



Appendix I – Cultural Impact Assessment

Project-Specific Cultural Impact Assessment

Project Name

Rotokauri Arterial Designation

Report Author

Te Haa O Te Whenua O Kirikiriroa (THaWK)

Date of Report

February 2021

Signed on behalf of THaWK

Sonny Karena
Chairperson

 10 Feb 21 =

1. PROJECT DESCRIPTION

In 2019 Te Haa O Te Whenua O Kirikiriroa (THaWK) documented a Cultural Impact Assessment (CIA) for Hamilton City Council (HCC), for the designation of land and the construction and operation of the Rotokauri Greenway Corridor. That corridor is a 3.8 kilometer long corridor, stretching from the northern side of Rotokauri Road, near Lake Waiwhakareke, to Lake Rotokauri. It will function as the principal stormwater management channel in the Rotokauri area and serve as a public recreational space with a walkway/cycleway along the length of the corridor.

Hamilton City Council (HCC) now requires land to be designated in the same area of Hamilton City for the construction and operation of the Rotokauri transportation network. Accordingly, HCC, as Requiring Authority, proposes to lodge a Notice of Requirement in March 2021 to designate this land for roading purposes. The Rotokauri transport network, “the Project”, comprises the designation of an approximately 5.7km length of roading corridor.

The key objectives of the project are to:

- Protect the Rotokauri transport corridor to support the provision of an integrated transport network which supports the future urban development of the Rotokauri Structure Plan area;
- Protect the Rotokauri transport corridor in the Rotokauri Structure Plan area in light of the risk of build-out along the preferred route;
- Provide for growth needs in the north of Hamilton City through the protection of the long-term function of state highway and key arterial, collector and local road networks;
- Provide connectivity between the Rotokauri Structure Plan area and the existing Hamilton City infrastructure network, Rotokauri hub and state highway network;
- Provide new transport routes to redistribute freight and regional trips to Hamilton on to the appropriate corridors that will relieve congestion and make existing networks operate more effectively;
- Provide opportunities for passenger transport and alternative transport modes which will embrace the development of rail transport in the long-term.

Construction timeframes are uncertain therefore HCC are looking for a 15 – 20 year designation lapse period. Construction is largely dependent on funding and growth pressures with construction being a long-term project (i.e. 10+ years).

HCC have requested Te Haa O Te Whenua O Kirikiriroa, as representatives of the Hapu upon whose lands this project will be developed, to provide a Cultural Impact Assessment (CIA) for the project.

This report documents that CIA.

Given that the proposed road lies adjacent to the Greenway Corridor, much of the pre-European Maori history and whakapapa information presented in the 2019 Greenway Corridor CIA is the same for the land proposed for the road. Consequently, rather than repeating the same information here, where appropriate, the reader is referred to the 2019 CIA and this current report should be read in conjunction with the 2019 CIA.

2 INTRODUCTION: THE WHENUA

The Rotokauri area has been extensively modified from Pre-European times, by the development of European farms and farming practices. The area is now primarily rural, with pockets of urban developments such as the recently developed Rotokauri Rise residential subdivision to the south, and the Te Rapa Section of the Waikato Expressway. The land is generally flat, but interspersed with ridge and gulley systems. The Project follows the low-lying land between Lake Rotokauri and Te Rapa Road to the east, but away from the wetlands that covered the area in pre-European times.

The Project site is within a greenfield environment predominated with dry stock grazing, some dairy farming, and lifestyle blocks. Vegetation is mainly grazed pasture grasses and exotic tree species used for hedging and shelterbelts. Rural drainage networks have been established to enable agricultural grazing and cropping activities.

3 ARCHAEOLOGICAL INVESTIGATION

Sian Keith Archaeology Limited (SKA) undertook an Archaeological Assessment of the area, reviewing historic documents (aerial photographs, historic maps, archaeological data, council plans and consultant's reports) and making a field visit to the project site. From this they concluded:

- There are no known archaeological sites, features or deposits which will be encountered during the proposed works.
- There is a low risk of encountering pre 1900 AD material which could be classed as an archaeological site based on the criteria in the Heritage NZ Pouhere Taonga Act 2014.

4 Mana Whenua and Iwi Groups: Waikato Tainui, Mana Whenua and Te Haa O Te Whenua O Kirikiriroa

Waikato Tainui has 33 Hapuu and are Tangata Whenua for the whole of the Waikato rohe. Five of these hapu:

- Ngaati Mahanga
- Ngaati Tamainupo
- Ngaati Hauaa
- Ngaati Koroki Kahukura
- Ngaati Wairere

are Mana Whenua for the Land upon which this development is proposed, as this is their traditional whenua. THaWK is the organisation that represents and co-ordinates Mana Whenua consideration with regard to their traditional lands. Detailed information about these five Hapuu (Mana Whenua), Waikato Tainui (Tangata Whenua) and THaWK is documented in "A Cultural Assessment for Hamilton City Council Rotokauri Greenway Corridor" (2019) pp. 21 to 32.

5 Environmental Management Plans

The current project has the potential to impact the terms and conditions of several Environmental Plans including Tai Tumu Tai Pari Tai Ao (Waikato-Tainui Environmental Plan), Te Rautaki Tamata Ao Turoa a Hauaa (Ngaati Hauaa Environmental Management Plan) and Te Ture Whaimana O Te Awa O Waikato. An assessment of the potential impacts of this project on those plans is presented in the following pages

6 POTENTIAL PROJECT IMPACTS

6.1 Ecological Health

The HCC proposal describes the development land as flat with negligible native vegetation, but traversed by network of rural drainage channels servicing the surrounding farms. These ditches are in poor ecological health. To address this, HCC proposes to revegetate the area with a native planting programme.

As the proposed road will cross a number of these drains some will have to be realigned to allow for the road construction. HCC propose to use this alteration of the drains/ditches to significantly improve their ecological health. This will include planting native species and the re-establishing wetlands to support them, and developing culverts to support fish passage/migration.

An ecological assessment (EIA) of the area (Becca Ecological Impact Assessment – Rotokauri Arterials) found black mudfish in some of the drains - mudfish is a protected fish species. Therefore, prior to the start of construction, HCC will undertake a survey of the fauna of the drains in order to assess any potential impacts of the construction and develop an Ecological Management Plan (EMP) to control/minimise these effects. This will include identifying whether it is best to preserve/protect the mudfish in their current location(s) and/or relocate them to another location. Whilst there have not been any surveys of avian populations in the area, the EIA recommended protecting the flight paths of birds (5.3.1) and the roosting homes of bats (5.3.2) as part of the project. In this way, HCC believe the stormwater management systems and connections will have an overall positive net effect on the ecological health of the existing environment.

THaWK inspected the proposed development site and identified the native plant species (Kiokio) growing in the area. Based upon this, THaWK support the proposed revegetation of the area with native plant species. However, as part of this, the Kiokio already growing in the area should be protected/preserved during the construction phases and the species included in the native plant schedule planned for in and around the development site.

With regard to the fish in the drainage ditches, THaWK commends HCC for the planned upgrade of these ditches to improve water quality and support the mud and other native fish living in them. However, there is a concern that this reconstruction may have unwanted side-effects **that must be monitored**. In this context, currently there are “pest” fish species (goldfish, catfish, koi carp) in Lake Rotokauri, but they cannot get up-stream into the drains where native fish thrive because there is no fish passage up-stream. However, alteration and realignment of the drains might well provide a clear fish passage that will allow these pest fish into the upper reaches of the system to compete with resident native fish, with potentially catastrophic consequences.

With regard to Lake Rotokauri itself, despite its' significantly degraded water quality, it still supports surrounding native vegetation that provides a sustainable food source for Kokopu and Tuna (longfin eel) (EIA:5.2.3). These fish species are important to Tangata Whenua as they have been a traditional food source for Maori people. However, these species have now become so rare that Waikato Tainui have declared them endangered and therefore protected. Consequently, any activity that might have an adverse effect on them is Rahui for Mana Whenua. Consequently, during and after the construction phases for the road, every precaution must be taken to ensure that the water quality in the lake is, at minimum maintained, and wherever possible enhanced, to protect these fish and their food sources. This is dealt with in more detail below.

With regard to the avian populations of the area, in pre-European times, birds and bats were an important food source for Maori. Consequently, Mana Whenua support any proposal within the project to protect the flight paths and nesting place of birds (Becca: 5.3.1). With regard to bats (Becca 5.3.2), local Tangata Whenua have confirmed their presence in this area. Given the significance of the native bats to pre-European Maori, as demonstrated by the many places throughout the motu named after bats, Mana Whenua support a bat survey being incorporated into the project and undertaken prior to the start of any earthworks. This can then inform the development of a strategy and programme to protect and expand any bat colonies identified in the area. It is recommended that local Kura are included in the initial bat survey and the development and implementation of a bat monitoring/protection strategy. Members of THaWK have considerable knowledge and cultural narratives about local birds and bats and these should be incorporated into the development of any protection/monitoring strategies.

6.2 Water Quality – Impact on Te Ture Whaimana

As part of this project, HCC are designing a stormwater system to ensure that stormwater from the roading surface is captured and treated. This will be done using swales or directing the water to the adjacent Greenway corridor for treatment prior to release into natural waterbodies in the catchment. A significant element of the roading design is ensuring that the stormwater network has sufficient capacity and the ability to adequately capture, treat and store stormwater before it enters any natural waterbody in the area (Lake Rotokauri and Mangaheka Stream). This stormwater system is expected to significantly improve the water quality in the area to a point where it allows consumption of food collected from Lake Rotokauri.

Waikato-Tainui aspirations for water quality are documented in Te Ture Whaimana o te Awa o Waikato (The Vision and Strategy for the Waikato River) which is detailed in the CIA Rotokauri Greenway Corridor 2019. In brief, the Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010 heralded a new era of co-management and co-governance of the Waikato River which is underpinned by Te Ture Whaimana o te Awa o Waikato. The vision for the river is;

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

The Waikato river is therefore the responsibility of all those who have direct and indirect interests with it to ensure that the Vision and Strategy to return the Waikato River to a

level of abundance for generations to come is maintained and practiced at all levels. This vision captures all projects that involve urban and rural development, water use and water discharge, water take and recreational use. Hence, every project, including the current Rotokauri roadway, must conform with the terms and conditions of Te Ture Whaimana and contribute to the restoration and protection of the health and well-being of the Waikato River and all of its tributaries.

The Te Mana o Te Wai section of Te Ture Whaimana O Te Awa requires that the Waikato river, within the Tainui rohe, will receive an A+ report card rating. (Ka whiwhi te awa o Waikato i roto i te rohe o Tainui i te tohu A+ i tana kaari ripoat). In addition, the Waikato Tainui Environmental Plan (WTEMP, 2013) requires that any discussions relating to water and the river must never compromise Te Mana o Te Wai and hence requires that Mana Whenua groups must oppose any project that proposes to adversely affect Te Mana o Te Wai.

The earthworks required to implement the construction of the proposed road will undoubtedly produce sediment which could end up in the drainage network, streams and Lake Rotokauri itself. Such an inflow of sediment will have a catastrophic effect on the aquatic plants, fish and other aqua-life living in these water bodies. This project has other potential impacts on water quality, from dissolved and solid organic material, heavy metals and hydrocarbons that may be carried into the waterways in the surface run-off from the vehicles using the road. In addition, the construction of the highway will alter the pattern of surface water run-off on the land thereby increasing the volume of storm water entering the waterways in the area. These items clearly have the potential to adversely affect the terms of Te Ture Whaimana O Te Awa.

An integrated Catchment Management Plan (ICMP), detailing how HCC will protect these waterways from such sediment and other contaminants flowing into the waterways, has been prepared for the Rohe. THaWK members are not engineers and the organisation does not have the engineering expertise to assess the efficacy of this ICMP in achieving the required water quality protection and enhancement. However, based upon assurances from HCC and their consultants, Beca, that implementation of the ICMP will provide the necessary water quality protection and enhancement, Mana Whenua **support** the proposed development.

6.3 Drainage and Flooding

HCC are designing the proposed stormwater network to provide sufficient capacity to capture, treat and store the estimated volume of stormwater that the new development will generate.

Stormwater swales will capture, store, slow down and further treat the storm water before it enters Lake Rotokauri, thereby significantly improving the current drainage in the area. This will avoid or minimise any flooding effects caused by proposed roading corridor. This stormwater system will be a significant improvement to what currently exists (i.e. modified farm drains).

Again, Mana Whenua are Kaitiaki for the land, but are not engineers. Consequently, they will rely upon the assurances from HCC and Beca that the proposed stormwater system will operate as planned and protect all of the local waterways from any damage associated with contaminated storm water run-off from the road during and after construction. On this basis, Mana Whenua **support** the project.

6.4 Recognition and Protection of sites of significance to Mana Whenua

Some of the pre-European sites of significance in this rohe have been described in several other documents (Nga Tapuwai O Houtomaoea, CIA for HCC Rotokauri Greenway Corridor). However, in the absence of a Cultural Values Assessment (CVA) for the Rotokauri rohe, there is no comprehensive, coordinated, account of the pre-European sites of significance in this area. Te Uhi Paa (s14/486) is the closest known Waahi Tapu site to the proposed development, but it is far enough away that it will not be affected by the proposed development. Research for this CIA and the Rotokauri Greenway Corridor CIA (RGCCIA: 2019) have not identified any new sites for the particular whenua to be used for construction of the roadway, however, both have expanded the knowledge about a local site known as 'Puketekete' paa. This information is provided in Appendix.

7. Te Reo Maori and Mana Whenua relationships, values, aspirations, roles and responsibilities with respect to the project site and its environs

The impact of any land-based development must be assessed in terms of its impact on, and ability to support/further, four key Maori aspirations:

- Protection and rejuvenation of the Waikato river, including all waterways and waterbodies that flow into the river.
- The Whenua – Mana Whenua relationship with their traditional lands upon which Hamilton city has been built and upon which any proposed development will take place
- Maori culture, as embodied in Te Reo Maori and design.
- Recognition of the Pre-European history of Maori occupation of the rohe of Kirikiriroa

In terms of this project's impact on these aspirations, the Awa (river) has been dealt with earlier in this report.

With regard to the Whenua, Sections 6, 7 and 8 of the Resource Management Act 1991 requires developers to not only consult with Mana Whenua over any development within their Rohe, but also to act upon their opinion. In this way the Act empowered Maori to "once again put their hand on their traditional lands". In requesting, this CIA, HCC have demonstrated their intent to assist Mana Whenua to achieve their Whenua aspirations in terms of this current development. This will be further demonstrated by implementing the recommendation within this report.

Te Reo Maori is fundamental to Maori culture and its survival depends upon its everyday use, not only spoken, but written - visually in signs such as street names. The same applies to Maori traditional designs. THaWK will therefore:

- provide HCC with appropriate street names and
- given the anticipated long development time for this project, at an appropriate time in the development phase, work with HCC and their consultants to develop Maori designs to be utilised wherever appropriate in this development.

In terms of recognising and recording the Pre-European history of Maori occupation of the rohe of Kirikiriroa within this project, historic Maori names such as Rotokauri are

significant to Mana Whenua. In this context, it is recorded in the CIA for Rotokauri Greenway Corridor:

“In Te Reo Maori (Maaori language) Rotokauri means “lake of Kauri trees”. Lake Rotokauri was given this name because of the many Kauri logs which are buried in the bed of the lake and around it's margins. These are the remains of ancient Kauri trees which grew throughout this area, some of which, through natural causes, fell over into the lake (CIA, 2019).

It is therefore appropriate to record this name and its derivation in a “story board” in English and Te Reo, sited close to the proposed roadway.

Again, given the long-time frame for this development, these opportunities can be further discussed throughout the project development process.

7 Rotokauri Cultural Values Assessment (CVA)

A number of “Maori Cultural” reports have already been written, and more will be written in the future, concerning developments in the Rotokauri rohe. This piecemeal approach means that in many cases, the same information is repeated in each report, irrespective of its relevance to the actual site that is being considered for development. It is therefore timely that HCC contract THaWK to produce a definitive Cultural Values Assessment (CVA) for the Rotokauri rohe. This CVA can then be referred to in all future CIA's or short-form reports for developments planned for the rohe. This will thereby provide more “informed” narratives, mitigations and application of Maori aspirations for their traditional lands appropriate to each proposed development.

8 Recommendations

Mana Whenua support the project on the following conditions;

1. For Mana Whenua, protection of waterways (drains, lakes) from sediment and other contaminants during and after the construction phases of the project is critical. HCC have produced an Integrated Catchment Management Plan (ICMP) for this area detailing how the water quality will be protected and enhanced during and by this project. Mana Whenua are Kaitiaki for the lands upon which the proposed development is planned, but are not engineers. Mana Whenua will therefore rely upon assurances from HCC, and their consultants Beca, that implementation of the terms of this ICMP will provide the required water quality protection and enhancement and comply with the requirements of Te Ture Whaimana O Te Awa. On this basis, Mana Whenua **support** this project.
2. To protect the fauna and flora of the area:
 - 2.1 If the current habitat of the protected black mud fish is likely to be threatened by the proposed development, they should be relocated to another area and later reintroduced to their original habitat after completion of the construction.
 - 2.2 As black mud-fish, Kokopu and tuna are rare or endangered species, HCC should work with THaWK and Waikato University to develop a breeding programme to restock Lake Rotokauri and the waterways in the area with these fish species.

3. Local Mana Whenua have identified bats living in this area. As bats have traditionally been important to Maori, a bat survey should be undertaken to inform a strategic plan for their protection. Local Mana Whenua and local kura should be involved, where appropriate, in the survey and development/implementation of the associated strategy.

New Kiokio trees should be planted in the area to support/regenerate those already living there and the species included in planting schedules for the margins of the planned roadway. Where appropriate, local schools such as Nga Taiatea, Rotokauri School, Crawshaw and Nawton Primary School should be incorporated into the regenerative planting programme.

4. To support the aspiration of Mana Whenua to:

1. Protect/promote Te Reo Maori, construction features (bridges, connecting roads), local waterways and “drains” should be (re)named with Maori names, which THaWK will make available to HCC.
2. Record/recognise the pre-European Maori history of the area, a story board explaining the derivation of the name Rotokauri in English and Te Reo Maori should be erected close to the new roadway.
3. THaWK wish to be active members of the teams that design and implement the enhancement of the
 - a. structural elements of the road (bridges, sound control fencing, other concrete/wooden structures)
 - b. area adjacent to the actual road structure including planting, pathways and recreational areas.
4. Given that pre-European Maori often buried Koiwi and Taonga in unrecorded locations, this project should be conducted under the conditions of THaWK’s accidental discovery protocol.

References

Conservation Accord (Minister of Conservation and Director General of Conservation and Waikato-Tainui) 2008.

L. Smith., H. Puke., T.K. Maxwell., P.Temara. *Indigenous knowledge, methodology and mayhem: What is the role methodology in producing indigenous insights? A discussion from Maatauranga Maaori*, 2016.

M. Tauariki. *Greenway Corridor Cultural Impact Assessment*, 2019.

P.H. Jones., B. Biggs. *Nga Iwi O Tainui*, 1995.

Tai Tumu Tai Pari Tai Ao: Waikato-Tainui Environmental Plan (Waikato-Tainui Kauhanganui Incorporated, August 2013), “the EMP”.

Te Rautaki Tāmata Ao Turoa o Hauā: Ngāti Hauā Environmental Management Plan (Ngāti Hauā Iwi Trust, September 2018).

Waikato Raupatu Claims Settlement Act 1995

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

APPENDICES

MAORI CULTURE

Kaitiakitanga

Tangata Whenua align cultural, physical and spiritual wellbeing with the taiao (environment). We acknowledge our whakapapa (genealogy) with Ranginui (Sky Father) and Papatuaanuku (Earth Mother) through Karakia (prayer), Kawa (ritual) and Waiata (song). We return the Whenua (afterbirth) of our new-born to the earth in recognition of our origins and our eventual return. In this context we are charged with the duty of care for our great mother and nurturer; this is the essence of the concept of Kaitiakitanga.

Kaitiakitanga is a principle incorporating the cultural, physical and spiritual values of an indigenous worldview. It includes the rules and practices Maaori have used to control and manage their natural resources, along with exercising their traditional responsibilities of guardianship and protection (Marsden & Henare, 1992).

Kaitiakitanga is a traditional practice system for Maaori and evidence of this is passed down through generations through oral and artistic history. The traditional stories of Ranginui and Papatuanuku are embedded into the younger generation for the sole purpose of passing on the customs and practices of sustainable practices and care for the environment.

History is evident in Iwi beliefs as to what Kaitiakitanga means. An example of this belief system is engrained within the Waikato Iwi who pass knowledge down through oratory and art forms such as carvings, and music. A more common system of tribal identity is Whakatauki (proverbial sayings). A common Whakatauki for the Waikato Tainui people is illustrated:

“Waikato te awa, he piko he taniwha, he piko he taniwha, Waikato Taniwharau”
“Waikato the river, a chief at each bend, many chiefs of the river”

This whakatauki is specific to Waikato Iwi only and has been so for many generations. It does not depict Taniwha in a monstrous role, but in a way that the Waikato river does contain an element to fear. The Taniwha are guardians and therefore *Kaitiaki*. It has been known that people who fail to follow out tikanga or kawa (protocol) with regard to the river and its well-being can suffer detrimental effects from the river. An example of this can be seen in the current health status of the river, which in the eyes of Taangata Whenua is ‘mauiui’ (sick).

Kaitiakitanga extends further than the illustration outlined in the Resource Management Act 1991 (RMA 1991). Kaitiakitanga is a responsibility passed on to Maaori people from Te Ao Wairua (spiritual world). This responsibility or belief system can pose a difficult concept for western societies to understand as it can not be measured, seen or touched.

Kiingitanga

Te Kiingitanga (The King movement) began some years after the arrival of Europeans, in an attempt to halt sales of land and promote Maaori authority in New Zealand. A number of tribes supported the movement, but it became centered on the Waikato region and people. The desire to retain land was a central concern of the movement, repeated in sayings, songs and haka.

Here is an extract from an often-performed King movement haka:

<i>Ka ngapu te whenua</i>	The earthquake shakes the land
<i>Ka haere ngaa tangata ki whea</i>	Where shall people find refuge
<i>E Ruaimoko</i>	Ruaimoko
<i>Purutia!</i>	Hold fast
<i>Taawhia!</i>	Bind tightly
<i>Kia uu!</i>	Be firm
<i>Kia ita!</i>	Hold firm
<i>A ita!</i>	Hold firm
<i>Kia mau, kia mau.</i>	Hold fast to the land

The purpose of the Kiingitanga was to unite the tribes from around the country in an attempt to stop the sale and confiscation of Maaori lands, stop inter-tribal warfare and preserve the Mana Motuhaketanga (independence) of the Maaori people.

In the 1850s tribes from all over the country, including the South Island, debated over who should be offered the kingship. They finally agreed upon Pootatau Te Wherowhero, the Waikato chief, who became first king in 1858. Pootatau was succeeded by his son Taawhiao in 1860. Taawhiao's reign coincided with the Waikato war of 1863–64, after which he led his people into exile in the lands south of Te Awamutu. This area is now known as the King Country. Taawhiao, who was also a prophet, sustained the King movement in trying times and was succeeded by his son Mahuta in 1894.

