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# **Te Ahu a Turanga; Manawatū Tararua Highway** Notices of Requirement for Designations Volume Three: Technical assessments





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## 8. STATEMENT OF KAHUNGUNU KI TĀMAKI NUI-A-RUA TRUST

**IN THE MATTER OF**

The Resource Management Act 1991

**AND**

**IN THE MATTER OF**

Notices of requirement for designations under section 168 of the Act, in relation to Te Ahu a Turanga: the Manawatū Gorge Replacement Route Project

**BY**

**NZ Transport Agency**  
Requiring Authority

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**STATEMENT OF POSITION: TE AHU A TURANGA PROJECT -  
ASHHURST TO WOODVILLE MANAWATU GORGE STATE HIGHWAY 3  
IDENTIFICATION OF MATTERS RELEVANT TO  
KAHUNGUNU KI TĀMAKI NUI-A-RUA TRUST**

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**October 2018**

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**Hutia te rito o te harakeke kei hea te kōmako e kō**

**Kī mai kī ahua**

**He aha te mea nui o tēnei ao?**

**Māku e kī atu**

**He tāngata he tāngata he tāngata**

**Tihei Mauri Ora!**

**Tēnā koutou katoa. Me ō tātou aituā maha o te wā. Kotahi tonu te kōrero ki a rātou haere koutou I runga I te aroha o te Atua. Kāti, me waiho ratou ki a rātou. Tātou te hunga ora ki a tātou tēnā tatou katoa.**

**Ko ngā kupu e whai ake nei he whakarāpopoto I ngā aromatawai mō te wāhi o Tāmaki nui-a-Rua. Ko te tumanako ka whai hua te kaipānui i roto i ēnēi rārangi tuhituhi.**

**Mauri ora**

## SUMMARY

Following the loss of the State Highway 3 (SH3) Manawatu Gorge route due to catastrophic slope failures, New Zealand Transport Agency (NZTA) have been fast-tracking the development of the Te Ahu a Turanga project. The NZTA, supported by the consulting community, has undertaken an assessment of options for replacing the Manawatu Gorge route, and has recommended a best practicable option route following the foothills of the Manawatū Gorge, predominantly on farmland within and adjacent to Te Apiti Windfarm. The route proposes a bridge crossing at the western end of Manawatu Gorge, with the road climbing steeply before traversing east above the Gorge, to make a long descent prior to joining the existing roading network approximately 1km to the west of Woodville township.

The existing roading infrastructure to allow traffic between Ashhurst and Woodville (Saddle Road) and Palmerston North and Pahiatua (Pahiatua Track) is under severe pressure, with ongoing maintenance and upgrading occurring on the live network. The roading project is currently programmed to be completed within six years. The timeframe includes obtaining the notice of requirement (NOR), appropriate resource consents, and the construction and mitigation period. The pressure this has put on the project is considerable, with resulting impacts on planning and consultation requirements.

The Kahungunu ki Tāmaki nui-a-Rua Trust (the Trust) holds broad concerns that the cultural values of those they represent are put at risk because of the timing and pressures imposed by the project timeframes. However, the Trust acknowledges key matters:

1. The overall timeframe for project completion is appropriate when consideration of public safety, infrastructure impacts and broader environmental/cultural impacts are taken into account.
2. The Trust broadly supports the proposed alignment sought within the NOR process. However the potential impacts of the development of the project within the roading corridor, may have unintended impacts on cultural and environmental values critical to the Trust.

The NZTA has been constructive and supportive of the work undertaken by the Trust in order to prepare this statement, prepare a partnership

agreement, and has indicated support for its proposed field work and associated cultural monitoring and assessment.

With that support, the Trust has come to a position that its broad concerns could be addressed through the spectrum of opportunities within the NOR, the resource consent process and partnership agreement, but these are unlikely to be addressed through the NOR process alone.

The main reasons for this position are as follows:

- The project timing has not allowed the Trust to complete a comprehensive site assessment in respect of cultural, terrestrial and freshwater values;
- The separation of the NOR process from resource consenting (a determination made by NZTA for strategic reasons) has meant that key details that would allow for a determination provided by the NOR, are not available to inform that process. For example, the field checking and identification of cultural values, baseline freshwater assessments and peer review/agreement to offsetting proposals in respect of terrestrial/freshwater ecology.
- New or updated information is constantly being provided as the project develops and the ability to assess this from a cultural perspective is compromised due to lack of site access and time restrictions.

It is the authors' view that were the resource consents and NOR addressed in tandem, significant process efficiencies and critical outcomes could have been more effectively resolved. The Trust accepts the Agency's rationale for the process being undertaken, however is reliant on the partnership agreement between the parties to address outstanding concerns raised above.

While this paper includes preliminary articulation of the cultural values of the Trust, it is accepted by both the Trust and the Agency that a proper Cultural Impact Assessment is not able to be completed until further field work, baseline cultural assessment, and assessment of material yet to be prepared for the resource consents, is undertaken by the Trust.

It is recognised this raises a challenge for decision makers on the NOR in respect of Part 2 of the Act. The Trust welcomes the opportunity to speak to these matters alongside the Agency, before the hearing process. Equally, the Trust and its representatives welcome the opportunity to engage with consenting authorities in mediation or caucusing processes.

It is conceivable that the Trust will be in a position to provide further material to assist the hearing for these matters, with further project work planned through the early part of summer 2018-2019.

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## **KAHUNGUNU KI TĀMAKI NUI-A-RUA TRUST**

1. The Tāmaki nui-ā-Rua Taiwhenua Trust was incorporated under the Charitable Trusts Act in April 1997, as one of 6 Taiwhenua under the umbrella of Ngāti Kahungunu Iwi Incorporated. In January 2009, the organisation was restructured and registered as Kahungunu ki Tāmaki nui-a-Rua Trust (the Trust). Although affiliated to the Iwi incorporation, it operates autonomously and is representative of Kahungunu interests within the Tāmaki nui-a-Rua rohe, which aligns approximately with the Tararua District.
2. In addition, the Trust Chair and several Board members are on the Board of Trustees for the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust, who are the mandated authority set up to receive Treaty settlement assets from the Crown. Treaty redress through this process will include land and forestry assets, cash compensation, cultural redress, an official apology from the Crown, and the right of first refusal over a substantial number of Crown properties, which will help set whānau and hapū on a pathway towards greater autonomy and prosperity. In addition, the Treaty settlement guarantees a new covenant “*He Kawenata Hou*”, which will assist the Treaty Settlement Trust in building lasting relationships with a number of key Crown ministries and agencies.

## **TE AHU A TURANGA ROADING PROJECT**

3. A significant slip in the Manawatu Gorge, during 2011, saw the closure of SH3 between Ashhurst and Woodville. The closure lasted a number of months, generating major impacts on the communities located close to the gorge. Major economic impacts were generated by the prolonged closure. While the Gorge Road was opened following remediation, ultimately further slips and specialist geotechnical evaluation led to a view from NZTA that maintenance of this roading corridor was impractical and unsafe over the long term. The Te Ahu a Turanga project (the project) has been designed to replace the existing highway route. It follows a multi-criteria analysis undertaken by NZTA of 18 potential routes, subsequently reduced to six viable options.

4. The implementation of the project is very much driven by parameters outside NZTA's control. The usual planning and engagement processes have been limited by the timeframe constraints for obtaining a designation for the route, preparing and obtaining resource consents and constructing the roading corridor within approximately six years. The project scope and approach taken by NZTA is well described in documentation appended to the NOR.

## **ENGAGEMENT WITH NZTA**

5. The Trust has welcomed the recognition by the Crown agency, NZTA, of their mana whenua status at the earliest opportunity in the project.
6. Prior to the partnership discussions with NZTA, Trust members attended workshops where the various routes for the new road were assessed before the final choice for the NOR was confirmed. During the selection phase, NZTA was informed that it was more appropriate for the Trust to provide a cultural values or cultural impact assessment once the new route was confirmed. This avoided a resource intensive and time consuming exercise evaluating the large number of options then being considered.
7. Since confirmation of the route Trust representatives have attended hui with various NZTA staff and/or their contractors and attended mitigation workshops in Palmerston North where different consultants provided updates as the NOR process progressed. These have been helpful in terms of gaining a better understanding of the different parts of the overall project, and how some adverse effects from various activities may be avoided, mitigated or offset. In addition, a number of hui have been held with NZTA staff in Dannevirke and Woodville, as well as convening of the site visit (NOR walkover) mentioned below. NZTA has provided unfettered access to project materials and reports.
8. The separate hui between NZTA and the Trust have helped NZTA to gain some understanding of Kahungunu's cultural values and preferences. The key outstanding issues for the Trust, in respect of

the detail that would inform cultural impact assessments, is understood by NZTA.

9. With the support of NZTA and agreement from landowners on the designation route, Kahungunu personnel have been able to walk over four kilometres of the proposed corridor. However, there are still several kilometres that the Trust team have yet to inspect as part of a preliminary cultural assessment. The Trust managed to access around 40% of the proposed corridor from the Windfarm lookout on the eastern side of the Tararua Ranges near the 9400 chain marker down to the Manga-manaia Stream where it flows through the Bolton property.
10. During the initial field work several sites of cultural significance were identified which the Trust felt require further investigation, or extra care during any land disturbance activities. These sites are not identified in the public domain at present. The Trust is working with NZTA directly to have the site values recognised and protected where relevant.
11. In addition, when walking the proposed route up from the Bolton property, which borders State Highway 2 west of Woodlands Road, Trust researchers were able to view other parts of the proposed route. The researchers identified one site in particular, which they considered it was appropriate to avoid. The suggested re-alignment of the roading corridor to higher ground, rather than down through a gully (which would have required containment of approximately 300 metres of a stream beneath the new road), was taken up by NZTA.
12. NZTA has attempted to resolve or find mitigation responses to substantive suggestions made by the Trust. As previously identified, the relationship between the NZTA and the Trust is endorsed by a partnership agreement<sup>1</sup>. It is intended to address matters relevant to both resource management processes and broader cultural issues.

