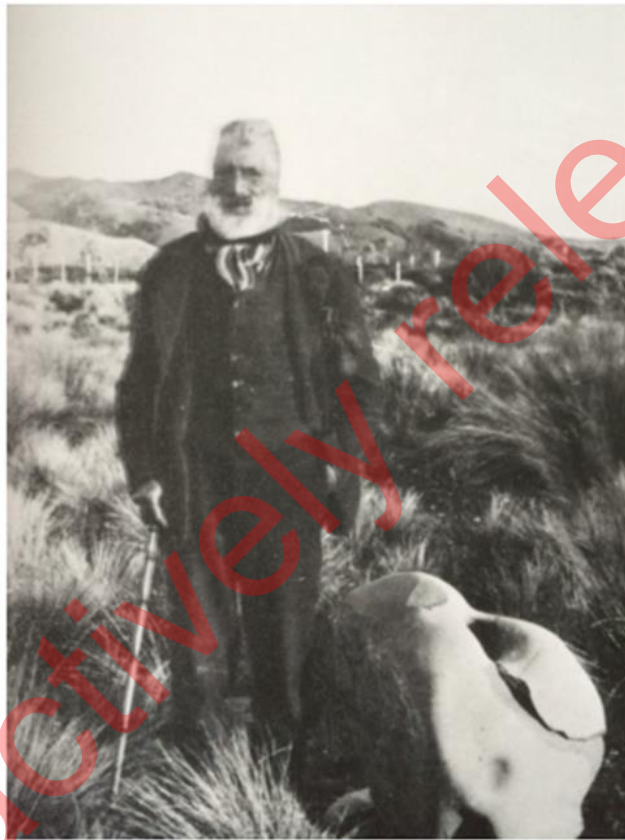




TE RŪNANGA O  
**TOA RANGATIRA**

## **Submission on State Highway 59 between Whitianga and Taupō**



**Consultation on NZTA 3.B**

**Following the opening of Te Aranui o Te  
Rangihaeata**

**KA UPANE Ā UPANE WHITI TE RAI!**



Name	Status
<b>Out of scope</b> <i>Principal Advisor</i> <i>Treaty and Strategic Relationships</i>	Draft, 1 March 2023
<b>Out of scope</b> <i>Pou Toa Matarau</i> <i>Ahurea Taiao</i>	

Te Rūnanga o Toa Rangatira (Te Rūnanga) as the mandated iwi authority for Ngāti Toa Rangatira (Ngāti Toa) has responsibility for protecting and enhancing the mana of Ngāti Toa across the various political, economic, social and environmental spheres.

In relation to Te Ao Tūroa, the objective of Ngāti Toa is to nurture a resilient environment to sustain future generations through reclaimed connection and mātauranga to natural resources, empowering kaitiaki who are leaders and co-managers of our natural environment, our commitment to environmental sustainability and our ability to adapt to the impacts of climate change.

*Subject to the written consent of Te Rūnanga o Toa Rangatira, the information contained within this document must not be used for any other purpose than that intended.*



Te Rūnanga o Toa Rangatira Inc.

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Front cover, Te Karehana Whakataki and Maungaroa, Paremata, Te Papa Tongarewa

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Proactively released

## Introduction

Thank you for the opportunity to provide a submission on the Wellington Network Operational Readiness Programme – Consultation on NZTA3.B regarding the future of SH59 following the opening of Te Aranui o Te Rangihaeata (the proposal).

Te Rūnanga o Toa Rangatira (Te Rūnanga) provides the following submission on behalf of Ngāti Toa concerning the proposal.

We appreciated Waka Kotahi making the time to visit Te Rūnanga to explain the proposal.

Our submission reflects the importance of the State Highway 59 cultural landscape between Whitianga and Taupō for Ngāti Toa.

