with other deities. Mana whenua recite specific karakia when utilising resources within Te Wao Nui o Taane. The content of these karakia is dependent on the use of the resource and acknowledge the mana of Papatuaanuku, Ranginui and their children, in particular Taanemahuta the Atua (God) of the forest.

Native trees and shrubs imbue their own specific mauri and are utilised for differing purposes such as domestic, cultural, spiritual or medicinal use. Many of the traditional uses for raakau have been forgotten, but those that remain standing in Te Wao Nui o Tāne emanate their mana and mauri, which is recognised by mana whenua and the surrounding fauna. Raakau mauri (trees with innate power) are taonga species to mana whenua. Raakau tūpuna (ancestral trees) are those raakau which have attained old age and therefore hold great mana; similar to how kaumatua are admired.

There has been resurgence in the use of rongoa raakau (Māori herbal medicine) as mana whenua seek to reconnect to the traditional treatments of tūpuna. Unlike western science, mātauranga Māori, inclusive of rongoa, is a framework steeped in whakapapa, knowledge of the seasons and the rhythms of the natural world. Mana whenua share whakapapa with native vegetation and have an inherent obligation or principle of manaakitanga to care for our whaanau raakau.

Te Wao Nui o Taane also provides habitat for native and exotic fauna species such as manu (birds), ika (fish), ngaangara (insects and reptiles), mokomoko and Pekapeka (bats). Mana whenua must exercise their kaitiaki duty over the children of Te Wao Nui o Taane ensuring that their habitat, if subjected to adverse effects, receives a level of mitigation that leaves their environment in a better state, prior to project works.

Mana whenua traditionally perform karakia to Taanemahuta and Tangaroa when utilising the natural environment in relation to all species that descend from the deities. These species are utilised by mana whenua in various forms. Manu and ika (tuna, koura, inanga, kokopu) were a major source of kai. The animal bones were then used for domestic tools, musical instruments, ornaments and decorative adornments. Feathers and animal skins were used for clothing, while a finely woven korowai acknowledged a Rangatira of principle status and would be made from the finest materials of the descendants of Taanemahuta. Some forms of fauna would also be used as mokai for companionship.

Other descendants of Taanemahuta and Tangaroa are regarded as kaitiaki (guardians) and taniwha (spiritual guardians). In some instances, these kaitiaki and taniwha present themselves to people, in various forms to provide guidance, or ensure that person is being attentive and mindful of their actions. It is believed that tuupuna (ancestors) will use animals, insects, or fish to carry messages to the living.

The descendants of Taanemahuta and Tangaroa can be observed as a connection to the essence of the Gods, through the taha wairua (spiritual side). This reinforces the need to restore and balance adverse effects upon the uri (descendants) of Taanemahuta and Tangaroa throughout the Project.

Recommendations

Native Tree Felling/Prominent Trees

The Ngaati Maahanga representative should be informed of native trees to be felled so an appropriate process can be undertaken, if any.

Eco-sourcing of Seed

- All plants and seeds required for re-vegetation and restoration work for the Project shall be eco-sourced from within the catchment, unless external plants are approved by Kaitiaki.
- Mana whenua may recommend cultural sites or specific tuupuna raakau and raakau mauri where seeds may be sourced to provide for the continuance of whakapapa.
- The requirement for eco-sourcing will apply to all landscape, restoration and mitigation planting.

Restoration and Protection: Betterment

Mana whenua seek a koha (gift) beyond the conditions of the resource consent process including common conditions to avoid, remedy or mitigate adverse effects. Mana whenua seek a legacy of 'betterment' and 'gifting' to the taonga that are impacted by the stormwater discharge consent and activities.

Some examples to demonstrate betterment, include the exploration of the following opportunities to achieve Objectives A, B, I, K, L and M of Te Ture Whaimana:

1. Restoration projects that are founded on maatauranga Maaori and achieve Te Ture Whaimana objectives
 - Funding of interviews with marae to capture and store, in detail, the history of significant sites identified (if any), and other associated sites to Marae.
2. Restoration of mahinga kai areas
 - Tuna Ponds.
 - Watercress / Puha patches for Marae and Whaanau.
3. Expression of historic and cultural knowledge at significant sites or to acknowledge the whenua and wai that the Brymer project is situated.
4. Education opportunities to encourage youth into the kaitiaki roles
 - Inclusion of Kaitiaki, in particular *rangatahi*, in the development of the project.
5. Resources used for construction that could be used to improve Marae facilities for Ngaati Maahanga such as driveway improvements, carparking areas, safer access, facility upgrades.
6. Pathways for Ngaati Maahanga whaanau to purchase properties proposed in the Brymer Development that encourage rangatahi to live closer to their marae.
7. Joint Economic opportunities in partnership with Ngaati Maahanga to be considered.