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<sup>1</sup> Currently in draft form and yet to be agreed

## CULTURAL CONTEXT

13. Historically the Crown's prioritisation of development as well as limited statutory protection has contributed to damage to or destruction of, many Ngāti Kahungunu heritage sites, including wāhi tapu, pā, urupā, mahinga kai, nohoanga, and archaeological sites. These include Ngā Rā ā Kupe (Kupe's Sail) and Mātakitaki Pā Site. Other sites of significance have suffered physical and cultural damage that is in some cases irreparable as a result of public works and other developments.<sup>1</sup> This context is the one in which the Trust engages to ensure their cultural values are not further undermined, and where possible, are restored and fully protected.
14. Kahungunu, the eponymous ancestor of Ngāti Kahungunu settled in Te Mahia around the 16<sup>th</sup> century and married Rongomaiwahine from which union Ngāti Kahungunu gradually became established. One of their sons Rakaihikuroa, travelled down into Heretaunga with many members of his whānau. His son Taraia (Kahungunu's mokopuna) eventually succeeded Rakaihikuroa as leader of this faction, and following his encounters with local hapū, Ngāti Kahungunu gradually asserted their dominance within Heretaunga over the local tribes Whatumamoa, Rangitāne, Ngāti Awa and Ngāti Tara. Although there were strategic alliances and marriages between Taraia's people and some locals, many were displaced following battles, and moved further south into Tāmaki nui-a-Rua and Wairarapa. As Ngāti Kahungunu hapū populations increased, they also moved further southward, again dominating local hapū and their affiliates.
15. Within the historical record of Heretaunga, there is reference to a 'Kōhanga o nga Rangatira, at Te Wheao near Te Hauke. Different factions from throughout the rohe of Ngāti Kahungunu would gather there for important hui and wānanga, coming from Ahuriri, Heretaunga, Waimarama and Takapau. At the time Rangikoianake, the tīpuna of Ngāti Rangikoianake was married to Kaihou, and they had 3 children, who were sent to be raised by various enclaves of Ngāti Kahungunu. One son, Te Kikiri-o-te-Rangi was raised near Takapau, eventually becoming their leader and warlord, the founder of Ngāi Kikiri-o-te-Rangi hapū, and protecting the southern and western boundary from

encroachment by other hapū/iwi. Te Karana was taken out to Waimarama to be raised by the Waimarama whanau, while Hawea te Marama, was brought into the Heretaunga Plains. His descendants became Ngāti Hawea. This process was later referred to as 'Nga Pou Mataara', symbolic of sentinels or guardians, there to watch over and protect various areas of interest and value to the hapū collectives of Ngāti Kahungunu. By the time of early European exploration into the South Pacific through to the signing of the Treaty of Waitangi, Ngāti Kahungunu were the dominant iwi within Wairarapa and Tāmaki nui-a-Rua. Over time, due to intermarriage and strategic alliances, many tangata whenua in Tāmaki nui-a-Rua now have whakapapa connections to two or more iwi, although they often affiliate more towards one.

16. Ngāti Kahungunu first encountered Pākehā in February 1770, when three waka came out from the east coast a little way North of Cape Palliser to meet Captain James Cook's *Endeavour*.<sup>2</sup> Local iwi again met Cook when he was forced inshore on the *Adventure* along the same stretch of coast in 1773.<sup>3</sup> Over the ensuing decades, the pigs and potatoes introduced to New Zealand by Cook were brought to Wairarapa where they quickly became well established food sources.<sup>4</sup>
17. In the 1830s, many Ngāti Kahungunu of Wairarapa and Tāmaki nui-a-Rua withdrew to the Mahia peninsula after warfare in the district escalated following the arrival of northern tribes armed with muskets.<sup>5</sup> Some Ngāti Kahungunu remained on their lands to maintain their ancestral rights.<sup>6</sup> Most however, took refuge with many others from related iwi at Nukutaurua, under the protection of Te Wera Hauraki. There they traded with resident Pākehā whalers to acquire muskets, tools and other goods.<sup>7</sup> During their residence at Nukutaurua, Ngāti Kahungunu were introduced to Christianity through Māori teachers and visits by missionaries to Turanganui-a-Kiwa (Gisborne), where a few moved to in the late 1830s.<sup>8</sup> They rapidly adopted Christianity and eagerly embraced other benefits brought by Pākehā, including literacy, new technology, and growing of new crops.<sup>9</sup>
18. By the mid-1830s Kahungunu began fighting to reoccupy their lands.<sup>10</sup> In 1838 Ngāti Kahungunu at Nukutaurua began their return home to

Tāmaki nui-a-Rua and Wairarapa. In 1839, 69 waka sailed from Nukutaurua arriving at Ahuriri. Many stopped for a time in the Hawke's Bay area with whānau before continuing on to Tāmaki nui-a-Rua and Wairarapa.<sup>11</sup> An enduring peace was then agreed with those who had briefly occupied their whenua in their absence. A boundary between Rangitāne o Manawatū and Ngāti Kahungunu was settled along the Rimutaka and Tararua ranges.<sup>12</sup>

### **Crown Purchasing in Tāmaki nui-a-Rua**

19. A large area of Māori land between Wairarapa and southern Hawke's Bay was not included in the early Crown purchases. The district was known to Ngāti Kahungunu as Tāmaki nui-a-Rua and included the great forest of Te Tāpere nui-ā-Whatonga, known to Pākehā for a time as the "*Seventy Mile Bush*". In 1857 the Crown sought to open purchases in this area and initiated negotiations with Rangitāne in Manawatu for land in Tāmaki nui-a-Rua, but found that Rangitāne wished to conclude transactions for their Manawatū lands first, before dealing with land in Tāmaki nui-a-Rua.<sup>13</sup>
  
20. In 1858 the Crown paid an advance of £100 in Wellington to nine leaders of Rangitāne, for their assumed interests in the Ngā-awa-purua block (estimated to exceed 100,000 acres<sup>14</sup>) and it also made a separate payment to a second group.<sup>15</sup> This sparked opposition from Kahungunu hapū who actually lived on the land, who told the Crown of their opposition to the Ngā-awa-purua deed.<sup>16</sup> In September 1859 Donald McLean returned to the district to re-open negotiations there and in October 1859 the Makuri and Ihuraua deeds were arranged with Ngāti Kahungunu at Akitio, affecting about 72,000 acres in the Puketoi ranges west of the Castlepoint block. A reserve of 21 acres was made for a Ngāti Kahungunu individual.<sup>17</sup> By the early 1860s no further progress had been made with the purchase of the Ngā-awa-purua block.
  
21. Ngāti Pakapaka were among the resident owners of the Northern Bush and in 1861 Paora Rangiwhakaewa and other rangatira of Ngāti Rangiwhakaewa who opposed the sale of their land to the Crown by Rangitāne, took matters into their own hands and asserted their claims through the leasing of their land at Mangatoro to an early settler.<sup>18</sup>

Before the lease was arranged a komiti Māori inquired into its ownership resulting in the rights of the lessees being affirmed. The inquiry was presided over by Henare Matua and Karaitiana Takamoana, who were able to arbitrate, as they had connections to Ngāti Pakapaka and Ngāti Mutuahi, who also asserted interests in Mangatoro.<sup>19</sup> About 13,000 acres at Mangatoro was leased to the settler at an annual rental of £100.<sup>20</sup>

### **The Arrival of the Native Land Court in Tāmaki nui-a-Rua, 1867**

22. On 14 January 1867 a group of five blocks in Tāmaki nui-a-Rua were brought before the Native Land Court sitting at Waipawa on the applications of Ngāti Rangihakaewa, who lived on the lands. The five blocks (Otawhao, Oringi Waiaruhe, Tahoraiti, Kaitoki, and Mangatoro) in the Dannevirke area had a combined area of 65,555 acres, and as the claims were not disputed the titles were each awarded to 10 or fewer of the claimants. On 4 September 1868 title to the Mangapuaka block (906 acres) was investigated by the Native Land Court at Waipawa and was awarded to a rangatira of Ngāti Rangihakaewa and four others claiming with him.<sup>21</sup>
23. The limit of 10 owners permitted on Native Land Court titles at this time meant that some owners were excluded from the titles. In 1870, some of those excluded from the Oringi Waiaruhe title sought a rehearing, which was not granted, and they protested that, “*we are being driven off that land*” and that they were “*very sorrowful about our land. We have been made to suffer by this work.*” The excluded owners wrote that this threat to their occupation of their land was a result of it being leased. A senior Crown official, acting in his private capacity was one of the lessees.<sup>22</sup>

### ***Crown Dealings, 1868-1870***

24. In July 1868 the Crown renewed its efforts to purchase land in Tāmaki nui-a-Rua. In August the Crown met with a large number of Māori at Waipawa who reportedly agreed to sell land in the Northern Bush, as a result of which a survey of Tāmaki nui-a-Rua began but it was not completed.<sup>23</sup> The survey was supported by those “*anxious to sell,*” but was opposed by other Māori. Active opposition to the survey by

Aperahama Rautahi, a rangatira of Ngāti Rangihakaewa, was cited as a factor in suspension of the sale. A sketch plan of the unsurveyed Tāmaki nui-a-Rua district was instead compiled from existing plans of land in adjoining districts and was used for Native Land Court title investigations.<sup>24</sup>

25. In April 1870, the Crown began paying advances to those it identified as principal claimants. These advances were paid in expectation of applications being made to the Native Land Court, for survey and court expenses, and in some cases for provisions and accommodation.<sup>25</sup> By June 1871 a total of £1,290 had been advanced and charged against the proposed purchases, including £500 paid to the Hawke's Bay Provincial Government for surveys. These advances were intended as part payment for interests to induce recipients to selling land if they were awarded title. In 1879 the Native Minister ordered this practice to stop, by which time most of the Tāmaki nui-a-Rua lands had been purchased.<sup>26</sup>
  
26. Pre-title agreements for the Crown purchase of three large blocks (Te Ahu-a-Turanga, Maharahara, and Puketoi) were arranged by April 1870. Under the agreements the Māori signatories agreed to apply to the Native Land Court for title to the land and to then sell it to the Crown. An advance of £50 was paid on each block.<sup>27</sup> Some of the signatories did not live on the land. Some Ngāti Rangihakaewa did not sign and they and some of their kin in the wider Ngāti Kahungunu rohe, were "staunch opponents" of the Crown's proposed purchases.<sup>28</sup> Te Ahu a Turanga is the name of a land block but also of an ancient Māori trail that was named after Tūranga-i-mua, a powerful tohunga and tipuna of the Ngā Rauru tribe. Tūranga-i-mua was the son of Turi and Rongorongo, and married Rātiti, the daughter of Kauika, a tohunga who sailed on the Aotea waka with Tūranga-i-mua's father Turi. Tūranga's mother Rongorongo, was the sister of Rongokāko, the legendary figure who arrived in Aotearoa on the sacred waka Takitimu, and the father of Tamatea. While crossing the Ruahine with Kauika, Tūranga-i-mua and Kauika were slain by a party seeking utu for previous battles. He was buried on the track that now bears his name, but was later disinterred and taken back to Patea.



