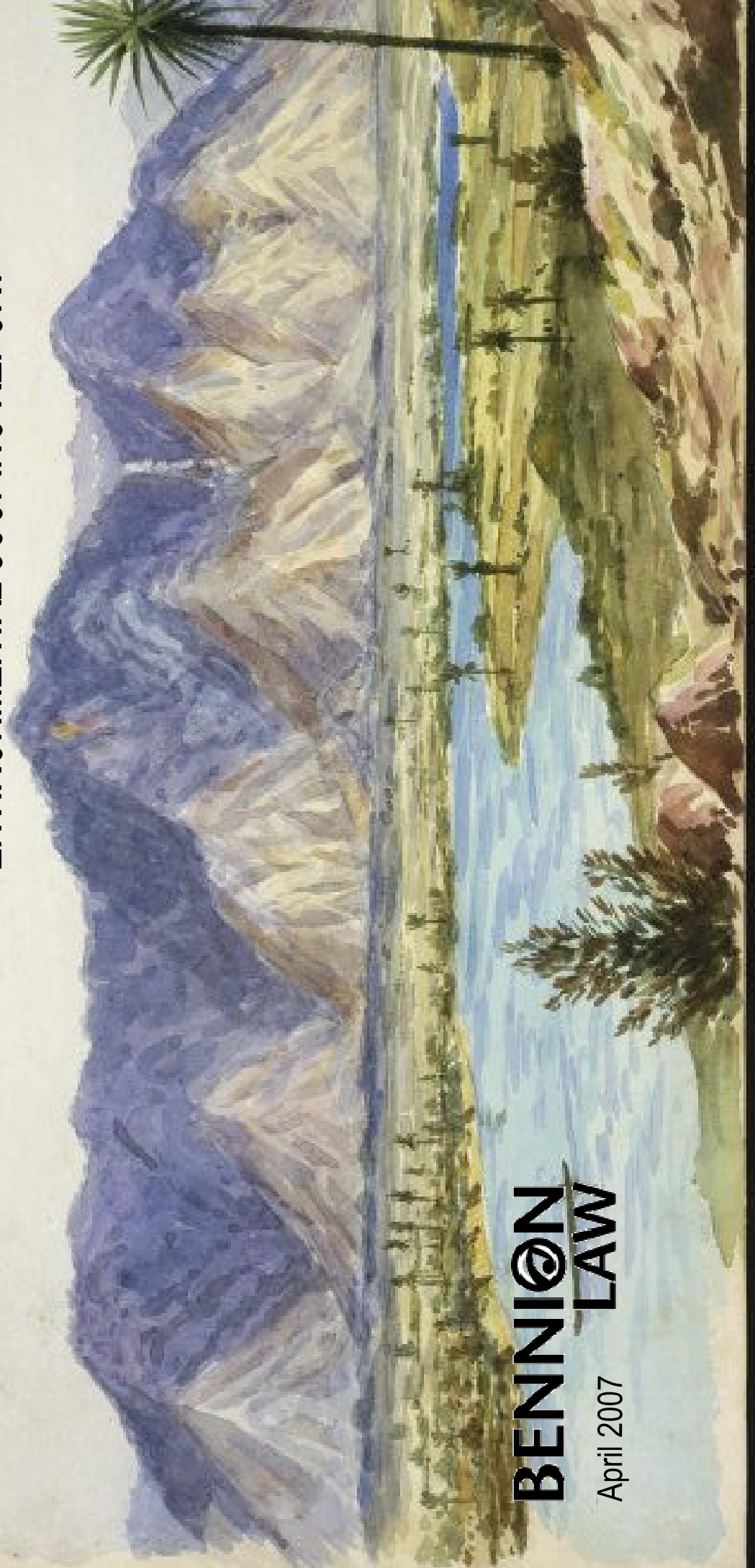


view of the Rangitikei River, which is the boundary of the Manawatu country. The ranges in the distance are called Tawharamau being about 3000 feet high. To the right of the ranges is a waterfall called Manuformata being about 500 feet high.

Ngati Manawa

ENVIRONMENTAL SCOPING REPORT



BENNION
LAW

April 2007



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Table of Contents

Acknowledgments	5
PART I:	5
Introduction	5
Ngati Manawa – an introduction	8
Historical	8
The Murupara area today	12
Statutory background	14
Part II matters	14
Section 5	14
Section 6	14
Section 7	16
Section 8	17
Regional policy statements	20
Hierarchy of plans	21
Consistency between plans	21
Iwi management plans	22
Joint management	22
Transfer of powers	22
Heritage Protection Authority	23
Local Government Act 2002 – links to the RMA	23
Planning Background	25
Bay of Plenty Regional Council	25
Hawkes Bay Regional Council	26
Whakatane District Council	26
Rotorua District Council	26
Wairoa District Council	26
Taupo District Council	26



Issues for Ngati Manawa	28
Kaitiakitanga	29
Ngati Manawa concerns	29
What the plans provide	31
Conclusion	36
Waahi tapu	37
Ngati Manawa concerns	37
What the plans provide	37
Conclusion	41
Maori freehold land	41
Ngati Manawa concerns	41
What the plans provide	42
Conclusion	42
Papakanga housing	42
Ngati Manawa concerns	42
What the plans provide	43
Conclusion	43
Marae	43
Ngati Manawa concerns	43
What the plans provide	44
Conclusion	47
Landscapes	48
Ngati Manawa concerns	48
What the plans provide	48
Conclusion	49
Erosion & Forestry	50
Ngati Manawa concerns	50
What the plans provide	51
Conclusion	54



Quarrying and minerals	55
Ngāti Manawa concerns	55
What the plans provide	55
Conclusion	56
Water and catchments	56
Ngāti Manawa concerns	56
What the plans provide	57
Conclusion	60
Fisheries	60
Ngāti Manawa concerns	60
What the plans provide	61
Conclusion	62
Geothermal	62
Ngāti Manawa concerns	62
What the plans provide	62
Conclusion	64
Flora and fauna	64
Ngāti Manawa concerns	64
What the plans provide	65
Conclusion	65
Pest control, herbicides and GMOs	65
Ngāti Manawa concerns	65
What the plans provide	66
Conclusion	67
Hazardous substances, waste disposal and contaminated sites	67
Ngāti Manawa concerns	67
What the plans provide	68
Conclusion	70
Existing roading and new roading proposals	70



*Ko Tawhiuuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi*

Ngati Manawa concerns	70
What the plans provide	70
Conclusion	71
Development levies	72
Ngati Manawa concerns	72
What the plans provide	72
Conclusion	72
Air	72
Ngati Manawa concerns	72
What the plans provide	73
Conclusion	76
Climate change	77
Ngati Manawa Concerns	77
What the plans provide	77
Conclusion	78
Monitoring and enforcement	79
Ngati Manawa concerns	79
What the plans provide	79
Conclusion	80
New issues	80
Part II: SITES OF SIGNIFICANCE TO NGATI MANAWA	81
Introduction	81
Sites	82
Map	112



*Ko Tawhiuuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi*

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PART I:

Introduction

This report arises out of a workshop with Ngati Manawa on the Resource Management Act 1991 [RMA] held at Rangatahi marae in September 2005. The workshop, sponsored by Te Puni Kokiri and the Ministry for the Environment, focused on the practical application of the Act and regional and district planning instruments in the rohe of Ngati Manawa.

Under the RMA there are many avenues for an iwi to engage with environmental issues:

- Better use of existing plans
- Relationship agreement with Council (MOU etc)
- Iwi management plan
- Resource consent (to control resource or via conditions)
- Cultural impact assessment
- Side agreement
- Plan changes (to district, regional plans and regional policy statement)
- Heritage Protection Order
- Water Conservation Order
- Joint management
- Transfer of powers

Each avenue has implications in terms of costs, time, and the ability to practically and efficiently deal with Ngati Manawa issues. For example, iwi management plans are a popular and recognised means of ensuring that iwi values are considered, and some iwi



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Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi*

in the Bay of Plenty Regional have plans in place (e.g. Whakatohea, whose iwi management plan is actually noted in an appendix to the Regional Policy Statement). However, they can be costly to produce and the RMA only requires that they be “taken into account” when district and regional planning instruments are prepared. There is no provision in the RMA specifically requiring them to be considered when resource consents are issued (they are one of the other matters that may be considered under s104D when resource consents are issued).

Following the workshop, it was decided that, before Ngati Manawa embarked on a major undertaking such as an iwi management plan, it was worth considering the status of Ngati Manawa issues in existing planning instruments in the region, so as to weigh up the best way forward to ensure the Ngati Manawa issues are better dealt with in the future.

Accordingly, this document is a scoping report of Ngati Manawa’s environmental issues and an analysis of district and regional plan provisions as they relate to those issues. As noted above, the intention is to determine the most practical and cost effective approach to utilising the RMA as it applies to Ngati Manawa environmental issues. For example, whether in relation to waahi tapu, better use can be made of the existing district and regional plans, whether iwi management documents would be appropriate, applications for joint management or transfer of powers and the like.

This document should also serve as information to Ngati Manawa on the provision that regional and district council planning documents currently make (and so should be immediately useful for example in considering resource consent applications). It might also provide useful to councils by identifying any gaps or inconsistencies in current documents as well as listing sites of significance to Ngati Manawa.

Although several district plans affect the Ngati Manawa rohe, only the Whakatane District Plan has been analysed, since it is the major district plan affecting the rohe. The report does not intend to be definitive about the ways in which district and regional planning instruments affect Ngati Manawa. Key issues and concerns only are highlighted and the basic planning provisions that cover those concerns. Nor is the report definitive about the current legal status of planning provisions ie whether submissions have been filed, appeals heard, how transitional and proposed plans relate. That would require extensive legal analysis, constant updating, and is unnecessary in a scoping report. In most cases, the most recently notified planning documents on Council websites have been examined as if they are the predominant planning document and an assumption made that the provisions



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Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi*

impacting on Ngati Manawa will mostly survive any submissions and appeals. This is sufficient for a scoping analysis as it indicates what current thinking is in the treatment of Maori values.

The process undertaken in preparing this report was as follows:

- Collection of Ngati Manawa material and Council policy statements and plans.
- Scoping of the material
- Site visits to assess practically the issues and concerns
- Organisation and analysis of the material and issues
- Presentation of draft at hui
- Further amendments
- Final hui
- Presentation to stakeholders.

