

Toku ake nei Hakaputanga

Mana Atua
Mana Whenua
Mana Tangata

Ko Whakarara to maunga
Ko Takou te awa
Ko Matauri to Moana
Ko Taniwharau – Ngapuhi te Whare Tupuna
Ko Te Tapui te Marae
Ko te Tuamatua o Irekewa – Mataatua te Waka
Ko Ngati Kura te Hapu
Ko Hawaiiki Nui, Hawaiiki roa, and Hawaiiki Pamaamao te rohe.

(WAI 375, 2015)

This letter is written to express a strong opposition by Te Whanaunui o Waiaua o Ngati Kura in relation to Kauri Cliffs Special Purpose Zone, and Rezoning Requests – Māori Purpose, Open Space, Existing Special Purpose Zones. With this letter, the Hapū furthermore appeals to the deferment of the Council Hearings in late August, to gather additional evidence in the form of a Cultural Impact Report, at the minimum, currently lacking in relation to all WBFL developments.

Considering that the well-being of a culture and its surrounding environment are inseparable, the Hapū would ideally have enough time to prepare both Cultural and Environmental Reports independently prior to the Hearings. Taking into account the scope of WBFL developments, and the recommendations by the Ministry for the Environment, the Cultural Report takes a minimum of 6 months to prepare (Ministry for the Environment, 2017). Therefore, the current time frames are not sufficient to prepare accordingly and to assess the impact of the proposed developments on the Hapū's Maunga, Moana, te Taiao, Māoritanga, Kaitiakitanga, and Rangatiratanga.

Most importantly, Te Whanaunui o Waiaua o Ngati Kura are Tangata whenua of their ancestral land, the original Māori inhabitants shaping their unique cultural and historical connection to the land (Kiff, 2023) - currently owned by the Robertson family and managed by Rosewood Group. Despite the current ownership, Māori fundamental rights to kaitiakitanga and rangatiratanga in relation to their ancestral land are protected under Te Tiriti, United Nations Declaration on the Rights of Indigenous Peoples, and International

Covenant on Civil and Political Rights, especially pertaining to the Article 1 and Article 27 within the latter (OHCHR, 1976). Those articles are aimed to protect Indigenous peoples' right to self-determination, enjoyment, and practice of their culture with their community members - rights that are arguably under threat with the existing, ongoing, and future developments by WBLF. Seeing that Aotearoa ratified these integral national and international legislations, this letter of opposition calls upon rights and responsibilities drawn within already integrated policies for Te Whanaunui o Waiaua o Ngati Kura to continue safeguarding Papatūānuku, and apply autonomy upon their land.

As indicated by the opening karakia, the importance of exercising guardianship upon the land in question referring to the Hapū's Maunga, Awa, and Moana has been raised in the Waitangi Tribunal - Wai 375 respectively. Furthermore, per Wai 262 Māori hold rights to their Intellectual Property, relationship with Taonga species (which are identified in the area), co-management of customary use, and carry an active obligation towards the environment as its kaitiaki (Wai 262, 1991). Moreover, Wai 262 acknowledges Māori as the primary carriers of Mātauranga Māori (Wai 262, 1991), which is in danger of being exploited through the development of cultural trails, informative panels, and employment of tour guides. So far, there has been no consultation in relation to those, and no consideration of Te Whanaunui o Waiaua o Ngati Torehina me Ngati Kura's position towards such undertakings.

To support this opposition, Te Whanaunui o Waiaua o Ngati Kura refers to the previously submitted opposition by Moana Kiff, lodged in September 2023, under the Submitter number FS91, along with additional supporting evidence. The reasoning for this opposition, as for appeal to delay the Hearings are further indicated below, conveyed through an overview of the historical presence of the Hapū, then divided into Cultural and Environmental reasonings, concluding with the Final Remarks. Those reasons make only for a fraction of the impacts that the Hapū fear these developments will cause as per their expert knowledge, which is why they require further analysis.

Historical Summary of the Te Whanaunui o Waiaua o Ngati Torehina me Ngati Kura's Presence on the Land

Te Whanaunui o Waiaua o Ngati Kura is the Hapū who historically lived on and with the land being subjected to the rezoning and housing developments, recreational center at Waiaua Bay, golf course expansion, and dam construction. WBFL refers to the presence of the Hapū limitedly within their archeological and historical report submitted on the 5th of May 2025, which makes a part of the overall Master plan regarding the housing developments. While Te Whanaunui o Waiaua o Ngati Torehina me Ngati Kura's historical usage is acknowledged within WBFL's final submission, such acknowledgment was lacking in their initial report sent

to the Hapū in early April 2025. Considering the presence of the Roberston family in the area since 1995 (Robertson, 2023), the past three decades should have been sufficient to establish prior, fair, and informed consent (FPIC) with the kaitiaki of the land the company is developing on.