*Investigation of the Northern Bush, 1870*

27. On 6 September 1870 the Crown met with a large number of Māori at Waipawa to discuss the pending investigation of title of Tāmaki nui-a-Rua land blocks by the Native Land Court and the Crown's purchase of a large part of that land. In addition to Crown officials the meeting was also attended by the Native Land Court Judge who was to hear the land claims a few days later. Ngāti Kahungunu hapū attended the meeting as did Māori from other groups from inside and outside of Tāmaki nui-a-Rua.<sup>29</sup>
28. Discussions at the Waipawa meeting about customary interests in Tāmaki nui-a-Rua continued on into 7 September 1870 but were not conclusive, leaving the contending claims to be resolved in the Native Land Court which was to sit the following day. The meeting revealed a division between the hapū of Ngāti Rangiwakaewa, Ngāti Pakapaka, and Ngāti Parakiore on the one hand and, on the other, Ngāti Mutuahi, who had engaged with Crown land purchasing and who were supported by an influential Rangitāne rangatira from the Manawatu who was related to them.<sup>30</sup> There was "*much quarrelling*"<sup>31</sup> at the meeting and Ihaia Te Ngārara, a rangatira of Ngāti Pakapaka, recalled two decades later that, as a result of the contestation at the meeting, there was "*a great fight outside the Court.*"<sup>32</sup>
29. On 8 September 1870, the first day of the Native Land Court hearing, Aperahama Rautahi appeared in court for the Ngāti Rangiwakaewa counter-claimants to Te Ahu-a-Turanga but when his whakapapa evidence was challenged by witness for the claimants, he left the court abruptly and his claim was dismissed.<sup>33</sup> Ihaia Te Ngārara later recalled: "*The main contentions took place outside the Court, there was not a severe contest inside. People were afraid to speak in Court in those days,*" adding that he was "*afraid of the Court in 1870,*" as he was "*unacquainted with the procedures of the Court.*"<sup>34</sup> When some rangatira of Ngāti Rangiwakaewa, Ngāti Pakapaka and Ngāti Parakiore were, two decades later better able to present evidence about their claims to the Native Land Court they referred to their whakapapa links to Ngāti Kahungunu.<sup>35</sup>

30. Very little evidence as to customary rights or occupation of the land was recorded in this or any of the other Tāmaki nui-a-Rua blocks investigated. The title investigations for the 17 blocks comprising about 290,000 acres were completed in four days and each title was awarded to 10 or fewer owners selected by the successful claimants. The Puketoi 6 case was adjourned and the title investigation was completed in 1890.<sup>36</sup>
  
31. Following the dismissal of their claim a few individuals of Ngāti Rangiwahakaewa were admitted to Tāmaki (34,098 acres), Piripiri (18,014 acres) and two of the smaller blocks, Tiratu (7,945 acres) and Otanga (5,033 acres).<sup>37</sup> Many others of Ngāti Rangiwahakaewa and others with interests in the land were referred to in evidence.<sup>38</sup> Restrictions on alienation were placed on Tāmaki and Piripiri as these were among the blocks that were not intended for Crown purchase. The titles to other Tāmaki nui-a-Rua blocks included a few individual Ngāti Rangiwahakaewa grantees, including the rangatira Hori Herehere who two decades later described himself as a “*non-seller*.”<sup>39</sup> Some smaller titles included other Ngāti Kahungunu interests, such as Tuatua (9,600 acres) and Rakaiatai (8,200 acres). Wharawhara (2,180 acres) was awarded to Ngāti Parakiore and Ngāti Manuwhiri without contest.
  
32. The conduct and outcome of the September 1870 title investigations led to protests from some Ngāti Kahungunu whanau. In October 1870, Paora Ropiha Takou wrote to the Chief Judge of the Native Land Court that he “*strongly disapproved*” of the procedure of the court at the Tāmaki nui-a-Rua hearings. He described how Ngāti Rangiwahakaewa and Ngāti Parakiore had opposed the Crown’s proposed purchases of much of the land and had been in a dispute for some time with those who were committed to sale.<sup>40</sup>
  
33. In 1871 Henare Matua wrote on behalf of the “*whole of the Runanga who conduct the business of Tāmaki*” to the Chief Judge of the Native Land Court to make similar complaints and to seek a rehearing of the blocks. Two men of Ngāti Rangiwahakaewa whose individual interests had been recognised in some of the 1870 titles also wrote to the Chief Judge to seek a rehearing. The court did not approve a rehearing.<sup>41</sup>

There was then no appellate court in the Native Land Court system to which this decision could be appealed.

34. In 1871 two petitions against the title investigation process and the Crown purchasing of the land were submitted to Parliament's Legislative Council. One was from Te Otene Matua and 73 others and the other was from Paora Rangiwakaewa and 70 others of Ngāti Rangiwakaewa and related hapū of Tāmaki nui-a-Rua.<sup>42</sup> They recalled how Aperahama Rautahi told the court during the 1870 Te Ahu-a-Turanga title investigation of his Ngāti Rangiwakaewa ancestry, that he lived on and cultivated the land, and that his ancestors had lived on it for nine generations before him. Yet his claim failed when it was challenged by a rangatira of Rangitāne who said he was intent on selling, and as a result Aperahama stated that he was “*overthrown*” from his land.<sup>43</sup> The petitioners sought a rehearing, which was not granted.
35. The petitions were followed up by complaints to the 1873 Hawke's Bay Native Lands Alienation Commission about the Tāmaki nui-a-Rua titles and purchases. The Commission was established to investigate protests about numerous Hawke's Bay Native Land Court titles and their alienation. The testimony of Henare Matua on the Tāmaki nui-a-Rua complaints repeated and enlarged upon the concerns expressed by those who had earlier written and petitioned on these issues. The Commission did not uphold his complaints about Tāmaki nui-a-Rua.<sup>44</sup>

#### *Crown Purchasing in Northern Bush, 1871-1882*

36. Once the court awarded titles in September 1870, the Crown set about finalising its purchases of the Northern Bush titles. Karaitiana Takamoana of Ngāti Kahungunu was a leading figure in the purchase negotiations and had been included by resident Māori (to whom he was related) in the titles for his expertise in negotiating with the Crown.<sup>45</sup> Negotiations stalled for a time over the purchase price. At a hui at Waipukurau in April 1871 Karaitiana (elected in February as the Member for Eastern Maori) brokered a solution to the impasse, joining 23 other owners in acknowledging receipt of the £1,300 in pre-title advances paid on the titles. The final purchase price had yet to be agreed. On 1 June 1871, Karaitiana and 11 other leading title holders

signed an agreement to sell 12 of the 17 blocks for £16,000. During August 1871 the Crown secured the signatures of a further 69 title holders and paid out £12,000 of the purchase price.<sup>46</sup> The area purchased was estimated to be 250,000 acres but on survey this increased to 265,000 acres.<sup>48</sup> Five reserves comprising just under 20,000 acres were excluded from sale.<sup>49</sup>

37. Ngāti Rangiwahakaewa opposed the purchasing of lands in which they had interests. In July 1871 Ihakara Whaitiri and Nopera Kuikainga complained to the Native Land Court Chief Judge that their requests to exclude their interests from the purchases and to have them defined by survey had been ignored. In August Nopera Kuikainga wrote again to complain about the purchasing, telling the Chief Judge: "*The Maoris are in trouble about their lands within the whole lands of Tāmaki.*" Henare Matua also wrote on behalf of the runanga that had managed the Tāmaki nui-a-Rua titles to urge the suspension of purchase, "*as the arrangements for that land Tāmaki are in a very bad state.*"<sup>50</sup> Henare Matua and Ngāti Rangiwahakaewa followed these complaints up with two numerous-signed petitions to Parliament's Legislative Council opposing the purchasing but to no avail.<sup>51</sup>
38. When the purchase deed was signed in August 1871 the £4,000 balance of the purchase price was retained until the reserves were surveyed and the purchase completed. The Crown intended to use this balance of the payment to induce "*dissentients*" to the purchase to accept it and to encourage the sellers to put pressure on them. Reports suggest the main dissentients were "*the Porangahau people,*" being Ngāti Kahungunu associated with Henare Matua, who had earlier opposed the purchase. In December 1873, the Crown paid the final instalment of £4,000 to 64 signatories.<sup>52</sup> Even so, not all the title holders had then signed the deed. In addition, the interests of two Ngāti Kahungunu rangatira who had not been included in the title were recognised by the Crown in November 1874 when it agreed to pay them £500 for their interests.<sup>53</sup>
39. The five titles comprising 65,555 acres awarded in 1867 to Ngāti Rangiwahakaewa were not included in the 1871 purchase. Of the titles heard in 1870, the Tāmaki, Piripiri, Tiratu, Tipapakuku, Otanga, and

Wharawhara blocks comprising 69,827 acres were retained in the ownership of Tāmaki nui-a-Rua Māori.<sup>54</sup>

40. Not all of the title holders signed the 1871 purchase deed and it took until 1882 for all of the signatures to be obtained, or for the interests of those who refused to sell to be defined by the Native Land Court and cut out of the purchased blocks. In 1882 Hori Ropiha and others petitioned Parliament about their refusal to sell their interests in Rakaiatai and Te Ohu and complained that timber on their land was being logged without their authority. The Crown requested Henare Matua and another Ngāti Kahungunu rangatira to lobby the remaining owners to sell, but they refused to assist in the completion of the purchase.<sup>55</sup> In 1882, the interests of Hori Ropiha and three other owners of Rakaiatai who had not sold were partitioned out by the Native Land Court as Manawatu 7A of 3,000 acres, with the Crown awarded the balance of 4,350 acres.<sup>56</sup>
  
41. In 1881 the Crown sought the assistance of the Ngāti Kahungunu rangatira Henare Matua to persuade Maata Te Opekahu, the owner of one of the two unsold interests in Te Ohu and Umutaoroa to sell. Henare Matua declined to convince her to sell, but in 1882 the owner agreed to sell her share for £400, prompting her son Hori Herehere to urge his mother not to sign the deed. The Crown warned her that if the deed was not completed it would apply to the Native Land Court to define her interest, and would then seek to charge it with £130 already advanced against her interest and paid to another owner, plus interest, and travel and other expenses claimed by the Crown's purchase agent. In 1882 the two remaining unsold interests in Te Ohu and Umutaoroa were acquired, completing the Crown's purchases.<sup>57</sup>

### *20<sup>th</sup> Century Land Issues*

42. By 1900 Ngāti Kahungunu retained less than 10 percent, or about 240,000 acres, of their land in Wairarapa and Tāmaki nui-a-Rua.<sup>58</sup> This land was fragmented across more than 600 titles. Crown and especially private land purchasing continued for another century. The lands remaining to Ngāti Kahungunu were difficult to manage and develop due to Native Land Court processes of partition and succession, that led to many small, fragmented, and uneconomic titles, large and

growing numbers of owners holding increasingly tiny shares, poor or non-existent road access, and lack of development finance.<sup>59</sup> Today Ngāti Kahungunu retain about 1.5 percent, or 35,000 acres, of the land they owned in 1840.<sup>60</sup> Half of this land is contained in the large, rugged Mātaikona block reserved from the Castlepoint deed in 1853.<sup>61</sup> The rest of this land is divided into more than 400 titles.