## Ngāti Toa Rangatira

*Ko Te Rauparaha te Rangatira o Kapiti me Te Moana o Raukawa*

### Mana whenua

Ngāti Toa are mana whenua of the section of State Highway 59 (S.H. 59) between Whitianga and Taupō. Ngāti Toa took possession of the area by conquest in accordance with tikanga Māori. The cultural, social and spiritual life of Ngāti Toa centres around the land on which the iwi hold mana whenua. Ngāti Toa acquired mana whenua by take raupatu, subsequently followed by occupation or ahi kā resulting in the displacement of the original Ngāti Ira inhabitants. The lands remain connected to Ngāti Toa through ongoing iwi occupation protection of wāhi tapu and sites/areas of cultural significance and the retention and transmission of mātauranga Māori pertaining to the history and customary rights of Ngāti Toa with the area.

Kaitiakitanga is exercised by Ngāti Toa as mana whenua to protect the natural environment, cultural practices, iwi traditions and all taonga. Ngāti Toa kaitiakitanga includes maintenance of tikanga, kawa and preservation of taonga. Kaitiakitanga flows from mana whenua and the authority to act as guardians. Kaitiakitanga is an inherited responsibility passed down by the ancestors to each successive generation to care for and preserve the natural environment for our benefit and ultimate survival. As mana whenua and Kaitiaki, Ngāti Toa recognise whakapapa as the basis of their relationship with Papatūānuku and the natural world imbued by a reciprocal duty of care to sustain the health of the environment so that it continues to sustain the health of the iwi.

Mātauranga, kaitiakitanga and manaakitanga are important aspects of Ngāti Toa tikanga that relate to the ability of the iwi to sustainably manage the taiao and ensure its spiritual and temporal wellbeing. Shared whakapapa to the Atua reminds us that we are connected to our natural environment and have a responsibility to maintain its continued health and wellbeing for our own benefit as well as the flora, fauna and tupua that inhabit it. Traditional tikanga such as rāhui remain an important mechanism for management of certain areas.

The guardianship role of Ngāti Toa aims to protect and enhance mauri. The health and wellbeing of iwi members and the community is secured by ensuring the spiritual and cultural needs of the taiao and those that are associated with it are respected. In respect of S.H. 59, it also involves environmental restoration that reconnects Ngāti

Toa whānau with the taiao for mahinga kai, waka ama, tikanga and associated traditional practices.

It is the aspiration of Ngāti Toa to maintain our cultural practices that physically, spiritually and culturally connect us with our taiao and our whakapapa.

## Te Tai Hononga

Te Tai Hononga expresses the tidal connection of Ngāti Toa with te taiao between Whitianga (the entrance of Pāuatahanui harbour, north of Paremata Railway Station) and Taupā (Plympton). It is an important tauranga waka – an ancient gateway to Te Moana o Raukawa and the sea pathways around Aotearoa and the Pacific. Taniwha dwelled within its waters and fish teemed in its warm water currents at the entrance of Te Awarua o Porirua. The deep water here is said to be the dwelling of a taniwha who is responsible for the swirling sand bars and unpredictable sea currents. Access is often difficult for waka and boats in these waters. Once moored the auranga waka provides safe harbour and anchorage.

It was here that Kupe sailed in ancient times from Te Moana o nui a Kiwa leaving the precious taonga anchor stone called Maungaroa after a maunga in Rarotonga where it originated from. Te Karehana Whakataki (front cover) was the kaitiaki of Maungaroa. Te Karehana Whakataki migrated from Kāwhia as a young child and was closely related to Te PēhiKupe and his sister was married to Paremata Te Wahapiro. Karehana Bay is named after Te Karehana Whakataki.

The importance of the area is recognised under the Ngāti Toa Rangatira Claims Settlement Act 2014 (the settlement legislation). As outlined in Appendix 1, the settlement legislation includes a number of statutory acknowledgements of relevance to the proposal. The statement of association for Tawhitikurī expresses the depth of the relationship with Ngāti Toa. Tawhitikurī includes the foreshore, seabed, railway and S.H. 59 at Goat Point. Te Rūnanga holds high expectations that Tawhitikurī will be restored and protected with the support of Kiwirail and Waka Kotahi.