FPIC is a protection mechanism, embedded within UNDRIP and ICCPR, directed at safeguarding Indigenous rights to co-manage activities on their ancestral land - in the form of giving or withholding consent (IHRB, 2022). This consent is specified as a process through which the Indigenous peoples retain control over activities on the land, rather than a one-time agreement between the community and the developing company (IHRB, 2022). Thus, a timeframe of 30 years should have allowed WBLF to understand the culture and the history of the land they are altering through establishing good relationships, especially since claiming that such alterations will have no impact on the culture and no, or minor on the environment (as per WBFL Archeological and Historical Report, and Environmental Report). Sensitivity and knowledge of the culture derive from comprehending that New Zealand history is first and foremost, Māori history (Mahuika, 2015). Considering outlined arguments, WBLF arguably lacks such understanding.

Secondly, Te Whanaunui o Waiaua o Ngati Kura disputes the historical maps submitted within the Master plan by WBFL, due to the severe data deficit in consideration of the Hapū's historical presence, and WBFL alleged contention of Waiaua stream. The members of the Waiaua whanau hold physical maps made by their ancestors, featuring at least four mahinga kai sites, walking trails to Whakaaraara Native School, which later became Matauri Bay School, fishing sites at the Bay, currently and historically used waahi tapu and other. The members of the whanau are in the process of collecting those archival maps, as evidence of the much larger impact than suggested by WBFL. Te Whanaunui o Waiaua o Ngati Kura ancestry lies underneath Kauri cliffs, it is embedded in the land, in Whakarara Maunga, thus, altering the place by excavation and relocation of the bones as a result of the company's expansion, will undeniably influence the present, and future generations. Cultural Impact Report is, therefore, a compulsory resource through which the impact is measured by those whose ancestors lived and were buried in those places, hence the current lack of it is unacceptable.

According to ICESCR - International Covenant on Economic, Social, and Cultural Rights, also ratified by the Crown, all people have sovereignty rights encompassing the rights to pursue their socio-economic, and cultural development (OHCHR, 1976). In the national context, those rights are additionally protected under the Section 32 Report on Tangata Whenua. Moreover, the Section 32 Report gives effect to Te Tiriti, and the Resource Management Act 1991, "and it serves as a critical assessment tool for decision-makers when considering the social, cultural, and economic impacts of proposed projects" (Kiff,

2023). As highlighted by Kiff (2023) "In essence, this report aims to strike a balance between development and the protection of Māori cultural and environmental interests, ensuring that the concerns and interests of Māori communities are taken into account when considering developments or policies that may affect their cultural, social, and economic well-being." Seeing that part of WBLF expansion is the establishment of cultural trails and historical panels, this opposition considers that to be an exploitation of Te Whanaunui o Waiaua o Ngati Torehina me Ngati Kura's culture.

Those trails directly restrict the Hapū from sharing their culture in the way they see fit and enjoying the economic benefit of such activities. Moreover, increased activity - visitors and infrastructural ones, might have an irreversible impact on the environment, and the spiritual connection the Hapū holds with that environment. At the same time, Rosewood Group prides itself on establishing "A Sense of Place" philosophy administered through PlaceMakers whose objective is to familiarize guests with the location's history and its importance to the community (Rosewood Hotel Group, 2023). The importance of this location to the community is precisely the reason behind this, and many other oppositions made by Te Whanaunui o Waiaua o Ngati Kura in relation to WBLF developments. The scheme, as stated by Rosewood, aims to protect local communities and the environments surrounding Rosewood's properties (Rosewood Hotel Group, 2023). If so, this letter invites WBLF to reflect on what cultural and environmental protection implies to Te Whanaunui o Waiaua o Ngati Torehina me Ngati Kura.