43. The limited extent of Ngāti Kahungunu's remaining lands was outlined in the 1907 Stout-Ngata commission of inquiry into Māori land holdings. It found that the majority of land was already leased to settlers. Other than three large blocks, the lands occupied by Māori were in very small subdivisions, comprising papakainga and reserves. The commission recommended all purchasing should cease with the exception of the Waitutuma blocks. It agreed with the owners of the Waitutuma blocks to sell that land in order to raise funds to buy more suitable farming land, recommending that the purchase proceeds be held in trust for this purpose.<sup>62</sup> The Commission also recommended that all future leases be subject to public auction, and that Māori receive training and assistance similar to that already provided to settlers to help them develop the "small remnant" of lands remaining. Ngāti Kahungunu sought to develop extensive farming and Stout and Ngata supported this "*laudable desire*". In its final report on native lands the Commission stated that some of the economic problems resulting from under-utilised Māori land could have been solved long ago "*if the Legislature had in the past devoted more attention to making the Maori an efficient farmer and settler.*"<sup>63</sup>
44. The Crown did not adopt the commission's recommendations, other than by its purchase of some portions of the Waitutuma blocks.<sup>64</sup> In 1909 the Crown promoted the Native Land Act 1909 removing all existing restrictions on land alienation and providing for District Land Boards to oversee land alienation as an intermediary between Māori and purchasers<sup>65</sup> In the years following, land purchasing resumed and by 1930 nearly half of the remaining Māori-owned land in Wairarapa and Tāmaki nui-a-Rua had been acquired by either the Crown or private purchasers.<sup>66</sup> Between 1930 and 1950 about 3,600 acres was purchased, with a further 22,000 acres purchased between 1950 and 1970.<sup>67</sup> Land purchasing continued through the rest of the twentieth

century, with about 6,000 acres acquired from Māori between 1970 and 1990.<sup>68</sup>

45. Only a few Māori could obtain development finance and assistance from the Crown, similar to that available to settlers from the 1890s.<sup>69</sup> This hindered Ngāti Kahungunu's ability to profitably use what little good land they retained. In 1911 Ngāti Kahungunu told Acting Prime Minister James Carroll they were committed to "*the work of improving and cultivating our lands*" and "*entreat of you to provide an assisting sum of money for this purpose.*" They offered their land as security for loans from the Crown to develop their lands.<sup>70</sup> However it was not until 1929 that the Crown began to provide finance and assistance under Native Land Development Schemes. These schemes were intended to assist Māori in developing land for commercial agriculture. Once Māori consented to a development scheme, the Crown required full control of the lands included. A senior Crown official characterised its complete control over the lands during development as a form of "*benevolent despotism.*"<sup>71</sup> However, by this time there was very little Māori land in Wairarapa and Tāmaki nui-a-Rua remaining that was suitable for these schemes and little development occurred.
46. In 1937, the Crown established a development scheme for 806 acres at Mākirikiri intending to develop six dairy farms there. By 1941 four farms had been established on 400 acres of developed land but by 1944 the scheme was in "very poor" condition and still required significant development investment.<sup>72</sup> In the late 1950s one Māori and several Pākehā farmers were allocated leases of farms in the scheme.<sup>73</sup> In 1992 the scheme was still under Crown control.
47. The more substantial Homewood scheme began in 1940 and consisted of 2,500 acres across 26 titles to be developed and managed as a single farm.<sup>74</sup> In 1953, "in the face of marginal prospects and rising debt", the Crown and owners agreed to end the scheme and the land was leased out to a neighbouring Pākehā.<sup>75</sup> The Crown also brought individual farms within the provisions of development schemes. From 1938 the Crown supported a Māori farmer to develop land at Tahoraiti but the land later reverted to scrub before being developed by its owners without Crown assistance. The Crown also operated a

development scheme for a farm at Pirinoa from 1940. In 1952 the land was leased to a neighbouring Pākehā to discharge the development debt.<sup>76</sup> Other properties were leased to neighbouring farms or even sold as they lacked access.<sup>77</sup> A subdivision of Te Awaiti was sold in 1980 to create some return from the landlocked land. This followed the construction of a bridge and road in the 1960s that provided access to adjoining general land but which stopped 20 metres away from the boundary of Te Awaiti. About 20 percent of the titles retained by Ngāti Kahungunu are “land-locked”, surrounded by land in private or Crown ownership, without access, such as frontage to a road. The Crown’s acts or omissions contributed to a number of these titles becoming landlocked. In 1853 the Crown agreed to a reserve at Te Awaiti but did not issue title until more than thirty years later. During this period the land became landlocked.<sup>78</sup>

48. The Crown has promoted provisions in legislation since 1886 relating to access to Maori land.<sup>80</sup> However, whilst the Courts had the power to grant access between 1886 and 1975, the provision of access to landlocked Maori land through adjoining General or Crown land required the consent of the adjoining owner. In contrast, when access was sought to landlocked General or Crown land through adjoining Maori land, the consent of Maori land owners was not required. From 1975 access could be granted to landlocked Maori land without the consent of adjoining land owners but this provision has not been used as it requires Māori to initiate High Court litigation which Ngāti Kahungunu consider prohibitively expensive and of uncertain outcome.<sup>81</sup> Today the 80 landlocked titles, comprising 3,525 acres in Wairarapa and Tāmaki nui-a-Rua, represent a significant proportion of the lands remaining to Ngāti Kahungunu.<sup>82</sup> Lack of access has made it difficult for owners to develop economic opportunities, exercise their rights of ownership or their cultural obligations as kaitiakitanga of the land.<sup>83</sup>

### **Public Works Takings**

49. A significant area of land was taken from some Ngāti Kahungunu land owners for public works.<sup>84</sup> From 1878 to 1981 the Crown and local bodies acquired more than 1,700 acres in Wairarapa and Tāmaki-Nui-ā-Rua across 50 separate takings, as well as 800 acres at Pouākani.<sup>85</sup>



The land taken included urupā, wāhi tapu, marae, papakāinga, and other lands of great cultural significance to Ngāti Kahungunu in the vicinities of Te Ore Ore, Kaitoke, Tahoraiti, Tautāne, and Te Uru o Tane.<sup>86</sup>

50. The Native Land Act 1878 allowed the Crown to take up to five percent of land held under a Native Land Court title for public works without compensation for a period of up to 15 years from the date of title.<sup>87</sup> This was three times longer than under a similar rule applying to general land.<sup>88</sup> This “five percent rule” was not removed from Māori land titles until 1927.<sup>89</sup> It resulted in the loss of significant areas of Ngāti Kahungunu land for public works.<sup>90</sup> In some cases where this rule had expired, there is no evidence that the Crown paid compensation for land taken from Ngāti Kahungunu for roads.<sup>91</sup>
51. Prior to the middle of the twentieth century, it was uncommon for the Crown to consult Ngāti Kahungunu owners before compulsorily acquiring their land for public works.<sup>92</sup> There is no evidence of Crown consultation with owners prior to roads being constructed through the Whakataki Reserve in the 1870s and 1880s.<sup>93</sup> NOR is there evidence of the Crown notifying or consulting the owners of Tautāne reserve before part of their land was taken for a new road requested by a neighbouring land owner to provide better access to his property.<sup>94</sup> This lack of consultation led to protracted disputes and protests over some public works.<sup>95</sup> The Crown declined alternative methods of securing land it needed for public purposes, such as the leases offered by Ngāti Kahungunu.<sup>96</sup>
52. During the twentieth century the Crown acquired nearly 400 acres from Tahoraiti titles at Dannevirke for a wide range of public purposes, including a sewage plant, rubbish dump, gravel pit, rifle range, aerodrome, scenic reserve, and railways.<sup>97</sup> These takings and subsequent public works were effected despite the negative impacts of facilities such as a rubbish dump and sewage treatment plant on the adjacent Mākirikiri marae and papakāinga.
53. In 1911 the Crown took 38 acres at Mākirikiri for scenery preservation and vested the reserve in the local council in 1913. The council had

sought the land for a recreation reserve, but the land remained a scenic reserve despite the scenic value of the land being degraded by logging, fire, and stock damage.<sup>98</sup> The land was later subdivided and leased and in 1950 the scenic status was revoked over a small portion, which was added to the adjoining rubbish dump in 1951. In 1983 half of the scenic reserve was reclassified as a recreation reserve.<sup>99</sup>

54. In 1978 the Dannevirke Borough Council sought 14 acres of the Tahoraiti block for a new rubbish dump. When the owners declined to sell the council took steps to have the land taken under the Public Works Act. The Crown was concerned at Māori protests over such a taking and did not endorse this taking of land for public works. However, the Public Works Act 1928 had not been amended to reflect these policy positions and the Crown was legally obliged to proclaim the taking of the land, which it did in 1981.<sup>100</sup>
55. In some areas where land taken was later surplus to requirements, the Crown and local bodies did not offer the land back to the former Māori owners. Land no longer required for the gravel pit and aerodrome at Dannevirke was sold to local farmers without being offered to the former Māori owners.<sup>101</sup> Land taken for a gravel pit from Hurunui-o-Rangi pā was not offered back to Māori when the pit was exhausted. Instead, the land was sold to a third party who built an abattoir beside the Hurunui-o-Rangi urupā.<sup>102</sup>

### **Te Taiao: Environmental Issues**

56. The settlement of Wairarapa and Tāmaki-nui-a-Rua resulted in significant transformation of the natural environment. From the 1860s, legislation provided for the Crown to exercise control over much of the natural resources in Wairarapa and Tāmaki nui-a-Rua, with the Crown then often transferring control to various local authorities.<sup>103</sup> The Crown prioritised and enabled economic development over environmental protection.<sup>104</sup> This restricted opportunities for Ngāti Kahungunu to exercise their traditional kaitiakitanga over the natural environment and the various taonga it contains, or to develop and use these resources themselves. It also failed to conserve areas at risk of being damaged by agricultural development, and diminished their access to highly valued resources.<sup>105</sup>

57. The environmental health of the region, particularly within the former Te Tāpere nui-ā-Whatonga, has since been degraded as a result of deforestation, erosion, drainage, river control works, and pollution of waterways.<sup>106</sup> The numbers of birds and fish important to Ngāti Kahungunu, have declined as a result of the introduction of new species, habitat modification, and new methods of hunting and fishing.<sup>107</sup> Most notably the huia, depleted by loss of habitat and introduced pests, was hunted to extinction by about 1900, despite the efforts of some Māori to place rāhui over its habitat in the Tararua Ranges as early as the 1870s.<sup>108</sup> Some of the mahinga kai (food gathering places) and rongoā (medicinal) gathering places revered by Ngāti Kahungunu, have been polluted or lost.<sup>109</sup> The loss of these resources also contributed to decline in associated knowledge and ritual connected to rongoā and crafts.<sup>110</sup>
58. Ngāti Kahungunu also continues to engage with the Waitangi Tribunal through various claims over freshwater resources, where our rights and interests have not been upheld (WAI 2357 and 2358). We are also joint claimants under the flora and fauna claim (WAI 262), citing mismanagement and the Crown failing to recognise and provide for our Treaty rights and interests in indigenous flora and fauna, and their various habitats.
59. With the growing scarcity of several indigenous fish species, retention of their habitat is a priority for hapū of Ngāti Kahungunu. These taonga species are more significant given the constant threat to their survival. It is hoped that the Te Ahu a Turanga project will provide leverage towards protection and enhancement for some of these iconic species.