Mahuta became a member of the Legislative Council and the Executive Council of Parliament during his reign. He was succeeded by his son Te Rata in 1912. Te Rata continued the work of his father by negotiating with the New Zealand government and the British Crown, and by seeking redress for grievances. He was succeeded by his son Korokii in 1933. Korokii was a quiet man but nevertheless a leader of mana. During his time he was aided by his aunt, Te Puea Heerangi. Korokii was followed in 1966 by his daughter Te Aatairangikaahu, and she was succeeded in 2006 by her son, Tuuheitia Paki.

SIGNIFICANT LEGISLATION AFFECTING MAORI

TE TIRITI O WAITANGI

Te Tiriti o Waitangi (Treaty of Waitangi) is a significant aspect of the working partnership between the crown and Tangata Whenua. Te Tiriti o Waitangi is one of the original founding documents of agreement between Maaori and the Crown for this country. The principles of *Partnership (whakawhanaungatanga)*, *Protection (Whakaruruhautanga)* and *Participation (whakawhiriwhiritanga)* are deeply important to Tangata Whenua. The crown has made its acknowledgements and its acceptance of hara (wrongs) with many Iwi and Hapuu throughout Aotearoa.

Tangata Whenua expect developers to understand the essence of what Te Tiriti o Waitangi was designed to achieve - Kotahitanga (Unity) - and the ability for Maaori and Paakehaa to co-exist.

TREATY SETTLEMENTS

This section highlights the legislative provisions some Iwi/Hapuu have secured that give substance to areas that require legislative protection.

NGATI KOROKI KAHUKURA CLAIMS SETTLEMENT ACT 2014

During the 1840s and 1850s, Ngaati Koroki Kahukura were a prosperous and flourishing people, successfully trading with Europeans (Ngaati Koroki Kahukura Claims Settlement Bill Part 1 cl 8). However, by the late 1850s there was rising tension over land alienations. Ngaati Koroki Kahukura actively supported the establishment of the Kiingitanga and, in an effort to safeguard their lands from alienation, placed their lands under the protection of the Maaori King. At the same time, their rangatira Tioriori worked to maintain cordial relations with the Crown. In 1863, war broke out after Crown military forces breached the Kiingitanga aukati along the Mangatawhiri River. This resulted in the deaths of some Ngaati Koroki Kahukura and the capture of others including Tioriori, who was taken while assisting a wounded British officer. Other Ngaati Koroki Kahukura retreated into the Maungatautari ranges. He was paroled in June 1864, because he favoured peace and the Governor wanted his help to end hostilities.

Despite this, in 1865, the Crown included Ngaati Koroki Kahukura among the Iwi labelled rebels, and confiscated much of their land. The confiscation caused immense hardship. For Ngaati Koroki Kahukura, Maungatautari is their tupuna, (ancestral mountain), and central to their identity and mana. The mountain, surrounding land, and other remaining land held collectively by Ngaati Koroki Kahukura, became the subject of Crown-imposed tenure reform.

The Native Land Court was established in 1865. Its job was to do away with the concept of traditional tribal land tenure (land held by multiple owners) by awarding it to individual owners. This was achieved under laws enacted between 1865 and 1873 which limited ownership of any land block to no more than ten individuals. Much of the land awarded by the Court to Ngaati Koroki Kahukura, including land at Maungatautari, was sold by individuals to whom the court awarded ownership. Ngaati Koroki Kahukura were involved in more than Native Land Court hearings before 1901, and the costs of Court processes, including surveys, contributed to the further alienation of Ngaati Koroki Kahukura land. More Ngaati Koroki Kahukura land was alienated during the twentieth century to pay rates. 11 Part 1 cl 9 of the Ngaati Koroki Kahukura Claims Settlement Bill records that confiscations and the alienation of land by the Native Land Court awarding title to individuals, resulted in Ngaati Koroki Kahukura becoming virtually landless by the end of the twentieth century.

The Waikato River has been a tupuna, a living taaonga, and a critical resource for many generations of Ngaati Koroki Kahukura. However, the Crown assumed control of, and exercised jurisdiction over, the river since the confiscation. In 1881, Ngaati Koroki Kahukura destroyed a bridge being built at Aniwhaniwa, which they saw as a significant intrusion on their mana in their own rohe. Nevertheless, swamps and wetlands have been drained and the river polluted by commercial and domestic usage.

The construction of hydroelectric power schemes on the river has depleted traditional fisheries and other food sources. They have flooded Ngaati Koroki Kahukura peoples' homes and their culturally significant sites, including sacred burial sites. During the First World War, the Crown imprisoned some Ngaati Koroki Kahukura people for resisting conscription. Despite this, some Ngaati Koroki Kahukura still volunteered for service during the Second World War. In the 1870s, the Crown began establishing schools for Maaori. One of its objectives was to assimilate Maaori into European culture. Ngaati Koroki Kahukura elders recall corporal punishment being used to discourage them from speaking te reo.

Ngaati Koroki Kahukura estimate that today only 5% of their people speak te reo. By 1950, many Ngaati Koroki Kahukura were migrating from their traditional rohe in search of better economic prospects. This disconnected many from their communities and local culture. Ngaati Koroki Kahukura consider that landlessness and social deprivation have contributed to the Crown not recognising them as an iwi in their own right. (*Ngaati Koroki Kahukura Claims Settlement Act 2014*).

NGATI HAUAU CLAIMS SETTLEMENT ACT 2014

Section 9 (Acknowledgements) of the Ngaati Hauaa Claims Settlement Act 2014 confirms the Crown disregard for a number of treaty breaches which impacted Ngaati Hauaa's ability to have a fair and meaningful say regarding the infrastructure growth that has taken place within its rohe.

Section 9(1) states: In the Waikato-Tainui Deed of Settlement and the Waikato Raupatu Claims Settlement Act 1995, the Crown acknowledged the grave injustice of its actions during the Waikato War of 1863–1864 upon 33 groups descending from the Tainui waka, including Ngaati Hauaa. In particular, the Crown acknowledged that its representatives and advisers acted unjustly and in breach of the Treaty of Waitangi in its dealings with the Kiingitanga, which included Ngaati Hauaa, in sending its forces across the Mangatawhiri River in July 1863, and in occupying and subsequently confiscating land in the Waikato region, and that these actions resulted in Ngaati Hauaa being unfairly labelled as rebels.

Section 9(10) states: The Crown acknowledges that Ngaati Hauaa experienced land loss as a result of takings by the Crown for public works, including lands taken for railway purposes in the nineteenth and twentieth centuries.

RESOURCE MANAGEMENT ACT 1991

Part 2, section 5, of the Resource Management Act 1991 (RMA 1991) defines that developers must be conscious of the natural and physical resources which they propose to use. Sustainable Management within this section means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being for their health and safety. Whilst this does not refer specifically to "spiritual well-being", Maori believe it is implicit within the broader interpretation of cultural well-being. Where developers are unable to give effect to aspects of this section they must work with Tangata Whenua to avoid, remedy or mitigate any adverse effects of activities on the environment (section 5(2)c).

Part 2 section 6 of the act defines Matters of National Importance which developers must recognise and provide for when exercising the functions and powers of the RMA. Sections 6(a -g) have great significance for Tangata Whenua -section 6(e) outlines the particular relationship that Māori have with the natural and physical resources, their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taaonga.

Part 2 section 7(a) outlines what each person must have regard to when exercising the functions and powers of the act when managing the use, development and protection of natural and physical resources and the Tangata Whenua's Kaitiakitanga. It is therefore important for developers to understand Kaitiakitanga (see below) and the 'intrinsic values of the ecosystems' as outlined in 7(d). It is important to note within this section where the proposed project aims to give effect to 7(f) of the RMA and the 'maintenance and enhancement of the quality of the environment' whereby ecological enhancements will be made to;

- Remove as much as is allowable within the designation - exotic vegetation that is adversely affecting the mauri (life source) of the gully and its waters,
- Stabilise Gully/stream embankments that promote stability against natural erosion
- In areas where animals are present, fence areas to prevent animals from accessing riparian restored strips within the gully.

Kaitiakitanga is the Maori cultural, physical and spiritual values with regard to the Whenua. It includes the Maori rules and practices to control and manage the natural resources, along with exercising their traditional responsibilities of guardianship and protection (Marsden & Henare, 1992). It is a traditional practice system for Māori which is passed down through generations through oral and artistic history. Each generation is taught the traditional stories of Ranginui and Papatuuānuku thereby passing on the customs and practices of sustainable care for the environment.

Part 2 Section 8 requires that all persons exercising the functions and powers of the act in relation to managing the use, development and protection of natural and physical resources shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The intent of this Clause is to ensure the shared use and protection of natural and physical resources by Māori and Paakehaa and to promote the sustainable principles of longevity and survival of taaonga species that inhabit the natural kingdom of Ranginui and Papatuuānuku. Whilst there is no statutory requirement for an applicant to prepare a cultural report for a proposed project, such reports assist territorial authorities and applicants to meet statutory obligations which can include;

- Preparation of Assessments for Environmental Effects
- Assisting local and regional councils in their notification requirements as per sections 93 and 94D of the RMA
- Councils are able to give appropriate consideration to relevant Part 2 matters when making a decision as per section 104 of the RMA
- Ensure that appropriate conditions are included as part of a consent if granted as per section 108 of the RMA
- Allow councils an opportunity to consider the impacts of projects to Iwi/Hapuu management plans and treaty settlement claims that have either been settled or is in the process of being settled (negotiation).

ENVIRONMENTAL PLANS

NGATI HAUAU ENVIRONMENTAL PLAN

Ngaati Hauaa have developed an environmental plan which contains policies that guide/instruct developers and decision makers how to meet the aspirations of Kaitiakitanga from a Ngaati Hauaa perspective. Section 6 of the plan outlines the aspirations and priorities of the 5 Marae that make up Ngaati Hauaa:

Policy 9:	Sustainable Land Use and Development
Policy 10:	Aspirations for Use and Development of Lands
Policy 11:	Te Wai – Water
Policy 12:	Ngaa Repo – Wetlands TAINUI ENVIRONM
Policy 13:	Mahinga Kai – Fisheries
Policy 14:	Te Ararangi – Air
Policy 15:	Cultural Heritage
Policy 16:	Customary Activities
Policy 17:	Our Kaitiaki – Ngāti Hauā Tangata

The current project has been measured against this plan, particularly these policies.

TE TURE WHAIMANA O TE AWA O WAIKATO

The Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010 heralded a new era of co-management and co-governance of the Waikato River. This is underpinned by Te Ture Whaimana o te Awa o Waikato (The Vision and Strategy for the Waikato River). The vision for the river is;

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

The Waikato river is therefore the responsibility of all those who have direct and indirect interests with it to ensure that the Vision and Strategy to return the Waikato River to a level of abundance for generations to come is maintained and practiced at all levels. This includes but not limited to:

- urban and rural development,
- water use, water discharge,
- water take and recreational use.

Therefore, every project must be consistent with Te Ture Whaimana and contribute to the restoration and protection of the health and well-being of the Waikato River including its tributaries.

WAIKATO TAINUI ENVIRONMENTAL STRATEGY: Tai Tumu, Tai Pari Tai Ao

The tribe’s environment strategy – Tai Tumu, Tai Pari, Tai Aao – is recognised for crossing the cultural, linguistic and legislative divide to create transformational change. Its vision is taken from a maimai aroha of Kiingi Tawhiao where, with a heavy heart, he lamented his longing for, and adoration of, the natural

resources of his homeland. This maimai aroha is a key driver and indicator of environmental health and wellbeing of the Tai Tumu, Tai Pari, Tai Ao plan.

“Ka maatakitaki iho au ki te riu o Waikato Aano nei hei kapo kau ake maaku ki te kapu o taku ringa, Ka whakamiri noa i toona aratau E tia nei he tupu pua hou. Kia hiwa ake au i te tihi o Pirongia, Inaa, hei toronga whakaruruhau moona ki tooku tauawhirotanga. Anaa! Te ngoto o toona ngawhaa i ngoona uma kiihai i aarika a Maungatautari, a Maungakawa, ooku puke maunga, ngaa taonga tuku iho. Hoki ake nei au ki tooku awa koiora me ngoona pikonga He kura tangihia o te maataamuri. E whakawhihi atu ai i te koopuu maania o Kirikiriroa, Me ngoona maara kai, te ngawhaa whakatupu ake o te whenua moomona, Hei kawae ki Ngaaruawaahia, te huinga o te tangata. Araa, te pae haumako, hei okiokinga moo taku Upoko, Hei tirohanga atu maa raro i ngaa huuhua o Taupiri. Kei reira raa, kei te oroko hanganga o te tangata, Waahia te tuungaroa o te whare, te whakaputanga moo te Kiingi”.

I look down on the valley of Waikato, as though to hold it in the hollow of my hand and caress its beauty, like some tender verdant thing. I reach out from the top of Pirongia, as though to cover and protect its substance with my own See how it bursts through the full bosoms of Maungatautari and Maungakawa, hills of my inheritance: The river of life, each curve more beautiful than the last. Across the smooth belly of Kirikiriroa, its gardens bursting with the fullness of good things, towards the meeting place at Ngaaruawaahia. There on the fertile mound I would rest my head, and look through the thighs of Taupiri. There at the place of all creation... let the King come forth. (Kiingi Tawhiao).

Te Taiao (environment) is an important aspect of Waikato-Tainui work. Guided by the koorero of our tuupuna to speak for those that cannot speak for themselves. Like our tuupuna before us, we take seriously our responsibilities as kaitiaki of our environment.

The plan has three priority areas;

- *Mana Wai,*
- *Mana Whenua* and
- *Mana Whakahaere*

which recognise our unique relationship with the environment, empowers our participation in the management of our natural resources, and provides policy setting direction. Achievements of the plan include establishment of fisheries bylaws that focus on sustainable fishing practices, recognition of traditional management practices, and protection of waahi tapu; implementation of accords and joint management agreements with the Crown; regional planning participation; employment and training opportunities for iwi members; restoration projects to enhance and protect natural habitats; protection of our fresh water rights and interests; establishment of a tribal nursery; and, support of our people in their respective communities to carry out their own environment and conservation initiatives.

Te Mana o Te Wai

- The Waikato river within the Tainui rohe will receive an A+ report card rating.
- *Ka whiwhi te awa o Waikato i roto i te rohe o Tainui i te tohu A+ i tana kaari ripoata.*

Te Mana o Te Whenua

- Waikato-Tainui double the ownership of lands every generation, and ensure all Waikato-Tainui Land Holding is culturally and economically sustainable.

- *Ka huaruatia te nui o ngaa whenua kei raro i te maru o Waikato-Tainui, i ia whakatupuranga, aa, ka whakauu raatou i te oranga tautini aa-ahurea, aa-oohanga hoki o ngaa whenua katoa kei raro i te maru o Waikato-Tainui Land Holding.*

Te Mana Whakahaere

- All marae and tribal members are supported by tribal partnerships to fulfil priority kaitiaki responsibilities.
- *E tautokohia ana ngaa marae katoa me ngaa mema katoa o te iwi i roto i ngaa hononga aa-iwi ki te haapai i ngaa haepapa maataamua o te noho hei kaitiaki.*

Te Ture Whaimana o Te Awa

Section 11.2 of the Waikato-Tainui Environmental Plan, provides for Te Ture Whaimana o Te Awa, the terms of which prevail over any other policies, plans, or processes affecting the Waikato River which contradict it.

Freshwater – Te Mana O Te Wai

Te Ture Whaimana is Waikato Tainui’s primary strategic document for the Waikato River and activities within the catchment affecting the River. It requires that the Waikato river within the Tainui rohe will receive an A+ report card rating. (Ka whiwhi te awa o Waikato i roto i te rohe o Tainui i te tohu A+ i tana kaari ripoata). Relevant policies, plans, and processes cannot be amended so that they are inconsistent with Te Ture Whaimana and must be reviewed and amended, if required, to address any inconsistencies.

Examples include;

- (a) Waikato Regional Policy Statement: Te Ture Whaimana, in its entirety, became part of the Waikato Regional Policy Statement (‘RPS’) from the date of commencement of the Waikato River Act. The Waikato Regional Council is required to amend the RPS to make it consistent with Te Ture Whaimana and Te Ture Whaimana prevails in the event of inconsistency between the RPS and Te Ture Whaimana.
- (b) Te Ture Whaimana prevails over any inconsistent provisions in a National Policy Statement issued under section 52 of the RMA and a New Zealand Coastal Policy Statement issued under section 57 of the RMA.
- (c) A rule included in a regional or district plan for the purpose of giving effect to the vision and strategy prevails over a National Environmental Standard made under section 43 of the RMA, if it is more stringent than the standard and a water conservation order made under section 214 of the RMA, if it is more stringent than the order.
- (d) Updating RMA Planning Documents to conform with Vision and Strategy: local authorities must review their RMA planning documents, and where necessary update them to conform with Te Ture Whaimana following any review of Te Ture Whaimana completed by the WRA. After a local authority has amended their RMA planning documents to conform to Te Ture Whaimana, the local authority may begin a review of the conditions of resource consent under section 128 of the RMA and a requiring authority may give notice of its requirement to alter a designation, to make them consistent with Te Ture Whaimana. There is, however, no obligation on local authorities requiring them to act.

Whenua – Te Mana o Te Whena

Waikato-Tainui double the ownership of lands every generation, and ensure all Waikato-Tainui Land Holding is culturally and economically sustainable. Ka huaruatia te nui o ngaa whenua kei raro i te maru o Waikato-Tainui, i ia whakatupuranga, aa, ka whakauu raatou i te oranga tautini aa-ahurea, aa-oohanga hoki o ngaa whenua katoa kei raro i te maru o Waikato-Tainui Land Holding. I riro whenua atu, me hoki whenua mai – Land that was taken shall be returned (Te Kotahi Mahuta, 1995). There is a comprehensive narrative about this in The Rotokauri Greenway Corridor Cultural Impact Assessment 2019.

Sites of Significance – Waahi Tapu

In the greater Waikato region there are many Waahi Tapu sites of significance that have undergone a range of topographical and ownership changes. There are many areas of significance that are associated to the history of its people, its environment and culture. Due to the land confiscations and subsequent land development many known sites of significance were destroyed, and the ownership and management shifted to private land owners.

“Once Waikato-Tainui sites are altered or lost, they cannot be replaced and there is no mitigation or compensation that can restore its original significance. Therefore, Waikato-Tainui must protect their waahi tapu and waahi tuupuna for the benefit of future generations and to acknowledge the sacrifices of tupuna” (Waikato-Tainui, 2020).

Protection and recognition of sites of significance to Mana Whenua

Some of the pre-European sites of significance in this rohe have been described in several previous documents (Nga Tapuwai O Houtomaoea, CIA for HCC Rotokauri Greenway Corridor). Research for this CIA and the Rotokauri Greenway Corridor CIA (RGCCIA: 2019) have not identified any new sites, but both have expanded the knowledge about a local site known as ‘Puketekete’ paa – identified in a cultural report produced for HCC in the early 2000’s by Nga Mana Toopu O Kirikiriroa.

Puketekete paa

“These historical accounts have been extracted from a cultural report commissioned by HCC to Ngaa Mana Toopu o Kirikiriroa during the early 2000’s. While this section of the report makes reference to another paa site above Te Uhi Paa, the name Puketekete and its location does not fully correspond with the views of the THaWK representatives reviewing this report. However, that does not mean that the information is wrong. It simply means that the knowledge base of such a paa site overlooking Te Uhi Paa is not fully understood at this current time and therefore will not dismiss its reference in other reports such as that of NaMToK and will continue to research and further explore those views”.

However, THaWK recently identified that:

“While we know very little about this possible paa site in the designation footprint of this project, we will not discount the fact that the name does have a high probability of being linked to other parts of the greater Waikato rohe”.

“The name Puketekete is potentially a name that has several locations like other parts of our Iwi. The name Horotiu is not entirely a place within Waikato near Ngaruawaahia, but in fact does share a name and affiliation with another Horotiu in Cambridge”.

“This is a classic case of not recording anything and therefore it is appropriate that THaWK continues to explore the integrity of this place in order to put some closure to its existence”.

It is likely the name existed somewhere in this area because of the whakapapa connection between the proposed landmark (overlooking Te Uhi Paa) to where the suburb known as Pukete exists today.

There are no other known waahi tapu sites that will be directly affected by this project – there is sufficient distance between the proposed arterial link and Te Uhi Paa (s14/486).

MATAURANGA MAORI

APPLICATION OF MAATAURANGA MAAORI (Indigenous knowledge)

The application of Maatauranga Maaori traverses all aspects and conversations regarding this project. Indigenous knowledge is a shared-community knowledge. It is embedded in lived experience and carried in stories, song, place names, dance, ceremonies, genealogies, memories, visions, prophesies, teachings and original instructions, as and learnt through observation and copying of other community members (Smith, Maxwell, Puke, & Temara, 2016).

In Aotearoa, this cumulative body of knowledge is generally referred to as 'Maatauranga Maaori' (Smith et al. 2016, p. 137). Indigenous knowledge (Maatauranga) is knowledge that is not "simply 'old' but it is knowledge (and its applications) that have had meaning for generations. It has evolved over generations and is still applied and adapted to contemporary conditions. Maatauranga experts were:

- specialists in particular forms of knowledge, and developed their knowledge through a range of formal and informal instruction, apprenticeships, and mentoring, and even being sent to live in another tribe for further instruction.
- There were different knowledge requirements for the specialisms; for example, a navigator needed to know how to read the sea and the stars, a weaver needed to know how to source materials, how to dye fabric and how to create garments.
- Each of these speciality areas developed their own methodologies within the wider philosophies and world views of their communities.

There are many manifestations of Maatauranga Maaori derived from its historical origins when Polynesian ancestors brought a body of knowledge with them. They developed it according to life in Aotearoa (Royal, 2009), to knowledge pertaining to applications such as gardening, fishing, house building, warfare, navigation, musical instruments, ethics and so on. Maatauranga Maaori is often defined as "the unique Maaori way of viewing themselves and the world, which encompasses (among other things) Maaori traditional knowledge and culture" (Waitangi Tribunal, 2011b, p. 6).

In the past 20 years the term Maatauranga Maaori has, as distinguished Professor Sir Hirini Moko Mead notes, become (Mead, 2012):

"increasingly important as more and more people are engaged in efforts to understand what it means. Put simply, the term refers to Maaori knowledge. However, once efforts are made to understand what the term means in a wider context it soon becomes evident that Maatauranga Maaori is a lot more complex. It is a part of Maaori culture and, over time, much of the knowledge was lost Maatauranga Maaori is ... linked to Maaori identity and forms part of the unique features which make up that identity. Because this is so, it also means that Maatauranga Maaori is a unique part of the identity of all New Zealand citizens. Some citizens may deny it, some may not realise it is there, some may reject it, but a good many will embrace it and be proud to be part of the revival process".

Maatauranga Maaori is a cultural system of knowledge about everything that is important in the lives of the people. Lessons learnt in the past are added to the knowledge system and sometimes remembered in literary forms, such as proverbs. It could be that an important value is incorporated into the range of values that are an essential part of the knowledge system. Or, it might be a survival issue that is remembered, such as making judgements about the behaviour of the sea (Tangaroa's domain) and

knowing when to go out fishing and when it would be unsafe to challenge the changing nature of the ocean.