The report is divided into two parts. The first part deals with Ngati Manawa's environmental issues and the plan analysis.. The second part lists Ngati Manawa' sites of significance and presents them on a series of maps.



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Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi*

Ngati Manawa – an introduction

Historical

The general rohe of the iwi is shown on the map below. Traditional boundaries are not necessarily straight lines and are not absolute i.e. fixed points beyond which no interests extend. Consequently, the edges of the rohe are shown as shaded areas – not as dotted or fixed lines.

Ngati Manawa have noted potential overlaps in areas with:

- Ngati Awa
- Ngati Whare
- Ngati Haka Patuheuheu
- Rangitihiri
- Te Arawa
- Ngai Tahu Whaoa
- Ngati Hineuru
- Tuhoë



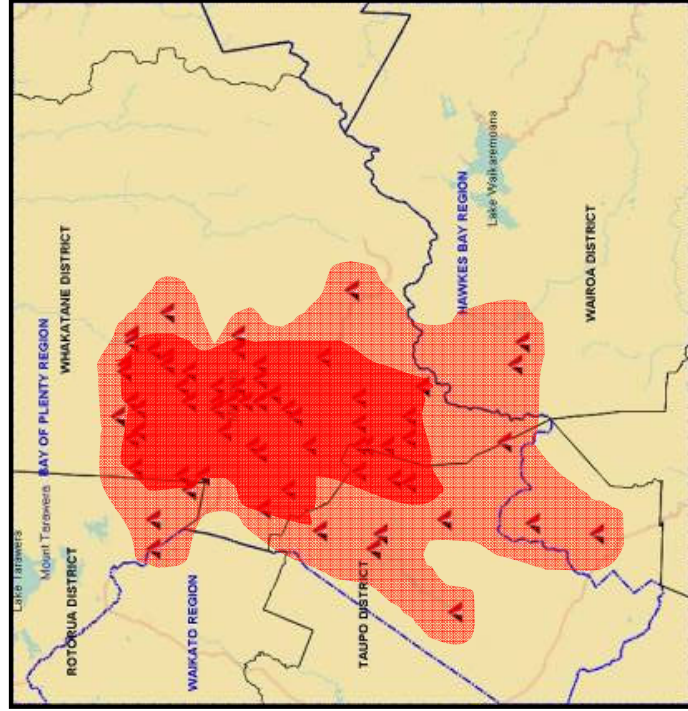
Rangitahi Marae

In addition, there are differing levels of interest within the Ngati Manawa rohe. That is, while Ngati Manawa is interested in all of its rohe, their interest is greater in some places within the rohe due to particular cultural attachments. For example, sites of waahi tapu and areas around waahi tapu and historic kainga are of considerable importance to the iwi.



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Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi*

Several reports and publications provide a detailed history and description of the iwi.¹ Furthermore, Ngati Manawa are currently involved in negotiations to settle their Treaty claims. That process has brought together a wealth of information about the iwi which has not previously been collected. For the purposes of this scoping document, key aspects of Ngati Manawa history only are noted below.



Te Rohe o Ngati Manawa

Ngati Manawa have occupied the current rohe in one form or another since conquering pre-existing groups in the late 16th and early 17th centuries.²

The rohe of Ngati Manawa consists to the east, the rugged Ika-whenua ranges which form part of the Urewera National Park. To the west is the Kaingaroa plateau, now planted as the Kaingaroa forest. The Plateau is essentially a large pumice flow. Dominating the plateau is Mount Tarawera, whose eruption in 1886 caused a large Ngati Manawa community at Motumako to move east and south towards modern day Murupara.

The settlement of Murupara itself is at the head of a broad alluvial valley carved out by the Rangitaiki River, which is fed by streams tumbling down from the Ika-whenua ranges, from the Kaingaroa plateau and from the mountains at the head of the valley. Most food gathering historically took place within the Rangitaiki River Valley, and that is where Ngati Manawa people live today.

Elsdon Best describes the land before the 20th century:

¹ See for example Bird, Henry Tahawai, *Kuranui-O Ngati Manawa*, [Rotorua, N.Z.] : H.T. Bird, 1980 (Rotorua : Rotorua Printers); Kawharu, Merata, *Te Mana Whenua o Ngati Manawa: A Report Commissioned by Te Runanga o Ngati-Manawa* (unpublished).

² See Kawharu p 33.



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

Age-old mountains, that have looked down upon a strange, silent land for unknown eons of time. Swift waters, dark and turbulent, rushing forth from the great ranges of the interior: hill-born waters, guarded by strange talismans, and ever hurrying onward to the Sea of Toi. The forest ...extends far over the land (1f).

.... the timber trees – rimu, matai, totara and kahikatea, are scattered, or in small clumps. On some of the ranges the tawai attains a considerable size, Smaller timber is principally tawa, tawhero, rewarewa, mahoe, hinau, toromiro, tawari, toro, etc., ...

The river valleys have been filled with cast masses of pumice sand, among which trunks of trees are often observed. These deposits are in the form of terraces usually some ten to twenty-five feet above the present level of the rivers. (9f)³

The rohe is notable for the many waterways within it. These consisted of steeper tumbling streams from the eastern ranges, streams running off the pumice lands to the west, and the meandering Rangitaiki River, fed by the Wheao and Whirinaki Rivers in the south. All of these latter waterways were important 'highways' of the 19th century.

Until the hydro developments of the 1980s, there were no lakes of any real size in the rohe.

This physical geography shapes Ngati Manawa's environmental concerns. This can clearly be seen for example in sites of significance which Ngati Manawa wish to see protected. Many are on the banks of the Rangitaiki River and surrounding



Rangitaiki River

³ Best, Elsdon, Tuhoe. *Children of the Mist. A sketch of the origin, history, myths, and beliefs of the Tuhoe tribe of the Maori of New Zealand, with some account of other early tribes of the Bay of Plenty district*, Vol 1 & 2. Auckland, 1996, quoted in Kawharu pp. 12-13.



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Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi*

alluvial plains, or on streams flowing into the valley – particularly from the Kaingaroa Plateau – an important area of Ngati Manawa settlement before the 1886 eruption and the move to the head of the Rangitaiki River valley.

It can also be seen in the concerns which are set out below relating to waterways. Kawharu lists a number of streams and rivers as fishing and transport routes:⁴

- Rangitaiki River
- Whirinaki River
- Wheao River
- Te Huruuru Stream
- Ngatamawaahine Stream
- Mangamingi Stream
- Otuetā Stream
- Horomanga Stream
- Okahu River
- Te Houhi Stream
- Mangamate Stream
- Mangawiri Stream
- Hangarau Stream
- Mangapapa Stream
- Pokairoa Stream
- Mangaharakeke Stream (up to Rerewhakaiteu Lake)
- Pahekeheke Stream
- Haumea Stream
- Waione Stream
- Opaheru Stream

⁴ pp14-15.



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

Kawharu notes that a key source of food was tuna and that there were many mahinga tuna sites along the rivers, as well as mahinga parera – duck gathering sites. In its *Ika Whenua Report* the Waitangi Tribunal noted the importance of waterways as taonga for Maori of the area.⁵

As noted above, the 1886 eruption caused a change in the way in which Ngati Manawa used resources in their rohe. An equally important change came about with the introduction of the Native Land Court and an abrupt change to Ngati Manawa traditional rights in the district.

This is described in the Waitangi Tribunal *Te Ika Whenua Rivers Report*. Between 1878 and 1880 Ngati Manawa, through the operation of the Native Land Court and through an agreement to sell rights to the Crown, had their traditional uses of the Kaingaroa pumice plateau converted to 15,000 pounds cash and 2 native reserves at Oruatawehi Bush (470 acres) and Rangipo (670 acres). This was a major social and economic transformation of the Ngati Manawa way of life. Their use of their traditional landscape was dramatically altered. This change was possibly as great as the change wrought by the 1886 eruption.

The Murupara area today

In 2001 around 1000 people gave their primary iwi identification as Ngati Manawa. Their notional population for the purposes of the Maori Fisheries Act 2004 is 1567.⁶

The general social and economic situation of Ngati Manawa people living in the Murupara region today can be gleaned from census statistics. These make for startling reading. In 2001:

- Around 85% of the population in Murupara were Maori (compared to around 42% for the Whakatane District).

⁵ Waitangi Tribunal, *Te Ika Whenua rivers report (Wai 212)*, Wellington, N.Z. : GP Publications, c1998. Refer chapter 2.

⁶ 3rd Schedule



*Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi*

- 38.1 percent of people in Murupara were under the age of 15 years, compared with 27.2 percent in Whakatane District and 22.7 percent for all of New Zealand.
- The median income of people in Murupara was \$11,900, compared with \$15,900 for Whakatane District and \$18,500 for all of New Zealand.
- The unemployment rate in Murupara was 21.9 percent, compared with 12.2 percent for the Whakatane District percent and 7.5 percent for all of New Zealand.
- There were 576 households in Murupara and 450 families. Of these, 43.3% were one parent families, compared to 24.2% for the Whakatane District and 18.9% for New Zealand as a whole.

The economic position of Murupara contrasts sharply with other parts of the region and even other parts of the Whakatane District. The Regional Council has introduced Proposed Change No. 2 to the Bay of Plenty Regional Policy Statement (Growth Management), which highlights the extreme high growth areas in the region. They are to the west and on the coast. The town of Whakatane is also experiencing rapid growth as a coastal town.



Overlooking Murupara



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

Statutory background

Part II matters

Section 5

The RMA defines the environment as including “people and communities” (s2) and sustainable management, the purpose of the RMA, includes “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 wellbeing and for their health and safety ...” (s5(2))

The statistics above, which demonstrate the extremely impoverished state of the Murupara area, with its high Maori population, are particularly important in this respect.

Planning documents should be conscious of that, as far as possible, and consistent with avoiding, remedying or mitigating adverse effects on the environment, they have an enabling function.

Section 6

Section 6 of the RMA 1991 provides that:

“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance ...

(e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

(f) the protection of historic heritage from inappropriate subdivision, use, and development.”