The above are some examples that mana whenua would like to explore.

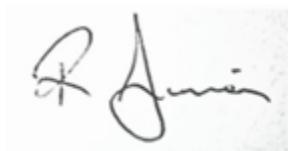
12. DECISION

Te Whakakitenga o Waikato-Tainui **endorses** the recommendations and position of Ngaati Maahanga in relation to this development.

Ngaati Maahanga is **neutral** to the application for resource consent based on the acceptance of these conditions and recommendations. Establishing a long term relationship with Brymer Farms Limited is critical to the successful development of this proposal.

If you have any questions regarding this Mana Whenua Statement and Engagement Report, please contact Julian Williams.

Ngaa mihi nui



Rangatira Simon

Principal Advisor

s 9(2)(a)



Julian Williams

Director

s 9(2)(a)

APPENDIX 1: PRE-CONSTRUCTION PROTOCOLS

Prior to undertaking any works associated with the project, the following process should be undertaken:

Site Blessing Ceremony

Ngaati Maahanga should be invited to perform a blessing prior to works beginning onsite. It will be at the discretion of the mana whenua as to whether this will occur. Given the comfort levels associated with this project and the whenua, the mana whenua may not see the need to perform an opening ceremony for works. Mana whenua will provide guidance on the most appropriate manner to do this, in conjunction with the project manager and site manager. The purpose of the blessing is to acknowledge the lands, waters and its taonga and seek confirmation, through spiritual consciousness, for support of the proposed works. The blessing will also provide a protective veil over the working area and safety of staff.

Staff Induction

Staff working on site should be inducted by Ngaati Maahanga or their representative prior to beginning works. The induction will provide an insight to the history of the area and encourage culturally safe practices if an issue arises such as discovery of taonga, artefacts or kooiwi (bones). Ideally, as many staff as possible should attend the induction, where practicable.

Waahi Tapu / Site of Significance

There are no known waahi tapu, or sites of significance, associated with the project site. However if unknown sites of significance, are discovered within the project area, the Work Site Manager shall provide the following information and opportunities for mana whenua:

1. No less than 14 working days, prior to any excavation, disturbance or works near newly discovered sites, a schedule of dates for excavation events, their sequence and duration.
2. The Site Manager shall then invite Ngaati Maahanga to attend any portion of monitoring or earthworks.

If taonga, artefacts or kooiwi are discovered, the relevant protocols will be followed, as provided in Taonga Tuku Iho Discovery and Kooiwi Discovery Protocols.

APPENDIX 2: TAONGA TUKU IHO DISCOVERY

Ngaati Maahanga are Temporary Custodians of Taonga Tuuturu, as defined under the Protected Objects Act 1975. Therefore, at the point of discovery, within the project area, they are custodians of the found Taonga, until ownership is determined and arrangements made for the transfer of ownership and/or custodianship to a jointly agreed owner. Mana whenua will be handed custodianship, where they will determine who should safely house the taonga until ownership is determined. The following process shall be adhered to upon discoveries during works under an archaeological authority without an archaeologist or kaitiaki present:

1. The area of the site containing the taonga will be secured in a way that protects the taonga as far as possible from further damage. This means that work in the vicinity shall cease immediately.
2. If a Kaitiaki appointed by Ngaati Maahanga is not present, they shall be notified immediately, by the Site manager, before the taonga is moved.
3. Only the Kaitiaki will undertake appropriate actions.
4. Work may resume when advised by the Kaitiaki.
5. The archaeologist will record, measure, and photograph the taonga prior to the taonga being secured by Ngaati Maahanga.
6. The Kaitiaki will determine the appropriate action for the taonga once it has been recorded. This may include reburying the taonga in an appropriate location, or storing in an appropriate location.
7. The archaeologist will notify Te Manatū Taonga – Ministry for Culture and Heritage, of significant finds, within 28 days to inform the Ministry of its actions.
8. If the taonga requires conservation treatment (stabilisation), the artefact will be removed immediately for conservation to an approved facility, in discussion with the Archaeologist and Kaitiaki.
9. For the avoidance of doubt subject to any laws of New Zealand any newly discovered taonga shall be the property of Ngaati Maahanga who shall hold and use those taonga (including the return of them to Marae) as they, in their sole discretion, see fit.