## CULTURAL VALUES

60. The Trust has determined that there is a suite of principles that are universally held by our whānau and hapū. They underpin Te Ao Māori from within our own tikanga processes. These principles apply throughout the whole of our rohe in terms of whānau and hapū, and our interaction with and reverence for the natural environment and what it provides.
61. It is important to note that an impact assessment associated with the cultural values identified below has not been completed. It is expected that this exercise will be undertaken as part of the baseline monitoring and completion of site assessment as further detail and access is provided by NZTA over the next six months. Cultural monitoring and assessment would need to be repeated throughout the duration of the project to ensure minimal disruption to species habitat and survival, along with enhancement and environmental offsets where habitat disruption/destruction is not able to be avoided.
62. Cultural values typically evolve from “tikanga” - that which is “tika” (true, just, right or proper). They emanate from within Wairuatanga (the Māori spiritual realm), contain elements of mātauranga Māori<sup>111</sup> and are informed and upheld by kawa.<sup>112</sup> Over successive generations, these values have expanded to include unique local knowledge and belief systems derived from customary practices, and these inform the way we practice kaitiakitanga. With colonisation and drastic changes to the landscape, the loss of much of the whenua and changes to land tenure, the traditional associations tangata whenua once had with the environment have diminished, although regular contact with flora and fauna has been maintained. For the last 50-60 years, relationships have mainly related to the harvesting of kai<sup>113</sup> and its preparation, recreational and instruction activities, wānanga and the gathering of plant material for rongoā (traditional medicine).
63. Gradually new laws and regulations have impacted on traditional relationships, with local and central government attempting to define in statute, the quality and extent of how tangata whenua relationships with the environment, and what Māori rights and interests should be.

This has often been with the intention of maximising resource abstraction and economic opportunity. Limits have also been imposed on freshwater and marine resources traditionally utilised by Māori. In some cases today, there is now a requirement for Māori as whānau, hapū or iwi, to prove their association with the marine environment to have their rights and interests recognised<sup>114</sup> in law.

64. What was once a broad range of customary and cultural values and traditional relationships and uses, have often been displaced by other values. In contrast, many New Zealanders of European descent have adopted views and aspirations that are similar to Māori cultural values, or overlap with them in terms of the environment. In general terms this has contributed to a groundswell of interest in and a movement towards, greater care for our environment.
65. There is often a duality within the Māori language (e.g. whenua, kura<sup>115</sup>) that is not always captured through interpretation of Māori terminology, particularly within statutory frameworks or regulation where there is usually a desire for a definition that is brief. For tangata whenua context is all important, and the following values are provided as a foundation for the cultural impact assessment and proper development of the environmental and cultural design framework.

### **Wairuatanga**

66. Wairuatanga is the principle and action that enables the wairua, the spiritual value and benevolence from Io Mātua that penetrates into the physical realm, to direct and influence how tangata whenua engage with the natural world. Containing a strong ethical component, it guides behaviour and affects how tangata whenua interact with the environment, with each other, and towards manuhiri and other communities. For tangata whenua, it is reflected in a reverence for the environment and its constituent parts, and an appreciation for the interconnectedness within natural ecosystems. Wairuatanga finds expression through ritual and karakia, where it acknowledges the priority setting from the divine, down through the Atua, to the physical world and then to tangata whenua.

67. The reciting of karakia over an area or site to impose a state of tapu will resonate through time, while the invocation of rāhui (temporary spiritual and physical restriction), assists in upholding cultural values and traditional belief systems, and a time of healing or recalibration. Karakia can also be a blessing to guide actions when endeavouring to improve a natural resource. When it is part of a process learned from one's tipuna, karakia can be very empowering.
68. The mahi required for the NOR will require several years of co-ordination and co-operation between different agencies and groups, and appropriate acknowledgement of wairuatanga will be beneficial towards building cohesion between the spiritual and physical realms, help guide the physical activities involved, and ultimately assist in the success of the project. The concepts of tapu, rāhui and noa, are all part of Wairuatanga, and influence other cultural values including Mauri, Kaitiakitanga and Manaakitanga.

#### *Implementation*

69. Where archaeological sites are known to exist within the proposed roading corridor, or nearby, care should be taken during site preparation and operations, and during environmental mitigation or planting projects, both within the site itself but also around the periphery. Often archaeological sites or other culturally significant sites overlap with others nearby. If Māori artefacts or koiwi<sup>116</sup> are uncovered, notification of Kahungunu and Rangitāne kaumātua can be enabled, appropriate tikanga processes observed, taonga either re-interred or recovered and preserved in an appropriate manner, and adequate rāhui placed on the area.
70. Depending on the nature of the taonga, the rāhui could eventually be lifted or a permanent state of tapu invoked. Observance and inclusion of cultural practices associated with wairuatanga throughout the project will help to ensure both physical and spiritual safety. Cultural awareness and training for NZTA staff or personnel employed by contractors would be useful. Provision for appropriate acknowledgement of a culturally significant site should be included as part of the Environmental and Cultural Design Framework, and

direction for avoidance where the significance of a site is such that a slight deviation of the route will be required.

## **Atuatanga**

71. Atuatanga is devolved from wairuatanga, but in practice it is the value that manifests in the relationship between tangata whenua and the Atua<sup>117</sup> and the children of the Atua<sup>118</sup>. It prescribes power and energy towards specific Atua, where each have responsibility for different realms in the physical world. Within the NOR corridor, Tāwhirimātea (Atua for weather, wind and storms), Tāne-Mahuta (Trees, forests and birds), Haumia tiketike (Wild food and plants), and Tumatauenga (War, hunting, fishing) prevail. Another Atua to consider is Rongo Mā Tāne (Cultivated plants and foods, Peace), particularly for environmental mitigation.

## *Implementation*

72. Many of the plants brought in for transplanting as part of the environmental enhancement or offset package may be from outside the area. These are likely to be sourced from nursery stock with different origins. Plant stock should be locally sourced from plants that have adapted to local conditions. Haumia-tiketike holds domain over wild plants and resources that are used for food and/or medicine. Indigenous plant communities already exist near the NOR route, and the Trust supports the vision to create connecting corridors to join up with the Department of Conservation estate within the Manawatū Gorge. Conservation lands may provide source material suitable for propagation and mitigation.

73. The tributaries that flow from North of the NOR corridor bear names reflective of their significance to tangata whenua, which are not acknowledged in current NZTA ecological reports. Te Awa o te Atua, Manga-manaia and Manga-atua are taunaha (names of significance) left by our tipuna for specific reasons. It is difficult to reconcile commitment to a partnership approach and appreciation for iwi/hapū values with this lack of acknowledgment.

## Whakapapa

74. Through Ranginui, Papatuanuku and their numerous offspring, the spiritual whakapapa linkages are acknowledged and reflected within tikanga Māori processes. The Whakapapa value is central to the Mana Atua-Mana Tangata relationship<sup>119</sup>, providing a clear line of priority and direction. Whakapapa underpins both the spiritual and physical realms.
75. This value is particularly important where tangata whenua rights and interests are concerned, with Whakapapa defining both who we are and how we relate to each other, and our relationships with Papatuanuku and the whenua. Often when tangata whenua and manuhiri first meet, one of the first questions asked is “*Ko wai au? From where do your waters flow?*” The question enquires into one’s Whakapapa, physical origins and rohe, but also their ancestral river. The process of inquiry helps determine how Māori relate to each other.
76. Whakapapa assists in determining mana whenua status. Many Māori today have whakapapa linkages to two or more hapū or iwi, but often identify with one main entity. They could be said to have two (or more) sets of rights; One set as tangata whenua and other rights defined through whakapapa connections to different iwi or hapū.
77. In terms of habitat and provision for species, whakapapa relates to connectivity on multiple levels. The Whakapapa of the water is expressed through the water cycle and the Ki Uta ki Tai<sup>120</sup> principle - the connectivity between freshwater environments, emerging from our Maunga (Mountains), supplemented by groundwater springs, and travelling down to the sea. Many indigenous freshwater fish species spend part of their life in the marine or estuarine environment, before heading inland to mature, then returning to the marine environment to migrate or spawn. Fish migration, recruitment and survival relies partly on the whakapapa of the waters in our rivers and streams remaining connected and intact.
78. Māori acknowledge a Whakapapa relationship between different species due to the familial connection between the Atua, and the symbiotic interaction that occurs between species, which in turn helps



to generate and strengthen mauri. The mauri of the whenua is directly related to the mauri of the waters which flow through and over it.

### *Implementation*

79. The Whakapapa of indigenous species is closely aligned with the Maramataka (Māori lunar calendar), with sensitive life-stage development, seasonal migration and species behaviour often triggered by seasonal temperatures or events. Tangata whenua usually organise their interaction with natural resources in line with the seasonal abundance or health of species, or with climatic conditions that influence species behaviour.

### **Mauri**

80. Mauri comes from the realm of the creator. It is a spiritual value that expresses itself within the natural world in a particular manner. In the Māori world-view, all natural things have Mauri, both animate and inanimate. Human activity can diminish or destroy Mauri, or assist in its regeneration and enhancement. Tangata whenua sometimes separate Mauri into different types depending on context, or the action it performs.<sup>121</sup> Mauri can be drawn inwards or towards, or emanate outwards. It can signal a level of protection towards something.

81. Within freshwater environments, the manifestation of Mauri<sup>122</sup> is seen in a healthy habitat including the water and associated natural resources, and from that, healthy and abundant taonga species – the insects, fish, plants and birds that are contained within or interact with that ecosystem. Mauri is transmitted as an energy flow, either towards or away from something as part of a natural cycle or process. Without knowing the detail of the environmental enhancement or off-set package for the new road corridor, Kahungunu is unable at this time to determine whether the off-sets provisions will be sufficient to assist with the rejuvenation of Mauri where it has been diminished by human intervention across the NOR area.

82. Mauri can also be considered within a construct of layers. For example, if the Mauri of a specific plant is looked after, then the individual plant will contribute to the well-being of the adjacent plant community. Over

time it provides habitat and sustenance for insects and birds, which feed on it or distribute its seeds over a wider area, thus spreading the Mauri from a healthy plant into adjacent locations.

### *Implementation*

83. Kahungunu expect to play a leading role in various restoration or environmental offsetting projects. These will in reality, be assisting in the rehabilitation of the landscape through restoring and nurturing the Mauri within indigenous plants and the whenua, and the insect and avian communities they support. It is important that healthy plants are initially chosen for projects, with additional care to ensure their survival to adorn the whenua and contribute to overall aesthetic, community and cultural values. The interaction between plants, birds, fish and humans can also enhance Mauri due to the co-operation, synergy and goodwill that is built around positive action.