Ko te awa ko au (The River is me)
Ko au ko te awa (I am the River)

Over recent years, Kaitiaki have watched the degradation of the waterways – the Waikato River water used to be better than home drinking water. Stormwater discharge brings with it man-made toxins, which are harming the environment.

WATER TAKES

He tapu too te wai
He taaonga too te wai

Water is sacred and a treasure, therefore, cultural values must be considered when taking water;

- Ensure the resource is sustainable
- Consider the whole environment affected by the water taken - flora and fauna
- Ensure mahinga kai (food gathering) can continue
- Perform appropriate protocols (karakia, karanga and/or waerea) before taking the water

MANA WHENA ASPIRATIONS RELEVANT TO THE PROJECT

MANA WHENUA RELATIONSHIPS

Section 8.2.1 of the Waikato-Tainui Environmental Plan provides guidance to developers on how to manage effects of their project as follows:

In managing the effects of a resource use or activity, regardless of the magnitude, frequency, or duration of the effect, Waikato-Tainui considers that it is necessary to provide a net benefit when considering social, economic, environmental, spiritual and cultural impacts – to strive for environmental enhancement. Therefore, it is necessary to suitably manage any effects so that they are avoided, remedied, minimised, mitigated, or balanced. For Waikato-Tainui, this is essentially a hierarchy where the premium way to manage an effect is to avoid it, the second way is to remedy it, and so on through to suitably balancing the effect, (offset mitigation). In managing effects consideration needs to be given to:

- (a) *Avoid*: manage the effects so they can be avoided - no effect occurs;
- (b) *Remedy*: managed to the point that the effect is eliminated (e.g. cleaning discharges to water so that the water of a suitable quality);
- (c) *Minimise*: manage frequency or magnitude of the effect to a point where it does not cause concern to Waikato-Tainui;
- (d) *Mitigate*: if the effects cannot be adequately avoided, remedied, or minimised, is there something that can be done to mitigate or offset the effect to create a benefit not directly linked to the proposed resource use or activity. (e.g. an effect of discharge to water being offset by additional riparian planting or wetland restoration).
- (e) *Balance*: when taking all the effects into consideration, and considering the relative weight of the effects to Waikato-Tainui, do the positive effects adequately balance out the negative effects, and provide environmental enhancement? Only Waikato-Tainui can determine whether effects are suitably balanced for Waikato-Tainui.

CULTURAL VALUES

“Ko Tainui te waka, ko Taupiri te maunga, ko Waikato te awa, ko Pootatau te taangata, Waikato taniwha rau, he piko he taniwha, he piko he taniwha”

“Tainui is my waka, Taupiri is my mountain, Waikato is my river, Pootatau is the chief, Waikato of many chiefs, at every bend of the river there is a chief”

Section 10.3.2.1 of the Waikato-Tainui Environmental Plan provides a concise summary of what “cultural values” mean to its tribal members:

“Our strategic direction charts a course of significant developments to protect our tribal identity and integrity. The development of a core strategy designed to provide maximum support for our kaumaatua, the caretakers of our Maatauranga, and experts of our reo and tikanga, is a key priority. Our whenua, rivers, lakes and other waterways are living embodiments of our tribal identity.”

The necessity to forge a partnership with the Crown is vital to the preservation and protection of 'te taiao', our environment.

(a) To preserve our tribal heritage, reo and tikanga

(b) To grow our tribal estate and manage our natural resource

In addition:

- *Kia whakatinanahia a ngaai Maaori oo raatou mana motuhaketanga¹ I te aao, I te poo. (The manifestation of mana motuhaketanga is the inherent right of tangata whenua to exercise every day and every night).*
- *Na te ahi kaa ka tohutohu I oo raatou ake tino rangatiratanga (The host people keeping the fires burning will determine their own independence)*

It is also noted in The Cultural Impact Assessment for the Hamilton City Council Rotokauri Greenway Corridor that:

- *there are strong cultural values held by Ngaati Mahanga and Ngaati Tamainupo in the Rotokauri area.*
- *Lake Rotokauri and Lake Waiwhakareke hold a special spiritual and sustenance significance to Maaori of this region.*
- *Pre-European times, the lakes, surrounding peat swamps and waterways were significant food sources for Maaori with a strong likelihood of extensive habitation. The trees of the forest and the plants of the swamp margins not only provided sustainable sustenance for ancient Maaori, but they were also important as Maaori environmental indicators.*
- *The Te Tonghuanui walking track and other walking tracks along ridges were significant routes through the area.*
- *It is also known that there were several battle sites and urupaa within the wider area. These recorded sites are shown on the map in Appendix 1 of this document.*
- *The kaitiaki role within the context of Te Haa o te Whenua o Kirikiriroa is a significant role for taangata whenua and iwi whaanui and will be upheld through the duration of this Project.*
-

ROLES and RESPONSIBILITIES

THaWK as the mandated representative of Mana Whenua, has the roles and responsibilities of kaitiaki for the environmental integrity of this region. In areas which do not have such a mandated organisation, Waikato-Tainui act as kaitiaki until hapuu within that rohe are able to take over and engage effectively with developers.

CUSTOMARY and CULTURAL ACTIVITIES – Te Mana Whakahaere

All marae and tribal members are supported by tribal partnerships to fulfil priority kaitiaki responsibilities. E tautokohia ana ngaa marae katoa me ngaa mema katoa o te iwi i roto i ngaa hononga aa-iwi ki te haapai i ngaa haepapa maataamua o te noho hei kaitiaki.

Section 14 of the Waikato-Tainui Environmental Plan promotes the unique and historical relationship of Waikato-Tainui with its traditional lands and waterways which has extended over many generations. The

¹ Mana Motuhaketanga is the exercise of self-autonomy by tangata whenua.

importance of this relationship is displayed in many customary activities that Waikato-Tainui still undertake today. The mana whakahaere of Waikato-Tainui has associated requirements to responsibly use, protect, and enhance customary resources, and to ensure their on-going health and wellbeing.

Cultural Impact Assessment

For

Hamilton City Council

Rotokauri Greenway Corridor

Kaituhi: (Author)	Moko Tauariki	
Puurongo Tūnga (Report status)	Final	Distribution date: 28 November 2019
Whai take (Use) This Cultural Impact Assessment report has been prepared on behalf of Te Haa o te Whenua o Kirikiriroa (THaWK) at the request of Hamilton City Council (HCC). This report is prepared solely for the use of HCC and THaWK. This report is intended for use as an accompanying document to the projects resource consent applications to relevant statutory consenting authorities or for purposes THaWK deem relevant for their respective Iwi use only. Information contained in this CIA has been cross referenced and reviewed by the tribal members of THaWK who possess relevant knowledge and understanding consistent with the proposed area to be developed on behalf of their respective constituents. It is the position of the Kaituhi that the information contained in this report is an accurate account of the discussions had between each other and documents reviewed. Mitigating recommendations contained in this report are yet to be agreed and both parties agree to negotiate and conclude a practical mitigation package that is consistent with the contents of this report where the primary objectives of this report is to ensure the realm of Ranginui and Papatuanuku is protected and safeguarded against adverse environmental impacts.		
THaWK Delegated Member	Signed: <i>[Signature]</i>	Date: 28/11/19
Hamilton City Council	Signed: <i>[Signature]</i>	Date: 10/1/20
Kaituhi	Signed: <i>Moko Tauariki</i>	Date: 28/11/19

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1. Overview

Hamilton City Council (HCC) has engaged Te Haa O Te Whenua O Kirikiriroa (THaWK) as representatives of hapuu within Hamilton city, and Moko Tauariki to undertake a Cultural Impact Assessment (CIA) for the designation of land and the construction and operation of the Rotokauri Greenway Corridor project (Greenway Corridor).

This CIA has been developed to fulfil cultural conditions as agreed and provided as part of the Notice of Requirement (NOR) and to inform subsequent resource consent applications lodged by HCC as a Requiring Authority pursuant to section 167 of the Resource Management Act 1991 (RMA).

2. Traditional Lands

The region of the Waikato people is described in the following whakatauki:

*Ko Mookau ki runga
Ko Taamaki ki raro
Ko Mangatoatoa ki waenganui.
Pare Hauraki, Pare Waikato
Te Kaokaoroa-o-Pātetere.*

*Mookau is above
Taamaki is below
Mangatoatoa is between.*

*The boundaries of Hauraki, the boundaries of Waikato
To the place called 'the long armpit of Paatetere'.*

Mookau refers to the river in north Taranaki, and Taamaki to the isthmus on which the city of Auckland now stands.

Mangatoatoa is small village south of Te Awamutu.

Pare Hauraki is the Hauraki region including the Piako, Ohinemuri and Coromandel Districts.

Pare Waikato is the region north of Kawhia to the Manukau Harbour and across to the Huunua and the Pukakohe Range. Hence, the Waikato region today includes cities and towns such as Te Awamutu, Kemureti (Cambridge), Kirikiriroa (Hamilton) and Raahui Pookeka (Huntly).

The Taamaki District is sometimes referred to as the kei (stern) of the Tainui canoe and the

Mookau District as the tauihu (prow). The Coromandel Peninsula is referred to as the canoe's ama (outrigger).

3. Disclaimer

This report is written on behalf of Te Haa o Te Whenua o Kirikiriroa (THaWK). Its use is for the Rotokauri Greenway Corridor only. Any other use of this report without THaWK consent is a breach of trust and misuse of sensitive cultural information. The cultural narratives and historical accounts are a combination of historical reports commissioned by HCC. These reports are identified as the primary sources of cultural references:

- Beca Carter Hollings & Ferner Ltd - CIA report prepared by NaMTok - 2001
- Ngaa Maara o Muriwhenua - Report prepared by Paretutaki Hayward - 2017

The rest of the report is a compilation of evidence and cultural narratives provided by representatives of Te Haa o Te Whenua o Kirikiriroa and the knowledge that has been passed down to them over the years within their respective Iwi/Hapuu/Marae.

Some of the naratives and historical accounts contained in this report have not been able to be fully substantiated by the current knowledge base of THaWK. The decision was made to preserve those particular naratives within this report despite the memberships inability to cross-reference its factual content at this current time. The membership agreed that because information of a historical nature written by Tainui waka descendents should not be dismissed immediately despite peoples inability to cross-reference it. Keeping it in the report allows the narratives to live and have a safe space for future critical analysis, debate and investigation.

4. The Project

The Greenway Corridor is a 3.8 kilometre (km) long corridor, commencing on the northern side of Rotokauri Road near Lake Waiwhakareke, to Lake Rotokauri, and will function as the principal stormwater management channel in the Rotokauri area. The Greenway will also serve as a public recreational space with a walkway/cycleway provided for along the length of the corridor and represents a significant ecological restoration project. **Figure 1** below displays the approximate route of the Greenway corridor.

The Greenway provides HCC with a significant opportunity to re-create an ecological corridor between Lake Rotokauri and Lake Waiwhakareke, based on restoring the indigenous vegetation and habitats that would have existed prior to the draining of Rotokauri for farming in the early 1900s. It is HCC's aspiration that the existing highly modified environment will be significantly enhanced by the eco-design of the corridor through extensive planting and the creation of wetland habitat, with a 'natural' meandering

stream conveyance channel within the corridor. This will enable improvement to the water quality within the catchment, relative to that within the existing Rotokauri drain and within Lake Rotokauri. Uniquely the Greenway will provide a 3.8km 'green corridor', linking the Waiwhakareke Natural Heritage Park with Lake Rotokauri, with consequent biodiversity benefits within this part of the city.

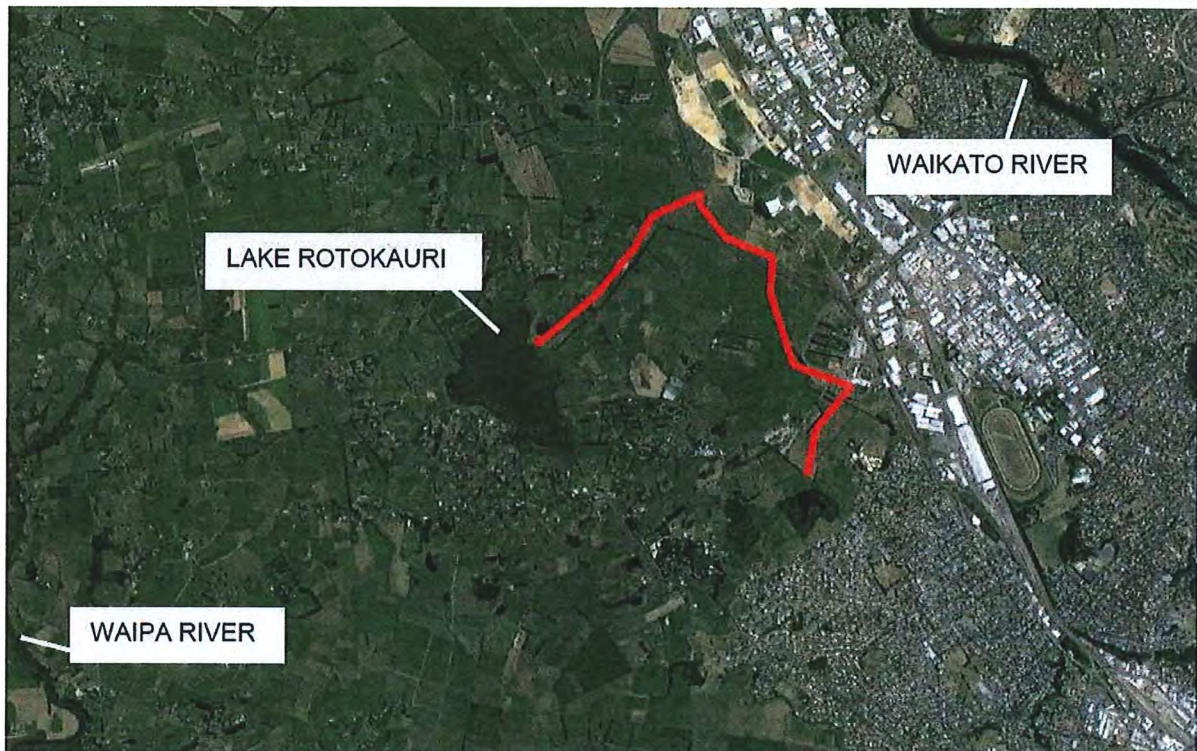


Figure 1: Locality Plan (Google Earth)

5. Site and Locality Description

The project is located between the Waikato and Waipa Rivers, and to the east of Lake Rotokauri. Lake Rotokauri is one of the larger of a number of small peat lakes in the lower Waikato region. A number of drains feed into the lake, including those which the current project seeks to enhance to form the Rotokauri Greenway.

The Greenway corridor broadly follows an existing farm drain known as the Rotokauri drain. This drain forms the main outlet for the Rotokauri catchment and runs from Lake Waiwhakareke to Lake Rotokauri. The Greenway corridor commences in the south on the eastern side of Rotokauri Road and proceeds in a north eastern direction. The corridor then proceeds to the north between the Rotokauri Developments Limited 'Rotokauri Rise' subdivision and WINTEC campus. The corridor then proceeds in a generally northern direction through privately owned land to a point adjacent to the Te Rapa Section of the Waikato Expressway (the Expressway), where it proceeds alongside the Expressway corridor. The corridor then turns towards the southwest through privately owned farm land to Exelby Road. At Exelby Road the existing Rotokauri drain is culverted under the road, and proceeds through private land to an existing outfall into Lake Rotokauri. The total corridor

length is approximately 3.8km, with a corridor width varying between 20 metres and 120 metres.

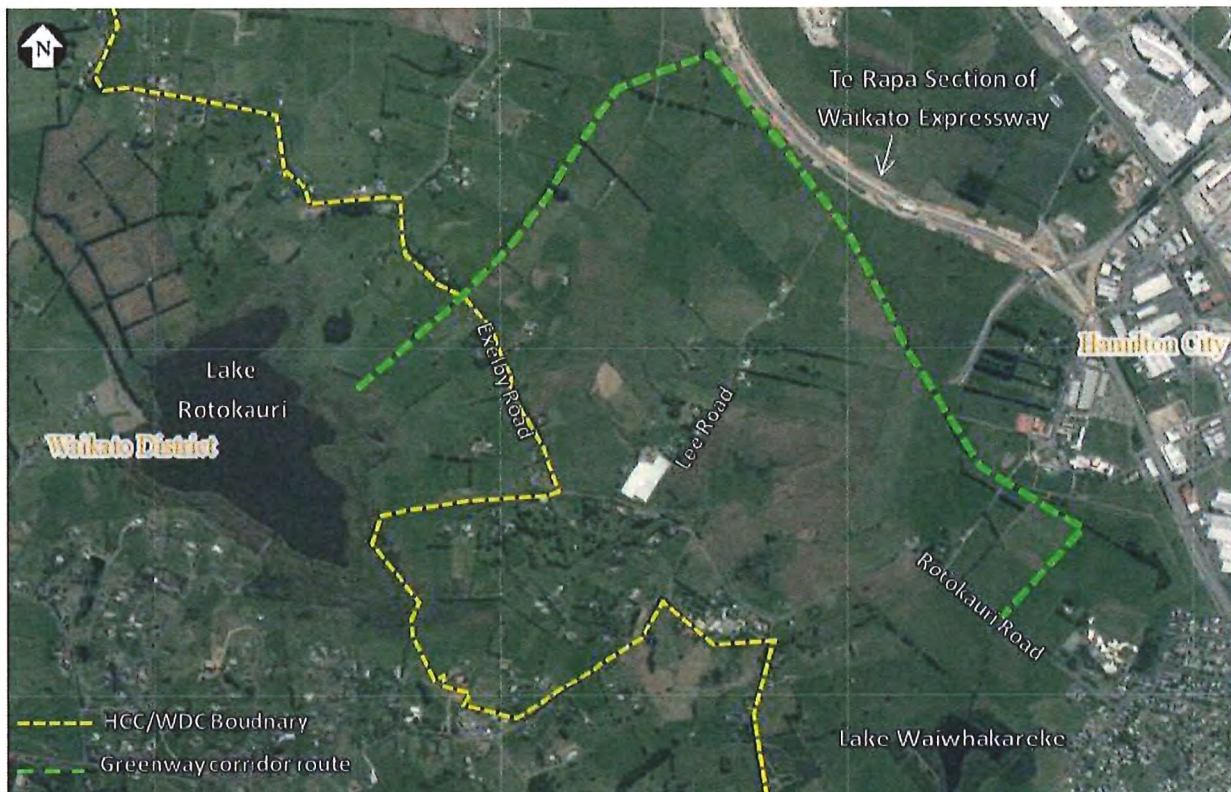


Figure 2: The Greenway Corridor Route (Waikato Regional Council Maps).

6. Pre-European History of the Area

The Rotokauri Structure Plan prepared in 2001 incorporated a cultural assessment report. The report covered parts of the Greenway Corridor project whence its use within the scope of this CIA report. The CIA (2001) report was prepared by Nga Mana Toopu o Kirikiriroa (NaMTok) which identified a number of culturally significant aspects that are considered to be taonga (precious) to Māori. The report is acknowledged within the scope of this report and parts of that report will feature throughout this report. However, the 2001 report does have some gaps which this report will fill and some corrections that will be made to ensure a more accurate and current perspective of cultural narratives are provided for within this particular project.



Figure 3: Te Uhi Paa location.

7. Te Haa o te Whenua o Kirikiriroa

Te Haa o te Whenua o Kirikiriroa is a cluster of Iwi/hapuu representing local mana whenua (Maaori with historic ties to the Hamilton/Kirikiriroa area) on issues relating to the management of Hamilton's natural and physical resources. The contents of this report have been cross referenced by the membership of THaWK.

The current hapuu/Iwi that make up the cluster of THaWK are as follows:

- Ngaati Maahanga
- Ngaati Tamainupoo
- Ngaati Wairere
- Ngaati Koroki Kahukura
- Ngaati Hauaa

8. Pre-European Maaori history of the area

In pre-European times, the flora and fauna of the Waikato region was significantly different from today. The region was renowned and fabled in Maaori legends and Waiata (songs), for its large forests and abundance of birds and fish. The serious destruction of these forests

began around the 1820's when Ngaapuhi forces armed with muskets, invaded the region and set fire to many of the settlements and surrounding forests along the Waipa River.

Later huge land clearances were directed by European Christian missionaries such as Rev. Ashwell (known to Tainui as Potaenui) who himself set fire to many of the ancient forest reserves in the area. He also encouraged Maaori who had been converted to Christianity to clear the forests and transform the land into European type farms. This had an enormously deleterious effect upon the natural resource based commercial trade which Tainui undertook prior to 1860.

In ancient times, the hills and ranges overlooking the Rotokauri area were densely forested with a mixture of Matai, Miro, Totara, Rimu and Tawa trees. By contrast, the forests of the peat swamps and low-lying plains were dominated by Kahikatea, Titoki, Rewarewa and Pukatea trees, with Maire trees on the margins of the swamps.

Within these dense forest stands there was ground cover of ferns such as Rauruhe, Maheuheu, Punga and Mamaku. Several species of vines (Mangemange) climbed up, and hung from, the forest trees. These vines were particularly significant for the Maaori people of the area as they provided an important raw resource required in their everyday lives. For example, Kareao (supplejack) was used for lashings in the manufacture of eeling pots (hinaki), construction of the defence stockades of fortified Paa, house structures, agricultural implements, musical instruments and waka (canoes).

In the Maaori language Rotokauri means "lake of Kauri trees". Lake Rotokauri was given this name because of the many Kauri logs which are buried in the bed of the lake and around it's margins. These are the remains of ancient Kauri trees which grew throughout this area, some of which, through natural causes, fell over into the lake. The Rotokauri area was extensively dug over for Kauri Gum by Maaori during the 1840's-1920's.

The lakes Rotokauri, Rotokaeo and Waiwhakareke (Horseshoe Lake) held special spiritual and sustenance significance to Maaori of this region. Freshwater mussels (Kaeo) grew in abundance particularly in Waiwhakareke and were gathered by the hapuu for food. The Kaeo shells were manufactured into cutting implements for gathering flax and stripping the soft flesh from the leaves to extract the long fibrous strands which were used for manufacturing clothes, cloaks, mats, fishing line and many other everyday items. In addition, these lakes held an abundance of Tuna (eels), Koura (freshwater crayfish), and native Kanae (trout), all of which provided essential foods for the hapuu of the area.

In more specific detail, the area to the north of Rotokauri Lake was a vast peat swamp called Te Maire. This name was derived from the abundance of Maire trees which grew on the margins of the swamp. The berries of this tree were highly favoured by the native Kuku (Pigeon) which came to the area in considerable numbers. The swamp flora also contained Tii koouka (Cabbage tree), a variety of species of Harakeke (flax) such as Tihore, Ngutunui and clumps of Toetoe and Raupo.

Lake Rotokauri received the water from the surrounding catchment area and formed the head waters of the Te Ohote Stream, which ran out of the west end of the lake and into the

Waipa River. Te Ohote Stream and lake Rotokauri were important sources of Kaimoana, particularly eels, which were trapped in a series of eel Rauwiri (weirs) which were constructed along the stream. Many of these eel rauwiri were given names, being owned, maintained and jealously guarded by individual hapuu or families who lived by the lake and stream.