Contact persons for mana whenua are:

- Jo Kukutai s 9(2)(a)

APPENDIX 3: KOOIWI DISCOVERY

There may be a chance that during earthworks, kooiwi or human bones, may present themselves. This is a serious matter to mana whenua, as there may be a reason why the kooiwi has become visible. This will be covered in more detail during the staff induction workshop. If staff uncover bones, of any kind, the tikanga (cultural protocols) of Ngaati Maahanga must be upheld by undertaking the following discovery process:

1. The area containing the kooiwi shall be secured in a way that protects the kooiwi from any damage. This means that work in the vicinity shall cease immediately.
2. If a Kaitiaki appointed by Ngaati Maahanga or the Project Archaeologist is not present, they shall be notified immediately, by the Site manager, of the discovery.
3. The archaeologist shall confirm if the find is human.
4. If the find is human, then the kaitiaki will be immediately contacted.
5. The archaeologist will contact the local Police (call 105), Coroner and Heritage NZ.
6. There is a minimum investigation requirement of kooiwi for the archaeological authority that will be met by the archaeologist.
7. The Kaitiaki and the Project Archaeologist will arrange for appropriate people to be involved.
8. Guidance will be provided from the Kaitiaki and the Project Archaeologist to undertake the following:
 - a. Hold appropriate cultural customs to remove the kooiwi.
 - b. Provide an appropriate vessel to uplift the kooiwi. Note that food storage vessels are not appropriate.
 - c. Determine a place of reburial, with the approval of the Coroner.
 - d. Ensure a full plan is developed and fulfilled to see the burial of discovered kooiwi.
9. Once tikanga has been fulfilled, work may continue as guided by the Kaitiaki and the Project Archaeologist.

APPENDIX 4: FAUNA MANAGEMENT PROTOCOL

There are no concerns for the health of taonga species (native fauna) within the subdivision area. However, Ngaati Maahanga seek the restoration and protection of taonga species. Where possible, this development should further the restoration and protection of taonga species. This could occur through improving the existing habitats, or establishing new habitat on a greater scale if protection is not possible. To understand the presence and activities of taonga species, monitoring should occur. It is important that Ngaati Maahanga contribute to the monitoring process and are active in decisions that arise from collated data. The Ohote stream is a major tributary to the Waipa River. The following protocols shall be undertaken with regards to monitoring and management of taonga species:

1. Ngaati Maahanga would like to see a monitoring programme to determine presence and health of taonga species that may be impacted by the growth cell developments. Taonga species include Ruru (Owl), Kereruu, Pekapeka (Bats), Tui (Bell Bird), Piwaiwaka/Pireiraka (Fantail), Kawau (Shag), Kooaro, Kokopu (Mud Fish) and Tuna (Eel).
2. Ngaati Maahanga alongside the site manager should determine a monitoring programme of taonga species. The workshop should incorporate best available science and mātauranga Māori to confirm the best approach. The focus of the programme could include:
 - Determination of species populations.
 - Understanding their presence in this space i.e. permanent occupation or transient nature.
 - Determination of impact (if any) from development.
 - Protection of the ecosystem or temporary relocation of the species.
 - What final restoration looks like to provide spaces for taonga species to occupy.
3. Prior to undertaking the agreed programme, the tikanga of Ngaati Maahanga must be provided for. This includes:
 - Resourcing Kaitiaki to be onsite.
 - Providing for karakia before and after the initiation of the programme.
 - Sharing and incorporation of mātauranga Māori during the programme.
 - Allowing the capture of knowledge as a generational resource.
4. During determination of impacts, particular regard should be given to the relevant objectives of the Vision and Strategy for the Waikato River, in particular objectives (i) and (k) see Section 8.1.
 - (i) The protection and enhancement of significant sites, fisheries, flora;
 - (k) The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.
5. If impacts are unable to be avoided onsite by protecting the habitat, or the taonga species, then it is likely that a recovery and placement process will be required. The Kaitiaki shall determine the most culturally safe procedure to do this.

6. If during the monitoring process, or recovery and placement process, any taonga species suffers an accidental fatality, the Kaitiaki will determine whether the species is buried or gifted to Ngaati Maahanga.
7. In relation to the development of infrastructure, stormwater swales and systems should consider appropriate access to, and movement of, taonga species.
8. It is anticipated that the taonga species should have an opportunity to return to their original habitat at some time in the future. This should be considered in the final design of the growth cell development. In relation to the development of infrastructure, stormwater swales and systems should consider appropriate access to, and movement of, taonga species.