“Historic heritage” is defined (s2) as “those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures” and deriving from qualities including archaeological, cultural and historic. Historic Heritage includes “sites of significance to Maori, including waahi tapu”. Prior to 2003, historic heritage was a section 7 matter i.e. something which “particular regard” had to be had to. As will be seen below, Proposed Change No 1 to the Bay of Plenty Regional Policy Statement (Heritage Criteria) has been introduced to provide for the new importance of historic heritage in section 6.

Section 6 does not give a veto right over developments, even in conjunction with ss7(a) and s8.⁷ Nor does section 6 allow historic wrongs to be taken into account.⁸

The reference to ancestral waters is interesting, since in this area there are waterways which are not strictly ancestral – i.e. new lakes and canals associated with power developments. Nevertheless, those new waterways are intrinsically bound up with Ngati Manawa resources, such as eel fishing areas. In addition, since Ngati Manawa have an interest in the mauri of water in different rivers, where those waters are channeled are of concern to them (a matter discussed further below).

In addition, s6 lists as matters of national importance:

“(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.”

It is possible that Ngati Manawa may have relationships and culture and traditions relating to places which are also outstanding natural features and landscapes and significant indigenous vegetation and significant habitats of indigenous fauna. If that is the case then Ngati Manawa perceptions of landscape and the importance of indigenous fauna will be part of the assessment of those matters.

The same is true for other matters, such as “amenity values” (s7(c)).⁹

⁷ *Elkington Family Trust v Marlborough Dc*, Environment Court, W069/05, 17 August 2005, Judge Bollard.

⁸ See *Mason-Riseborough v Matamata-Piako District Council*, 4 ELRNZ 31.



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

Section 7

Section 7 provides that “In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to (a) kaitiakitanga.” This is defined as “the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship” (s2).

Arguably all tangata whenua, including Ngati Manawa, exercise kaitiakitanga in some manner.

The Board of Inquiry into the New Zealand Coastal Policy Statement considered the meaning of kaitiakitanga:

“Kaitiakitanga is the role played by kaitiaki. Traditionally, kaitiaki are the many spiritual assistants of the gods, including the spirits of deceased ancestors, who are the spiritual minders of the elements of the natural world. All the elements of the natural world, the sky father and earth mother and their offspring; the seas, sky, forests and birds, food crops, wind, rain and storms, volcanic activity, as well as people and wars are descended from a common ancestor, the supreme god. These elements, which are the world’s natural resources, are often referred to as taonga, that is, items which are greatly treasured and respected. In Maori cultural terms, all natural, and physical elements of the world are related to each other, and each is controlled and directed by the numerous spiritual assistants of the gods.

“These spiritual assistants often manifest themselves in physical forms such as fish, animals, trees or reptiles. Each is imbued with mana, a form of power and authority derived directly from the gods. Man being descended from the gods is likewise imbued with mana although that mana can be removed if it is violated or abused. There are many forms and aspects of mana, of which one is the power to sustain life.

“Maoridom is very careful to preserve the many forms of mana it holds, and in particular is very careful to ensure that the mana of kaitiaki is preserved. In this respect Maori become one and the same as kaitiaki (who are, after all, their relations), becoming the minders for their relations, that is, the other physical elements of the world.

“As minders, kaitiaki must ensure that the mauri or life force of their taonga is healthy and strong. A taonga whose life force has been depleted, as is the case for example with the Manukau harbour, presents a major task for the kaitiaki. In order to

⁹ See *Kaikaiawaro Fishing Company Limited v Marlborough District Council*, W84/99, Environment Court, 18 August 1999 Kenderdine, R Bishop, J Rowan.



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

uphold their mana, the tangata whenua as kaitiaki must do all in their power to restore the mauri of the taonga to its original strength.

“In specific terms, each whanau or hapu (extended family or subtribe) is kaitiaki for the area over which they hold mana whenua, that is, their ancestral lands and seas. Should they fail to carry out their kaitiakitanga duties adequately, not only will mana be removed, but harm will come to the members of the whanau and hapu.

“Thus a whanau or a hapu who still hold mana in a particular area take their kaitiaki responsibilities very seriously. The penalties for not doing so can be particularly harsh. Apart from depriving the whanau or hapu of the life sustaining capacities of the land and sea, failure to carry out kaitiakitanga role adequately also frequently involves the untimely death of members of the whanau or hapu.”

The Board added that “Local authorities need to be aware that tangata whenua read far more into the interpretation of kaitiakitanga in s 2 than just the surface meaning of the English wording. The term is best understood within its cultural context.”

Recommendation:

Ngati Manawa draft and adopt an explanation of kaitiakitanga according to Ngati Manawa tikanga..

Section 8

This section provides that decision makers “take into account” the principles of the Treaty of Waitangi. While “take into account” is not as strong as the section 6(e) requirement to recognise and provide for links to ancestral lands, both section 6(e), 7(a) and 8 are not limited to a protective or “shield” role, but also have a positive purpose, such as supporting an application for a resource consent that would permit the exercise of mana whenua over an area important to a hapu or iwi.¹⁰

The requirement to take into account the principles of the Treaty has given rise to a lot of discussion about a possible duty to consult with iwi and hapu about a proposal. Section 36A (introduced by the Resource Management Amendment Act 2005 s18) now provides that:

“(1) The following apply to an applicant for a resource consent and the local authority:

¹⁰ e.g. *Kaikaiaawaro, Buchanan v Northland RC, Elkington* – but provided that suitable environmental mitigation exists.



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

- (a) *neither has a duty under this Act to consult any person about the application; and*
- (b) *each must comply with a duty under any other enactment to consult any person about the application; and*
- (c) *each may consult any person about the application.”*

The MFE website states that:

The intention is to clarify that consultation is not required in relation to applications for resource consents or notices of requirement, rather the intention is to improve processes for consultation with iwi and hapu in the development of plans and policy statements.

Of course, an applicant or the council can still choose to consult any person about an application or notice of requirement. The amendment does not preclude consultation with iwi authorities or groups representing hapu . In some cases, iwi authorities or groups representing hapu may be affected parties and local authorities may need to contact them to identify any effects of the application on tangata whenua.

In addition, section 35A provides that:

- (1) *For the purposes of this Act, a local authority must keep and maintain, for each iwi and hapu within its region or district, a record of—*
 - (a) *the contact details of each iwi authority within the region or district and any groups within the region or district that represent hapu for the purposes of this Act; and*
 - (b) *the planning documents that are recognised by each iwi authority and lodged with the local authority; and*
 - (c) *any area of the region or district over which 1 or more iwi or hapu exercise kaitiakitanga.*
- (2) *For the purposes of subsection (1)(a) and (c),—*
 - (a) *the Crown must provide to each local authority information on—*
 - (i) *the iwi authorities within the region or district of that local authority and the areas over which 1 or more iwi exercise kaitiakitanga within that region or district; and*
 - (ii) *any groups that represent hapu for the purposes of this Act within the region or district of that local authority and the areas over which 1 or more hapu exercise kaitiakitanga within that region or district; and*



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Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

- (iii) *the matters provided for in subparagraphs (i) and (ii) that the local authority has advised to the Crown; and*
- (b) *the local authority must include in its records all the information provided to it by the Crown under paragraph (a).*
- (3) *In addition to any information provided by a local authority under subsection (2)(a)(iii), the local authority may also keep a record of information relevant to its region or district, as the case may be,—*
 - (a) *on iwi, obtained directly from the relevant iwi authority; and*
 - (b) *on hapu, obtained directly from the relevant group representing the hapu for the purposes of this Act.*
- (4) *In this section, the requirement under subsection (1) to keep and maintain a record does not apply in relation to hapu unless a hapu, through the group that represents it for the purposes of this Act, requests the Crown or the relevant local authority (or both) to include the required information for that hapu in the record.*

The MFE website explains that, under this provision:

Te Puni Kōkiri is developing Te Kāhui Māngai, a directory of iwi and Māori organisations. The directory will hold administrative and contact information for each organisation as well as information on tribal areas. The web-based directory will be operational in October 2005 and will be accessible at www.kahuimangai.govt.nz. Te Kāhui Māngai will form the basis of the information the Crown must provide to councils under new section 35A(2)(a).

Te Kāhui Māngai will include information beyond the purposes of the RMA. Any party wishing to consult on resource management issues should contact their local authority for information on who to consult for RMA purposes.

A council must include information provided by Te Puni Kōkiri, but may also include other relevant information on iwi or hapu obtained directly from the iwi authority or group representing the hapu. This recognises that many local authorities have established relationships with local iwi and hapu.

Accordingly, it is imperative that Ngati Manawa ensure that both the Crown (TPK) and the regional and district councils have up to date information about the Ngati Manawa rohe over which they exercise kaitiakitanga, the hapu of Ngati Manawa and contact details.

The current record of Te Kahui Mangai is shown below:



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

Hapu	Marae	Location
Moewhare	Moewhare	Murupara
Ngai Tokowaru	Tipapa	Murupara
Ngati Hui	Rangitahi	Murupara
Ngati Koro	Painoaiho	Murupara

“Iwi Representative Organisations Te Runanga o Ngati Manawa

Resource Management Act consultation. Represents Ngati Manawa as an “iwi authority” for the purposes of the Resource Management Act 1991.

Recognised iwi organisation in the Maori Fisheries Act 2004. Recognised iwi organisation in the Maori Fisheries Act 2004.

Mandate recognised by the Crown for Treaty of Waitangi settlement negotiations. Mandate recognised by the Crown for Treaty of Waitangi settlement negotiations.”

Recommendation:

Where necessary, Ngati Manawa immediately provide updated information about Ngati Manawa to all local authorities and Te Kahui Mangai.

Regional policy statements

Section 62(b)(i) provides that regional policy statements must state “the resource management issues of significance to ... iwi authorities in the region”. As will be seen, the Regional Policy Statement for the Bay of Plenty Regional Council states the issues of significance to iwi generally and the issues for some iwi who have provided iwi management plans. Arguably, the policy statement should state the issues where they differ for each iwi in the region, so that where they are not stated there is arguably a requirement on regional councils to make plan changes.



Ko Tawhiuu te maunga
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Hierarchy of plans

District Plans must “give effect” to the Regional Policy Statement (s75(3) previous requirement was not be inconsistent with) and “not be inconsistent with” any regional plans (s75(4)). Regional Plans must “give effect” to the Regional Policy Statement and they “must not be inconsistent with” other regional plans.