The swamps also provided a variety of food for hapuu living in the region. Ducks such as Parera (grey duck) Putangitangi (paradise duck) and Pakeke (brown duck) lived in the swamps and were hunted using light weight spears or snared using nooses set in the creeks between stakes. The swamps also supported Tuna (eels). The different species of eels living in this area were given different names in Māori. One eel, the large silver bellied eel, was called Kokopu by the local Tainui people and significant numbers of Kokopu were recorded living in the lake and streams. However, such records have caused some confusion and misinterpretation of the ancient fish fauna of the area as in other parts of New Zealand Kokopu is the name given to the native trout. Thus, some historians have been led to believe that there were large numbers of native trout in this area when in fact such references were to the silver bellied eel.

Tangata Whenua history records orange "discolourations" on the margins of the swamp and the associated creeks. These were not records of ancient environmental pollution, but rather identify the location of iron oxide deposits, which typically form in such peat swamps. This iron oxide, correctly called Kokowai but more commonly known as Ochre, was traditionally dug out of the swamps in large lumps and heated in wood fires. The resultant orange/red pigment was used by ancient Maaori people for personal adornment, and for painting their houses, wooden carvings, the palisades of the Paa and the scraped bones of their dead, to give them a red colour. In addition, people commonly painted themselves or their children prior to going to sleep to ward off evil spirits (pokepokewai and patupaiarehe) whilst they slept. Chiefs commonly smeared Ochre over their faces and bodies to indicate a state of tapu during ceremonial occasions.

Ochre was, and is still, given a high spiritual value by Maaori. It's red colour symbolises the blood of Papatuaanuku (the land). Hence, it's use provides a tangible expression of the spirit (Mauri) of the land itself and the bond which exists between the life forces of the land and all people, plants and animals which live on the land. Because of the many spiritual, ritual and decorative uses of Ochre, the iron oxide deposits on the margins of the swamp were, and are, extremely valuable and prized by tangata whenua, even today.

The trees of the forest and the plants of the swamp margins not only provided sustainable sustenance to ancient Maaori, but they were also important as Maaori environmental indicators. Elders used to observe and interpret the changes in the environment in terms of the appropriate time to undertake a variety of tasks. For example, early or late fruiting of certain berries, the rise and setting of the heavenly bodies, or the waxing and waning of stars determined the best time for hunting particular birds or fish, sowing the seeds, cultivating and harvesting the crops. Similarly, when the native white clematis (Winika) was in bloom this was the correct time to fish for eels, or when the Koroi (berries of the

Kahikatea) were at their brightest, the native birds and rats came to feed on them. This was therefore a time of plenty for trapping these animals and preserving them for future use in times when food was scarce. At certain time of the year Raahui (embargoes) were established by the local chiefs to conserve or sustain local plant and animal resources.

One of the largest historic hapu of Ngaati Maahanga, was Ngaati Hourua. It is said, that the first kainga, where this hapu emerged as a distinct identity was at Te Ara o Karoro. Ngaati Hourua, was a section of Ngaati Maahanga, but they also had strong whakapapa connections from the tupuna Haua, and from Maahanga's daughter, Tukotuku. Indeed Karoro, from whom the kaainga takes its name, as well as his sister Kura, were descendants of Tuukotuku. 15 Te Ara o Karoro is both a kaainga, and a pa. A Kaainga in so much as it was a series of dwelling sites including at least two Pa. A satellite Pa was also located at modern day Brymer Road and an Urupa, on Newcastle Road. Both are categorically part of Te Ara o Karoro.

The name of this site, simply means 'the path traversed by Karoro'. Te Ara o Karoro track commenced at Pehihoukura (East bank of the Waipa River at Whatawhata) to its terminus at Te Rapa Pa. Roore Erueti defined and described Te Ara o Karoro in the following way:

"Ki Te Ara o Kaaroro, he rahi te wariu o te whenua he ara I takahia ai e Kaaroro, he uri ia no Tukotuku. He paa tawhito tenei I waihaNgaatia nei e Ngaati Hourua, ki Waenganui nga awa o Waipa, o Horotiu e kiia nei ko Waikato, he pa tata atu ki hauputanga o Waitawhiriwhiri, koia kei te rawhiti, ko te Patangata, ko rotokauri kei te taitokerau o te waahi e kiia nei ko Te Ara o Karoro"

With regards to Te Ara o Karoro, valuable land on the path trodden by Karoro, a descendant of Tukotuku. An old pa built by Ngaati Hourua, between the rivers of Waipa and of Horotiu, It is said by Waikato, that the Pa near the mouth of Waitawhiriwhiri Stream was the Eastern boundary of that land. Pa tangata and Rotokauri in the north were also boundaries, the whole place was called Te Ara o Karoro

9. Kiingitanga

*“Kaua e tuku he Taangata tou hou hei kiingi mou,
tukuna he tuakana a ngaa iwi tekau ma rua”. “Do
not allow a stranger to be king over you,
choose from amongst yourselves, a relative from the 12 tribes of Israel”*

The membership of THaWK are Kiingitanga marae who are loyal faithful followers of this kaupapa. In 1858, Pootatau Te Wherowhero was raised up as king to unite the iwi and preserve their raNgaatiratanga and their economic and cultural integrity, under his authority in the face of increasing settler challenges. Waikato regard themselves as principal kaitiaki of the Kiingitanga ever since the 1858 inauguration. Those chiefs who formally pledged their land to Pootatau Te Wherowhero gave up ultimate authority over the land to him, along with ultimate responsibility for the well-being of the people, and through this bound their communities to the Kiingitanga, resisting further alienation of their land.

Rangiriri is significant to the Kiingitanga prior to Pootatau Te Wherowhero accepting this responsibility. In 1858, a great gathering took place in Rangiriri within a papakainga community called Paetai. It was at this location that approximately 2000 Waikato-Tainui people and tribal leaders gathered to endorse the Kiingitanga. Representatives from Ngaati Wairere, Ngaati Koroki Kahukura, Ngaati Haua, Ngaati Maahanga and Ngaati Apakura were amidst many other hapuu of Waikato who attended that gathering. The New Zealand government at the time perceived the Kiingitanga as a challenge to the Queen's sovereignty and as a hindrance to Government land purchase policies and did not agree to any formal relationship with the Kiingitanga.

In July 1863, after considered preparations by the New Zealand government, military forces of the Crown unjustly invaded the Waikato south of the Mangatawhiri River, initiating hostilities against the Kiingitanga and the people. These hostiles of the Crown were subject to strategic warfare that they had never encountered before; Trench Warfare. Led by the noble chief of Ngaati Hauaa, Wiremu Tamihana, taangata whenua were able to hold off the colonial army until they (Maaori) ran out of gun powder. In retribution, and by the orders of council, the New Zealand Settlements Act 1863, enabled the Crown to unjustly confiscate approximately 1.2 million acres of land from the Waikato iwi. In contemporary times some monetary compensation and land has been returned through Treaty settlement, though not under customary title and not to those who ceded their lands to Pōtatau Te Wherowhero. Much of that land belonged to the ancestors of THaWK

“Kia purua te toto, kia herea te whenua— kia maungaarongo te tāngata” –
“To stop the flow of blood amongst our people,
to stop further alienation of our lands and so put all (land) under the King title.
To cause unity within our own people and iwi whānui (other tribes)”

Widespread suffering, distress, and deprivation were caused to the Waikato iwi (both north and south of the Mangatawhiri River) as a result of the unjust war waged against them. The loss of life, the destruction of their taaonga and property, and the confiscations of their lands, (the effects of the Raupatu) have lasted for generations.

The Kiingitanga has continued to sustain the people since the Raupatu, and its leaders have petitioned the Crown for justice and for the return of land since 1863. The Kiingitanga continues to be that beacon of hope for its people during the difficult times where colonial regimes continue to disenfranchise Maaori. Colonial regimes such as conforming to local territorial authority regimes such as responding to notices of requirement where crown and private land owners are seeking to develop the land for which the Kiingitanga fought hard to protect and preserve.

"Ka whawhai tonu maatou, ake, ake, ake tonu atu" -

"We will continue to fight for ever and ever".

(Rewi Maniapoto, Ngaati Maniapoto)

"Kua riro whenua atu, me hoki whenua mai" -

"Land that is taken, then that land shall be returned".

(Te Kotahi Mahuta, 1995)

These words are the tuara (backbone) of the Waikato Tainui Raupatu Settlement in 1995.

The late Sir Robert Te Kotahi Mahuta continued to reiterate these words when bringing the Crown to account for their crimes against humanity, against the indigenous peoples of Aotearoa, New Zealand.

Today (in this era) we are beginning to see stronger relationships between the Crown and iwi and processes to have land and taaonga returned are progressing as we speak.

Commitments are strong amongst THaWK Iwi/hapuu and this is seen annually when the King and his royal family visit our marae. And as we live to preserve the integrity of the Kiingitanga, the King himself lives to address grievances of Raupatu and to form stronger alliances with representatives of the Crown and forge relationships with indigenous peoples from around the world.

10. Kaitiakitanga

“Ko te awa ko au, ko au ko te awa”.

“The river is me, and I am the river.

“We are one in the same, an indivisible entity, we cannot be separated”.

These statements were the backbone or guiding principles during the build-up to the Waikato River Deed of Settlement in 2010.

Kaitiakitanga is a principle incorporating the cultural, physical and spiritual values of an indigenous worldview. It includes the rules and practices Māori have used to control and manage their natural resources, along with exercising their traditional responsibilities of guardianship and protection (Marsden & Henare, 1992).

Kaitiakitanga is a traditional practice system for Māori and evidence of this is passed down from generations through oral and artistic history. The traditional stories of Ranginui (sky father) and Papatūānuku (earth mother) are embedded into the younger generation for the sole purpose of passing on the customs and practices of sustainable practices and care for the environment.

History is evident in iwi beliefs as to what kaitiakitanga means. An example of this belief system is engrained within the Waikato iwi whom pass knowledge down through oratory and art forms such as carvings, and music. A more common system of tribal identity is whakatauki (proverbial sayings). A common whakatauki for the Waikato people is illustrated:

“Waikato te awa, he piko he taniwha, he piko he taniwha, Waikato taniwharau”

“Waikato the river, a chief at each bend, many chiefs of the river”

This whakatauki is specific to Waikato iwi only and has been so for many generations. It does not depict Taniwha in a monstrous role, but in a way that the Waikato River does contain an element of fear. The taniwha are guardians and therefore kaitiaki. It has been known that people who fail to follow out tikanga or kawa (protocol) with regard to the river and its well-being can suffer detrimental effects from the river. An example of this can be seen in the current health status of the river, which in the eyes of taangata whenua is ‘mauiui’ (sick).

A kaitiaki role within the context of THaWK is very much a significant role for taangata whenua and iwi whaanui (wider tribes). It is therefore the responsibility of the THaWK to ensure that safe cultural practices are upheld throughout the duration of this project.

Kaitiakitanga extends further than the illustration outlined in the Resource Management Act 1991 (RMA 1991). For the purposes of this report, THaWK are the kaitiaki in line with the over-arching direction of Waikato-Tainui (Iwi Authority).

Kaitiakitanga is a responsibility passed on to Maaori people from Te Ao Wairua (spiritual world). This responsibility or belief system for western societies can pose a difficult concept to understand as it is not able to be measured, seen or touched.

Kaitiakitanga is recognition given by all others to people who have guardianship over a particular area of natural resources. Even if the land is privately owned, the responsibilities of Kaitiakitanga extend further beyond those ownership rights within a cultural and spiritual context.

Kaitiakitanga is an indigenous value system. It contains elements, which require a deeper understanding outside of the physical world. However, kaitiaki in many ways can be learned by others (non-Maaori). The belief systems of guardianship and protection are shared amongst many New Zealanders and certainly have a collaborative working position within Aotearoa, New Zealand today.

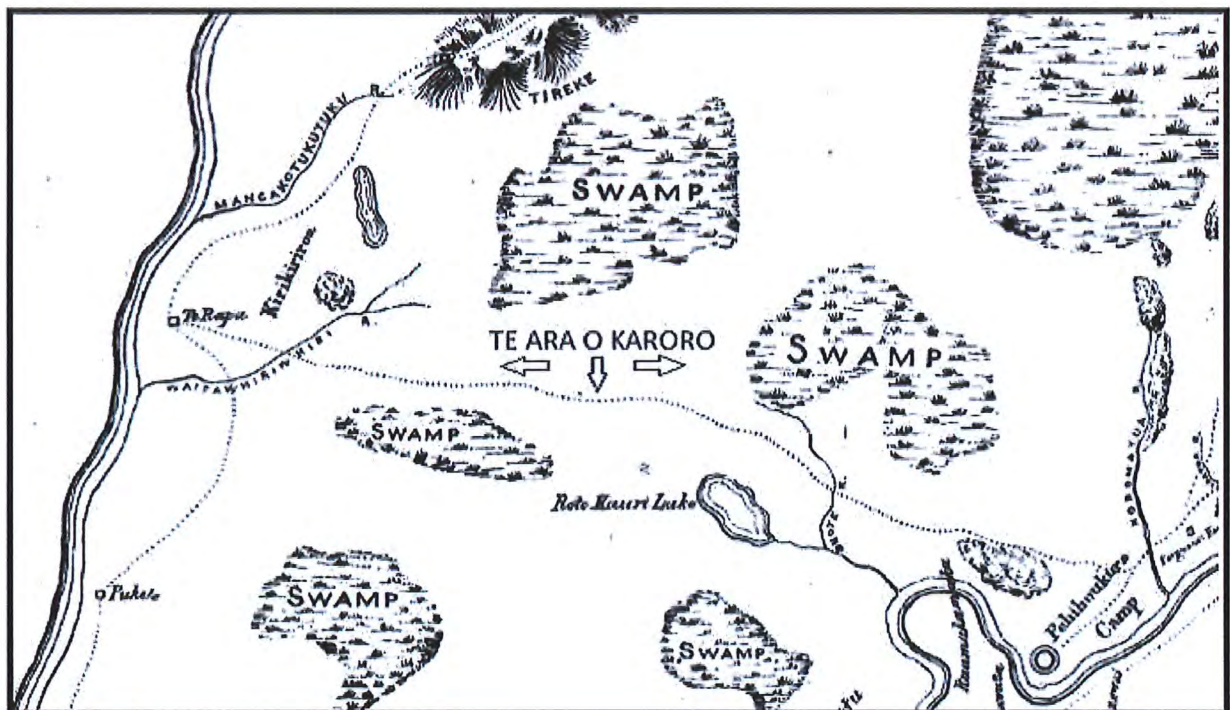


Figure 4: Te Ara o Karoro.

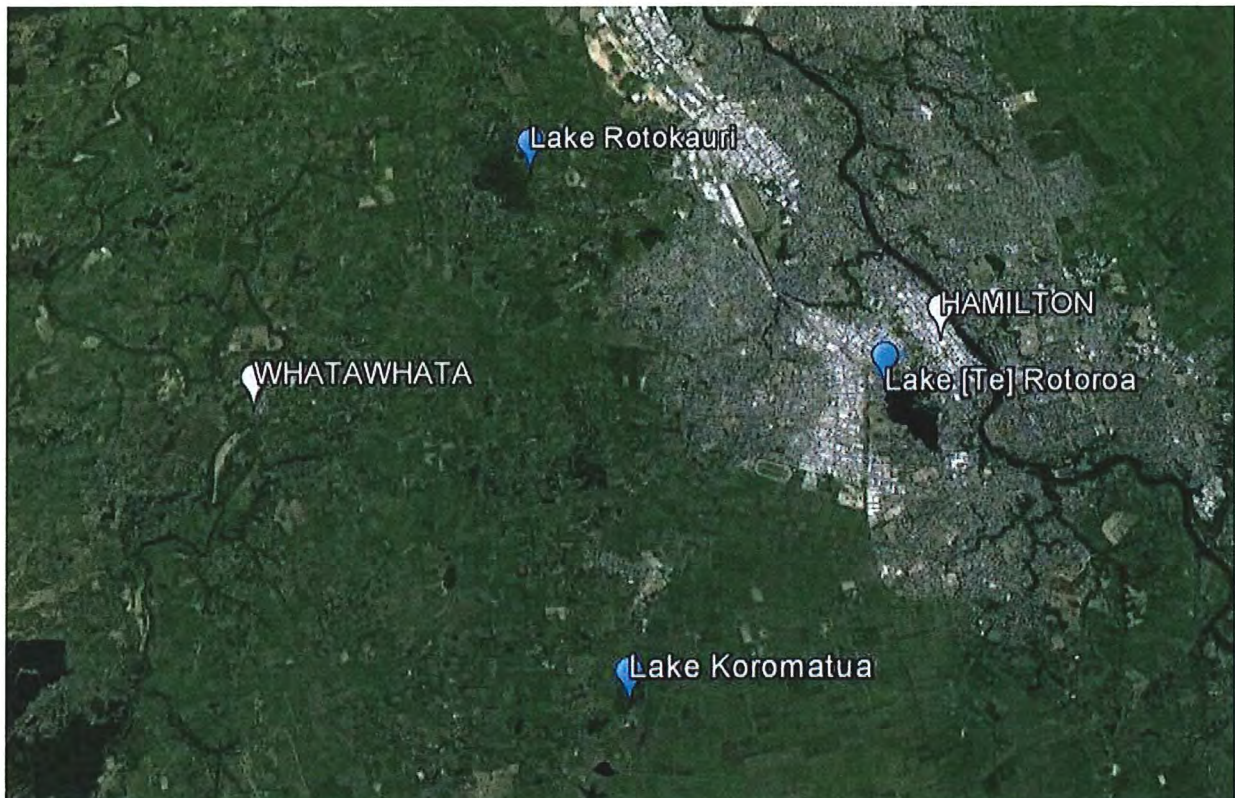


Figure 5: Googlemap view of lake Rotokauri, lake Koromatua and lake Rotoroa (Hamilton Lake).

11. Te Tongahuanui Walking Track

There was a walking track named Te Tongahuanui which ran from Kirikiriroa (Hamilton City) past Te Uhi Pā and on to Whatawhata. The Exelby-Rotokauri Roads are now built over the top of this walking track. This track was regularly used by local hunting and fishing parties and occasionally by invading war parties.

Certain clumps of cabbage trees, flaxes or toetoe along the track were believed to have supernatural powers. At various points along the track there were shrines (tuahu) to local deities. One such shrine, located on a prominent hill named Puketekete, overlooking Te Uhi Paa, was dedicated to one of the most significant deities of the area. This deity, Tikiraupo, was a taniwha which occupied Lake Rotokauri and his presence in the lake was believed to be shown by a large clump of rushes and raupo which floated on the surface of the lake. This "island" was blown around the lake by the wind. Occasionally swarms of flies could be seen flying around the island and this was always a sign that a chief was about to die.

Some Maaori believe that was Mokoroa, the Chief of Ngaati Ruru who drowned in the lake, who became the Taniwha Tikiraupo. Other accounts claim that it was one of the Nga iwi chiefs, whom Hotumauea killed by drowning in the lake, who became Tikiraupo and now haunts the lake.

the war lord Te Rauparaha attacked Ngaati Ruru and Ngaati Koura at Nukuhou Paa and Whatukoruru Paa near the area traditionally known as Korakonui or Peacocks Road. Ngaati

Wairere warriors, led by Te Ahipainga, Te Ironui and, Iraia Papoto and Ngaati Koura warriors under Porokoru and Tatangi Te Roore drove the attackers off.

They pursued Te Rauparaha through the Rotokauri area, along the Te Tongahuanui track towards the Waipa River, but he escaped along the Kaniwhaniwha track, south of Whatawhata. From there he crossed Mount Pirongia, travelling through to Te Tihi O Moerangi and on into Kaawhia. Apart from being a fabled warrior and war lord, Te Rauparaha is famous as the composer of the haka "ka mate, ka mate" performed by Maaori sporting teams throughout the country.

These historical accounts have been extracted from a cultural report commissioned by HCC to Ngaa Mana Toopu o Kirikiriroa during the early 2000's. While this section of the report makes reference to another paa site above Te Uhi Paa, the name Puketekete and its location does not fully correspond with the views of the THaWK representatives reviewing this report. However, that does not mean that the information is wrong. It simply means that the knowledge base of such a paa site overlooking Te Uhi Paa is not fully understood at this current time and therefore will not dismiss its reference in other reports such as that of NaMToK and will continue to research and further explore those views.

12. Repo (Swamps)

The swamps provided an environment which not only allowed ease of burial, but also one which preserved and protected material buried in them. Because of this it was common in times of impending war for Maaori to bury their prized possessions such as carvings, house structures, implements and taaonga in swamps to be reclaimed once the war was past.

Some of the most prized, and best preserved, wooden artefacts have been found in modern times in swamps and peats, where the water-logged conditions have stopped oxygen driven degeneration of the cell structure of the wood. However, when such water-logged artefacts are exposed to the air, they very quickly dry out and this causes them to crumble and disintegrate within hours.

13. Urupa

The Te Uhi Paa on northern side of Lake Rotokauri falls within the Waikato District Council boundary and has been identified as a paa outside of the local territorial boundary area of Hamilton City Council. However this report contends that local, regional and central boundary lines do not impede the ability of THaWK and its responsibilities to fulfil their Kaitiaki duties. However, a recent investigation of the Paa site uncovered sufficient human bones to indicate that there was an Urupaa in the vicinity of the Paa. Given this, it is highly likely that there are also Urupaa at other places around the margin of Lake Rotokauri, including the part which falls within the present investigation area.

14. Harakeke (Flaxs)

The people of the Te Uhi Paa gathered the flax from the margins of the swamp. They scraped the flesh and pith from the flax leaves using shells, thereby extracting the long fibres (muka) which were pounded to soften them for weaving. In pre-European times this flax was for their own use for manufacturing cloaks, mats, fishing lines, nets etc. After the arrival of Europeans, much of the processed flax fibres (muka) were braided into ropes and rigging for sailing ships. These products were transported by canoe along the Waipa River, destined for sale in the Auckland markets in exchange for muskets and iron ware.

15. Fire and Burn-offs

Fire was not only a necessity of ancient Māori life, but it was also used as a "tool". On the hills to the South of the lake, areas of the forest were often burned off. This served two purposes. First it created a clearing from which the surrounding hinterland could be easily viewed. From such a vantage position the different hapuu living in the area could determine which traditional bird hunting blocks on the flats belonged to them, and "police" the blocks to ensure that neighbouring hapuu did not poach on their blocks. An ahitapu (sacred fire) was often lit on the hill to identify that the block which it overlooked and the hill itself, was occupied by that tribe.

The second purpose for clearing the hillside by burn off was associated with a particular food source. Ferns were one of the first plants to regenerate in these burned soils and the roots of these ferns were used as a food. The roots (Rauruhe) were harvested, roasted, pounded with wooden hardwood pounders or beaters (Patu aruhe) to soften them and then the fibres chewed. Such fern roots were known as Koata and Pitau and the soils supporting these types of ferns were highly prized by Maaori. Once the regenerated ferns had all been harvested, the land was planted with kumara.

Such hill gardens were particularly suited for cultivation of kumara as they typically had a shallow covering of top-soil over underlying clay. This soil profile was especially conducive to the growth of large kumara tubers.

It was also a traditional practice to clear tracks which had become overgrown by fern and bracken with a burn off. Ceremonial rituals were performed by a Tohunga before the fires were lit.