Ngāti Toa papakāinga were located along the S.H. 59 route at Whitianga and Paremata Pā on the opposite northern side of the harbour (Ngāti Toa Domain area).<sup>1</sup> This area was occupied by Te Rākaherea and the Ngāti Te Rā hapū of Ngāti Toa. As recounted by Mātene Te Whiwhi in 1871:

Ngāti Te Rā were living at Paremata. Te Rākaherea was their chief.<sup>2</sup>

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<sup>1</sup> There is evidence that coastal lands west of Whitianga were to be reserved for Ngāti Toa by Governor Grey in 1847. Hemi Kuti stated that Waiohata (Duck Creek), Rapaotewhai (Golden Gate) and London's place (Ivy Bay) was reserved for Ngātitera hapū of Ngāti Toa. Kemi Kuti recounted that that Governor Grey had visited Te Rangihaeata and Te Rakahera at Poroutawhao and had reserved these lands at Pāuatahanui for Ngātitera hapū. These reserves, however, were never recognised by the Crown. *Hemi Kuti to Major Heaphy, Commissioner of Native Reserves*, 16 April 1877, Native Reserves, A Mackay, Wellington, 10 November 1886, With file of papers regarding Porirua Native Reserve, 1861 - 1886, R24717333, Archives New Zealand

<sup>2</sup> Evidence of Mātene Te Whiwhi, Motuhara, Minutes of the Native Land Court, Wellington Minute Book, 1H, 1871, p 233

Paremata is closely connected to Kaiua Bay on the other side of the channel. Both Kaiua Bay and Paremata Pā were mahinga kai and tauranga waka of Ngāti Toa and guarded the entrance to Te Awarua o Porirua.

Closely related, and associated with, Ngāti Toa at Paremata was Paremata Te Wahapiro (nephew of Te Pūoho o te Rangi), of Ngāti Tama and Ngāti Toa descent. The Ngāti Tama connection was described by Mātene Te Whiwhi who stated that Ngāti Tama occupied Paremata about 1833 prior to shifting to Komangarautawhiri on the Tīahi Bay coast.<sup>3</sup> The name Paremata commemorates Paremata Te Wahapiro and the intimate connections and shared history of Ngāti Toa and Ngāti Tama

The use and occupation of Paremata as a significant tauranga waka was continued by Joseph Thoms. Thoms married Te Ua Tōkiriki, the daughter of Whatarauhi Nohorua and was a critical part of the Ngāti Toa maritime operations. Whatarauhi Nohorua was an important senior tohunga of Ngāti Toa. European travellers during the 1830s and 1840s described Paremata and the associated whaling station.

Taupō (Pimmerton) was a major pā and papakāinga of Ngāti Toa. It was the central powerbase of Te Rauparaha and Te Rangihaeata during the 1830-1840s. The papakāinga was located behind Pimmerton Beach in the area that includes S.H. 59 and the railway towards Tawhitikurī. Taupō wetland is highly significant for Ngāti Toa as te mahi kai, mahinga kai, rongoā and wāhi tapu. Te Rūnanga is currently undertaking long-term kaitiaki monitoring of Taupō Stream at Steyne Ave in association with upgrade works by Kiwirail. It is not uncommon for koiwi and other taonga to be discovered in the Taupō area during earthworks.

## The proposal

The proposal relates to Condition NZTA3.B concerning the future of the section of SH59 (formerly SH1) including Paremata Road, Mana Esplanade and St Andrews Road. The proposal includes:

- The continuation of four-laning of St Andrews Road between Acheron Road and James Street.
- Measures (to the extent that they are legally available) to restrict or discourage heavy vehicle movements through the Work – Paremata Road, Mana Esplanade and St Andrews Road.  
Other measures required to ensure an adequate level of service for the traffic volumes and traffic type expected to use the Work – Paremata Road, Mana Esplanade and St Andrews Road.
- Provision of arrangements for cyclists.
- Alteration of footpath widths.
- Removal of traffic lights.