In particular, since 2005 there is the following requirement under s73:

- (4) *A local authority must amend a proposed district plan or district plan to give effect to a regional policy statement, if—*
- (a) *the statement contains a provision to which the plan does not give effect; and*
- (b) *1 of the following occurs:*
- (i) *the statement is reviewed under section 79 and not changed or replaced; or*
 - (ii) *the statement is reviewed under section 79 and is changed or replaced and the change or replacement becomes operative; or*
 - (iii) *the statement is changed or varied and becomes operative.]*

This means that district councils must ensure that, when a district plan is reviewed, changed, or varied, the plan gives effect to a regional policy statement if there is a provision in the statement to which the plan does not give effect.

This is particularly significant if there are discrepancies between what the Regional Policy Statement says on Maori issues and what district plans provide.

Consistency between plans

In addition, Regional Councils must consider consistency between plans and policy statements of adjoining regional councils (66(2)(d)). Similarly, District Councils must “have regard to ... the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities” (74(2)(c)). These requirements are particularly significant when an iwi has interests in several districts and there is a possibility of facing different rules in relation to (say) waahi tapu in the different districts.



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

The Regional Policy Statement contains a separate section on “Cross Boundary Processes” and it is a regional policy to “seek consistency of approach to significant resource management matters.”¹¹ Management of waahi tapu would be one of those issues.

Iwi management plans

The Resource Management Act provides at several places that local authorities must “take account” of “any relevant planning document recognised by an iwi authority, and lodged with the council” but only to the extent that its content has a bearing on resource management issues” of the district or region (see s 61(2A), 66(2A), 74(2A)). Before 2005 these provisions required that local authorities simply “have regard” to iwi management plans.

There is no Ngati Manawa iwi management plan. A number of plans are however referenced in the Regional Policy Statement.

The River Gravel Management Plan lists the Energy Assets Report as an iwi planning document of Te Ika Whenua,[[Appendix 6 page 26]] along with a note that “any persons who wish to access these documents will require the consent of the relevant iwi.”

Joint management

Sections 36B to 36E provide that a local authority that “wants to” may enter into a joint management agreement with an iwi authority or a “group that represents hapu” (see also the definition of joint management agreement in s2). The words “wants to” make it clear that the decision is entirely one for the local authority to make, and there is no grounds for review of any such decision. The basic effect of joint management is that “a decision made under a joint management agreement has effect as a decision of the local authority” (s36D). This power is new under the Resource Management Amendment Act 2005 and the Ministry for the Environment is developing policy on implementation of this provision.

Transfer of powers

Section 33 provides for powers to be transferred to iwi authorities. No transfer of powers has occurred in the district or region or indeed nationally. Given the limitations of section 33 (such as the requirement that liability for an actions of the transferee falls on

¹¹ RPS 5.3.8(b)(ii)



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

the transferring local authority), and singular lack of any transfers to date (despite applications) there must be doubts that it will ever be implemented.

Heritage Protection Authority

Part 8 of the Act allows an iwi authority or hapu to apply to a district or city council to become a heritage protection authority over a natural or physical resource, whether owned or not by the applying authority, and to issue a protection order over that resource setting out what values are to be protected and what activities may be undertaken and what is prohibited. Specifically, the Act contemplates that a heritage protection order might be made over “any place ... of special significance to the tangata whenua for spiritual, cultural, or historical reasons” (s189(1)(b)). Ngati Manawa have noted that there are many such places in their rohe, for example, Te Ana Maru and Fort Galatea ((Karamuramu). The provision applies to places on waterways (see *Te Runanga o Ngati Pikiao v Minister for the Environment* (CP113/96, 1999).

Local Government Act 2002 – links to the RMA

This Act is also relevant in five key respects:

The Act establishes the local authorities and their boundaries which apply to the Ngati Manawa rohe.

The Act provides specifically for sustainable development. That is, local authorities must look to actively develop their regions and territories in a manner which is environmentally sustainable, but also equitable among the people represented by the local authority. The startling statistics for Murupara are relevant in that respect.

The Act provides that Maori must be distinctly consulted with. The current arrangement is set out in the LTCCP.

Where the local authority intends to make a decision concerning land or waters of particular concern to Maori special requirements apply.

The local authority must set a rates policy in relation to Maori freehold land. This is laid out in the draft LTCCP, on which Ngati Manawa have made submissions.



*Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi*

Finally, at the option of the local authority, a development contributions policy, once a matter for plans under the RMA alone, may be adopted within the LTCCP. That approach has been taken most recently by the Whakatane District Council, and Ngati Manawa have made submissions on that matter. It is considered further below.



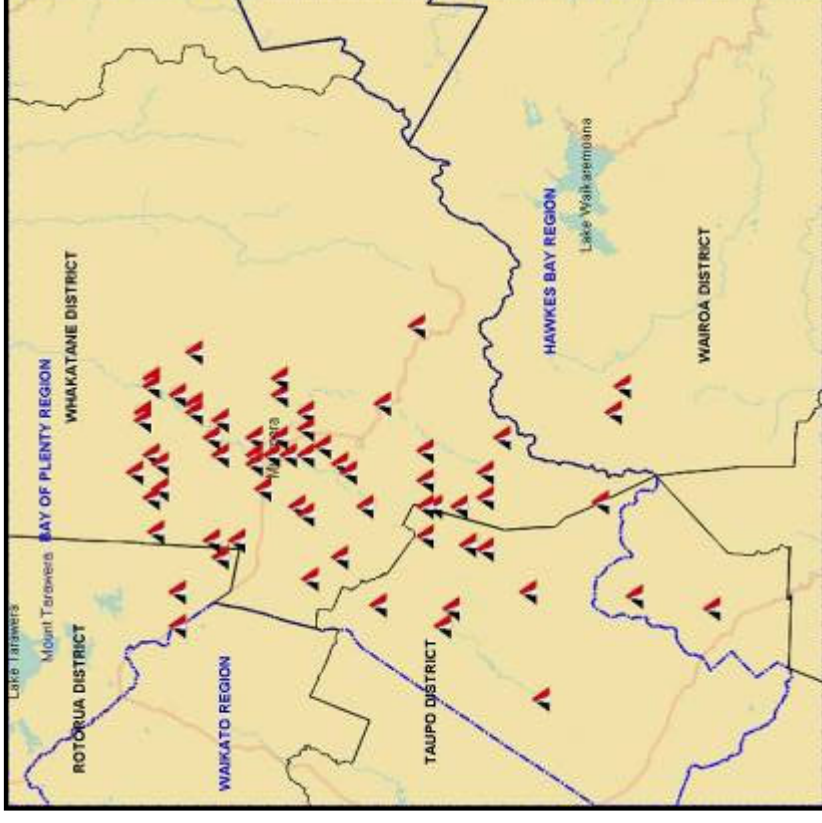
Ko Tawhiuu te maunga
 Ko Rangitaiki te awa
 Ko Tangiharuru te tangata
 Ko Rangipo te wehenga o te tuna
 Ko Ngati Manawa te iwi

Planning Background

The map here shows the district and regional council boundaries overlaid on sites of significance to Ngati Manawa. Accordingly, the following planning documents prepared under the RMA affect parts or all of the rohe of Ngati Manawa:

Bay of Plenty Regional Council

- Regional Policy Statement
- Regional Policy Statement – Proposed Plan Change 1 – Heritage Criteria
- Regional Policy Statement – Proposed Change No2: Growth Management
- Regional Air Plan
- Regional Land Management Plan
- Proposed Regional Water and Land Plan. This is a very significant regional plan, and includes:
 - # Proposed Variation 1: (Rule 42 – Permitted Take of Water and Discharge of Sediment Contaminated Water from the Dewatering of Building and Construction Sites)
 - # Draft Variation 2: Structures
 - # Draft Variation 3: Rule 1B Discretionary (Restricted) – Earthworks and Quarries
 - # Draft Variation 4: Financial Contribution Method
 - On-Site Effluent Treatment Regional Plan



District and Regional Council Boundaries and Ngati Manawa sites of significance.



*Ko Tawhiuuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi*

- Rotorua Geothermal Regional Plan
 - River Gravel Management Plan
 - Transitional Regional Plan
- Hawkes Bay Regional Council**
Regional Coastal Plan
Proposed Regional Coastal Environment Plan
Regional Resource Management Plan

Whakatane District Council
Whakatane District Plan

Rotorua District Council
Rotorua District Plan

Wairoa District Council
Wairoa District Plan

Taupo District Council
Taupo District Plan

While many of the ancestral resources of Ngati Manawa fall within the area of the Whakatane DC, on the western side they also fall into areas of the Rotorua and Taupo DCs, and in the south east, in the area of the Wairoa DC.



*Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi*

This creates obvious problems for consultation and engagement with all of these authorities. For example, Kaingaroa village, a 438 trust and one of the few significant areas of land remaining in Maori control and in which Ngati Manawa have a strong interest, is in the boundaries of the Rotorua DC area.

It also creates the possibility that Ngati Manawa concerns and values will be treated differently in different plans.

This report deals in the main with the Whakatane District Council plan and the Bay of Plenty regional plans, although looking briefly towards the other regional and district councils.



*Ko Tawhiuu te maunga
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Ko Rangipo te wehenga o te tuna
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Issues for Ngāti Manawa

The key environmental issues for Ngāti Manawa have been drawn from discussions with executive members and from published papers and reports and in particular, materials prepared for Ngāti Manawa's Waitangi claim.

The following is not intended to be a comprehensive list, but these issues kept recurring in discussions and in documents outlining Ngāti Manawa concerns:

- Kaitiakitanga
- Waahi tapu
- Papakainga housing
- Marae
- Landscapes
- Water catchments
- Fisheries
- Flora and fauna
- Erosion
- Exotic forestry
- Quarrying and minerals
- Geothermal
- Waste disposal
- Contamination & hazardous substances
- Pest control & herbicides
- GMOS
- Roothing network
- Rating and development levy

- Air
- Climate change
- Monitoring and enforcement





*Ko Tawhiuu te maunga
Ko Rangitaiki te awa
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Ko Rangipo te wehenga o te tuna
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For each issue, the key concerns of Ngati Manawa are noted, followed by a discussion of what current regional and district planning documents say on the issue.

As noted above, the Whakatane District Plan is the key district council document which this report focuses on. A few brief general comments can be made on that plan.