The voices of the culture should be the focal point, as per international and national legislation, underlining the UNDRIP regulation to cooperate and consult in good faith with Indigenous peoples in relation to any activities potentially impacting them (UNDRIP, 2007). Te Whanaunui o Waiaua o Ngati Kura strongly believes, and ongoingly claims that WBLF developments are not conducted in cooperation and consultation, and they as the culture are impacted by those expansions restricting and disabling their rights to rangatiratanga, kaitiakitanga, tikanga, manaakitanga, oranga, whanaungatanga, and other. As evidence of this, the opposition is additionally calling on the previously submitted opposition FS91, prepared by Moana Kiff. The outlined potential implications within FS91 have not been altered to hold space for the Hapū's voices unitarily. For the purpose of clear and compressed opposition, only the paramount reasonings have been chosen. Additional arguments can be found under the Submission Number FS91.1 - FS91.39.

Cultural Reasoning by Kiff (2023)

We object to the proposed mapping changes, we have deep concerns about the potential impacts of these mapping and zoning changes.

The introduction of a tourist attraction through the construction of walking trails threatens to disrupt the tranquility and sacredness of these areas. Any development would undermine our efforts to protect and pass down our traditions, stories, and values to future generations. In this case, the proposed rule seems to prioritize tourism at the expense of our cultural and spiritual well-being. We as neighbors and mana whenua strongly oppose the transformation of our sacred areas into tourist attractions. It is vital that our cultural and spiritual well-being are safeguarded, and any development that compromises these values should not be permitted.

We want to retain long-term protection for current and future generations. By combining legal safeguards, cultural stewardship, sustainable land management, education, collaboration, resource allocation, climate adaptation, and Treaty recognition, New Zealand can ensure the long-term protection of Whenua Māori. This approach will not only benefit the current generation but will also honor the legacy of the past and provide a strong foundation for future generations to thrive while maintaining their cultural heritage and connection to the land.

Environmental Reasoning by Kiff (2023)

We disagree that any intended new uses, development, and subdivision will enhance the significant natural character of their existing and neighboring conservation and environmental values. We don't believe Papatūānuku can be usurped by human interference.

Allowing a restricted discretionary consenting pathway for the construction of walking trails within this zone could result in fragmentation and loss of biodiversity, undermining the purpose of the HNC overlay. The proposed rule does not provide adequate safeguards against potential indigenous vegetation disturbance and its impact on threatened or at-risk indigenous species. The loss of habitat could have far-reaching consequences for our local ecosystem.

The development of residential lots raises significant concerns about the potential degradation of our coastal environment. Increased human activity, infrastructure development, and population density may disrupt the natural balance of this unique ecosystem. Our wild beach is a rare and valuable asset which should be protected. An increase in residents and potential tourism associated with the residential development may

lead to higher visitor pressure to the beach. This could disrupt the natural solitude and tranquility that Waiaua Bay currently offers. It is essential that the Far North District Council takes into account not only the immediate economic benefits of development but also the long-term consequences on our environment.

Final remarks by Kiff (2023)

We firmly believe that the proposed change to the "Lodge Sub zone" is not in the best interests of the community and the environment. Our reasons for opposing this amendment are as follows. It is essential to preserve the integrity of the KCZ and ensure that planning decisions align with the broader goals of environmental protection and community well-being. The proposed amendment appears to accommodate future developments within the 2017 subdivision area for visitor accommodation. However, this approach may have adverse effects on the environment, infrastructure, and the quality of life for local residents. We believe that any potential developments should be subject to rigorous evaluation and scrutiny to ensure their compatibility with the broader community and environmental interests. Stakeholder Engagement: It is crucial to engage with all stakeholders, including local residents and indigenous communities, to determine the most suitable approach for visitor accommodation within the KCZ. Meaningful consultation can lead to better planning outcomes and minimize conflicts.

We contend that a residential development is NOT 'a compatible activity that has a functional need to be in a rural environment.' The rural environment contains neighboring hāpu properties that will be detrimentally impacted and therefore a residential development is not considered to be a compatible activity in a rural coastal zone. The incompatibility of large-scale residential development in a rural coastal zone environment for Tangata Whenua is rooted in the potential harm to cultural heritage, ecological damage, resource competition, urbanization, infrastructure challenges, climate vulnerability, and the disruption of traditional practices. Preserving these rural coastal areas in their natural state or with minimal disturbance is vital to safeguarding the cultural and environmental heritage of local Hapū as Tangata Whenua.

Opposition prepared by:

Te Whanaunui o Waiaua Committee

Moana Kiff as the Hapū Member of Te Whanau o Waiaua

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