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<sup>3</sup> Evidence of Mātene Te Whiwhi, Motuhara, Minutes of the Native Land Court, Wellington Minute Book, 1H, 1871, p 234



- Changes to the operation of the clearways or High Occupancy Vehicle lanes.
- Alteration of arrangements in relation to capacity.
- Any changes to be sought to the NZTA designation in relation to those matters.

Te Rūnanga originally supported the current operation of S.H. 59 in the late 1990s. Our position at the time (including evidence at the Environment Court) opposed the proposed four-land bypass and supported use of the clearways as an appropriate solution.<sup>4</sup>

The support of Te Rūnanga for Transit NZ's proposal to upgrade the State Highway was to ensure protection of our wāhi tapu at Ngāti Toa Domain and enhancement of the Taupō Stream.

Our constant support for Te Aranui o Te Rangihaeata (Transmission Gully) since the early 1990s was also to ensure protection of our coastal environment. Despite our support, some of our significant places such as Tawhitikurī are not respected due to inappropriate foreshore protection works and concrete rubble along the coast.

Now that Te Aranui o Te Rangihaeata has been built, we consider there should not be any major changes to the road between Whitianga and Taupō until a dedicated strategic plan has been prepared for the entire road between Porirua and Paekākāriki. This strategic plan must provide greater recognition of the coastal environment in view of climate change, especially the protection of:

- Taonga tūturu and wāhi tūpuna at Paekākāriki.
- Toka tū moana (coastal rocks), ana (caves), mahinga kai and access between Pukerua Bay and Paekākāriki.
- Urupā and pā at Pukerua Bay at risk from slips (including safe access to urupā).
- Taua Tapū Track.
- Taupō wetland and stream.
- Tawhitikurī, including the reinstatement of te pou herenga.
- Paremata and Whitianga, including diving, fishing and access for whānau in the bridge area.
- Restoration of the foreshore (including access to the coast) between Whitianga and Porirua (along the length of the North Island Main Trunk Railway) with enhanced natural flows into the lagoons at Papakowhai, Oko Wai (Aotea Lagoon) and Aotea (south of Gear Homestead).

This plan will require close involvement of Kiwirail during the length of the shared corridor.

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<sup>4</sup> Te Rūnanga o Toa Rangatira, Statement of Evidence of Matiu Nohorua Te Rei, Notice of Requirement and Consent Application, Transit New Zealand Ltd for the State Highway 1 (Plimmerton to Paremata section upgrade), Environment Court, 2000

In consideration of the need for a dedicated strategic plan for the length of S.H. 59, Te Rūnanga considers that the current status and management of S.H. 59 between Whitianga and Taupō should be unchanged and the status quo should remain.

This position, however, is conditional on the speedy preparation of a new strategic plan for S.H. 59 to address the issues relating to areas of significance to Ngāti Toa outlined in this submission.

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## Appendix 1. Relevant provisions under the Ngāti Toa Rangatira Claims Settlement Act 2014

### Statutory acknowledgements

In support of obligations relating to Te Tiriti o Waitangi, there are specific cultural redress obligations in the Ngāti Toa Rangatira Claims Settlement Act 2014 (the settlement legislation) called statutory areas and deeds of recognition. Each statutory area is accompanied by a statement of association or statement of coastal values as provided for the Deed of Settlement.

Statements of association are made by Ngāti Toa and set out 'particular cultural, spiritual, historical, and traditional' associations and contained in Part 2.1 of the documents schedule in the Deed of Settlement.

Statements of coastal values are made by Ngāti Toa Rangatira and outline particular values relating to the coastal statutory areas. These are contained in Part 2.2 of the documents schedule in the Deed of Settlement.