The Whakatane District Plan is over 350 pages in length and is not easily understood by a lay reader, or even a professional.

The Whakatane District Plan records the section 32 documentation which has informed its approach (p7). It is significant that no separate technical report was prepared in Maori issues – in contrast for example to reports prepared on other s6 matters e.g. report 12 Natural Heritage of the Whakatane District.

If this is true, then the rules dealing with Maori issues lack a sound s32 basis. This is a gap which the Council ought to fill. It also provides an opportunity for Ngati Manawa to fill that gap. In a sense, this report goes some way to achieving this.

No iwi or hapu management plans are noted. It does not appear that any had been filed with the Council when the District Plan was prepared.

Kaitiakitanga

Ngati Manawa concerns

In her report on the mana whenua of Ngati Manawa, Merata Kawharu argues that “[l]ands and resources were at the heart of people’s desire to locate themselves and to derive the means of



Horomanga River



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

sustainability. For Ngati Manawa, like kin groups throughout the country, their values and practices were shaped by the essential need to ensure their economic, social and political survival.”

This survival was “guided by principles of trusteeship, guardianship and resource management, principles that have been translated by terms found in everyday language such as kaitiakitanga and rangatiratanga.” (Kawharu p7)

Kawharu defines kaitiakitanga as a two way relationship “between the kaitiaki and the resource”:

That is, there are obligations to give, receive and repay. For example, in relation to natural resources, a kaitiaki has the responsibility to give care and management to them, receive the benefits of the resource (such as in the form of food, spiritual sustenance and political advantage), and protect the sustainability of the resource as a way of ‘repayment’ for what the resource gave. Reciprocity plays an essential role in maintaining relations between humans, their ancestors, the spirit world and the natural environment. Above all else, reciprocity enhances the social and political stamina of the kin group.

This idea also finds expression in the writing of Geoff Park:

The most practical means of preserving wild nature is residency in it, and ‘a visceral knowledge of that wildness’. Like our plundered coasts, the forests need their people back. Not visitors treating them as scenery, but people who consider them home and invest them with love and vigilance. (Park Theatre Country p142)

Ngati Manawa are concerned that the resource management scheme under the RMA includes recognition of their two way relationship with resources and their responsibilities towards resources. These responsibilities cannot be carried out if resources are adversely impacted without Ngati Manawa comment on that.

In addition, as the above implies, Ngati Manawa have important knowledge, matauranga Maori, to bring to the management of natural resources, such as waterways and land areas, and also some physical resources such as old kainga and pa sites as well as current day marae. This can be as simple as the information contained in names for physical features and knowledge of the heritage of marae sites, and as complex as detailed historical knowledge of how natural resources operate and have been depleted.



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi



As the Kawharu report implies, kaitiakitanga relates to the area over which “mana whenua” exists. The definition of kaitiakitanga in the RMA refers to places where “tangata whenua” exercise guardianship. We understand from Ngati Manawa that guardianship duties and responsibilities are felt by them in relation to all natural resources falling within their rohe (including all waterways and land) and all sites of physical activities of Ngati Manawa iwi within the rohe (e.g. native land court land blocks marae, pa sites etc).

However it should be noted that section 6 refers to resources with which ancestral links exist. This is not only places within the rohe. To put it another way, at what places in the district would proposed developments with adverse effects excite the interest and concern of Ngati Manawa as an iwi? For example, Ohui marae is far north of any land area, but is a marae with whom several iwi in the region have strong links. Consequently, Ngati Manawa would have an interest in developments on or surrounding that site, even though they would not claim that the lands south of the marae are within their traditional rohe.

What the plans provide

At the regional level the Regional Policy Statement (RPS) was informed by a general background document on iwi concerns, *Nгаа Tikanga Tiaki I Te Taiao – Maori Environmental Management in the Bay of Plenty Regional Policy Statement*¹² That document does not mention individual iwi or hapu. Nevertheless, it provides that foundation if not the text for many of the statements about Maori issues in the RPS.

The other document which the RPS relied on was an iwi management plan for Whakatohea.¹³ This is the reason that the plan attaches as an appendix a list of issues of particular concern to Whakatohea.¹⁴

¹² Love MTW, Tutua-Nathan T, Kruger T and Barns M. presented to the Bay of Plenty Regional Council at a hui of Rangitira and Councillors on 9 July 1993.
¹³ *Tawharau O Nga Hapu O Whakatohea – Whakatohea Resource Management Plan*. 1993 Whakatohea Iwi Executive; Whakatohea Trust Board; Opotiki.



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

In the RPS under the heading of “Matters of Resource Management Significance to Iwi Authorities” are listed which are relevant to the issue of kaitiakitanga:

Councils and the tangata whenua do not share a mutual understanding of the relationship between tino rangatiratanga and kawanatanga.

The structures of Maori society, in particular the iwi/hapu/whanau relationship, are not always recognised.

Provision for the implementation of policies which give recognition to kaitiakitanga.

The exercise of tino rangatiratanga and the practice of kaitiakitanga, involving the use of practices such as tapu, rahui, tikanga and other aspects of the Maori environmental resource management system, are not always recognised and provided for.

That iwi/hapu wish to have input into the planning process and decision-making on consent applications to ensure that taonga and resources are sustainably managed for future generations.

The RPS discusses the Maori Environmental Resource Management System (a concept drawn from the Love report) as follows:

1.5.1 Maori Environmental Resource Management System

The Maori resource management system is founded on the Maori system of beliefs, values and understanding of the environment. The complex system was developed over 1000 years and was largely supplanted by the systems brought by the European settlers one hundred and fifty years ago, or the one developed globally in the last fifty years.

The traditional Maori approach to resource management was an holistic one with the major objective being to sustain the mauri in relation to resources. Practices or tikanga were developed and observed to maintain the mauri of parts of the natural world. Observing these tikanga evolved into the ethic and exercise of kaitiakitanga. Mauri can be sustained provided there is an acknowledgement of the tikanga or practices that were developed over a long period of time.

¹⁴ Appendix B



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

These form the basis of what could be called the Maori Environmental Resource Management System. Until recently, Maori resource development has been constrained by institutional barriers. No community should be prevented from realising its goals, as long as its actions are sustainable.

The RPS also states that the existence of the Treaty of Waitangi means that tangata whenua under the RMA “accords iwi authorities, tribal runanga and hapu a status distinct from that of interest groups and members of the public.”¹⁵ In addition, the RPS states that each iwi has the right to define its own preferences for the sustainable management of natural and physical resources, “where this is not inconsistent with the Act.”¹⁶

Chapter 2 of the Proposed Regional Water and Land Plan contains an extensive discussion of kaitiakitanga in relation to water and land. It begins with this statement that Maori are concerned to avoid insensitive and squanderous exploitation so that the land can be passed on to future generations in a sound and healthy condition.

Whatungarongo te tangata, toitu te whenua.

Koia nei te pepeha e whakahuatia ake ai nga tikanga a te Maori ki ona whenua. Mai I nehe ra noa, ko te mea nui ki a ia ko te tiaki pumau i te whenua, e kore ranei e tukinotia, tae noa ki te wa e heke iho ai ki ona uri, ki nga whakatipuranga e whai ake ana a muri iho i a ia. Ko nga whakarite o te kaitiakitanga, he taonga tukuoho.

The document continues:

Broadly speaking kaitiakitanga involves a wide set of practices based on a world and regional environmental view. The root word is tiaki that includes the ideas and principles of:

- (a) Guardianship.*
- (b) Care.*
- (c) Wise management.*
- (d) Resource indicators, where resources themselves indicate the state of their own*

¹⁵ RPS 5.3.1(b)(iv)

¹⁶ RPS 5.3.1(b)(v)



Ko Tawhiuau te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

mauri.

- (e) Maintenance of spiritual and cultural aspects of the natural and physical resources.*
- (f) Protection of mauri.*
- (g) Enhancement of mauri.*
- (h) Restoration of mauri.*
- (i) Appropriate development of resources where necessary.*

The document explains that Kaitiakitanga has a variety of practical applications including, but not limited to:

- (a) The protection and maintenance of waahi tapu and other areas of special significance.*
- (b) The placing of rahui to allow replenishment of traditional kaimoana, mahinga mataitai, or for use at times of disasters, drowning and pollution of food sources.*
- (c) Directing development to ways that do not negatively compromise the mauri of the resource.*
- (d) Observing tikanga associated with traditional activities such as prayer, ceremony and ritual.*
- (e) Active opposition to developments with actual or potential adverse effects on resources, taonga, mauri and Maori cultural relationships.*
- (f) Consultation.*
- (g) Monitoring resource indicators, where resources indicate the state of the mauri.*
- (h) Physical restoration and enhancement of resources to rejuvenate and improve the mauri of the resource.*
- (i) Lodging claims against Crown actions that have adversely affected the mana of Maori*
- (j) Celebrating places by teaching future generations about the special Maori values associated with them.*
- (k) Enhancing the natural world by teaching future generations about the special (Maori) values associated with them.*

The meaning and application of terms such as mauri, tapu, rahui, whakanoa and whakawaatea are discussed.

These matters resolve into a series of issues, such as the gap in understanding of Maori concerns (Issue 1) and:



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi



Kaingaroa Forest

Issue 2 The extent to which tangata whenua seek to assume the management of water, land and geothermal resources, and other taonga, within their tribal rohe has yet to be described or achieved.

Para 1 Tangata whenua believe they are entitled to actively participate in effective management and control of water, land and geothermal resources and taonga within their tribal rohe, alongside local and regional authorities. They have asserted that active participation includes managing and monitoring river gravel, the beds of rivers and lakes, land, water and geothermal resources.

The RPS and the Proposed Regional Water and Land Plan appear to strongly reflect the concerns of Ngati Manawa .

At the district level, the Whakatane District Plan (WDP) contains definitions of:

Hapu means the genealogical and political authority ensconced in the people of a defined territory, usually comprised of several whanau.

The WDP provides that:

The priorities for iwi are:



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

- (a) the ability to fully develop land within their rohe, including housing and subdivision/partition for farms;
- (b) to exercise kaitiakitanga, including
 - (i) the protection and maintenance of wāhi tapu and other taonga;
 - (ii) observing the tikanga associated with traditional activities including eel culture;
 - (iii) directing development in ways which sustainably manage the environment;
 - (iv) monitoring the state of their mauri (life force);
- (c) to be partners with Council in the management of the district's natural and physical resources.