### **Kaitiakitanga**

84. Kaitiakitanga is the action associated with the role of tangata whenua as kaitiaki. This includes the upholding of Mauri, so that the health of natural resources is sustained. Through Whakapapa, tangata whenua have inherited their kaitiaki roles over particular resources. In modern times this broadened to include a responsibility over all natural resources located within their rohe (tribal or hapū defined area). Before tangata whenua interact with a natural resource, we usually acknowledge the spiritual realm through karakia and/or ritual.
85. This value includes respectful use and interaction with various environments. Kaitiakitanga gives first priority to the natural resource itself, and what it requires to stay healthy in terms of habitat, and then progresses to species health and abundance. This acknowledges the need to care for mahinga kai sites and areas, and the food resources and other taonga they contain. The active protection and nurturing of natural resources is also an expression of mana and control. Aligned to this is the requirement for the Crown to have particular regard to Kaitiakitanga.

86. In the broader sense, Kaitiakitanga is a multi-generational approach to ensuring resource provision for now and for those generations yet to come. It is a long-term commitment that flows through successive generations, building on mātauranga Māori, seasonal ebbs and flows, and utilising and regulating cultural harvest when it is appropriate to do so.

#### *Implementation*

87. In the modern era, there is a growing assumption that all people can be kaitiaki, which is a misconception. One cannot be a true kaitiaki unless you are cognisant of and observe appropriate ritual or spiritual practices in accordance with tikanga Māori, as you can only uphold and restore Mauri if you believe in and truly understand it, and connect with its spiritual origins. NZTA recognise the clear role for Kahungunu as kaitiaki, and it is expected that this will be acknowledged throughout the life of the project and beyond, including monitoring, environmental off-setting and upkeep of mitigation planting.

#### **Manaakitanga**

88. This is the action of nurturing, of benevolence, of giving, caring, and hospitality. It is derived from “Mana-a-ki”, emanating from the position of Mana, from power and prestige, and flowing outwards towards others. Strongly embedded within the Māori psyche, it expresses itself throughout the country in standard practice on our numerous marae, at many hui and cultural events.

#### *Implementation*

89. For the project it can be envisaged as actively contributing towards restoring the Mauri and well-being of the NOR corridor and its environs. The action of Manaaki will be mainly towards the whenua and freshwater environments. It can also be expressed through the interaction between different parties and how they interact with each other during the project duration. Often Manaakitanga will lead to reciprocity, although it is not an expected consequence.

## Other Values

90. The following values are important considerations for decision making and implementation in respect of the roading project, but more broadly for the Trust. NZTA will see the Trust acting in accordance with these values.

**Rautaki:** Providing visionary strategic leadership for Tāmaki nui-a-Rua that reflects the needs and aspirations of Marae / Hapū, Whānau and Communities;

**Kotahitanga:** Uniting Māori within Tāmaki nui-a-Rua;

**Ahuatanga:** Developing and maintaining our unique cultural strength and character;

**Rangatiratanga:** Participating and forming partnerships with the Crown to reinforce their kawanatanga obligations, in particular their obligation to protect tino rangatiratanga.

## ENVIRONMENTAL EFFECTS

91. NZTA has commissioned several reports to assess environmental effects associated with Te Ahu a Turanga, across the following topic areas:
- Freshwater and aquatic biodiversity
  - Historic heritage
  - Landscape, natural character and visual effects
  - Terrestrial ecology
92. The reports have identified that there will be a range of environmental impacts associated with the project. These effects will range from minor through to significant. The authors of the reports have stated there are a range of options available to avoid, remedy, mitigate or offset these effects, some of which have already been incorporated into the current proposed road alignment and design e.g. avoidance of high value biodiversity areas, bridging across significant areas of habitat.
93. In contrast, where the effects have not been fully assessed, consultants for NZTA have identified that the broad package of responses are *'likely to address adverse effects and offset residual effects'*. The Trust accepts that the work undertaken by NZTA and its agents towards these outcomes has been thorough and considered. However, with the material produced by NZTA not having been conclusive regarding effects, it is problematic for the Trust to do the same in respect of impacts on cultural values, rights or interests. The reports have been derived from a purely western science paradigm, with those involved having access and opportunity to undertake their various surveys and studies. This is in contrast to the Trust representatives, who have yet to be given the same level of access and opportunity.
94. As indicated earlier in this statement there is a strong probability that these matters will be addressed through the further detailed planning and work yet to be undertaken, including preparation of a CIA, and through agreements reached in or as a result of the partnership agreement document.

## STATUTORY MATTERS

95. The key relevant policies for decision makers have been assessed by Ms McLeod for NZTA. Ms McLeod's assessment is not repeated here, except for our emphasis on policies particularly relevant to the Trust's interests. These are:

- **National Policy Statement for Freshwater Management (2014, amended 2017)**
  - Objective D1 to provide for the involvement of iwi and hapū and to ensure that tangata whenua values and interests are identified and reflected in the management of freshwater, including associated ecosystems, and decision making regarding freshwater planning, including on how all other objectives of this NPS are given effect to (and associated policies D1, in particular clause c '*reflect tangata whenua values and interests in the management of, and decision-making regarding, freshwater and freshwater ecosystems in the region.*')
- **Horizons Regional Council One Plan**
  - Chapter 2 Te Ao Maori  
Objective 2-1 with its supporting policies and provisions identify a clear strong requirement for hapū and iwi to be engaged in resource management, including decision making, and to have their values recognised and provided for. Table 2.1 identifies issues of significance to hapū and iwi, and reflects on the relevant parts of the One Plan which give life to the resource issues. For the Trust, the values identified within their statement do not tie directly to Table 1, but are not in conflict. The analysis of policy impact and implementation will occur through the CIA.
  - Chapter 5 – Freshwater  
Objective 5.1:  
Surface water bodies and their beds are managed in a manner that safeguards their life-supporting capacity and recognises and provides for the values in Schedule B (and associated policy 5-1)  
Objective 5-2:  
Surface water quality is managed to ensure that:

- (i) Water quality is maintained in those rivers and lakes where the existing water quality is at a level sufficient to support the Values in Schedule B
- (ii) Water quality is enhanced in those rivers and lakes where the existing water quality is not at a level sufficient to support the Values in Schedule B
- (iii) accelerated eutrophication and sedimentation of lakes in the Region is prevented or minimised
- (iv) the special values of rivers protected by water conservation orders are maintained.

Groundwater quality is managed to ensure that existing groundwater quality is maintained or where it is degraded/over allocated as a result of human activity, groundwater quality is enhanced. (and associated policies 5.4.2)

Objective 5-3:

Water quantity is managed to enable people, industry and agriculture to take and use water to meet their reasonable needs while ensuring that:

For surface water:

- (i) minimum flows and allocation regimes are set for the purpose of maintaining or enhancing (where degraded) the existing life-supporting capacity of *rivers* and their *beds* and providing for the other Values in Schedule B as appropriate
- (ii) takes and flow regimes for existing hydroelectricity are provided for before setting minimum flow and allocation regimes for other uses
- (iii) in times of *water* shortage, takes are restricted to those that are essential to the health or safety of people and communities, or drinking water<sup>^</sup> for animals, and other takes are ceased
- (iv) the amount of *water* taken from *lakes* does not compromise their existing life-supporting capacity
- (v) the requirements of *water conservation orders* are upheld
- (vi) the instream geomorphological components of natural character are provided for.

For the avoidance of doubt this list is not hierarchical.

For groundwater:

- (i) takes do not cause a significant *adverse effect* on the long-term groundwater yield
- (ii) groundwater takes that are hydrologically connected to *rivers*, are managed within the minimum flow and allocation regimes established for *rivers*
- (iii) groundwater takes that are hydrologically connected to *lakes* or *wetlands* are managed to protect the life-supporting capacity of the *lakes* or *wetlands*
- (iv) the significant adverse *effects* of a groundwater take on other groundwater and surface *water* takes are avoided
- (v) saltwater intrusion into coastal aquifers, induced by groundwater takes, is avoided.

In all cases, *water* is used efficiently (and associated policies 5-4.3, 5-9, 5-10, 5-13)

Objective 5-4:

Beds of rivers and lakes

The *beds* of *rivers* and *lakes* will be managed in a manner which:

- (i) sustains their life supporting capacity
- (ii) provides for the instream morphological components of natural character
- (iii) recognises and provides for the Schedule B Values
- (iv) provides for *infrastructure* and flood mitigation purposes.

(and associated policies 5-22 to 5-27)

- Chapter 6 – Indigenous Biological Diversity, Landscape, Historic Heritage

Objective 6.1:

Protect areas of significant indigenous vegetation and significant habitats of indigenous fauna, and maintain indigenous biological diversity, including enhancement where appropriate (and associated policies 6.2, 13-4, 13-5)

Objective 6.3:

Protect historic heritage from activities that would significantly reduce heritage qualities (and associated policies 6-11, 6-12)



- **Tararua District Plan (2012)**

Treaty of Waitangi and Maori Resource Management Value

2.10.3.1 Objective:

To recognise and provide for Maori values in the management of the District's natural and physical resources (and associated policy 2.10.3.2)

These plan provisions are the statutory foundation for consideration of the values held by the Trust (and associated impact on those values). They will be reported against as the Cultural Impact Assessment is completed.