Deed plans of the statutory areas are provided in the Documents Schedule of the Ngāti Toa Rangatira Deed of Settlement. Section 24 of the settlement legislation notes that the statutory areas deed plans are indicators of 'general location (but not the precise boundaries)'.<sup>5</sup>

Under section 25 of the legislation, the Crown acknowledges the statements of association and the statements of coastal values. This recognition status is called statutory acknowledgements.<sup>5</sup>

The statutory acknowledgements relevant to the proposal include:

- Cook Strait
- Te Awarua o Porirua
- Tawhitikurī
- Toka-a-Papa Reef
- Pauatahanui Wildlife Reserve<sup>6</sup>

The Tawhitikurī statement of association states:

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<sup>5</sup> Deeds of recognition are issued by the Minister of Conservation and Director-General of Conservation for each statutory area on Crown land or is administered by the Department of Conservation. The deeds of recognition include the relevant statements of association or statements of coastal values. The Minister of Conservation and the Director-General of Conservation must, if undertaking reserve-related activities in a statutory area, consult and have regard to the views of Te Rūnanga o Toa Rangatira concerning the association of Ngāti Toa Rangatira with that statutory area as described in a statement of association. Section 34, Ngāti Toa Rangatira Claims Settlement Act 2014

<sup>6</sup> <https://www.govt.nz/assets/Documents/OTS/Ngati-Toa-Rangatira/Ngati-Toa-Rangatira-Deed-of-Settlement-Schedule-Documents-7-Dec-2012.pdf>

Tawhitikurī rocks (considered to be tapu rocks) are of cultural and traditional significance to Ngāti Toa Rangatira.

The rocky point north of Taupo pa was originally called Tawhitikurī, and is located in a region of intensive coastal occupation which goes back many generations. The area onshore contains many middens and signs of early occupation. The point was the tohu, or boundary mark, of the Taupo land block considered to be Te Rauparaha's Pou. This was a pou herenga kingitanga site, meaning that it served as a physical expression of Ngāti Toa Rangatira's allegiance to the Kingitanga movement.

The point and Taupo Pa was the start of the Ngāti Toa Rangatira Taua Tapu track to Pukerua. While much of the onshore reef was destroyed when State Highway One and the rail corridor went through Mana, the site remains very important to Ngāti Toa Rangatira. A number of significant heritage and archaeological features remain in the close vicinity including Taupo Pa, and Ngāti Toa Rangatira Domain at Paremata.

### **Legislative requirements for statutory acknowledgments**

Section 26 of the settlement legislation requirements, relevant RMA consent authorities, the Environment Court, and Heritage NZ Pouhere Taonga to have regard to statutory acknowledgements. It also requires consent authorities to provide summaries of resource consent applications or copies of notices of resource consent applications to Te Rūnanga.

In terms of the archaeological authority process, section 29 requires that Heritage NZ Pouhere Taonga must have regard to statutory acknowledgements relating to statutory areas in relation to archaeological authority applications that 'will or may modify or destroy an archaeological site.' The Environment Court must also have regard to statutory acknowledgements in the event of any appeal against a decision of Heritage NZ Pouhere Taonga, including in making a determination as to whether the trustees are persons directly affected by the decision.

The settlement legislation also requires councils to record statutory acknowledgments on regional and district plans under the RMA. The information attached must include:

- Relevant statutory acknowledgement provisions.
- Descriptions of the statutory areas wholly or partly covered by the plan.
- Statements of association or statements of coastal values for the statutory areas.<sup>7</sup>

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<sup>7</sup> Section 30 Ngāti Toa Rangatira Claims Settlement Act 2014

## Poutiaki Plan

The poutiaki plan relates to the Te Awarua o Porirua marine environment. Section 146 provides that the trustee of the Toa Rangatira Trust<sup>8</sup> may at any time prepare a plan and lodge it with the relevant councils. The plan must specify:

- (a) the values and principles of Ngāti Toa Rangatira in relation to the poutiaki coastal marine area.
- (b) the resource management issues of significance to Ngāti Toa Rangatira in relation to the poutiaki coastal marine area.
- (c) The Ngāti Toa Rangatira statement of kaitiakitanga for fisheries management in the poutiaki area.