Sometimes dried peat margins away from the Paa were set alight and left to smoulder. The people of the Paa would take the smouldering embers in pumice containers for use as domestic fires within villages. This minimised the risk of the Paa being set on fire, given that Te Uhi Paa was constructed over peat deposits. The smouldering peat also allowed eeling parties to light rama (fire torches) at the start of their expeditions to the lake and its' tributaries.

These traditions explain the purpose and function of the pumice container, named Pungapunga, which was found during the excavation of Te Uhi Paa in 1974.

16. Puna (Springs)

Ancient Maaori legends record many fresh water springs traditionally known as 'Puna' (springs) to maaori in the Rotokauri area, some of which can still be seen today and others which have now dried up. These Puna not only provided water for drinking and cooking, but also had spiritual and ceremonial significance for tangata whenua. Toohunga used the Puna wai (water) to purify houses, people who were ill or under tapu, and as a medium for communicating with dead ancestors and benevolent local deities.

Some puna in the area were overhung by vegetation, and the leaves and debris from the overhanging plants often fell into the water and decomposed. Flax textiles, cloaks and carvings were steeped in the resultant slurry, thereby dying them black. In time of warfare, or invasion of the area by other tribes, taonga, wooden carvings, agricultural implements or ancestral remains were often hidden in puna so that they were protected by the spirit of the puna.

17. Manu (Birds)

Whilst there are few records of native birds in this area today, this region was renowned for its bird populations in pre-European times. There were several different "types" of bird in the area. First there were birds which were attracted to the forests by the berries and fruits of the trees. Examples of these are Kuku (native pigeon), Tui, Komako (bellbird) Kokako, Totoroheti, Kaka (parakeets). These birds which visited the branches and canopy of the forest trees were captured using snares and traps (Waituhi) set in loops or nooses of cabbage tree leaves. Alternatively, Kupenga (nets) were set in trees to trap the birds which were then impaled using long spears (Tao). The native pigeon was so highly prized by t̄angata whenua that special areas of land were set aside as bush reserves dedicated to the maintenance and protection of this species.

Once the berries and fruit of the trees of the area had fallen to the ground, they attracted a second group of birds, the flightless ground feeding birds. In this way the Weka, Pukeko, and Kiwi were common in this area and were hunted and caught using Kuri (Māori dog). Most of these birds, once caught, were preserved for food, and the feathers used for clothing and personal adornment. The third group of birds were those which were seldom caught and never eaten as they were considered deities. These were birds such as the Kāhu or Karearea (brown hawk), Ruru (owl), Peho (white owl) and the cuckoo (koakoea). A special and impressive bird hunting stand named Te Raukaka (many Parrots) is recorded in legends, situated near Waiwhakareke (Horseshoe Lake). The stand extended over the hill rise along Baverstock and Rotokauri Roads encompassing most of what are now the nearby residential

sections and allotments. The only remaining remnants of this bush are the few trees within the Mooney Street Reserve.

The manufacture of the spears, snares and traps used to catch birds was a sacred and ritual practice and as such was tapu. Consequently, it was only undertaken by Tohunga at a special place inside purpose built, thatched structures (whare mata). All of the rites and rituals associated with harvesting birds from the forest were observed at these sacred campsites. They were generally located along the hill-tops near the bush or forests stands where the birds lived. Once the birds had been caught, they were seldom eaten straight away, rather they were preserved for future times of food scarcity. The tail and wing feathers were plucked from prized birds such as the Kuku (Pigeons), Tui and Kaka, the carcass skinned and roasted over open fires. The fat dripping from them was collected, poured into gourds and the cooked birds embedded in the gourds in their own fat, thereby preserving them for future consumption.

Alternative methods of preparation involved placing hot hangi stones into gourds full of water until the water boiled. The plucked and skinned birds were boiled in the gourds until all of their natural fats floated to the surface. The gourds were left to cool and the remaining water drained off. In this way the floating fat settled onto the cooked birds encasing and preserving them in their own fat.

Such gourds containing preserved birds (Taha-huahua) were a great delicacy and as such were eaten only by chiefs during ceremonial occasions or used by chiefs for bartering for weapons or greenstone taonga. Many species of birds were prized for their feathers as well as for food. The brownish red feathers of the Kaka were particularly prized, the under-wing feathers being used for personal adornment and for weaving into the fabric of special cloaks (Korowai). They were also used to embellish the staff of Taiaha and ceremonial god sticks (Tikiwananga). Pigeon feathers were also precious. These were typically split in half and tied in bundles to decorate ceremonial house carvings or embroidered and interwoven into cloaks and weapon adornments.

18. Papa Huaraakau - Traditional Forest Hunting Blocks

The forests played a significant role in the everyday lives of the Māori people of the area. Consequently, Māori traditions and customs protected and preserved the forests. Certain stands of trees within the forests were placed under a tapu when an important chief died.

No cooked food or hunting was permitted in these areas. At certain time of the year the transportation of cooked food through the forest was prohibited. Similarly, when human remains were being carried as part of the Tangi procedures, it was the general rule that the body should not be taken through the forest, but rather the mourners had to stay on the walking tracks around the perimeters of the forests.

The forests were also placed under tapu during the tree "flowering" season. At such times, entry to the forest, and hunting of birds, was forbidden so that nothing would disturb the

natural process of pollination of the trees' flowers. In this way maximum "set" of berries was promoted and this in turn ensured there would be plenty of berries to attract the maximum number of berry-eating birds to the forest in the forthcoming hunting season.

Because of the importance of birds to the life and sustenance of these ancient Māori people, most parts of the process of forest growth and bird capture were accompanied with rituals, ceremonies and rites. Taumata atua (talismans) were ceremonially buried under the roots of selected forest trees such as the Kahikatea, Hiinau, Totara and Miro. Some of these taonga were carved from the roots of famous trees, pumice or river stone. A famous Talisman commonly used in the Rotokauri area was named Te Rongokaka. This was believed to be endowed with the tapu which promoted certain trees to fruit and attract birds.

The berries from the forest trees did not only attract birds to the area. Small mammals such as the native rat (Kiore) came to feast on fallen berries and were caught in rat traps (Rawhiti), cooked and eaten.

The berries themselves were also collected, particularly for ceremonial occasions. Kahikatea berries (Koroi) were collected from the branches when they were bright red. These were placed into calabashes or very fine baskets and either eaten as whole fruit or preserved as a pulp stored in gourds. An alternative technique for collection was to place mats under the tree and gently shake the branches. The berries which fell rolled off the mat into gourds at the base of the tree.

19. The Trees of the Forest – Piki Hiinau (The climbing Hiinau)

Hiinau trees have special significance for Māori, not only because of the fruit which they bear, but also because they often represented landmarks denoting ownership of land.

Because of this, some Hiinau trees were given specific names which often described some unique identifying feature, such as height, shape etc. of the tree itself. Māori legends record one such sacred tree in the forest block that existed between what is now Burbush and Te Kowhai Roads. This sacred Hiinau tree was called Te Piki Hiinau (the climbing Hiinau) because its' shape allowed easy climbing to collect the Hiinau berries. The exact locality of this tree has been lost as it was burnt or felled by European settlers.

The berries of the Hiinau tree were considered as a special delicacy by Waikato people. The brown berries were gathered by shaking the branches of the tree until the berries fell into waiting mats or by using vines to climb up the tree. Sometimes climbers would fall out of the tree to their death. That tree would then be placed under tapu.

Once the berries had been picked, they were taken back to the Paa or Papakainga (Village). There they were placed in a Kumete (wooden bowl) and beaten to a pulp with wooden pounders or beaters (Ta Tuki). This separated the fleshy part of the berry (Renga) from the stone (Karihi). The pulped Renga was then vigorously shaken in a fine woven basket (Kete or Pukete), thereby sifting out any residual stone pieces. The sifted Renga was placed into

gourds, half full of water and kneaded into a thick paste. This paste was put into plaited Kiekie baskets, wrapped in Rangiora leaves and steamed in an Umu or Hangi for half a day. This produced a type of bread which resembled a large brown loaf, which was stored in a gourd lined with leaves such as Kawakawa.

Alternatively, the Hiinau berries were gathered in baskets (Kete) and soaked in fresh water for several months. The baskets were then vigorously shaken so that the flesh pulp (Renga) separated through the gaps in the woven baskets, leaving the stones (Karihi) in the baskets. The Renga was spread out on mats and left to dry in the sun. The dried Renga was stored and later steamed in the Umu (oven) until it was soft and then baked into patties.

Hiinau berries prepared were sometimes fed to the sick or used as offerings to appease the forest deities when Maaori undertook certain ceremonies associated with berry gathering. The Hiinau was a particularly highly prized delicacy when cooked as a Komeke, a type of pudding.

The bark of the Hiinau was used for manufacture of a chocolate brown dye. It was pounded to a pulp and boiled in a gourd, half filled with hot water, heated using hot stones. These stones were replaced each 4-5 hours with newly heated stones using sticks as "chop sticks". The dye was used to colour flax fibre for the manufacture of garments, cloaks and mats etc.

20. Tawa

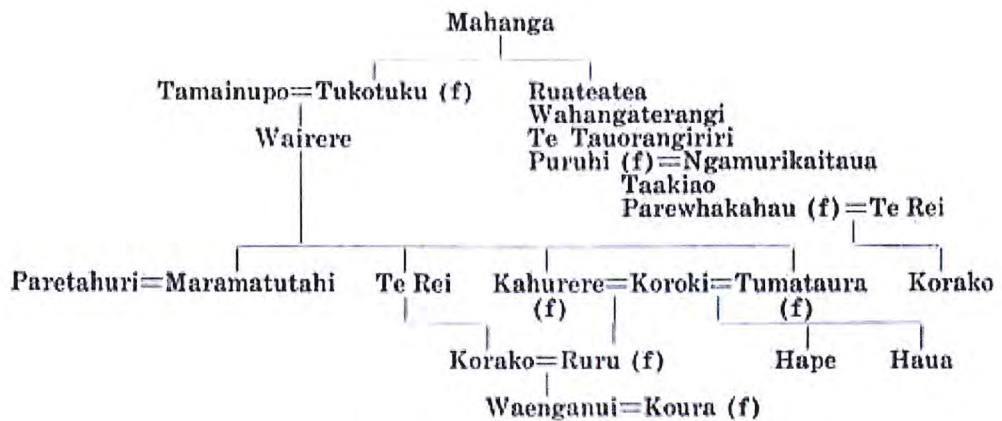
The berries of the Tawa tree were similarly collected and prepared by boiling for many hours to remove the poison that they contain. The kernels were removed, and the resultant pulp pounded into a jelly. This jelly is reported to taste similar to a Blackcurrant. Tawa berry pulp was eaten at certain ceremonial occasions.

The hard wood of the Tawa made it ideal for the manufacture of the long, light-weight spears required for hunting birds and for thrusting through the palisades when defending the Paa.

Ngaa Hapu-Iwi

The following sections have been written by the respective representative/s of the hapuu and articulates the beliefs and ideals of each hapuu to be individually represented in the document, rather than the view of a single hapuu. Not all hapuu have the same beliefs and views. It is important for these individual stories to be told within this CIA document to ensure that all hapuu are accurately represented.

21. Ngaati Maahanga



The whakapapa illustrated above shows the whakapapa connection that ALL the THaWK members have with each other. Collective decision making from within the structure of THaWK is considered to be the best way forward based on the 'whakapapa' connections that all the respective Iwi have with each other.

Ngaati Maahanga have always held and continue to hold Mana over their rohe (region), whenua (lands), ngaahere (forests), awa (rivers), waahi tapu (sites of significance), taaonga (treasures), whaanau (family) and hapuu (sub-tribes). This mana is held by the people and exercised through RaNgaatira (chiefs) and Tohunga (high priests) appointed by the people.

Ngaati Maahanga have had, and continue to have, many influential RaNgaatira and Tohunga who have held and exercised this mana on behalf of the people. One of the principal RaNgaatira who exercised this mana in the mid 1800's is Wiremu Winera Te Awaitaia (Te Awaitaia).

Well known, feared and respected by many Maaori and Paakehaa alike, Te Awaitaia military prowess was well known and his leadership equally successful having led his warriors into numerous battles that included the driving of Te Rauparaha and his followers from Whaingaroa (Raglan).

Ngaati Maahanga and Ngaati Wairere are very closely connected and an account of this connection is provided for in the Wairere part of this report.

Ngaati Maahanga has an equal voice at the Table as the aspirations of their hapuu are retained and voiced through their representatives to the TWWG.

Ngaati Maahanga have forged numerous relationships and partnerships with crown and private officials in order to retain their Tino RaNgaatiratanga and Mana as they advance their interests within a collective forum such as the TWWG.

Ngaati Maahanga have a great desire to advance the employment and training aspirations of their people alongside the rest of the TWWG hapuu and see logic in applying this approach in a collective way.

Located to the west of the Waikato River, Ngaati Maahanga have had a long standing presence alongside Wairere, Koroki, Tamainupo and Hauaa within the Hamilton community

particularly through Ngaa Mana Toopu o Kirikiriroa (NaMTOK) in the past and no Te Haa o Te Whenua Kaitiaki currently.

Like the other hapuu, Ngaati Maahanga too experienced significant land losses during the colonial confiscation period. In the 1850's Ngaati Maahanga made their land available for settlement and use by Pakeha. This was to encourage trade, good relations and prosperity between Maaori and Paakeha in the region.

Strong relations in the agricultural and horticultural industry grew as did strong trade networks. It was expected that Paakeha would forge and comply with the laws of the Maaori community and contribute to the overall wellbeing of the community as these are the values of manaakitanga (serving and looking after others). Instead Ngaati Maahanga lands were confiscated under deeds of sale. Reserves set aside for Ngaati Maahanga were also subsequently taken. With the introduction of crown law, Ngaati Maahanga saw almost all their land lost to Paakeha.

Titiro mai ki nga huarahi oo ngooku tuupuna, Whakarongo atu ki nga ngaru e ngunguru ki waho o Karioi te paepae o te tai hauaauru heke iho au nga takahanga tapuwae ki Arekahaanara tooku hoona kaha, whai tonu ai i te ia o Waipa nga pikopikihanga o Tuheitia.

Tuu ana iho au ki te Papaorotu. Tuutu kau nga Puururu Kahikatea e tuu ki Oomaero

Oraora kau ana nga Kaakaho ki Te Kaharoa

Maahanga te tuupuna o Ngaati Maahanga. Ko eenei ngaa marae maha o Ngaati Maahanga:

- Te Papaaorotu
- Oomaero
- Aramiro (Te Kaharoa)
- Whaingaroa
- Mootakotako
- Te Papatapu.

The Tupuna Maahanga descends from direct male line from Hoturoa, Captain of Tainui Waka. He had four wives

1. Paratai
2. Wharewaiata,
3. Hine-Te -Pei,
4. Te Aka-Taawhia

Maahanga had 7 Children to Paratai, one son to Wharewaiata, one son to Hine-te-peī and 3 children to Te Aka Taawhia of Hauraki. Maahanga's daughter Tuukotuku married a warrior named Tamainupoo and had a son named Wairere. This is Ngaati Wairere today.

Ngaati Maahanga play an important role in the kiingitanga as the king's people and have supported the kiingitanga, king movement for many years. We were called the kingites back in the time of Maahanga's hapuu of Ngaati Ruatēatea. Ruatēatea being the son of Maahanga.

The suburb known as Peacockes has always been of significance to Ngaati Maahanga with the two Paa sites that were once a thriving living small commune. Paa sites such as Nukuhau and Whatukoruru.

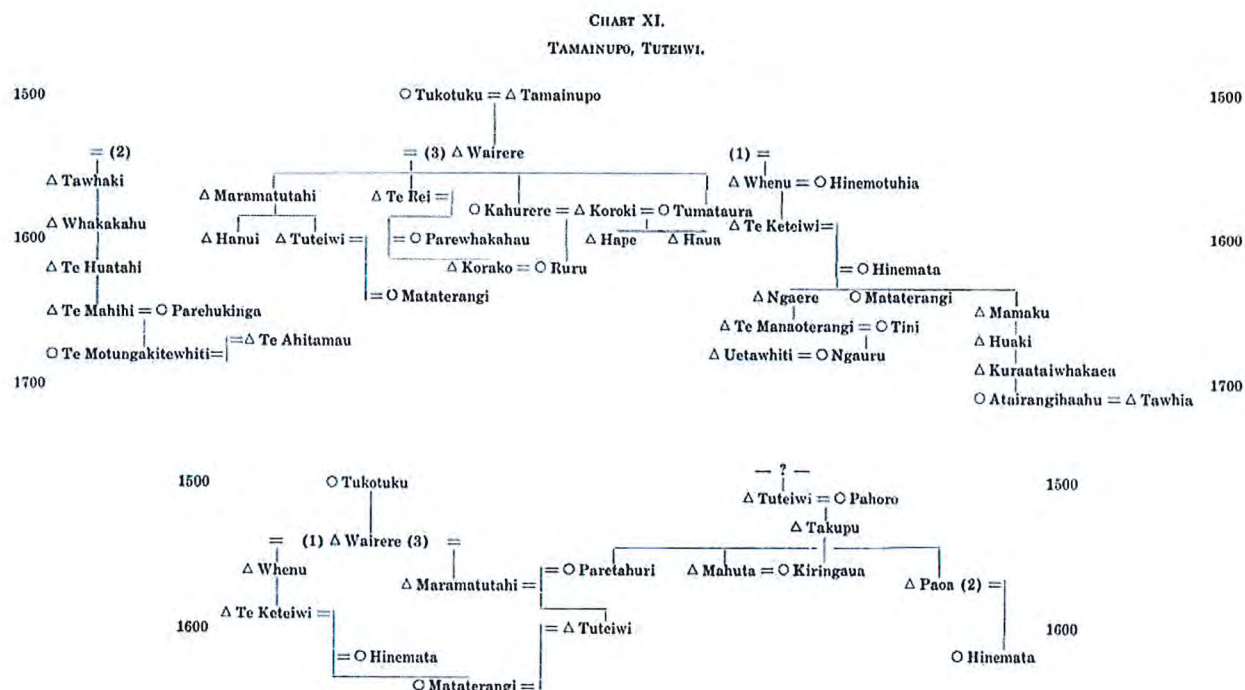
The Mangakotukutuku stream was once a thriving small awa that provided access in and out to the Waikato River and within Hamilton for trading and transport of people and goods.

The great grandson of Maahanga, Te Awaitaia Wiremu Nera was a great rangatira enpynomous Chief that ruled most of the area on the western areas of Kirikiriroa along the Waipa river towards Ngaaruawaahia to the point and Whaingaroa Te Taihauauru.

The Ngaati Maahanga Chief Muriwhenua was situated at a Paa site and Maara kai (food garden) at the Hamilton Lake ((Lake Rotorua). But only up until the colonial troops and land confiscations, where Ngaati Maahanga lost their lands and moved outwards to Whatawhata, Te Paahu, Waitetuna, Whaingaroa, Aotea, and Waipaa.Ohaupo and Pirongia areas.

Today Ngaati Maahanga have relationships with all hapuu within Waikato Tainui.

22. Ngaati Tamainupoo



Tamainupo, was borne by a Kawhia woman, and having left Kawhia to look for his father, he met and married Tukootuku, daughter of Maahanga, while she was with a bird-snaring party on the Waipa. They settled on the Waipa between Whatawhata and Ngaruawahia, and from them NgaatiTamainupo are descended.

Somewhat later, Hekemaru, of high Te Arawa birth, settled near Taupiri. His mother was of Tainui descent, and, as suggested above, he may have been brought up by a tangata whenua group, but in any case he was not brought up with his father's people. This circumstance would account for Hekemaru seeking a new home in virgin country in the same way as Pikirangi and Tamainupo, who were both in the same position. Hekemaru's daughter, Paretahuri, married Maramatutahi, grandson of Tamainupo and Tukootuku. His first son, Mahuta, married Kiringaua, grand-daughter of Tuteiwi (Paretahuri had a son called Tuteiwi, nowadays supposed to be the same man, but he must clearly have been a namesake), and his second son, Paoa, married Tauhakari of Ngaiwi.

In the meantime Korokii, a man belonging to Ngaati-Kauwhata, and living near Cambridge, married two grand-daughters of Tamainupo and Tukootuku, sisters of Maramatutahi. It is not certain whether he married them before or after his quarrel with the rest of the tribe, in which he was helped by unidentified Waikato friends, and which led to the separation of the descendents of Tukorehe, brother of Kauwhata, and the rise of the tribes, Ngaati-Tukorehe, Ngaati-Koroki and Ngaati-Haua, but like Tamainupo, Koroki's great-grandmother, Ngaparetai-hinu, wife of Tukorehe, was of Mataatua descent.

Thus, early in the 17th century, in the district south of the Huntly Gorge, are found Ngaati-

Titiro mai ngaa kohatu o Ngaati Hauaa
 Mai Te Aroha Maunga mai i te raki, tera Tamatera nga kaitiaki
 Titiro ki te rawhiti, Ngaati Maru tera
 Tona koorero mai Te Aroha ki Katikati ki Ngaa Kuri-a-Whare ki Tikirau
 Te Hauaauru mai Te Aroha ki Taupiri, tena a Ngaati Paoa me Wairere
 Titiro mai ki te tonga Te Aroha ki Wairere, tena a Ngaati Hauaa e mihi mai nei
 Titiro ki Wairere ki Maungatautari
 Ka huri ahau ki te patetere ki Raukawa ki te Ihingarangi ki Ngaati Koroki nga kaitiaki tena o tena maunga
 Engari, titiro ki Maungatautari ki te raki ki Taupiri e ngunguru e mihi mai nei Ngaati Hauaa i waenganui
 ko tona koorero he piko, he taniwha te maunga o nga Kiingi

Ngaati Hauaa descend from Hoturoa, the captain of the Tainui waka. Hauaa is the eponymous ancestor of Ngaati Hauaa. His father Koroki married Tumataura (daughter of Wairere) and had two sons, Hape and Hauaa, from whom Ngaati Koroki Kahukura and Ngāti Hauaa respectively descend.

The hapuu of Ngaati Hauaa are:

- Ngaati Te Oro
- Ngaati Werewere
- Ngaati Waenganui
- Ngaati Te Rangitaupi
- Ngaati Rangi Tawhaki.

Ngaati Hauaa played a prominent role in the establishment of the Maaori King Movement, with Wiremu Tamihana and descendants being known as Tumuaki or “Kingmakers”.

During the 1840s and 1850s Ngaati Hauaa established a strong economy centred on the thriving Christian community of Peria. Their raNgaatira Wiremu Tamehana sought a constructive relationship with the Crown on issues of Maaori governance. However, his attempts to engage with the Crown left him dissatisfied, and he supported the establishment of a Maaori King to provide order and laws within Maaori communities. He anointed the first Maaori King, giving rise to the position of Tamaki, a role of political and spiritual significance that endures to the present day. Relations between the Crown and the Kiingitanga deteriorated over the early 1860s. In July 1863 Crown forces invaded the Waikato. As part of the Kiingitanga, Ngaati Hauaa opposed the invasion of 1863 and 1864, and many were killed or wounded.