## **FUTURE FOCUS FOR THE KAHUNGUNU KI TĀMAKI NUI-A-RUA TRUST**

96. Kahungunu ki Tāmaki nui-a-rua Trust is committed to supporting the Te Ahu a Turanga project on the basis that its cultural values are fully provided for throughout the project. This requires the participation of the Trust and its advisors for the duration of the project, and particularly beyond the NOR. The future schedule of work for the Trust is as follows:

1. Work with NZTA to ensure NOR process provides for cultural values
2. Prepare an amended statement to reflect outcomes achieved in lead-up to public hearing process
3. Undertake a Cultural Impact Assessment once detail on heritage, terrestrial biodiversity, and freshwater is complete.
4. Represent Trust and broader Ngāti Kahungunu values in public hearing processes, as required
5. Work with NZTA and other iwi, as appropriate, to develop an environmental and cultural design framework that represents the cultural values reflected in this report
6. Undertake baseline freshwater cultural monitoring and assessment , and continue cultural monitoring through the duration of the project
7. Prepare cultural values impact assessment for resource consent processes alongside NZTA

## REFERENCES

### Footnotes for Cultural Context

- <sup>1</sup> Waitangi Tribunal (WT), *The Wairarapa ki Tararua Report* pp.976-977.
- <sup>2</sup> J. C. Beaglehole, (ed.), *The Journals of Captain Cook on his Voyage of Discovery*, Vol. 1, (Cambridge, 1955): pp.284-285. Note: Ngāti Kahungunu have interests in the Cape Palliser area.
- <sup>3</sup> J. C. Beaglehole, (ed.), *The Journals of Captain Cook on his Voyage of Discovery*, Vol. 2, (Cambridge, 1961): pp.281-286; G. Mair, 'Maori Occupation in the Wairarapa during the Protohistoric Period', in B. F. Leach, and M. Helen, *Prehistoric Man in Palliser Bay*, (National Museum Bulletin 21, 1979), pg.11.
- <sup>4</sup> Waitangi Tribunal, *The Wairarapa ki Tararua Report*, pp.9-10. (Hereafter referred to as WT).
- <sup>5</sup> WT, pp.11-12.
- <sup>6</sup> WT, pp.11-12.
- <sup>7</sup> WT, p.13.
- <sup>8</sup> Francis Porter (ed.), *The Turanga Journals*, Wellington, 1974, pp.84-85 and 121-122.
- <sup>9</sup> Francis Porter (ed.), *The Turanga Journals*, Wellington, 1974, pp.84-85; M. J. Parsons, 'Jury, Te Aitu-o-te-rangi, ?-1854', *The Dictionary of New Zealand Biography*. URL: <http://www.dnzb.govt.nz/>; and, WT, pp.15-20.
- <sup>10</sup> WT, pp. 11-14.
- <sup>11</sup> WT, pp.11-14.
- <sup>12</sup> WT, pp.13-14.
- <sup>13</sup> Cooper to McLean, 29 March 1857. AJHR 1861, C-1, p.332.
- <sup>14</sup> Searancke to McLean, 5 July 1858, AJHR 1861, C-1, pp.275-276; see also P McBurney, Wai 863 #A47, p.64.
- <sup>15</sup> Ngawaapurua block, Wellington Deed 144. Turton's Deeds, pp.332-333, and; Searancke to McLean, 5 July 1858. AJHR, 1861, C-1, p.276; Ngawaapurua block, Wellington Deed 144. Turton's Deeds, pp.332-333.
- <sup>16</sup> Grindell journal, 14 June 1858. AJHR, 1861, C-1, pp.276-277.
- <sup>17</sup> Makuri and Ihuraua blocks, Wellington Deeds 160 and 161. Turton's Deeds, pp.353-355 and 465.
- <sup>18</sup> Referring to George Hamilton. See Ian McGibbon, 'Hamilton, George Douglas', DNZB  
URL: <http://www.TeAra.govt.nz/en/biographies/2h9/hamilton-george-douglas>
- <sup>19</sup> George Hamilton, 1890. Puketoi 6 title investigation. Otaki MB 13, pp.390-427. See also Ian McGibbon, *A History of the Mangatoro Station and the Waitahora Valley*, Waitahora Centennial Committee, 2006.
- <sup>20</sup> AJHR, 1863, E-16, p.11, and; Ian McGibbon, 'Hamilton, George Douglas', DNZB

URL: <http://www.TeAra.govt.nz/en/biographies/2h9/hamilton-george-douglas>

- <sup>21</sup> Napier MB 2, pp.83-84. The rangatira concerned is Ihakara Whaitiri.
- <sup>22</sup> Napier MB 1, pp.238-252, and; WT, p.440.
- <sup>23</sup> Locke speaking at 6 Sep 1870 hui at Waipawa, in *Te Waka Maori o Ahuriri*, 20 Sep 1870, no. 14, vol 6, pp 59-61; translation P Meredith, 'Translations of Maori Newspaper Material', 2000, Wai 863 #A97, p 3.
- <sup>24</sup> WT, p.441; Napier MB 2, pp.170-173; Ballara & Scott, #A18, p 18 (citing Ormond to Col Sec, 4 Apr 1870); James Grindell to Lawson, nd, in MA 13/126/82(b), Archives NZ; see also Ballara & Scott, #A18, pp 34-35; and; Wai 863 #A47, pp.110-111.
- <sup>25</sup> WT, pp 447-448.
- <sup>26</sup> WT, pp.441 and 445-448; 2.70-2.71, and; Wai 863 #A47, pp.97-98.
- <sup>27</sup> Wai 863 #A47, pp.99-101; Paula Berghan's "Block Research Narratives of the Tararua, 1870 – 2000", Report Commissioned by Crown Forestry Rental Trust, 2002, p.8 referring 7 May 1870, Ormond to Nat Min, MA-MLP1 1870/668 in MA13/82a&b, NA, Supporting Papers, Vol.1 pp.341-2.
- <sup>28</sup> Locke to Ormond, 3 Aug 1870, AGG-HB3/5/18; see also Ballara & Scott, #A18, p 21.
- <sup>29</sup> WT, p.441; *Te Waka Maori o Ahuriri*, 20 Sep 1870.
- <sup>30</sup> Tawa Rautahi, Otaki MB 13, p.401.*Te Waka Maori o Ahuriri*, 20 September 1870, pp.59-61 (Wai 863 #A97), and; WT, pp.441-442. See also Tawa Rautahi, Puketoi 6 case, 1890. Otaki MB 13, p.401, and; Hoera Herehere and Ihaia Ngarara, Manawatu 4A (Tipapaku) case, 1894. Napier MB 32, pp.128 and 147.
- <sup>31</sup> *Te Waka Maori o Ahuriri*, 20 September 1870, pp.59-61 (Wai 863 #A97),
- <sup>32</sup> Tipapakuku, 1894. Napier MB 32, pp.123-127.
- <sup>33</sup> Napier MB 2, pp.173-177, and; WT, p.443.
- <sup>34</sup> Tipapakuku, 1894. Napier MB 32, pp.123-127.
- <sup>35</sup> Hori Herehere, Puketoi 6, 1890. Otaki MB 13, pp.390-427.
- <sup>36</sup> Napier MB 2, pp.173-201; Otaki MB 13, pp.390-427, and; WT, pp.442-443.
- <sup>37</sup> As Manahi Paewai later noted: Napier MB 32, pp.113, 138, and 141.
- <sup>38</sup> Napier MB 2, pp.170-201, and; Wai 863 #A47 p.111.
- <sup>39</sup> Maata Te Opukahu, Hori Herehere, Ihaia Te Ngarara, Paora Ropiha, Karaitiana Takamoana, Te Otene Matua, and Te Watene Hapuku. See Napier MB 2, pp.170-201, and Otaki MB 13, p.394.
- <sup>40</sup> Wai 863 #A47, pp.107-109; Ballara and Scott, 'Tamaki', p.26, and; WT, p.450.
- <sup>41</sup> WT, p.454.
- <sup>42</sup> AJLC, 1871, No.'s 23 and 24.
- <sup>43</sup> Te Rangiwhakaewa and others to Henry Russell, 29 August 1871, in AJLC 1871, No. 23, pp.5-6.
- <sup>44</sup> AJHR, 1873, G-7, pp.7 and 36.

- <sup>45</sup> WT, p 440; George Hamilton, Puketoi 6, 1890. Otaki MB 13, pp.390-427; Manahi Paewai, Tamaki, 1895. Napier MB 37, pp.1-134, and; Tamaki judgment, 1895. Wai 863 #A39 Docs, pp.5284-5288).
- <sup>46</sup> WT, pp.452-453; See also Wai 863 #A47, pp.114-117.
- <sup>47</sup> Locke, Napier to McLean, 17 July 1872. MS-Papers-0032-0394. ATL.
- <sup>48</sup> Ballara and Scott, Tāmaki or the Seventy Mile Bush, Wai 863, A18, pp.53-55.
- <sup>49</sup> Tamaki or 70 Mile Bush Deed, 16 August 1871, deed no. HWB 92, in ABWN W5279 8102 Box 360, Archives NZ; see also Turton, *Maori Deeds of Land Purchases in the North Island of New Zealand*, vol 2, Province of Hawke's Bay, pp 562-571 (Turton deed no. 48); see also Ballara & Scott, Wai 863 #A18, pp 9-10.
- <sup>50</sup> Wai 863 #A47, pp.118-121.
- <sup>51</sup> AJLC, 1871, No's 23 and 24.
- <sup>52</sup> Tamaki or 70 Mile Bush Deed, 16 August 1871, Turton, *Maori Deeds of Land Purchases in the North Island of New Zealand*, vol 2, Province of Hawke's Bay, p 571; McBurney, #A47, pp 81-82; Ormond to Col Sec, 16 Aug 1871, MA 13/126/82(b), Archives NZ; see also Ballara & Scott, #A18, pp 38-42; (see Turton's Deeds, Hawke's Bay Deed No. 48, for number of signatories).
- <sup>53</sup> Turton's Deeds, Enclosure Two in Hawke's Bay Deed No. 48, p.571.
- <sup>54</sup> George Hamilton, 1890 (Puketoi 6 case). Otaki MB 13, pp.390-427.
- <sup>55</sup> Wai 863 #A47, pp.129-131.
- <sup>56</sup> Wai 863, #A47, p.131.
- <sup>57</sup> Wai 863 #A47, pp.130-132.
- <sup>58</sup> WT, pp. 601 and 629; Tribunal, p. 558 [map].
- <sup>59</sup> WT, pp.608-610.
- <sup>60</sup> WT, pp. 558 and 629.
- <sup>61</sup> WT, pp. 613, 626, 629; 'Kei Mua I Te Roopu Whakamana I Te Tiriti O Waitangi', Closing Submissions of Ngai Tumapuhia-a-Rangi, Wai 863, #113, p. 135; Steven Oliver, 'Tararua District: Twentieth Century Land Alienation Report', February 2004, Wai 863, #A78, pp. 47-48.
- <sup>62</sup> WT, p. 605; 'Interim Report of the Native Land Commission on Native Lands in Masterton, Featherston, Wairarapa South, Pahiatua, Eketahuna, and Castlepoint Counties', 19 December 1908, AJHR, 1909, G-1D, pp. 1-3, and; MA 78/17. Archives New Zealand. Wai 863 #A26 (59), p.469. The small amount of land remaining in the district was unoccupied
- <sup>63</sup> AJHR, 1908, G-R, p.1; AJHR, 1909, G-1G, p.10; WT, pp.604-607; Tony Walzl, 'Wairarapa Land Issues Overview 1900-2000', Nov 2002, Wai 863, #A42, p. 34.
- <sup>64</sup> Walzl, 'Wairarapa Land Issues Overview 1900-2000', p. 35, and; Stirling, 'Ngati Hinewaka Lands: 1840-2000', Wai 863 #A59, pp.284-294.
- <sup>65</sup> Native Land Act 1909, S 425.