The WDP also records that:

The Whakatane district is an important centre for iwi, including Ngati Manawa There are 54 614 hectares of Maori land in the district and currently 63 marae with varying degrees of housing and recreational facilities. Para 1.7.1 pp11-12

It also notes that Maori make up 42% of the population of the district, “significantly higher than the New Zealand average”.¹⁷

However, apart from reference in passing to kaitiakitanga there is no reference at all to the Maori Environmental Resource Management System which features so prominently in the RPS.

Conclusion

The RPS recognises key aspects of Ngati Manawa concerns about kaitiakitanga, although it contains no list of matters . The WDP is silent on these matters. It is unclear in this respect how the WDP is giving effect to the RPS.

The WDP mentions Ngati Manawa once. The RPS contains no reference to Ngati Manawa specifically, although there is reference to Ika Whenua which we understand Ngati Manawa had some association with at one point. Neither regional nor district plans contain any description of the rohe of Ngati Manawa. Consequently, the planning documents contain general statements of intent,

¹⁷ p.12.



Ko Tawhiuau te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

but do not currently contain any specific understanding of the extent of the resources over which Ngati Manawa exercise kaitiakitanga or the nature of that kaitiakitanga (except by way of a general comment in the RPS about Maori issues and values).

Waahi tapu

Ngati Manawa concerns

Ngati Manawa want all important sites recognised and protected. Many of these have been identified in the course of discussions about their Treaty settlement and in claims which have been heard by the Tribunal, such as the Te Ika Whenua Rivers claim. Information about sites is also readily available in local publications such as *Kuranui-O-Ngati Manawa*. A list of these sites is provided below in Part II of this report. It should be noted that there are numerous sites which Ngati Manawa does not want to record publicly.

What the plans provide

The RPS recognises that the following are issues for iwi of the region:

Land and resource developments can have adverse effects on the integrity and evolution of Maori culture.

The removal, destruction, or depowering of waahi tapu has a negative effect upon iwi.

It also notes that



Tawhiuau



Ko Tawhiuau te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

4.2.11 Heritage Protection

Heritage protection forms one of the key areas of iwi concern. Care for the maintenance of all their cultural generators ensures that Maori people will continue to evolve with an integrity that unites them with their past, and ensures items such as marae, waahi tapu, language, care for the elderly, cultural values, etc., will be propagated.

Waahi tapu (sacred sites) form an integral part of Maori life. They give Maori reference points for direction and growth and ensure a stable cultural development. Removal or destruction of waahi tapu causes great concern for iwi and threatens the integrity of that tribal identity and growth. These sites can be divided into two groups – those which are in the public domain and those which are known only to each particular iwi/hapu or whanau.

The RPS goes on to set out the following policy:

5.3.2(b)(i) To recognise and provide for traditional Maori uses and practices relating to natural and physical resources such as mahinga maataitai, waahi tapu and taonga raranga, where appropriate.

Implementation will be achieved by providing in plans and resource management decisions, “for the protection of areas or sites of traditional value or of other significance to tangata whenua”¹⁸

The Regional Council has also recently made decisions on Proposed Change No 1 to the Bay of Plenty Regional Policy Statement (Heritage Criteria) which are important to this matter. A set of criteria around Maori values has now been included for assessing heritage values and places in the Bay of Plenty region:

Mauri

4.1 Ko te mauri me te mana o te waahi, te taonga ranei, e ngakaunuitia ana e te Maori; The mauri (for example life force and life supporting capacity) and mana (for example integrity) of the place or resource holds special significance to Maori;

Waahi Tapu

¹⁸ RPS 5.3.2(c)(ii)



Ko Tawhiuu te maunga
Ko Rangitikei te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

4.2 Ko tera waahi, taonga ranei he waahi tapu, ara, he tino whakahirahira ki nga tikanga, ki nga puri mahara, me nga wairua a te Maori;

The place or resource is a waahi tapu of special, cultural, historic and or spiritual importance to Maori;

Korero Tuturu/Historical

4.3 Ko tera waahi e ngakaunitia ana e te Maori ki roto i ona korero tuturu;
The place has special historical and cultural significance to Maori;

Rawa Tuturu/Customary Resources

4.4 He waahi tera e kawea ai nga rawa tuturu a te Maori;
The place provides important customary resources for Maori;

Hiahiatanga Tuturu/Customary Needs

4.5 He waahi tera e eke ai nga hiahia hinengaro tuturu a te Maori;
The place or resource is a venue or repository for Maori cultural and spiritual values;

Whakaaronui o te Wa/Contemporary Esteem

4.6 He waahi rongonui tera ki nga Maori, ara, he whakaahuru, he whakawaihanga, me te tuku matauranga;
The place has special amenity, architectural or educational significance to Maori.

The requirement of the RPS is that the regional council, and district councils, will “Assess heritage values and places using criteria not inconsistent” with those set out in the RPS.¹⁹

They will then be “encouraged” to:



Rangitikei River

¹⁹ 15.3.1(c)(i)



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

- 15.3.1(c)(ii) *Identify and document heritage values and places.*
- 15.3.1(c)(iii) *Identify and examine the pressures on heritage values and places.*
- 15.3.1(c)(iv) *Investigate and implement the most appropriate means of protecting heritage values and places.*
- 15.3.1(c)(v) *Compile and disseminate information about agency roles and responsibilities.*
- 15.3.1(c)(vi) *Undertake and support education programmes and the provision of information that promote awareness and understanding of the values of heritage resources.*

The WDP has a fixed list of heritage items to which rules apply. Most of the waahi tapu sites important to Ngati Manawa are not listed. A plan change would be required to either have them added to the current list, or create a process whereby Ngati Manawa could add incrementally to a list or advise sites as they come up. Currently in this respect the district plan appears to be inconsistent with and certainly does not give effect to the RPS.

In this regard, it is interesting to note that the Regional River Gravel Management Plan provides for a kind of “interim” approach where a register of sites has not been compiled. [Section 10.2 para 1]

The plan provides that the excavation and removal of up to 100 cubic metres per calendar year of river gravel from the dry part of gravel beaches in the bed of a river within the Bay of Plenty region is a permitted activity.

However, this is provided that “(12) The activities shall ensure the protection of any archaeological, historic, or waahi tapu sites”.[Rule 1(12) p60] Waahi tapu are defined as “sacred site. These are defined locally by iwi or hapu, which are the kaitiaki of the waahi tapu.” The rule continues that:

“Activities shall immediately cease should any archaeological or historic site be discovered as a result of the activity, until appropriate authorisation is received.”

Larger scale movement of gravel for flood prevention works is also permitted provided that:

“(18) The activity shall immediately cease, should any archaeological or historic site be discovered as a result of the activity, until appropriate authorisation is received. This is to ensure the protection of archaeological, historic, or waahi tapu sites.” [Rule 2 p63.]



*Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi*

For activities which require consents, the plan provides that where the Council receives an application which it thinks raises waahi tapu issues, it will require information about consultation which has been undertaken. [[18.2.6]]

As that plan notes, where there is no register of sites and heritage values are under threat:

“Doing nothing is not a viable alternative because of the requirements of the Resource Management Act 1991. However, if no specific provisions are made then heritage values will continue to be in danger of destruction or interference during gravel excavation.” [[Section 10.5 para 1]]

Conclusion

Ngati Manawa should consider requesting that the Whakatane District Council undertake an urgent plan change to include Ngati Manawa sites of significance in some manner. Any such request could consider the best mechanism for including and protecting sites. The recent changes to the Regional Policy Statement noted above suggest that a simple list of sites will not fulfill the requirements of that Statement, which refers to much more than simply waahi tapu sites.

Maori freehold land

Ngati Manawa concerns

The map below shows the areas of Maori freehold land remaining in the Ngati Manawa rohe.

Ngati Manawa wants its people to retain considerable control over areas which are Maori freehold land. This is, after all, land from which they have never given up ownership and ancestral links remain extremely strong.



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

What the plans provide

The WDP makes no special provision for Maori freehold land.

Interestingly, the Proposed Regional Water and Land Plan (discussed below) provides that “customary traditional and cultural” uses of river and lake beds ... where the activity is undertaken according to tikanga Maori” are a permitted activity.” (Rule 65B) There is a logical argument that this could be extended to Maori freehold land.

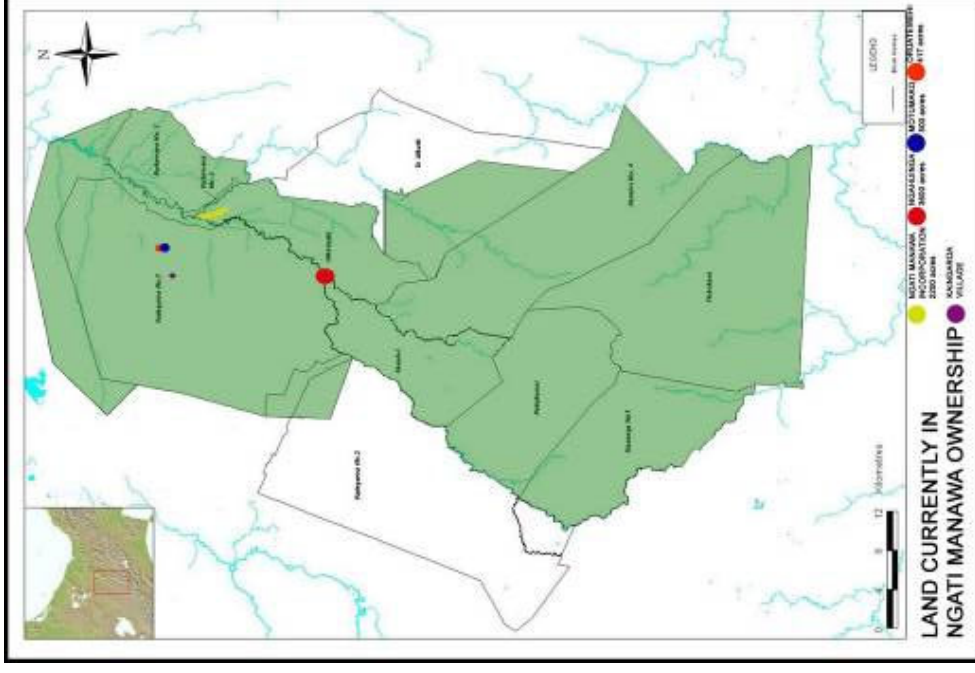
Conclusion

A plan change might be sought to remove some restrictions on activities on Maori freehold land. By way of example, the Waikato District Plan has “pa zones” which are areas of Maori freehold land on which a wide range of permitted activities are provided for, subject to maximum permitted requirements with regard to building heights, site coverage and traffic.