The February 1864 attack by Crown forces on the unfortified agricultural settlement of Rangiaowhia aggrieved Wiremu Tamehana, who understood it should be a place of refuge for women, children and the elderly. In 1865 the Crown confiscated a large area of Waikato land, including the western part of the Ngaati Hauaa rohe. The raupatu caused destitution within the Ngaati Hauaa rohe and was a critical step towards the iwi being left virtually landless. In May 1865 at Tamahere, Wiremu Tamehana laid his taiaha at the feet of a British officer and signed ‘he maungarongo’ (‘the covenant of peace’). Until his death in 1866 he sought the return of the confiscated Waikato lands and an investigation into the causes of the war. In the late nineteenth and early twentieth centuries his son Tupu Taingakawa continued to seek justice in his role as Tumuaki (Premier) of Te Kauhanganui. From 1866 the Native Land Court operated within the Ngaati Hauaa rohe, determining the owners of Maaori land and converting customary title into title derived from the Crown.

Legislation in force until 1873 limited the ownership of any land block to ten or fewer individuals. Large areas of land awarded to Ngaati Hauaa by the Court were sold by the individual owners, who could

alienate their interests without reference to other members of their hapuu or iwi. By the 1880s private parties had acquired a large quantity of Ngaati Hauaa land. Crown purchasing activity further reduced Ngaati Hauaa land holdings. In the early twentieth century the Crown purchased the interests of some individual owners in the Matamata North block, having disregarded the owners' collective decision not to sell.

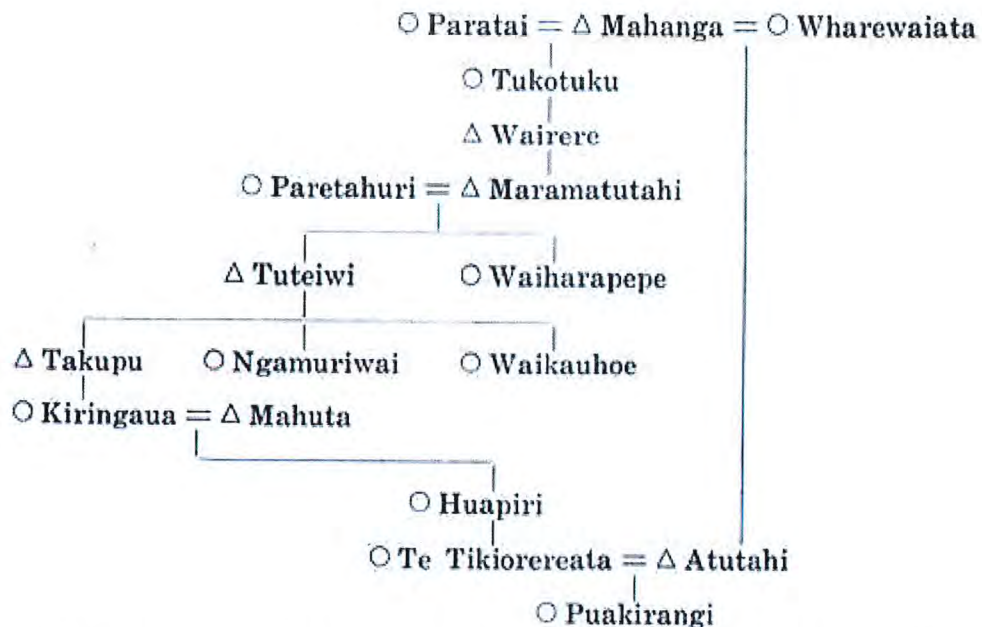
Ngaati Hauaa lost further land in the nineteenth and twentieth centuries through public works takings for roading, railways, schools, and hydro-electric purposes. Ngaati Hauaa have a longstanding grievance relating to the Crown's public works taking of land at Waharoa for aerodrome purposes in 1951. Paakehaa settlement and colonisation resulted in significant changes to the landscape and waterways within the Ngaati Hauaa rohe. Ngaati Hauaa consider that Crown actions and omissions since 1840 have caused them enduring harm. This history formed the basis of the tribes non-raupatu claims which were negotiated with the Crown and settled in July 2013.

Established on 16 July 2013, the Ngaati Hauaa Iwi Trust is the post settlement governance entity for Ngaati Hauaa. The purpose of the Ngaati Hauaa Iwi Trust is to receive, manage and administer the assets on behalf of, and for the benefit of, the present and future members of Ngaati Hauaa, including:

- ✦ To uphold the historical role of the Tumuaki of the Kiingitanga.
- ✦ The promotion amongst Ngaati Hauaa of the educational, spiritual, economic, social and cultural advancement or well-being of Ngaati Hauaa.
- ✦ The maintenance and establishment of places of cultural or spiritual significance to Ngaati Hauaa.
- ✦ The promotion amongst Ngaati Hauaa of health and well-being generally, including of the aged or those suffering from mental or physical or disability.
- ✦ A transfer or resettlement of Trust Assets in accordance with the Ratification Booklet and in accordance with the ratified Ratification Process resolutions specifically supporting the transfer of resettlement of Settlement redress to Recognised Recipients or certain persons, entities or trusts.
- ✦ Any other purpose that is considered by the Trustees from time to time to be beneficial to Ngaati Hauaa.

Ngaati Hauaa Iwi Trust is mandated to manage all environmental and resource management related issues on behalf of the iwi.

24. Ngaati Wairere



While Paakehaa have, to a certain degree begun to understand the basic precepts of an 'Iwi structure', that is really only the tip of the iceberg. What underlies the Iwi structure is an interlocking network of Marae and hapuu that comprise the real strength and power within Maaori society.

It is important that the Crown understands and accepts that while its representatives and agencies have developed relationships at the Iwi level, we see projects that impact directly on the land, such as roading projects like the Southern Links, as requiring another layer of consultation with hapuu and Marae lying along its path.

It is also important to note that while Ngaati Wairere, as part of the Waikato-Tainui Iwi, were party to the Raupatu settlements reached with the Crown in 1995 and 2008, those settlements did not extinguish our kaitiaki rights over all our ancestral lands, regardless of legal ownership. Ngaati Wairere geographical boundary is extensive within the whole of the Kirikiriroa (Hamilton) city and to this end Ngaati Wairere will speak to Ngaati Wairere areas of interests particularly where those conversations are required.

The fact is that Ngaati Wairere suffered more than most in the invasion and Raupatu of 1863, which saw some of the most fertile land in the Waikato being unjustly taken from our tuupuna. The land over which most of the Hamilton section of the Expressway will run is over land formerly held by Ngaati Wairere, as is the case for parts of the Southern Links project. We seek acknowledgement of this history in the design and build components of this critical infrastructure. Kokako was a chief whose origins linked back to another canoe, Mataatua. It is believed he was responsible for the drowning of Tuheitia, Maahanga's father.

As a result Maahanga and Kokako were continually in dispute. Kokako had several children, the most famous being a son named Tamainupoo.

Maahanga's daughter Tukotuku married Kokako's son Tamainupoo, and they settled at Te Kaurere, a papakaanga along the banks of the Waitetuna River. Tamainupoo and Tukotuku had only one son,

Wairere. The birth of the son was so significant that after Kokako baptised Wairere in the Waikato River, he made peace with Maahanga at Purakau Paa.

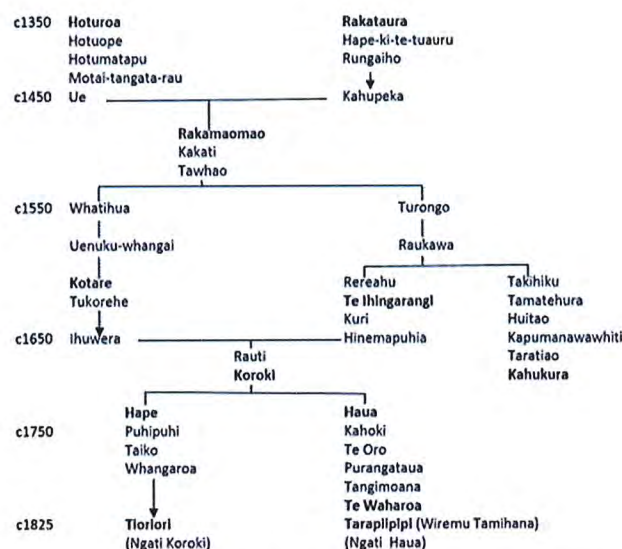
Pei Te Hurunui Jones describes the events thus: 'Then he took Tamainupo, s child and carried him to the altar. On arriving there he first set about dedicating his own child Tamainupoo, whom he was seeing for the first time. When that was done he turned to the dedication of his grand-child, and when that was done he named him Wairere.' (Nga Iwi o Tainui, 15.24) To mark Wairere's birth the ancient name of the river was changed from Te Awanui O Taikehu to Waikato - Waikato meaning "to pluck water" and refers to the motion of sprinkling water on the child during the Tohi (baptism ritual). Wairere's baptism ritual was performed at Taipouri Island near Huntly.

In later life Wairere had several wives who produced many sons, daughters and numerous descendants. In his old age, Wairere travelled southwards to the Taupo district and married Hikataupo a Chieftainess of the Ngaati Tuuwharetoa and died there. From Wairere and Hikataupo, descend the dynasty of Te Heuheu, the paramount chiefs of the Ngaati Tuuwharetoa of the Lake Taupo Districts. During the 'golden years' that lasted for around 15 years between the early 1840sto the mid-1850s, Ngaati Wairere, along with many Waikato-Tainui hapuu, prospered. The hapuu had extensive cultivations of kumara, potato, corn, and wheat that they processed in their own mills and traded for goods in Auckland, Tauranga and beyond.

The Raupatu that followed the invasion of 1863 deprived Ngaati Wairere not only of the land that was taken, but their spiritual and cultural links to that land. There is a whakatauki relating to the land that has been passed down through the generations:

I iro whenua atu, e hoki whenua mai
'as the land was taken, so should the land be returned'

25. Ngaati Koroki Kahukura



Ngaati Korokii Kahukura is a Waikato Tainui tribe with connections to both Waikato and Raukawa iwi. This particular whakapapa shows the connection that Ngaati Korokii Kahukura have to the migrating Tainui Waka. The traditional rohe (region) of Ngaati Korokii Kahukura extends north to

Horotiu Paa (which is understood to have been in the Te Rapa region of Hamilton) then west to Puhue, east to Puketutu and south through Waipa, Huihuitaha, Waotu North, Waotu South, Matanuku, Maraetai, and Wharepuuhunga to Waipapa.

Ngaati Maahanga have dominant mana whenua interests in their homeland area, which includes in and around Cambridge and from Te Tiki o Te Ihingaarangi (an historic paa site on the north western side of Karaapiro) and Te Taurapa o Te Ihingaarangi (eastern side of Karaapiro) through Pukekura, Horahora and Maungatautari land blocks to the south eastern corner of the Maungatautari blocks where the Oowairaka river and their awa tupuna, the Waikato River, meet at Waotu North.

Ngaati Korokii Kahukura acknowledges that it has shared interests on the eastern side of the awa tupuna from Te Taurapa o Te Ihingaarangi to where Oowairaka and the Awa tupuna meet at Waotu North. Ngaati Korokii Kahukura has shared interests, but not dominant interests, in the areas outside their homeland with their relations of Waikato to the north and Raukawa to the south.

Ngaati Korokii Kahukura are a river iwi (like the majority of Waikato Tainui marae/hapuu). Their relationship with their awa tuupuna (ancestral river) has developed over centuries. It is a unique relationship in that the awa tuupuna is the ancestral river of the people, which has its own mauri and spiritual integrity. Ngaati Korokii Kahukura spiritual and cultural wellbeing is inherently linked to the wellbeing of their awa tupuna and the tributaries which feed the awa.

Ngaati Korokii (NK) and Ngaati Hauaa (NH) are descended from the two sons of Korokii; Hape and Hauaa. Ngaati Kahukura were dominant in the Waotu and Waipapa areas (South Waikato) and intermarried with Ngaati Korokii; thus the collective hapuu of Koroki and Kahukura.

Tioriori (NK) and Te Waharoa (NH) as well as being kinsman, were the recognised leaders of their hapuu and were skilled tacticians in warfare.

Tioriori was the recognised leader of Ngaati Koroki. He was a nomadic leader and was skilled in war. Tioriori was taught to read and write in English to supplement the traditional education he received in the Whare Waananga. Some of his homes were in Cambridge, Arikirua, Tamahere, Te Parapara (Hamilton Gardens), Kirikiriroa, Rangiaowhia, Kihikihi, Arititaha, Te Tiki o Te Ihingārangi, Taane and many other places at the base of Maungatautari. He became a native magistrate, school governor and was captured at the battle of Rangiriri where he played a pivotal role in the leadership of that campaign and held prisoner until the end of the Waikato colonial invasion.

This is an excerpt from a Te Patere a Ngoki (song) listing some of those who lived at Tamahere;

“E tu ra e nga puna i moe ai nga hira nunui e tu mai nei i te muri. Ihaka Tarawhiti ra kei Hauraki. Takerei, Arama karaka, Taneti, Paeturi, Wiremu Hoeta, Pehimana, Te Amokau, Tamehana, Tioriori kei Tamahere. Manena, Hera, Rangihui, Tiria, Kukutai kei Waikato. Te mutunga o aku ara e rere tika nei, tika tonu”.

These words are the tuara (backbone) of the Waikato Tainui Raupatu Settlement in 1995. The late Sir Robert Te Kotahi Mahuta continued to reiterate these words when bringing the Crown to account for their crimes against humanity, against the indigenous peoples of Aotearoa, New Zealand.

Today (in this era) we are beginning to see stronger relationships between the Crown and iwi and processes to have land and taaonga returned are progressing as we speak. Commitments are strong amongst THaWK Iwi/hapuu and this is seen annually when the King and his royal family visit our marae. And as we live to preserve the integrity of the Kiingitanga, the King himself lives to address

grievances of Raupatu and to form stronger alliances with representatives of the Crown and forge relationships with indigenous peoples from around the world.

26. Waahi Tapu (Sacred Area)

Tapu is sometimes perceived by many Maaori and non-Maaori to be something entirely sacred, and to that end, this report agrees with those perceptions. Translated as untouchable, sacred and associated with the gods (Marsden, 1977; Barlow, 1993; Durie 2000), tapu is certainly an area that requires comprehensive understanding and knowledge coupled with the ability to practice and undertake traditional karakia (prayer) that enable people to enter into a place, realm, area, and site with the knowledge that they are spiritually protected.

“Mehemea he wairua he maamaa”. This was the response from a Waikato kaumatua when asked the question - *“What is the difference between Wairua and Flesh?”*. The response provided was, *“If it is of the Wairua it will be easy.... if not, it will be hard”*.

There is wide debate and much literature outlining what constitutes a particular area as waahi tapu. The protection of waahi tapu is of the utmost importance to taangata whenua because of the connection that taangata whenua have with those respective sites. The belief that taangata whenua and the environment are inseparable is engrained in the very way taangata whenua carry out their traditional practices today. Waahi tapu within this context contends that sites of significance are, but not limited to, areas known to taangata whenua that once served a purpose for the whaanau or hapuu i.e.; paa (village), maara kai (gardens), urupaa (burial site), paataka (food storehouse), whata (food storehouse elevated above water).

The sites mentioned above are only but a few mentioned from the entire array of waahi tapu that this country of ours has within the culture and heritage database and those of other relevant government and non-governmental agencies. Whilst a database of these areas may exist and the process to acquire these known sites has taken place in various forms over many years of investigation and accidental find, taangata whenua still hold fast to many more waahi tapu for the purposes of kaitiaki (Personal Communication, Ngaati Naho Kaumatua, 2008). This form of kaitiaki is commonly known amongst today's society to be an accepted way of ensuring:

- The preservation and historical elements of the site are retained amongst local whaanau and hapuu; and
- Taangata whenua continue to have access to key waahi tapu for whatever purposes they deem relevant and appropriate.

27. Wai (Water)

Waiora (water of life), Waimaaori (traditional water)

Waipuna (spring water) Waikato (Waikato River)

Today Wai (water) is a commodity, traded and sold to the highest buyer. The commodification of water has placed Maaori in a very difficult position where traditional access and use of water has been constrained and controlled by business operators, private business investors, large corporate and regulatory enforcement organisations like Waikato District Council (WDC), Hamilton City Council and Waikato Regional Council (WRC). Maaori do not feature anywhere in these tiers of business/commercial interests of control and yet traditionally used water daily from the Waikato River and its surrounding tributaries in particular, the Mangakotukutuku and the Waikato River.

The Waikato River was traditionally used as a mode of transport for Maaori. It is well written, articulated and researched that traditional Maaori who occupied the Waikato region relied on the Waikato River, streams and lakes to sustain themselves. They had an understanding of the lakes that western academic society fails to comprehend. This failure to comprehend/understand Maaori and their connection to the environment still exists today for many western orientated business, developers and researchers. However, there is evidence that some industries are making a genuine concerted effort to involve and consult tangata whenua. This effort is certainly welcomed and viewed as beneficial in the long-term interests of all parties involved particularly where:

- The likelihood of successfully fulfilling the Vision and Strategy of restoring the health and wellbeing of the Waikato River and its tributaries becomes less likely;
- The already threatened flora and fauna are again compromised by human activity; and
- The threat of this activity toward other fauna species of wetlands, streams and lake habitats are increased.

It is vitally important that the Greenway project, in terms of water management, must be consistent with the overall objectives of the Waikato River health and wellbeing strategy, namely the Vision and Strategy for the Waikato River.

THaWK recognise that water is becoming a continually depleted and contested resource and state with confidence that all collective efforts in the management of water be maximised to ensure a clean, healthy sustainable resource for the benefit of future generations.

28. Whenua (Land)

"I riro whenua atu, me hoki whenua mai"

"Land that was confiscated, so shall that land be returned"

Na Kiingi Taawhiao

Within a tribal context, land is a contentious discussion topic today just as it was many years ago. The grievances of land confiscation are still felt amongst many marae, Hapuu and Iwi today and some of the grievances are still being worked through as part of Te Tiriti O Waitangi settlements claims process.

The Maaori concept of being inseparable from water can also be applied to land. Maaori belief systems accept that tangata whenua was birthed from Papatuaanuku and therefore has a responsibility to care and nurture the earth. In this way, land and Māori lead a mutually beneficial existence. The land provided Māori with a place of standing (turangawaewae) and sustenance. Māori continue to fulfil their obligations and duties to protect the land; a mutual relationship that was broken by the colonial enforcement strategies to have Māori removed from their land. Whilst Waikato tāngata whenua recognise that the full measure of ancestral land can never be returned it is appropriate that some iwi/hapū can resolve some issues through the treaty settlement process today.

Now that some iwi have settled and have been fortunate enough to have small parcels of land returned, there is a genuine intent to preserve those lands that once provided abundant ecological, nutritional, spiritual and medicinal benefits to iwi. There is now an economic layer of benefit that the land can return to Māori. There are many examples of restoration projects that indicate successful outcomes particularly where land and its revitalisation is the desired outcome for tangata whenua and the community. THaWK is committed to institute, support and retain those types of work streams.

“Ko te Koopu Maania o Kirikiriroa - he maara kai”.

“The land known as te Koopu Maania o Kirikiriroa is our kete kai”.

29. Mauri (Life Force)

“He oriterite te mauri o te taangata ki taa te Taiaao”

“The Life force of people is the same as the environment”

To literally mean life force, source of life and all things which have life. Within a Maaori worldview, mauri is the spark of life/wairua within all things. It is obvious that animals and invertebrates have life, but so too do plants, trees and rocks (maunga).

The management of sacred things is based on a set of values positioned within Maaori belief systems. Its fundamental values revolve around the universe and the relationship that Maaori have with the universe, cosmos, environment, both physical and meta- physical (spiritual). As life is given freely to all those who embrace it, the need to reciprocate and protect this gift are a teaching and learned behaviour that Maaori have engrained in their day-to-day relationship with Papatuaanuku and Ranginui.

Maaori have practiced the responsibilities of reciprocation, care, manaakitanga, kaitiakitanga and protection for generations. This is evident in the traditional ways of doing

things (tikanga), our historical accounts of the relationship that Maaori have with the environment, the need to acknowledge the Atua (gods) when taking from or using resources for personal and tribal purposes, and the indivisible relationship that Maaori have with the environment and respective Atua who protect the environment. Scientifically, the notion of mauri may come across as a type of phenomena and often challenged because of its lack of ability to measure spirituality (mauri) with tangible evidenced data such as what western science promotes. Because you cannot see something, does not mean it doesn't exist. This is comparable to western religious faiths such as Jesus Christ and God.

"Uea te Wairua i te onetapu

Ka hura Tangata uta

Turaki atu ki Tangata a tai"

This incantation or clearing of the path is the beginning of a very ancient karakia that is still used today. The words and rhythmic sound have not changed and neither has its purpose - which is to lift tapu.

Mauri is essential to how the environment is sustained and protected. For this reason, it is important that all developers have an understanding of sustainability from a Maaori worldview in the expectation that their view of the environment will eventually encompass some aspects of the Maaori perspective. It is further hoped that a broader view will encourage best practice protocols when developing within the domains of Ranginui and Papatuaanuku. This report does not imply a requirement to stop developing, but to embrace another perspective of development that is local, unique and traditional to Aotearoa, New Zealand. Build sustainably; build with the knowledge that we as citizens of this country must continue to live with the animal kingdom and everything else that sustains human life.

30. Mana (Power)

"You don't ask for mana, you don't even go out looking for it. One acquires mana based on the merits that his or her people prescribe to that particular individual based on their work and commitment to preserve and protect the interests of their wider tribal members. The responsibilities one undertakes when upholding the tikanga and kawa values of the iwi are being able to do so competently within Māori and non-Maaori forums. Acquiring mana is not about sitting at the table with mayors and politicians. It's about working with people who have common interests that are the same as Maaori and listening to those who have different views and finding ways within how the values of manaakitanga are upheld and the essence of the Kiingitanga is preserved.

"Kia mau ki te ture, te whakapono me te aroha"

(hold fast to the laws, the faith and the love);

Values of which were passed down from generation to generation and entrenched within the Maaori worldview. The people will know of one's mana when that person's deeds are spoken of in a positive context internally (Waikato) and externally (nationally or internationally).

"Kaaore te kumara i koorero a toona reo reka"

(the kumara does not speak of its own sweetness)

"maa te lwi kee hei koorero ai a toona reo reka"

(It is the role of the tribe to speak of its sweetness).

To be humble and diligent are key qualities, and to be able to lead and be led are equally important. Mana is not a man given right, but one that is passed through understanding tikanga and kawa well. Understanding these values is an indication that an understanding of the ao wairua (spiritual realm) exists within the individual".(Personal Communication, kaumaatua, 2008).

"Mehemea koe he Tangata kaha kia whakatakato koorero i runga i tou ake marae - ae he raNgaatira kee koe. Na tou iwi koe i whakamana - ko ahau e tautoko".

(If your own iwi gives you the right to represent them, it is they that give you mana - for me I will uphold your status). (John Haunui, Taniwha Poukai, 1995)

Widely described to mean authority, power and prestige, the term mana has an intrinsic value to it that goes beyond a lay-man understanding in terms of its traditional intent. The Kaumatua account above summarises mana very well and gives an indication of the spiritual connectedness that this value incurs when one is supposedly meant to be in possession of this intrinsic value. Characteristics of mana include charisma, and the ability or power to perform certain acts or deeds (Marsden, 1977).