The plan is named the 'poutiaki plan' in the heading of section 146 of the legislation.

### The poutiaki area

As stated in section 146(c) of the legislation, the kaitiakitanga statement of Ngāti Toa Rangatira for fisheries management applies to the poutiaki area.

The 'poutiaki area' means the following areas being the areas with the general location (but not the precise boundaries) indicated in yellow and pink on deed plan OTS-068-74:

- (a) Cook Strait
- (b) Porirua Harbour
- (c) Te Whanganui/Port Underwood
- (d) Pelorus Sound/Te Hoiere (including Kenepuru Sound, Mahau Sound, and Tennyson Inlet)

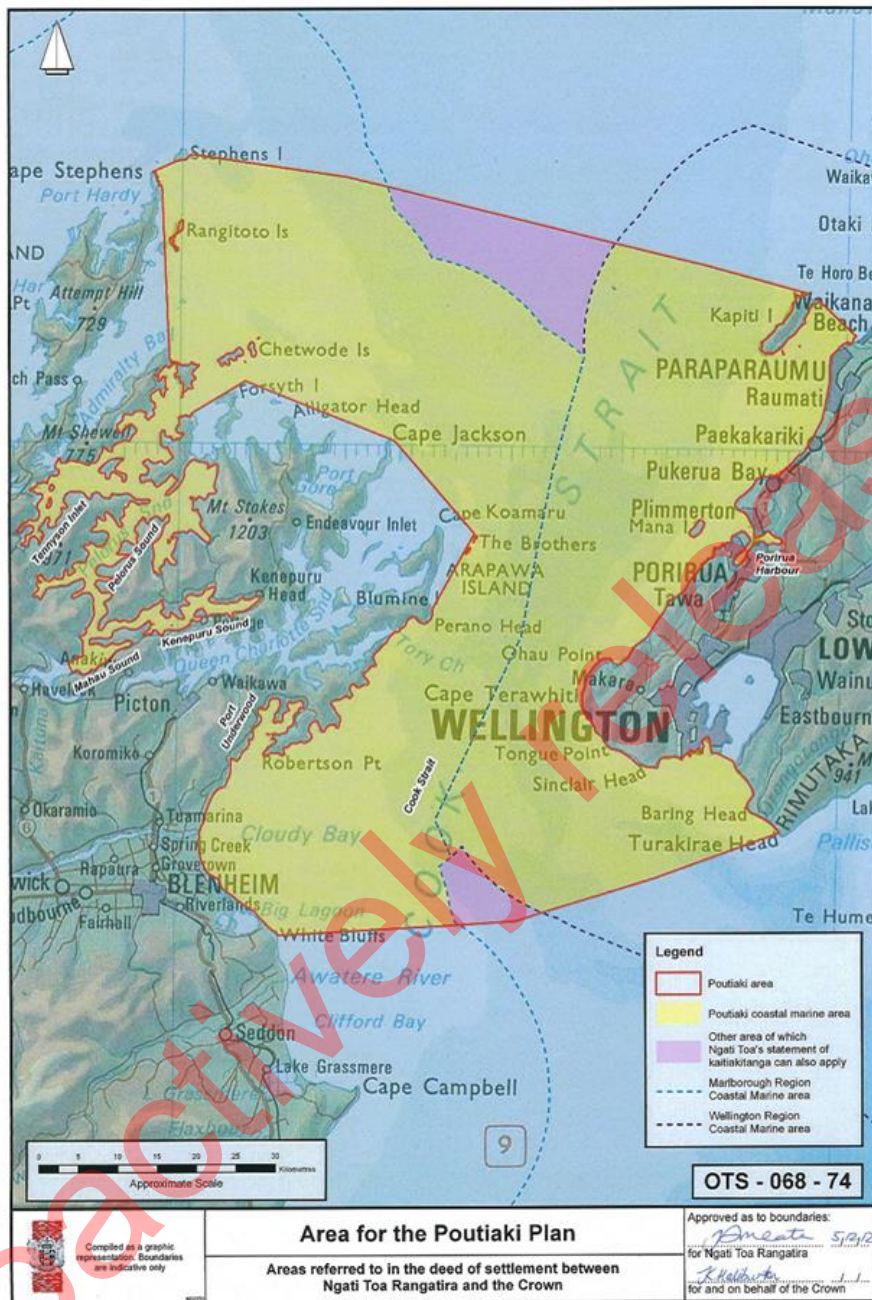
As outlined in the deed plan OTS-068-74, the poutiaki area is bounded to the north by the northern point of Kapiti Island and Stephens Island and bounded to the south by White Bluffs and Turakirae Head. This boundary includes the sea around the islands of Mana, the Brothers, Chetwode and Rangitoto.