Papakainga housing

Ngati Manawa concerns

Ngati Manawa seek a broad ability to manage papakainga housing as they see fit. Such housing is important for the maintenance and upkeep of marae culture and traditions.



Source: Te Runanga o Ngati Manawa



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

What the plans provide

This is a district plan matter. Papakainga housing in the WDP is defined as:

The use and occupancy of multiple-owned Maori land by Maori land owners and their descendants, involving the development of the land for dwellings and other buildings and activities necessary for the owners to live on their land.

The WDP provides that papakainga housing is permitted in the Residential 1 (Urban Living) for 1 dwelling. More than one dwelling requires a consent as a controlled activity – which will not be notified. The same applies in the Rural 1 (Plains) and Rural 2 (Foothills) and Rural 4 (Settlement) zones.

While only a low level consent is required, the assessment for papakainga housing and the matters over which the Council may exercise discretion are extremely broad, including “the location and extent of the area to be used for papakainga housing development”²⁰ and “the intensity and location of proposed dwellings and ... their intended use”.

This places a high degree of control in Council hands. This makes applications uncertain for Ngati Manawa and seems to be at odds with the description of controlled activities as containing matters over which it has reserved control as opposed to “discretion”.

Conclusion

As for Maori freehold land, a plan change might be sought to remove these restrictions on papakainga developments. Again, the Waikato District Plan “pa zones” approach might be used.

Marae

Ngati Manawa concerns

There are four marae important to Ngati Manawa. They are as follows:

²⁰ 3.9.2.2 p111



Ko Tawhiuau te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

Tipapa
Rangatahi

Painoaiho
Moewhare

Ngati Manawa would like as complete authority as possible over developments which occur on these marae. Marae are some of the last spaces of complete Maori control and exercise of tikanga with limited outside interference. They are central to the survival of Maori culture and places where links to ancestral land are most strongly expressed. The land in which they sit is always carefully chosen as a focal site for the community and has a long history of habitation and use. Marae are an extremely important community asset.

Ngati Manawa also seek to prevent activities on neighbouring land which interfere in the operation and amenity of the marae – including important views from the paepae.

What the plans provide

This is a district plan matter. The WDP contains a lengthy definition of what constitutes a marae:

Marae customarily means the open space in front of a meeting house where ceremonial occasions are centred, and (for the purposes of this District Plan) shall also include:

- (a) wharenui, wharetipuna (meeting house)*
- (b) paepaetapu (seating area for tangata whenua)*
- (c) paepaemanuhiri (seating area for visitors—shelter)*
- (d) whakaruruhau (shelter)*
- (e) wharetaonga (building to house taonga)*
- (f) wharepaku (toilet block)*
- (g) wharetaputapu (mattress room/laundry room)*
- (h) wharemate (shelter for deceased body and bereaved family)*
- (i) pakata/pakoro (storage sheds)*



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

- (j) *whare mo nga ringawera (accommodation for cooks)*
 - (k) *waharoa (entrance to marae)*
 - (l) *wharekai/wharetangata (dining hall)*
 - (m) *urupa (cemetery)*
 - (n) *kohanga reo (pre-school)*
 - (o) *whare pakeke (residential accommodation for the wise, aged and elderly)*
 - (p) *whare hauora (health centre which will have live-in patients)*
 - (q) *whare tapere (a house of learning for youth)*
 - (r) *other accessory buildings normally used in conjunction with the wharenuī, but not permanent accommodation (except as provided within this definition)*
- being located on a defined parcel or parcels of land and administered by legally appointed trustees of a trust body for the common use or benefit of a defined group of Māori people.*

The WDP also states that the Council is providing for Māori to fully develop land within their rohe by:



Tipapa Marae



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

*(a) encouraging the development of papakainga housing and marae development. A comprehensive, clustered housing development on Māori land recognises both the priority of Māori to return to their land, while ensuring it is efficiently developed. This opportunity extends to land with soils of high quality, but requires the clustering of housing, and for consideration of the overall development of the land in a comprehensive manner. This will minimise the total land area of high quality soils which is made unavailable through fragmentation. This is consistent with Council's obligations under Part II of the Resource Management Act 1991;*²¹

The plan also contains an objective to ensure that the amenity and overall quality of the environment of sensitive sites is not adversely affected by activities in business zones.²² There is a specific objective "To ensure that business activities on sites adjoining the ... Tipapa Marae (Kopuriki Road, Murupara) ... respect the cultural and amenity values of these places to iwi and hapu."²³

The plan provides for a 10 metre yard on adjoining properties to protect the amenity of that marae.²⁴

Under the plan, cemeteries and urupa are fully permitted.

Marae are also a permitted activity, but to a curiously limited extent. The plan provides that "Places of assembly ... designed to have a maximum occupancy or attendance of ten people at any one time; or additions, alterations or extension to buildings used for a place of assembly which will not increase the existing occupancy or attendance" are permitted within the Residential 1 (Urban Living) and Reserve Zones.

This is intended to cover "Places of worship, marae, halls, sportsgrounds, clubrooms, tourist facilities (not accommodation), art galleries, conference centres, theatres, funeral directors' premises."

²¹ p 25

²² Objective BE5

²³ Policy 2 P41

²⁴ 3.11.7 – general provisions for discretionary activities and 4.3.10.1 – 10 metre amenity yard rule.



Ko Tawhiuau te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

Consequently, where a new marae might cater for more than 10 people, or alterations are made so that over 10 people will use a marae, the activity becomes fully discretionary.

Similarly, in the rural zones, the plan permits marae as “Places of assembly ... designed to have a maximum occupancy or attendance of 50 people at any one time; or additions, alterations or extension to buildings used for a place of assembly which will not increase the existing occupancy or attendance.”

Practically, the district plan makes all new marae developments and alterations to marae fully discretionary activities.

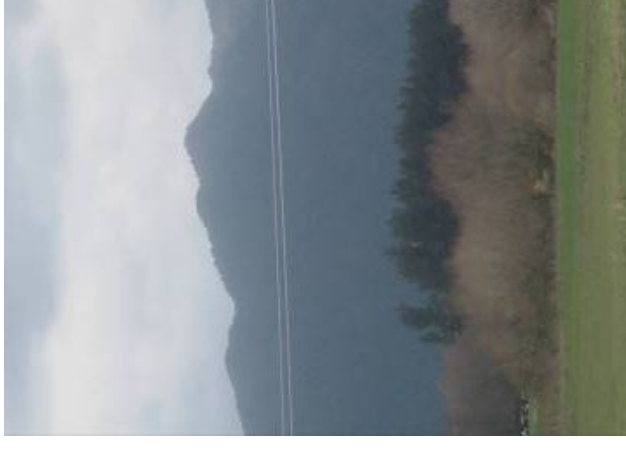
An approach in some plans is to have marae developments permitted, but define what that includes, wharekai, wharepuni, paepae etc.

In the business zone all community activities (presumably including marae) are permitted expect in business 3 & 4 zone where they are discretionary.

Community Activity means the use of land and/or buildings or the surface of water for public and/or private assembly of people for worship, education, recreational, social, ceremonial, cultural, and spiritual activities for meditation, community service and functions of a community character. A community activity may include a church, church hall, marae, place of assembly, or educational facility.

Conclusion

The district plan provides very inadequately for marae. A plan change should be requested. The Waikato District Plan “pa zones” approach might be used.





Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

Landscapes

Ngati Manawa concerns

Ngati Manawa say that when they stand on the paepae and refer to local landmarks they ought to be able to see them clearly and that the landscapes concerned have a significance in relation to the marae on they stand. As they put it, they want to mihi to the mountain concerned and not a local telecom or water tower! This has some similarity with ‘viewshafts’ which some plans protect, but not entirely, since the Act refers to ancestral links to ancestral lands and this is the source of the concern about landscape – the landscape itself is an element of the link.

What the plans provide

This is primarily a district plan matter. However, the Regional Policy Statement and Proposed Change No 1 to the Bay of Plenty Regional Policy Statement (Heritage Criteria) have some bearing on the matter.

A criteria for assessing heritage values and places in the Bay of Plenty region now includes:

2.12 Natural features and landscapes are clearly special or widely known and influenced by their connection to the Maori values inherent in the place;

However, it does not appear that any assessment of Maori values in relation to landscape was undertaken in the preparation of the Whakatane District Plan and the landscape discussion and objectives and policies do not discuss or link into any Maori issues.

For example, the plan states that one reason for protecting landscapes is that:

“Communities identify with aspects in the landscape in which they live. Landscapes reflect not only geographical features but also images that reinforce perceptions about the character of the locality. In this way familiar views evoke emotional responses from the community.” p59



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

The document then goes on to describe significant escarpments that form the backdrop to Ohope and Whakatane. Implicit in those discussions is the Pakeha community value to those landscapes. In other words, Pakeha values are the default. Clearer linkages with Maori community landscapes are required.

There are provisions in the plan to protect the immediate amenity of marae (see under marae above). However, broader Maori values in relation to landscapes are not recognised in the Ngati Manawa rohe.

This contrasts with other parts of the district, for example policy 3.2.3(a) provides:

*“(a) WHAKATANE RIVERBANK RESERVE AREA (GREENWAY CONCEPT)
The Whakatane riverbank reserve area from the Landing Road Bridge to The Heads is a finite resource of open space enjoyed by the public. As the original landing site of the Mataatua waka, there is a cultural significance with the riverbank area, including the paru site and Mataatua Reserve, which provides a vista and affinity to the river from the Wairaka Marae. Views to the river, harbour and harbour entrance are an important amenity and therefore the height levels for structures on the river margin are to be lower than those likely the commercial zone inland.”*

Conclusion

Ngati Manawa might consider by way of an iwi management plan, what landscapes are significant and seek to have those recognised in the district plan. By way of example, the Waikato District Plan provides for a form of tribal landscapes.