31. Utu (The cost)

"Kaaore e wehi ki te tangata o teenei waa, ko te wehi taaku,

Koo ngaa whakahaeretanga o mua".

"The fear is not of the people of today, my fear is, what has happened in the past".

(Personal Communication, kaumatua, 2008).

Utu within mainstream New Zealand is largely associated in a negative context, but the term utu is widely misunderstood by many factions of today's society. Utu in this sense is not about the fiscal cost of something, but rather a cost or concession that tangata whenua are required to make from time to time. Some writers of New Zealand history reject the theories of Utu as being translated and focused solely on 'revenge'. Utu meaning, within a traditional Maaori context means 'revenge', and the term 'ngaki' means 'to avenge' (Ballara, 2003).

THaWK consider the term Utu to be a matter of great importance and something that should not be taken and/or discussed lightly. The decisions that are made today will have an impact in the future at some point in time. It is therefore the view of the THaWK that any decision made pertaining to the Greenway natural environs lakes, streams, the Waikato River, native tree stands (that may be subject to removal), invertebrates and native fauna (proposed for removal/relocation) have been fully assessed, so that any potential risk, that may invite or trigger Utu in the future is minimised. This can also be viewed as the cause and effect.

The seeds we sow today, will be returned four-fold if the investment in the preservation of Ranginui and Papatuaanuku is consistent with the quality of life they provide to us (humans). This is utu. Sacrifices are also considered to be a form of utu (personal communication, kaumatua, 2012). These sacrifices should however, not come at the extent of ecological degradation and all reasonable efforts should be made to replenish and restore ecological loss.

"The decisions we make today, will echo for an eternity"

(Unknown author).

32. Taaonga (Sacred Treasures)

Ko ngaa taaonga tuku iho –

(Gifts handed down from our ancestors).

"There are many forms of taaonga (treasured possessions) none of which belong to any one human being. Taaonga are Tuku Iho (passed down from the spiritual realm to the physical realm). This means that we as Maaori, are only kaitiaki for as long as we are here so as to ensure that the taonga is looked after and preserved as best as possible during our time as a kaitiaki of the physical world. The minute we lose our kaitiaki responsibilities, we fail to recognise the importance of our taaonga and our role to protect and preserve these gifts. Taaonga are everywhere and contain a mauri (life) that has been gifted from the spiritual realm or the gods. Protecting taaonga is like protecting your own child, your own family. In the same way as people are indivisible from the river, the river is a taaonga" (Personal Communication, kaumatua, 2011).

The CIA is a tool that the THaWK use when completing reports for developers, stakeholders or anyone who intends to have a long- term relationship with each of the hapuu groups that form the THaWK for this Greenway project. This knowledge is considered to be a taaonga. When a taaonga is written about, then the risks of that taaonga being exploited is high. When that knowledge is passed on to another person or entity then that knowledge is compromised in the sense that the original author has no control of the distribution of the information or the taaonga that has been written about.

THaWK will provide as much relevant information in writing that is not going to damage the integrity and mana of the five hapuu and the Iwi authority Waikato Tainui. There will also be

taaonga or knowledge that will remain private, at the discretion of THaWK. It is an accepted practice that Maaori /hapuu/iwi retain their right to preserve 'all' taaonga within their respective takiwa (area), written, verbal or tangible.

33. Noa and Raahui

"He waerea uta, he waerea tai, he waerea l te onetapu".

"Clear the inlands, clear the coastal, clearing of the sacred lands".

Neutrality and Restriction

"Noa is simply a process by which people are given the assurances that any tapu existing, coming or going, does so within a safe environment"

(Personal Communication, kaumatua, 2008).

Noa can mean:

- The result of a traditional Maaori process for which the lifting of tapu has taken place;
- A state of neutrality - a person's ability to remain within a waahi tapu; and
- Free from tapu.

THaWK recognises the importance of Noa and is therefore the reason we undertake particular rituals, protocols and proceedings like karakia, incantations, waiata, waerea, whakairo and haka for spiritual protection.

Noa, in its traditional sense, refers to a state of ones being after a 'raahui' (prohibition period) has been lifted. Raahui was a common practice among taangata whenua where a prohibition period was placed on a resource considered to be at risk of extinction or over harvesting, to allow the resource to regenerate and once again become self-sustainable. A pou harakeke (stick with flax attached) was placed upright into the land where a probation period was being imposed, followed by traditional karakia. This demonstration of the raahui process signalled to the entire whaanau, hapuu and iwi, that a prohibition period is effective and active, thus prohibiting all persons from harvesting food from that area where the raahui was placed.

The consequences of ignoring the raahui period were considered to be grave for people. Not everyone had the ability or mana to impose a raahui; this is the domain of tohunga (High Priest). Once the raahui period has been imposed, the area is considered to be out of bounds until such time as the tohunga has lifted the raahui, lifted the tapu and made the area 'noa' through the traditional customs and practices of karakia.

Today, raahui are still practiced with broader rules around who can impose them and how they are done. Essentially the traditional intent of the protocol/custom is not lost, but its use and interpretation of its use has in many instances been used in places considered to be

broader than its traditional intent. This report does not propose to answer what the traditional intent was or was not but recognises its use within today's society.

People of the area are best, or the mana whenua, hau kaainga, ahi kā to apply a raahui and lift raahui when required. This is a process that must be done in consultation with THaWK.

34. Whakapapa (Genealogical Links)

"Without knowing your whakapapa, you are considered to be a person with no identity or turangawaewae (place of standing). It is whakapapa that links taangata whenua together and provides meaning as to who we are and where we come from".

(Personal communication, Kaumatua, 2011).

Whakapapa is a fundamental concept that helps people make links between the spiritual realm, the physical realm and the natural realm. Within a Māori worldview, all things have a whakapapa, and are therefore subject to some form of protection, care and understanding.

"The glue that holds the Māori world together is whakapapa or genealogy identifying the nature of relationships between all things".

(Williams, 1998).

Biological matter (scientifically speaking) also has whakapapa links which can be measured in terms of the compositional construction. Whakapapa is important to Māori because it's through this mechanism that Māori make spiritual connections with each other, including the domain of Papatuaanuku and Ranginui.

When Māori refer to the environment as 'one' entity within themselves, they are essentially outlining the extent of their whakapapa connections which stem from creation times and into the future.

When developers propose to disrupt or break that whakapapa link, then one would assume that a natural course of action would be to stop that break in the link from occurring in the first place or seek remedial methodologies that preserve that whakapapa link. A methodology that only taangata whenua can determine.

THaWK proposes to traverse land and waterways that have direct whakapapa links to each of the five hapuu groups and it is vitally important that they are fully involved in all decisionmaking processes pertaining, not only to the land and waterways but to all aspects of this project.

35. Kai (Traditional Food)

Ko te Koopu Maania o Kirikiriroa - He maara kai

“Kaeo (freshwater mussel), tuna (eel) and koura (freshwater crayfish), kanae (mullet), were some of the traditional lake, wetland, stream and river delicacies that nourished Maaori on a daily basis. Aside from the water related food spread, taangata whenua in the greater Kirikiriroa area were also sustained by land-based species of which had high medicinal value”.

(Kaumatua, personal communication, 2012).

Since the settlement of western culture, following the land wars, the ability for taangata whenua to continue and sustain their practices of mahinga kai (traditional food gathering) has been increasingly compromised and in many instances, destroyed. This destruction has escalated with the introduction of exotic pest fish species into the traditional taangata whenua waterways, streams, wetlands, lakes and rivers. The imposition of permanent structures such as dams continues to compound the issues.

36. Rongoa (Traditional Medicines)

“Miroi e Taane koakoa e Taane” -

This is part of an ancient karakia recited before entering the great forest of Taane Mahuta - god of the forest –when extracting plants or trees etc.

Rongoa is the traditional practice of medicine and healing within a tangata whenua context. Prior to farmland and grazing, the plains (maania) of Kirikiriroa and the surrounding ngaahere, was the pharmaceutical store for tuupuna of THaWK. The combined synergy of the ecosystems meant that the PH levels of water were so pure that people could drink directly from the river and that the medicinal quality of rongoa was very effective. Some of the known plant species that have significant rongoa values are:

- Mamaku (black fern tree)
- Karamu (Coprosma)
- Kumarahou (Gumdiggers soap)
- Manuka (red tea tree)
- Kanuka (white tea tree)
- Mahoe
- Makomako (Wineberry)
- Tupakihi (Tutu)
- Harakeke (Flax)
- Kauri
- Rimu

- Mahoe
- Totara
- Pohutukawa
- Rengarenga

The following examples demonstrate how these plants were used and the knowledge that our tuupuna had. This diagram is essentially designed to allow the reader to better comprehend the purpose for which various plants were used. kaumatua accounts tell us that all these plants were easily accessed and plentiful.

(Kaumatua, personal communication, 2011)

Maaori Name	Common Name	Parts Used	Condition
Kawakawa	Māori Pepper Tree	Leaves: Chewed	Tooth ache Swollen face Kidney and bowel stimulation
		Leaves: Boiled	
		Leaves/Branches: Smoked/Steamed	
		Root: Chewed	
		Leaves: Whole	
Koromiko	Hebe	Leaves: Poultice	Ulcers Venereal disease Bleeding after childbirth Inhalation Throat gargle
		Leaves: Chewed	
		Leaves: Boiled	Diarrhoea Promotes hunger
		Leaves: Infusion	Astringent
		Stem: Chewed	Stomach pains

The suppression of the Toohunga Act 1907 essentially took away the right of Maaori to practice the use of their traditional rongoa. Through the mechanisms of co-management, we aim to revitalise this lost practice within the scope of this project. THaWK believe that this is achievable and that local territorial authorities have improved in their race relations attitudes to involve tangata whenua in more aspects of their infrastructure projects. This is a matter that THaWK wish to continue working with HCC around.

37. Ngaa Roto (Lakes)

The Rotokauri area has strong cultural values, particularly around Lake Rotokauri, Lake Waiwhakareke and several other forest remnant areas. As outlined in the above sections, the lakes and surrounding waterways were significant food sources for Maaori with extensive habitation around the margins. The Te Tongahuanui walking track and other walking tracks along ridges have been significant travel routes through the area. It is also known that there were several battle sites and urupaa within the wider area.

Sites of special significance can refer to a variety of different natural and archaeological features or resources such as:

- Landmarks;
- Hills and mountains;
- Forests, wetlands and swamps;
- Water bodies (streams, lakes, rivers);
- Walking and hunting tracks;
- Burial sites/Urupa; • Blessing sites; and,
- Bathing and weaving sites.

Outlining these waahi tapu sites of special significance clearly within the document and describing why they are of such significance to mana whenua is a key link between the existing land within the project footprint or catchment area. This creates a link between the significant sites and what new development is going to be occurring. Identifying these sites allows for them marked out on site plans for development within the catchment and to ensure they are respected and treated correctly during any works in the area.

38. Archaeological Assessment

Beca Limited (Beca), on behalf of HCC, commissioned Sian Keith Archaeology Ltd (SKA) in November 2018 to provide an archaeological assessment of the proposed Rotokauri Greenway as attached in Appendix F of the NOR for the Greenway project.

Research undertaken as part of this assessment identified where two paa sites are documented. One of these sites is a lakeside/swamp paa (S14/5) which was partially investigated by the Waikato Museum Archaeological Society in 1973-4. The second is recorded to be on the higher ground just above the swamp paa and is named Te Uhi Paa

(S14/486) which was occupied by Ngaati Maahanga until 1863. Refer to **Figure 6 and 7** below.

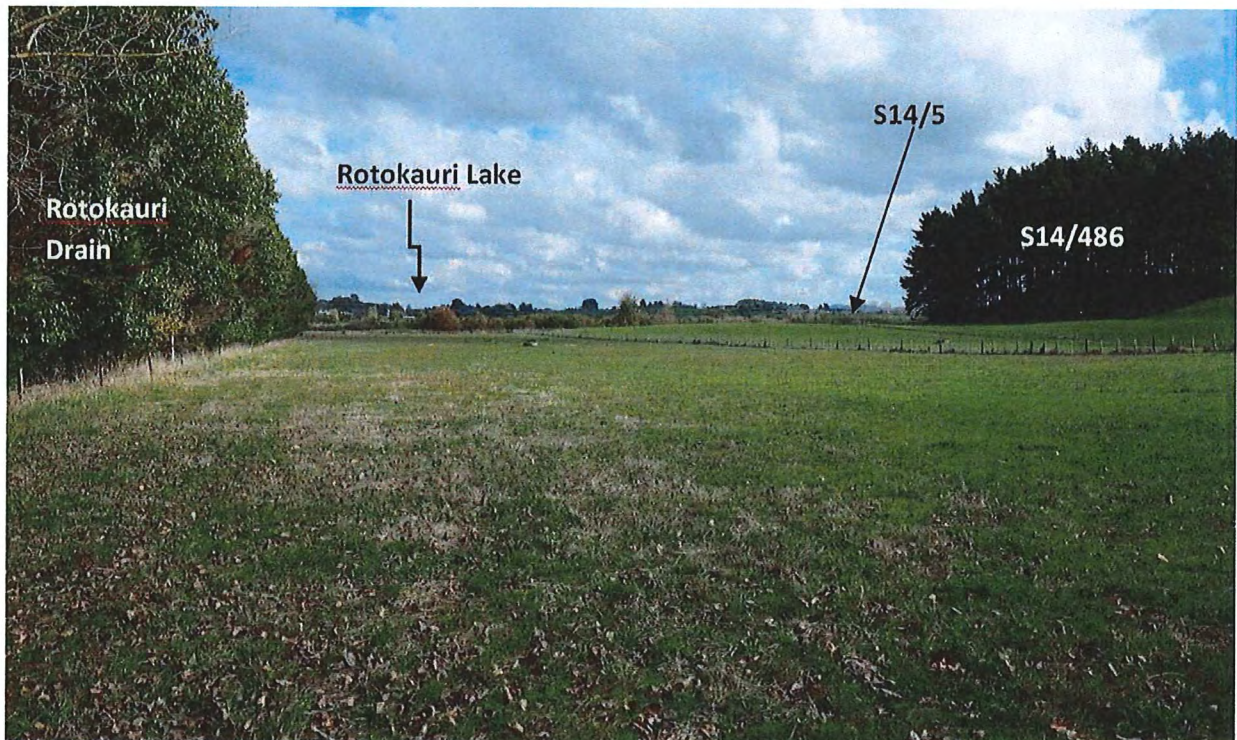


Figure 6: Current topography of the proposed area near Te Uhi Paa.

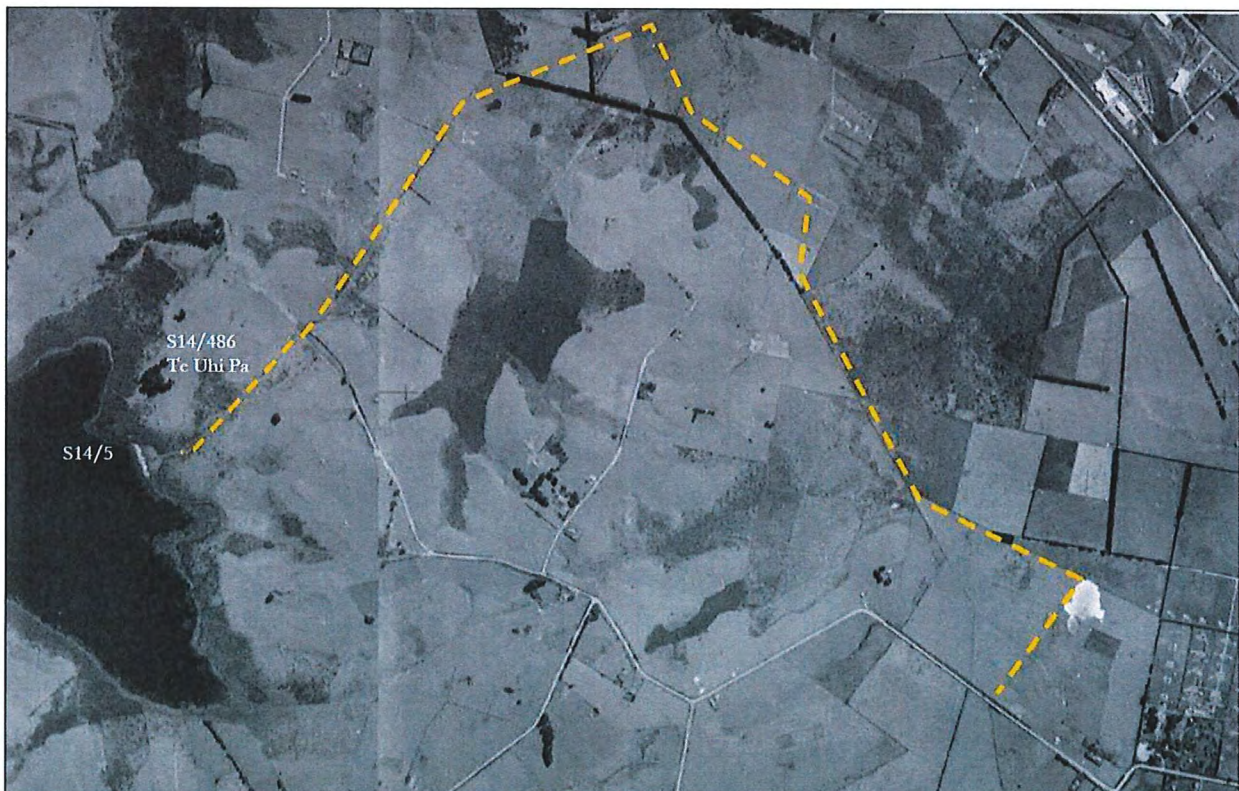


Figure 7: 1943 aerial image with the indicative project extent shown with yellow dashed line (source: Retrolens.nz).

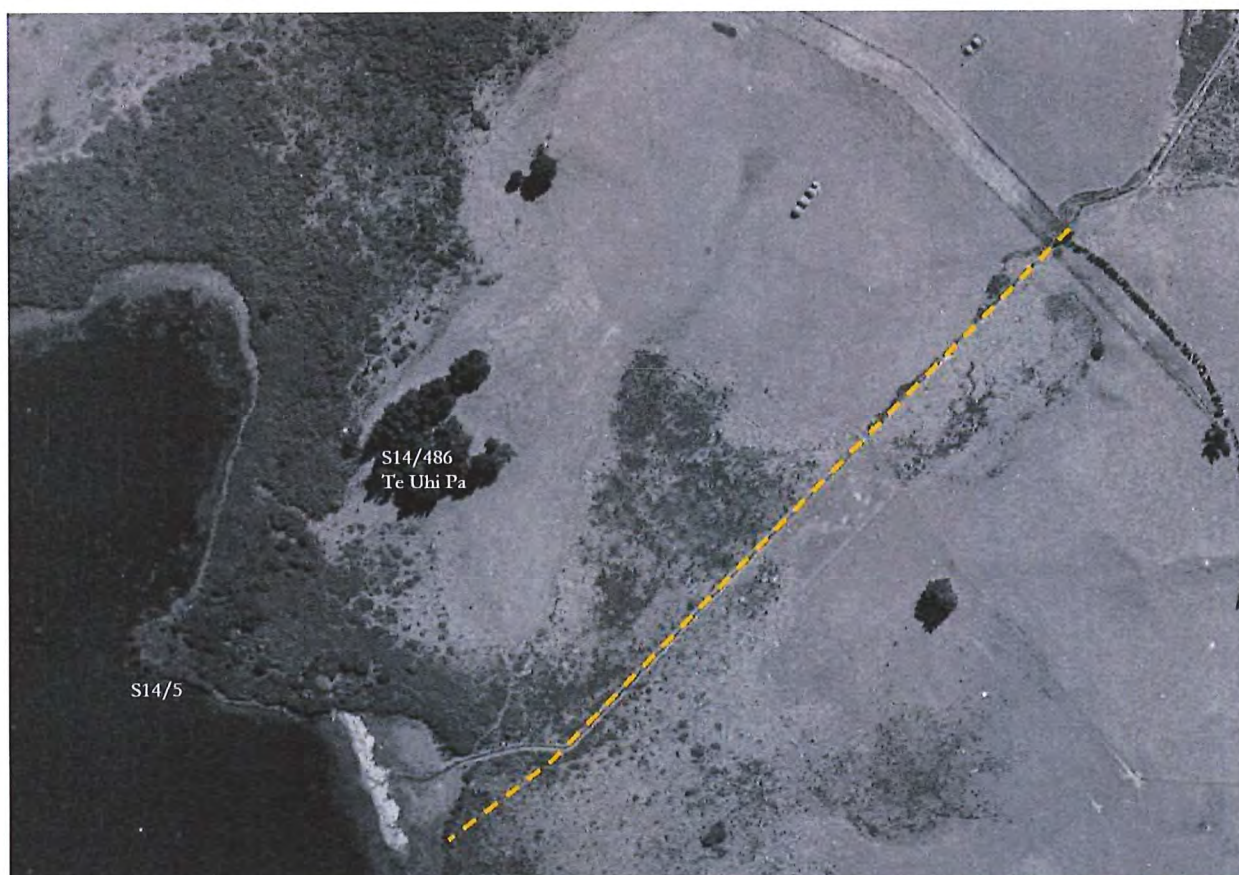


Figure 8: 1943 aerial close-up of paa and Greenway.

Based on the available published information, and the results of the fieldwork undertaken by SKA, the assessment concluded that there is a high risk of encountering archaeological remains during any earthworks to the west of Exelby Road connecting to Lake Rotokauri; and a low risk that archaeological sites, features or deposits will be encountered during the remaining proposed works.

For THaWK, these facts alone warrant direct attention and *kanohi ki te kanohi* (face to face) dialogue between tangata whenua of those respective sites.

While we recognise that the proposed Greenway will not pass through the known extent of either of the identified paa and there are no earthworks proposed in the vicinity of either lake i.e. downstream of Exelby Road or upstream of Rotokauri Road, we understand that the extent of the Greenway that passes relatively close to the identified paa sites (i.e. within 200m) may be subject to future minor works to enable HCC to proactively manage the downstream leg of the Greenway i.e. the existing drain, and in particular, undertake erosion control measures that might be required in future.

In this case, THaWK request that any future works in the vicinity of the paa sites are to be undertaken in consultation with THaWK and any discussion should include appropriate mitigation measures (if needed) to maintain or enhance the integrity of those sites.

For the remainder of the Greenway corridor where more significant construction and earthworks are proposed i.e. between Exelby Road and Rotokauri Road, as the Greenway corridor follows the low-lying land between Lake Waiwhakareke and Lake Rotokauri within

historic wetland environments, we consider that there is real potential for possible discovery and uncovering of new waahi tapu sites during the construction of the Greenway.

Whilst there are some legendary records of ancestral bodies being buried in ancient Urupa (burial grounds) around the lake and Te Uhi Paa, the actual location of these Urupa were never documented and hence are not now known. However, it is clear that Maaori traditionally buried Koiwi (human remains) virtually anywhere, without any record of where the bodies were buried. In this context, the descendants of the dead knew where the bodies were so why should they document it. Often swampy areas were favoured burial grounds and bodies were buried there as offerings to local deities, often accompanied by buried artefacts, talisman and taaonga.