- <sup>66</sup> WT, pp. 558 [map], 605, 608; Walzl, 'Wairarapa Land Issues Overview 1900-2000', pp. 40-90.
- <sup>67</sup> WT, pp. 608-609.
- <sup>68</sup> WT, pp.608-609.
- <sup>69</sup> Government Advances to Settlers Act 1894, and; Richard Boast, *Buying the Land, Selling the Land*, pp.260-261.
- <sup>70</sup> Te Rina Purakau and 196 others, Papawai to Carroll, 31 March 1911. MA 1/1911/397. Archives New Zealand. Wai 863 #A51(c), pp.1472-1473.
- <sup>71</sup> *Na To Hoa Aroha From your dear friend: The Correspondence between Sir Apirana Ngata and Sir Peter Buck, 1925-50*, (Ed.) M.P.K. Sorenson, Auckland 1988, vol.3, p.21.
- <sup>72</sup> WT, p. 619; AJHR, 1941, G-10, pp.32 and 34; 13 July 1944, Report on Makirikiri No.s 1 & 2 blocks, MA 15/26/4, Hastings MLC, Supporting Papers Vol. 2 , pp. 628-633; in Walzl, p. 232; Bryan Gilling, 'Lands, Funds, and Resources. Aspects of the Economic History of Maori in Wairarapa ki Tararua since 1840', November 2004, Wai 863, #A118, pp. 215-16.
- <sup>73</sup> see AAMK 869, 15/6/109, 15/6/116, and 15/6/117; and, ABRX 6880, 4/4/54 and 4/4/55. Archives New Zealand. Restricted.
- <sup>74</sup> WT, p. 620; Walzl, 'Wairarapa Land Issues Overview 1900-2000', p. 241.
- <sup>75</sup> WT, p.620.
- <sup>76</sup> WT, pp.619-620; AJHR, 1938, G-10,p.73; AJHR, 1941, G-10, pp.32 and 34-35; 'Statement of Evidence of Herbert Tewa-Kite-Iwi Chase', Wai 863, #E6, pp. 3-5; Oliver, p. 30; Stirling, Wai 863, #A59, pp. 411-412. Archway references indicate Tahoraite assistance ended by 1955 but likely earlier than that (R17309764. Archives New Zealand).
- <sup>77</sup> See, for instance, Wharaurangi, Ahirara, and Waipuna reserves (Walzl, Wai 863 #A43, pp.47-49, 51, 57-58, and 70-76). See also Ngatahuna, sold in 1880 due in part to being land-locked (Wai 863 #A49, pp.198-199); See also Wai 863 C43, pp.7-12.
- <sup>78</sup> Stirling, 'Land-Locked Blocks', Ngati Kahungunu ki Wairarapa Tamaki Nui a Rua Trust/CFRT, 2014, p.12.
- <sup>79</sup> Stirling, 'Land-Locked Blocks', Ngati Kahungunu ki Wairarapa Tamaki Nui a Rua Trust/CFRT, 2014, p.12; Stirling, 'Land-Locked Blocks – Te Awaiti Case Study', Ngati Kahungunu ki Wairarapa Tamaki Nui a Rua Trust/CFRT, 2014, p.4.
- <sup>80</sup> Native Land Court Act 1886, ss 91 and 92; Native Land Court Act 1894, s 69; Public Works Act 1894, s 112; Public Works Amendment Act 1900 s 20; Native Land Act 1909, s 117; Native Land Amendment Act 1912, s 10; Native Land Amendment Act 1913, ss 48-53; Native Land Amendment and Native Land Claims Adjustment Act 1922, s 13; Public Works Amendment Act 1928 s 2; Public Works Act 1928 ss 124–128; Native Land Act 1931 ss 476–488; Maori Affairs Act 1953, s 415-419; Property Law Amendment Act 1975, s 129B; Te Ture Whenua Maori Act 1993, s 316, 317.

- <sup>81</sup> Wai 863, I1(c), pp.46-47; Wai 863, C7, pp.6-7; Jacinta Ruru and Anna Crosbie, 'The key to unlocking landlocked Maori land: the extension of the Maori Land Court's jurisdiction' (2004) 10 Canterbury Law Review 318.
- <sup>82</sup> Tribunal, pp.622-624 and 628; Stirling, 'Ngati Hinewaka Lands: 1840-2000'. Wai 863 #A59, pp.123-124, and, Stirling, 'Land-Locked Blocks', Ngati Kahungunu ki Wairarapa Tamaki Nui a Rua Trust/CFRT, 2014, p. 2, 3, 4.
- <sup>83</sup> WT, p. 622.
- <sup>84</sup> WT, p. 749.
- <sup>85</sup> WT, pp.808-09.
- <sup>86</sup> Palliser Bay Road takings included two urupā and the taking of Nga Ra o Kupe (The Sails of Kupe). The Matakītaki lighthouse taking included an urupā. A pā was taken at Kaitoke, while Dannevirke, Okurupatu, Tautāne, and Hurunuiorangi takings involved papakāinga land and the latter separated the marae from its urupā. See WT, pp. 490-493, 750-752, 761-763.
- <sup>87</sup> Cathy Marr, Philip Cleaver, Lecia Schuster, 'The Taking of Māori Land for Public Works in the Wairarapa Ki Tararua District: 1880 – 2000 – A Report Commissioned by the Waitangi Tribunal: December 2002', Wai 863 #A32, p. 26. These are provisions under the 1878 Act as there were no takings before 1878.
- <sup>88</sup> WT, p.746, and Marr, et al, Wai 863 #A32, pp.23-35.
- <sup>89</sup> Cathy Marr, Philip Cleaver, Lecia Schuster, 'The Taking of Māori Land for Public Works in the Wairarapa Ki Tararua District: 1880 – 2000 – A Report Commissioned by the Waitangi Tribunal: December 2002', Wai 863 #A32, pp. 26-27.
- <sup>90</sup> WT, p.746.
- <sup>91</sup> Marr, et al. Wai 863 #A32, pp.120, 129, and 134.
- <sup>92</sup> WT, p. 759.
- <sup>93</sup> Marr, et al. Wai 863 #A32, pp.88-89.
- <sup>94</sup> Marr, et al. Wai 863 #A32, pp.105-110.
- <sup>95</sup> See, for instance, WT, pp.750-52 and 755.
- <sup>96</sup> Ngāti Hinewaka offered to lease the Matakītaki farmland sought to support the Cape Palliser lighthouse keeper (Wai 863 #A59, pp.296-97). The Dannevirke aerodrome land was successfully leased for 23 years before it was taken (WT, pp.777-78).
- <sup>97</sup> WT, pp. 772-781; Marr, Cleaver, Schuster, pp. 99-103, 211-220, 223-229, 231-251, 255-272, 276-309.
- <sup>98</sup> WT, p.777, and; Marr, et al. Wai 863 #A32, pp.240-242 and 244.
- <sup>99</sup> Marr, et al. Wai 863 #A32, pp.249 and 251.
- <sup>100</sup> WT, pp.779-780, and; Marr et al. Wai 863 #A32, pp.276-311.
- <sup>101</sup> Cathy Marr, Philip Cleaver, Lecia Schuster, 'The Taking of Māori Land for Public Works in the Wairarapa Ki Tararua District: 1880 – 2000 – A Report Commissioned by the Waitangi Tribunal: December 2002', Wai 863 #A32,

- pp. 101, 269-270, 274; Certificate of title, HB 149/157, Hawke's Bay land district, LINZ.
- <sup>102</sup> WT, pp.763-765; Cathy Marr, Philip Cleaver, Lecia Schuster, 'The Taking of Māori Land for Public Works in the Wairarapa Ki Tararua District: 1880 – 2000 – A Report Commissioned by the Waitangi Tribunal: December 2002', Wai 863 #A32, pp. 145, 166-168.
- <sup>103</sup> WT, p. 851.
- <sup>104</sup> WT, pp.843-880.
- <sup>105</sup> For example, the construction of Oxidation Ponds at Pāpāwai and the management of industrial pollution in Carterton waterways. 'Statement of Evidence of Kingi Matthews on Behalf of the Claimants', Waitangi Tribunal, Wai 863 #C1, p. 5; 'Statement of Evidence of Hinepatokoriki Paewai on Behalf of the Claimants', Waitangi Tribunal, Wai 863 #C9, p. 13.
- <sup>106</sup> WT, pp. 846-851,
- <sup>107</sup> Cathy Marr, 'Wairarapa Twentieth Century Environmental Overview Report: Lands, Forests and Coast', August 2001, Wai 863 #A25, pp. 40-41.
- <sup>108</sup> 'Summary of Evidence of Cathy Marr – Wairarapa Twentieth Century Environmental Overview Report: Lands, Forests and Coast', Waitangi Tribunal, Wai 863, #A25, p. 6; Cathy Marr, 'Wairarapa Twentieth Century Environmental Overview Report Lands, Forests and Coast', Waitangi Tribunal, August 2001, Wai 863, #A25, pp. 40-43; WT, p. 876. J D Enys, 'An Account of the Maori Manner of Preserving the Skin of the Huia, *Heteralocha auctiostris*, Buller', Transactions and Proceeding of the New Zealand Institute, 1875, vol 8, p. 204, in, WT, pp. 876-877.
- <sup>109</sup> For example, see: 'Brief of Evidence Tawhao Ngatuere Katuhakoria Matiaha', Waitangi Tribunal, Wai 863, #C13, pp. 4-5, 7-8; 'Brief of Evidence of Frances Irene Reiri-Smith', Waitangi Tribunal, Wai 863, #C27, pp. 7-8, 11-12.
- <sup>110</sup> 'Statement of Evidence of Titihuia Barclay Karaitiana', Waitangi Tribunal, Wai 863, #E7, pp. 3-4; WT, pp. 864-865.



## Footnotes for Cultural Values

- <sup>111</sup> Traditional Māori knowledge derived from customary use and learnings, often over many years
- <sup>112</sup> Protocol and customs of the Marae and whareniui [traditional meeting house]
- <sup>113</sup> Through regular interaction with the area as a mahinga mataitai – a coastal site or location used for the customary gathering of resources from the sea.
- <sup>114</sup> Marine and Coastal Area (Takutai Moana) Act, 2011 process where Māori are required to register their interests that will then be decided by the Supreme Court
- <sup>115</sup> Whenua – land, earth, soil; Whenua – afterbirth. Kura – red; Kura – school, place of learning.
- <sup>116</sup> Human skeletal remains
- <sup>117</sup> Within western thought processes, 'Atua' has been given equivalency to 'God', or 'Gods'. Within the Māori world view they are more spiritual guardians, the children of Ranginui and Papatuanuku and responsible for different realms within the physical reality
- <sup>118</sup> Children of the Atua are the various life forms that manifest in the physical world, the insects, birds and fish, and includes the microscopic life within the seas (e.g. zooplankton), and the soils.
- <sup>119</sup> Regarded by many tangata whenua as a natural progression of whakapapa that links us to the spiritual world
- <sup>120</sup> Usually interpreted as applying from the mountains to the sea
- <sup>121</sup> Mauri ti aki, Mauri whakahaere, Mauri here etc
- <sup>122</sup> In some locations the word 'ira' is also used when referring to the life-force of the sea.