The poutiaki area also includes two areas shaded in pink which are outside the boundaries of the Marlborough and Wellington Region coastal marine areas. These areas are within the 'exclusive economic zone' of New Zealand which is the area beyond the territorial sea under the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977.

With regard to the two areas shaded pink, the legend of the deed plan OTS-068-74 states 'other area of which Ngāti Toa's statement of kaitiakitanga can also apply.'

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<sup>8</sup> The Trustee of the Toa Rangatira Trust



Copy of original signed Poutiaki Plan, OTS-068-74, Te Rūnanga o Toa Rangatira

### The poutiaki coastal marine area

In addition to the poutiaki area, the part of the plan relating to values and principles and resource management issues of significance to Ngāti Toa Rangatira applies to the 'poutiaki coastal marine area' (section 146(a) and(b)).

The poutiaki coastal marine area is coastal marine area of the poutiaki area.

The 'coastal marine area' is defined in section 2(1) of the RMA being the 'foreshore, seabed, and coastal water, and the air space above the water — of which the seaward boundary is the outer limits of the territorial sea' and the landward boundary is the line

of mean high water springs.<sup>9</sup> The definition means that the whenua, rivers and streams associated with the poutiaki coastal marine area are not included within the scope of the poutiaki plan.

Further, the seaward boundary of the poutiaki coastal marine area is limited to the outer limits of the territorial sea. The extent of the 'territorial sea' is defined in the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 as being 12 nautical miles generally measured from the low-water mark along the coast of New Zealand.

### **Lodgement with councils**

The poutiaki plan may be lodged with the Wellington Regional Council and Marlborough District Council (the councils). When the poutiaki plan has been lodged with the councils, it must be 'taken into account' to 'the extent that its content has a bearing on the resource management issues of the poutiaki coastal marine area.'<sup>10</sup>

The effect of lodgement occurs when the councils are preparing or changing a regional policy statement and regional coastal plan which relates to the poutiaki coastal marine area.

In addition to the requirement to 'take into account', the statement of resource management issues of significance to Ngāti Toa Rangatira (section 146(b)) must be included in the regional policy statement or regional coastal plan.

There is also a requirement for councils to refer to the poutiaki plan in its evaluation of a proposed regional policy statement or regional coastal plan under section 32(5) of the RMA.

Te Rūnanga is currently in the process of preparing the first poutiaki plan.

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<sup>9</sup> The landward boundary of the CMA is mean high-water springs except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of—

(i) 1 kilometre upstream from the mouth of the river; or

(ii) the point upstream that is calculated by multiplying the width of the river mouth by 5

<sup>10</sup> Section 147(2), Ngāti Toa Rangatira Claims Settlement Act 2014