It is therefore highly probable that human remains, carved artefacts or other taonga will be uncovered, particularly in historic swamp areas, springs and lake margins, during any future earthworks to develop and subdivide this whole area. Suitable protocols need to be investigated prior to any significant development in these sensitive areas.

THaWK consider that further discussion will need to continue in the future, particularly as the project nears the consenting phase for various parts of this project. Tangata whenua seek direct consultation in the coming years because of the enduring nature of tangata whenua. Developers come and developers go, but tangata whenua plan for future generations and remain kaitiaki in their particular rohe forever.

"E hara ma te moni hei utu e ai ngoo korero"

"Money alone will not pay for the injustices Maaori endured".

Waikato-Tainui has settled two key treaty settlements over the past 15 years. They are:

- **Waikato Raupatu Claims Settlement Act 1995 (enacted into legislation)**
- **Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (enacted into legislation)**

As a result of these settlements, Waikato-Tainui as the tribal authority has provided a longterm strategic direction for the iwi. Within this strategic plan, known as 'Whakatupuranga 2050', are key priority areas which whānau, hapū and marae of Waikato-Tainui have ratified. The plan identifies the following priority areas:

- Cultural
- Economic
- Education
- Marae and Development
- Environment

In more recent times the Vision and Strategy for the Waikato River Settlement provides guidelines regarding the health and wellbeing of the Waikato River. This has been captured and entrenched in legislation as part of the Settlement (2010). The Vision and Strategy has also been captured in the Waikato Regional Policy Statement which means that the affected district and regional councils 'must give effect' to this strategy.

39. Waikato Iwi Environmental Management Plan Tai Tumu, Tai Pari, Tai Ao

The Vision of the Plan is taken from the mamae aroha of the second Maaori King, Taawhiao, where he laments with a heavy heart his longing for and adoration of the taaonga and natural resources of his homeland. The tongikura (proverb) of King Taawhiao is the key driver and indicator of environmental health and wellbeing in the Tai Tumu, Tai Pari, Tai Ao plan. Waikato-Tainui aspires to the restoration of the environment to the way it was when King Taawhiao observed it when his tongikura was spoken.

The Plan is designed to enhance Waikato-Tainui and its marae to better participation in resource and environmental management.

The Tai Tumu, Tai Pari, Tai Ao plan is a living plan designed to allow developers, local and national statutory bodies to gain first hand understanding as to what the aspirations of Waikato-Tainui as an Iwi Authority are. The plan is also particularly useful to its own tribal people within the Waikato-Tainui catchment who are Kaitiaki and/or exercise kaitiakitanga and/or are mana whenua (local tangata whenua with decision making authority) within their particular areas of interest. This plan does not supersede hapuu or marae within the Waikato-Tainui catchment who have Environmental Management Plans and/or policies in place that address their environmental needs but can be used to support those who do not have plans or policies in place.

The plan will provide valuable insight as to what some of the key constraints for developers may be in terms of environmental impacts and the desires of how those impacts can be addressed.

Tai Tumu, Tai Pari, Tai Ao - From the seas, to the inlands, the environment, is a plan that recognises people who affiliate to a recognised whānau, marae, hapū or iwi within the Waikato-Tainui catchment.

Whakatupuranga 2050 is the strategic footprint for Waikato-Tainui. Tai Tumu, Tai Pari, Tai Ao is one mechanism that helps Waikato-Tainui achieve the objectives of Whakatupuranga 2050.

Some of the objectives and policies in this plan are reasonably straightforward and should be business as usual for many agencies/organisations involved in resource management or use, or in activities that have an effect on the environment. Other objectives and policies are more aspirational and will require collaboration, planning, and time to be achieved.

The plan supports and promotes a coordinated, co-operative and collaborative approach to natural resource and environmental management, restoration and care within the WaikatoTainui rohe. The plan is living, evolving, operational that will be monitored, revised and updated to ensure it remains relevant and provides a framework for continuous improvement.

The Tai Tumu, Tai Pari, Tai Ao is a formal iwi document that was sanctioned by the Maaori King Tuheitia Pootatau Te Wherowhero VII at the Koroneihana (coronation) in 2013 and is now publicly available. It is the recommendation of THaWK that the developer familiarise themselves with this document and include Tai Tumu, Tai Pari, Tai Taiao when preparing strategic documents of a planning nature where the outcome of the activity is likely to have a long-term impact in the environment. Impact definition can differ from person to person and it is further recommended that the project team undertake a workshop with THaWK to better understand the document and its functions.

Key sections of the plan that are of significant relevance to the Greenway project are:

Section 3: Who should read this plan

Section 5: How to use the plan (5.6 provides a flow chart of how the plan works)

Section 6: Consultation and Engagement with Waikato-Tainui

Section 7: Towards environmental enhancement

Section 8: Managing effects

The Vision and Strategy of the Waikato River is built into legislation within the WaikatoTainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Tai Tumu, Tai Pari, Tai Ao further provides a summary of that piece of legislation with regards to the Iwi Environmental Plan.

Tai Tumu, Tai Pari, Tai Ao provides links that this document has with statutory pieces of legislation such as the RMA 1991, Conservation Act 1987, Fisheries Act 1996, Biosecurity Act 1993 and a host of other legislation relevant to environmental wellbeing.

40. Waikato Raupatu Claims Settlement Act 1995

The Waikato Raupatu Deed of Settlement 1995 is a hugely relevant piece of legislation today. The Waikato Raupatu Settlement is largely based around events that took place from 1863 onwards that relate to land confiscation; an event that has echoed in the hearts, souls and minds of Waikato-Tainui as a tribal entity.

The Waikato River Deed of Settlement was a part of the initial Raupatu claim but was carried over for settlement from 1995 until 2010. The attention required to complete the river claim section of the wider Raupatu Act was considered to be a task that required concise and focussed attention.

In clause 16.3 of the 1995 Deed of Settlement, the parties acknowledge that the approximately 90,000 hectares of land (not including the Waikato River and west Coast Harbours) within the Waikato claim area is administered by the Department of Conservation and is significant to Waikato.

In recognition of the fact the land is held by the Crown on behalf of all New Zealanders, for the purposes of conservation, and, Waikato-Tainui in exercising their mana and generosity, chose in the 1995 Deed to give up their claim to that land and forgo further redress in respect of that claim; excepting the right of first right of refusal referred to in Clause 10 of the 1995 Deed (Conservation Accord, 2008).

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

Like the signing of the Waikato Raupatu Land Claim 1995, the Waikato River Deed of Settlement signing (2009) and legislating (2010) also heralded a new era of co-management with respects to the Waikato River and its tributaries (lakes, streams, wetlands, lands, waahi tapu and minerals).

The preparation and compilation of the stories and historical accounts that Waikato-Tainui tribal elders provided over 30 years to support the intrinsic value and integrity of the Waikato River was evident when the Office of Treaty Settlements (OTS) and Judge for Treaty Settlements ruled in favour of Waikato-Tainui treaty claim for the Waikato River. Without prejudice, the historical accounts from kaumatua have ensured the return of the Waikato River back to Waikato-Tainui and its tribal benefactors who have fought tirelessly for many years, with many sacrificing their own lives and families to fulfil their roles and responsibilities of kaitiakitanga and stewardship over the domain of Papatuaanuku and Ranginui.

Part 2 (Settlement redress through legislation), 8(3) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 statement of significance of the Waikato River to Waikato-Tainui recognises the following:

“The Waikato River is our tuupuna (ancestor) which has mana (spiritual authority and power) and in turn represents the mana and mauri (life force) of Waikato-Tainui. The Waikato River is a single indivisible being that flows from Te Tahekeheke Hukahuka to Te Puuaha o Waikato (the mouth) and includes its waters, banks and beds (and all minerals under them) and its streams, waterways, tributaries, lakes, aquatic fisheries, vegetation, flood plains, wetlands, islands, springs, water column, airspace, and substratum as well as its metaphysical being. Our relationship with the Waikato River, and our respect for it, gives rise to our responsibilities to protect te mana o te awa and to exercise our mana whakahaere in accordance with long established tikanga to ensure the wellbeing of the river. Our relationship with the river and our respect for it lies at the heart of our spiritual and physical wellbeing, and our tribal identity and culture”.

In this regard Waikato-Tainui has opted to work with the Crown and their respective delegated authorities to work collectively/collaboratively for the health and wellbeing of the Waikato River and its tributaries.

The Vision and Strategy is a crucial document setting out the principle guidelines with respects to the restoration of the health and wellbeing of the Waikato River and its tributaries.

The Waikato River Deed of Settlement 2010 section 66 states: **"Sites of significance -**

- *On the settlement date, the fee simple estates in the sites of significance vest in the Trust.*
- *Each site of significance vests in the Trust subject to, or together with, its encumbrances.*
- *On the settlement date, the reserve sites are together declared a single reserve and classified as a local purpose reserve, the specific local purpose of which is—*
- *to protect and preserve in perpetuity the intrinsic worth and cultural value to Waikato-Tainui of the Waikato River:*
- *to preserve and enable public access to and along the river:*
- *to contribute to the maintenance of the natural functioning of the Waikato River by protecting—*
- *the habitats of the species that typify the lower Waikato River*
- *associated archaeological and historic values:*
- *to maintain the value of the reserve as a soil conservation and river control area.*
- *The reserve is named the Waikato-Tainui Whenua Raahui Reserve.*
- *The Trust is the administering body of the reserve.*
- *Nothing in this section prevents a licence agreement existing at the commencement of this section allowing a person to occupy a site of significance managed for soil conservation and river control purposes from continuing until it expires in accordance with its terms.*

The Waikato River claim includes rivers, lakes, streams, wetlands and its tributaries. Lake Rotokauri, Waiwhakareke, Ohote, Waipa, Waipa, Rotokaeo and the Waikato River are significant parts to this project.



Figure 9: Lake Rotokaeo (Minogue Park)

42. Te Ture Whaimana te Awa Waikato

The Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010 heralded a new era of co-management and co-governance over the Waikato River. This is underpinned by Te Ture Whaimana o te Awa o Waikato (The Vision and Strategy for the Waikato River). The vision for the river is:

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

This is underpinned by the whakatauki (proverbial saying) of King Tāwhiao; *“Tooku*

awa koiora me oona pikonga he kura tangihia o te mataamuri” “The river of life, each curve more beautiful than the last”.

Waterways in the wider Kirikiriroa rohe flow to the Waikato River. It is therefore the responsibility of all those who have direct and indirect interests with the Waikato River to

ensure that the Vision and Strategy is maintained and practiced at all levels to return the Waikato River to a level of abundance for generations to come. This includes but not limited to, urban and rural development, water use, water discharge, water take and recreational use. This project must be consistent with Te Ture Whaimana and contribute to the restoration and protection of the health and well-being of the Waikato River including its tributaries.

43. Resource Management Act 1991

While there is no statutory requirement upon an applicant to prepare a CIA, such an assessment can assist council's and applicants to meet statutory obligations in a number of ways, such as:

- Preparation of an Assessment of Environmental Effects (AEE) in accordance with section 88(2)(b) and Schedule 4 of the Resource Management Act 1991.
- Requests for further information under section 92 of the Act in order to assess the application.
- Providing information to assist the Council in determining notification status under sections 93 to 94D of the RMA.
- Providing information to enable appropriate consideration of the relevant Part 2 matters when making a decision on an application for resource consent under section 104 of the RMA.
- Consideration of appropriate conditions of resource consent under section 108 of the RMA.
- Informing Councils of an applications implications in relation to any relevant Iwi Management Plans.
- Meeting any specific requirements for Councils arising from particular Treaty of Waitangi Settlement legislation.

Part 2, Section 5 of the RMA outlines the 'purpose' and 'principles' of the RMA, where the fundamental purpose is to promote the sustainable management of natural and physical resources. The RMA further explains sustainable management to mean the use, development and protection of natural and physical resources in a way that allows people and communities to provide for their social, economic and cultural well-being and for their health and safety.

Part 2, Section 6 outlines what people must recognise and provide for matters of national importance when exercising the functions and powers of the RMA. Of great significance to the THaWK are sections 6(a), (b), (c), (d), (e), (f) and (g). Upon initial discussions with local tangata whenua of the area section 6(e) was of great significance which outlines the

relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu (sacred sites), and other taonga (treasures).

Part 2, Section 7 of the RMA outlines what each person must have regard to when exercising the functions and powers of the act in relation to managing the use, development and protection of natural and physical resources. Of great significance to THaWK and Waikato-Tainui are the inherent responsibilities of Kaitiakitanga, section 7(a). It is important to note that Kaitiakitanga extends further than that illustrated in the RMA. Section 7(d) outlines the intrinsic values of the eco-systems which align with the overall desired outcomes of Kaitiakitanga. Section 7(f) is relevant to the desired outcomes of HCC in terms of maintenance and enhancement of the quality of the environment.

Part 2, Section 8 of the RMA outlines that all persons exercising the functions and powers of the RMA in relation to managing the use, development and protection of natural and physical resources, shall take into account the principles of the Tiriti o Waitangi (Treaty of Waitangi). The Tiriti is what binds taangata whenua and Paakehaa to work collectively within Aotearoa, New Zealand. Failure to recognise, provide for and give effect to the Tiriti o Waitangi often results in miscommunication and poor relationship development. For it is these two values that THaWK consider to be extremely important when working with industry and developers.

Effects on the environment are specifically defined in Part 3 of the RMA as including: any positive or adverse effect; and any temporary or permanent effect; and any past, present or future effect; and any cumulative effect that arises over time or in combination with other effects regardless of scale, intensity, duration or frequency; and any potential effect of high probability and any potential effects of low probability which has a high potential impact.

THaWK is keen to participate in the wider planning initiatives that HCC are undertaking to manage future effects in and around the areas that have significant ecological value to the Waikato River, Waipa River, Rotokauri, Ohote, Rotokaeo, Waiwhakareke and its tributaries.

44. Heritage NZ

This assessment outlines the taangata whenua elements of waahi tapu and how these sites are discussed and administered from a regulating perspective (Local Government Act, 2002) and other relevant statutory bodies and policy makers.

Heritage New Zealand (HNZ) is considered to be an appropriate state authority that the THaWK wish to highlight within the contexts of this assessment because it is highly likely that HCC may need to seek an authority from HNZ if both parties wish to pursue any type of long term activity within the designated area, particularly in and around the known and unknown waahi tapuu.

Should this report be required to accompany any applications to HNZ then this report directs HNZ to make contact with the mandated taangata whenua forum Te Haa o Te Whenua o Kirikiriroa.

45. Local Government Act 2002

Section 82 (2) of the Local Government Act 2002 (LGA 2002) States:

“A local authority must ensure that it has in place processes for consulting with Māori in accordance with subsection (1).”

The fundamental reason for illustrating this piece of legislation within this report is so the applicant can clearly see that THaWK is understanding and knowledgeable of the processes required by which HCC will be required to seek consent to undertake any type of activity that has potential to:

- Impact the tāngata whenua values and kaitiaki responsibilities associated with THaWK; and
- Lose any remaining heritage associated with THaWK in particular the sites registered with HNZ. THaWK acknowledges the extent of legislation currently in place that has legal administrative duties of areas THaWK consider taaonga. It is the view of this report, based around the values of tikanga and kawa, that the fundamental values of kaitiakitanga prevail, and that decisions around statutory and non-statutory entities are made to the fullest extent of consultation with taangata whenua and in particular THaWK and Waikato-Tainui as its supporting backbone.

46. Lake Rotokauri

Lake Rotokauri has many features of significance to Māori. These include the Kauri logs within the lake which give the lake its name, the association of the lake with the taniwha Tikiraupo, the proximity of Te Uhi Paa to the lake and the human remains of Tainui ancestors who are undoubtedly buried around the margins of the lake.

Given this, it is neither appropriate nor possible to give a clear indication at present of the mitigation measures which will be appropriate to commemorate the many associations between the lake and Māori. This can only be determined at a future date following detailed design of the Greenway structure.

THaWK also request that any future works in the vicinity of the paa sites are to be undertaken in consultation with THaWK and any discussion should include appropriate mitigation measures (if needed) to maintain or enhance the integrity of those sites.

47. Concluding comments

THaWK acknowledges the long-standing relationship it has built over many years with Hamilton City Council and their respective consultants whom they engage as various projects arise. That relationship with those consultants is equally important as they are not always around to the end of projects – their lifetime is limited. The longevity of this project and its success relies entirely on the type of relationship that is fostered between all parties.

We acknowledge the meetings had between all parties involved directly in this phase of the project and look forward to progressing the finer details when that time arrives.

THaWK would like to thank HCC and BECA within the manner and respect that was shown to tribal members during the course of this CIA development phase.

Mitigation Recommendations:

1. A maximum number of 3 Kaitiaki are employed by the project team to undertake the monitoring of topsoil stripping (Where piling will take place) for the first 1m of soil within the initial earthworks phase of the project. The Kaitiaki will be representatives from the Iwi involved in this project who will be appointed by members of the THaWK and will be guided by the job description developed by the THaWK. Kaitiaki responsibilities will also include;
 - Monitoring of any fishing activity (if necessary),
 - Any native tuupuna trees that may be cut down as part of the construction activities of the project,
 - Machines working in and around waahi tapu sites.

2. Tangata Whenua to participate in the landscaping aspects of the project which can include planting of locally eco-sourced native plants in areas which can be safely accessed. THaWK recommend further the following landscaping tribal entities:
 - Ngaati Hauaa Mahi Trust
 - Puniu River Care
 - Kaitiaki Taiao Services
 - Ngaa Uri a Maahanga
 - Ngaati Tamainupo
3. In the event of an archaeological find the contractor will adhere to the archaeological site management plan (ASMP) and be guided by the accidental find protocol as covered below. Another Kaitiaki will work alongside the principal archaeologist throughout the duration if a discovery is made. The following protocols will be adhered to in the event that Koiwi or any other pre-european artefacts are discovered.
4. Prior to construction work commencing, the field team shall be briefed on the likely nature of cultural and historic artefacts in the area, and on this procedure. If any suspected archaeological material is uncovered, all work within 20m of the discovery shall stop immediately. The contractor, including any sub-consultants and subcontractors, is required to keep confidential all discoveries. The site will be fenced off immediately and protected from any potential further damage.
5. The contractor is responsible for on-site safety and may from time to time need to restrict access, for the safety of all parties. The Cultural Adviser is responsible for ensuring all iwi groups are advised of the find and will manage all necessary protocols required to keep the site culturally safe.
6. In coordination with the Project Engineer, the Archaeologist shall conduct exploratory work to determine the nature of the find along with a Kaitiaki. The Environmental Manager, in consultation with the Archaeologist, Cultural Adviser (or kaitiaki) and Project Engineer shall coordinate the response as follows:
 - a) If the event of the discovery of any Taaonga artefacts or other signs of previous maaori presence or occupation, work with iwi representatives to ensure that the appropriate steps are taken to make the site safe.
 - b) Decide where and when work can continue around the site.
 - c) The archaeologist shall coordinate the appropriate consent process in accordance with the requirements of the Pouhere Taaonga Act 2014. Works can proceed only after the granting of an archaeological authority.
 - d) Works affecting the archaeological site shall not resume until the Heritage NZ and iwi are satisfied that the site has been identified, the find recorded, and cultural protocols appropriately observed. The Archaeologist and Cultural Adviser shall first liaise on all issues with the Environmental Manager, who will keep the other parties informed. If any artefacts are removed from a find site, the Ministry for Culture and Heritage will be advised to ensure that the correct procedures under the act are preserved.

7. Any media statements in relation to this protocol will be prepared with the assistance of iwi and only after discussions between the developer and iwi. Archaeological finds in wetlands may include organic material preserved as a result of anaerobic conditions. Typically these remains are extremely fragile and susceptible to rapid decay in the event of any changes in environment, so usually require specialist attention. Finds can include (but are not limited to) wooden artefacts such as adze handles, weapons or horticultural implements and woven flax, or artefacts made from organic materials such as gourds.
8. Where wooden or organic artefacts are found in wetlands then the following process will be followed;
 - a) Finds should remain, where possible, in-situ until professional advice has been obtained.
 - b) In the event that items are inadvertently removed from their original context, the Project Engineer shall ensure the organic material is kept wet by being placed in a suitable storage container filled with water or kept damp with a wetted cloth/sack; c) Work in that location shall cease and the Archaeologist and Cultural Adviser shall be called;
 - c) d) The Archaeologist shall obtain specialist conservation services and advice from an appropriate specialist, such as a wet wood conservator, to ensure the survival and appropriate conservation treatment of the artefact;
 - e) The Ministry of Heritage and Culture will also be notified in accordance with the statutory requirements of the Pouhere Taaonga Act 2014; and the contractor shall be responsible for all transportation and conservation costs that may be incurred.
9. Tangata Whenua do not support any commodification or sale of water to anyone or entity for any purpose. During the construction phase of the project it is the recommendation of this report that stormwater is treated appropriately and respectfully. Point sources of water entry into streams or other naturally unaffected areas must;
 - Have sufficient attenuation ponds that allow sedimentation to drop out effectively before re-entering back into the natural environment,
 - The use of natural sediment control substances other than chemical flocculant is preferable
10. Tangata Whenua do not support the placement of piers in waterways.
11. Prior to the commencement of the project the protocols of karakia must be adhered to at all times. This includes, but is not limited to:
 - 11.1 Discovery of koiwi (skeletal remains);
 - 11.2 Discovery of traditional maaori artefacts/taaonga;
 - 11.3 SOD turning ceremonies;
 - 11.4 Bridge namings;
 - 11.5 Street namings – ThaWK membership name and offer up names for the main roads of the project including the ‘collector roads’ within the

- development including the main road surrounding the lower wetland. In conjunction with HCC we would also welcome naming suggestions for the large wetland reserve
- 11.6 Reserve namings – THaWK membership offer name (along with HCC) for the large wetland reserve within the project.
 - 11.7 Road openings; and
 - 11.8 Where tupuna trees are proposed to be cut down.
 - 11.9 That the area where piles are proposed to be erected is identified prior to the final submission of this CIA report.
12. Final Design Plan will involve THaWK and where necessary provide the appropriate cultural narrative to support the proposed final design plan which should include the following:
- Installing interpretative design panels and cultural symbolism features such as carvings, pou whenua, mauri stones, kiosks with historical narratives that reflect the history of the area.
13. THaWK support efforts for the developer to explore educational learning nodes where tamariki can utilise as eco-learning spaces when visiting the area. Some of the learning tools that the project may wish to consider can include, but not limited to:
- Wifi
 - Horse-shoe seating plans
 - Shaded areas to block out sun and rain
 - Water testing structures
14. THaWK support efforts for the developer to explore mobility options for elderly people who wish to visit the area that could include charging stations for their mobility scooters etc.
15. THaWK recommend that efforts to create tuna habitat is crucial to the on-going survival of the species and support the ecological reports efforts to invest in this mitigation option.

Support

The membership of THaWK appreciate the Rotokauri Greenway Corridor project and look forward to an enduring relationship throughout the course of this project. The recommendations contained in this report have been considered carefully by THaWK and its membership and therefore place its support behind this project subject to the developers agreement to the mitigation recommendation conditions outlined in this report. The placement of our signatories to this cultural impact assessment confirms the working relationship that our respective Iwi/Hapuu have with the developer – Hamilton City Council – for the life of this project.