Kiorenui Reserve

in



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

Erosion & Forestry

Ngati Manawa concerns

Much of the Ngati Manawa rohe is covered in exotic forest. While that has brought employment to the district, Ngati Manawa have concerns about environmental effects of forestry. Pollen dispersal is one matter, which is dealt with under another heading below.

In relation to the effects of exotic forestry on land, Ngati Manawa are particularly concerned about the clearance of areas for new exotic planting, and the harvesting of existing areas. Erosion from such activities can have undesirable impacts on waterways.

The RPS states that an issue for iwi is:

4.2.7 Development of Land

Although forestry has allowed many iwi/hapu access into an industry which generates employment, it also brings with it effects which can not be mitigated. Removal of native vegetation leading to a loss of material for Rongoa (traditional medicines), loss of natural habitat, and therefore species types, have a dramatic impact on Maori society. The loss of land from tribal usage also runs counter to the concept of turangawaewae. Some iwi/hapu have also expressed concern at the effect that Pinus radiata forests have on water quantity.

The despoliation of the natural environment to produce sites for forestry, agriculture, farms, etc., was often done without consideration for the overall well-being of the land and Maori values. Iwi/hapu are concerned that this is done without concern for the mauri of the land and often produces negative net effects which impact directly upon their way of life. Such impacts are measurable in terms of the quality of the environment, iwi/hapu inability to support themselves from traditional food sources, sacred site desecration, destruction of the natural features of the tribal rohe, and loss of the Maori identity of the environment.

The issues are:

The removal of native vegetation results in the loss of material for Rongoa.



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

Some land use and management practices adversely affect traditional food gathering areas, sacred sites and natural habitats and ecosystems.

The effects of Pinus radiata on water quantity.

Iwi/hapu are concerned about the type and extent of land clearance associated with forestry, horticulture, agriculture, pastoral farming and urbanisation and the impact that this is having, in the form of erosion and sedimentation of waterways, upon traditional food gathering areas, sacred sites, and natural habitats and ecosystems.

A key concern for Ngati Manawa is the effects that forestry can have on erosion. The RPS states that an issue for iwi of the region is (paragraph 4.2.7):

Iwi/hapu are concerned about the type and extent of land clearance associated with forestry, ... and the impact that this is having, in the form of erosion and sedimentation of waterways, upon traditional food gathering areas, sacred sites, and natural habitats and ecosystems.

What the plans provide

The forestry and erosion control rules in the regional plans are complex. The following analysis highlights key issues only.

The Proposed Regional Water and Land Plan provides for vegetation clearance (including the removal of exotic forestry) as a permitted activity based on a sliding scale linking distances from waterways with degrees of ground slope. As slopes are closer to waterways or become steeper, resource consents are required. For example, vegetation clearance on slopes over 35% is a discretionary restricted activity (see proposed rules2, 2A and 2B Proposed RWLP).

Among the matters that the Council will look at in both controlled and discretionary restricted activity consents are:

....
(b) Measures to avoid, remedy or mitigate erosion.



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

....

(e) *Measures to avoid, remedy or mitigate adverse effects on sites of significance to tangata whenua, and significant habitats of indigenous flora and fauna, and significant indigenous vegetation (including geothermal vegetation).*

The rules in the Proposed RWLP also require the Council to consider, for both controlled and discretionary restricted activities (Rules 2A and 2B), flow paths and possible sediment discharges.

The Plan does not have a separate definition of “sites of significance to tangata whenua”, but there is a clear link between these rules and Chapter 2, which discusses kaitiakitanga and refers to the need:

To avoid, remedy or mitigate adverse effects on water, land and geothermal resources or sites of spiritual, cultural or historical significance to tangata whenua, where these resources and sites have been identified by tangata whenua.

Method 3 in Chapter 2 refers to the need to:

Work with iwi and hapu, and district councils as part of an on-going process to map areas of significance to tangata whenua, where this is deemed appropriate by tangata whenua...

Obviously, prior identification of sites of significance in order for this policy and rule to work effectively. How Method 3 works with the district plan rules regarding waahi tapu sites is unclear. Would it be sufficient, for example, to provide a map to the regional council of sites, or must they be mapped and included in the district plan? The reference to district councils in the above quote suggests the latter. Another question is whether “sites of significance” is broad enough to encompass a whole stream or river – “waters of significance”. Chapter 2 discusses “sites” and “waters” separately, and focuses on the mauri of waters and mixing issues.

All of this is subject to a major exception. Where forests are being harvested by an Accredited Forestry Operator (defined as a forestry operator who has been accredited in accordance with the Bay of Plenty Forestry Operators Accreditation System - FAOS),



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

the removal of vegetation is a permitted activity in non riparian areas no matter what slopes are involved, and a controlled activity in some riparian areas where slopes over 35% are involved. The Council will consider in controlled activity situations:

(a) Measures to avoid, remedy or mitigate adverse effects on the significant habitats of indigenous fauna and significant indigenous vegetation (including geothermal vegetation).

Consequently, neither the permitted or controlled activity rules require any Council consideration of Maori sites and issues in relation to exotic forestry clearance by an accredited operator. The question is therefore what the FOAS requires of accredited operators in this regard.

Schedule 13 of the Proposed RWLP sets out the scheme and its aim:

The system allows accredited operators from forestry companies, small woodlot owners and forest harvesting and earthworks contractors to undertake a variety of operations covering different blocks, or to efficiently move around between blocks in response to market needs or opportunities, without the need for a resource consent. Activities by accredited operators under the FOAS must comply with Rule 3 and Rule 78B of the Regional Water and Land Plan. This rule contains conditions to avoid, remedy or mitigate adverse effects on the environment.

Forestry activities must be undertaken under the direct guidance of a person holding the accreditation, who must themselves have a relevant NZQA forestry qualification.

Harvesting must take place under a harvesting plan which is to include matters such as:

- *Identification of sensitive sites and environmental risks at the activity site prior to undertaking forestry works.*
- *Cultural and archaeological values.*
- *Significant geothermal features.*
- *Significant indigenous flora and fauna and rare and endangered species.*



*Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi*

In relation to “sensitive sites”, the criteria suggest that operators “[c]onsult with interested parties (including iwi, Fish and Game, Historic Places Trust and Department of Conservation) to identify sensitive sites.”

This appears to be the only specific reference to iwi and Maori issues in the scheme. However, since the scheme sits within the Proposed RWLP and the RPS, the references to sensitive sites for iwi has to be ready in light of references to those matters in those documents.

The FAOS scheme is an innovation, in that it relaxes the plan rules for people who have been accredited for forestry operations. Properly operated, the scheme could be a flexible and powerful tool for ensuring Maori concerns are taken into account at an early stage. The limited references to Maori issues specifically is a concern however.

The FAOS also has a 3 member accreditation panel which is appointed by the Group Manager Regulation and Resource Management at Environment Bay of Plenty. There is no specific provision for a Maori member to be considered for that group, but that is presumably not excluded.

Conclusion

The proposed regional plan has rules requiring resource consents for vegetation clearance which cover both the planting and removal of exotic forest trees near waterways and on slopes where erosion is likely to be an issue. However, protection of Maori sites in that process requires early identification of sites, areas and waterways of importance. On its face, the regional plan seems to provide a broader and easier route to protection for sites once they are identified than the district plan (see discussion of waahi tapu and the district plan in this document). But the regional plan could make this clearer. The regional plan could also be tightened up by consistent wording on this issue between the policy and the rules. Waterways of significance might also be added as a matter for consideration.

For exotic forestry clearance, the innovative FAOS scheme seems to require early consultation with iwi and maybe a useful ‘informal’ means of protecting values (ie through early direct discussions with foresters). If they have not already done so, Ngati



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

Manawa should investigate how they can engage with that scheme to ensure that early consultation occurs, and perhaps also consider amendments, such as further specific references to Maori values, possible Maori appointments to the accreditation panel.

Quarrying and minerals

Ngati Manawa concerns

River gravel is a particular issue of concern because of impacts from its removal in some situations and because it is a potent sign of ownership. Ngati Manawa dispute that they have ever knowingly agreed to relinquish the ownership and control over rivers in their rohe.

What the plans provide

The Regional River Gravel Management Plan deals with gravel, which is a mineral.[RRGMP para 1.5.] That plan provides that, even for low levels of gravel taking which are permitted, waahi tapu must not be interfered with (Rule 1 provides that up to 100 cubic metres per calendar year may be taken from dry parts of the river bed, but only provided that, among other things "activities shall ensure the protection of any archaeological, historic, or waahi tapu sites" and must cease should any archaeological or historic (but not waahi tapu) sites be found).

The plan states that waahi tapu are defined by the iwi of the region who are kaitiaki of such places (Glossary Chapter 20). There is a commitment to develop a register of sites (Chapter 10, paras 10.3 and 10.4).

That document comments on ownership issues for minerals. Appendix 2 states:

"Although it is possible to separate the management of river gravel from its ownership, there are some management implications arising from the question of ownership. For example, the Crown Minerals Act has jurisdiction over Crown owned minerals only, which in turn rests largely on the ownership of the riverbed." [22.2 para 1]

The plan notes that the position of gravel ownership is confused, and also:



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

"Tangata whenua consider that all riverbeds are subject to aboriginal title. Tangata whenua are supportive of the plan to manage the river gravel resource provided their aboriginal title is not impinged. This plan provides for the management of rivers and their beds in full consultation with tangata whenua."

Conclusion

The Regional River Gravel Management Plan seems to protect waahi tapu sites by way of an 'open' register which can be readily added to (ie without the need for a plan change to add sites). If it has not already done so, Ngati Manawa could formally advise the regional council immediately of sites of concern and thereby gain some protection for them under the river gravel management plan.

This method of registering and adding to a register of waahi tapu sites stands in contrast to the district plan provisions which provide protection to a list of sites which may only be added to by way of the full plan change process.

River ownership issues are tightly bound up with gravel management, but require resolution through direct negotiations with the Crown.

Water and catchments

Ngati Manawa concerns

Ngati Manawa have advised that they consider the following rivers and waterways in their rohe to be important:

- Rangitaiki (including Tauranga kawau)
- Ngatamawaahine
- Wai Irohia
- Rakawaewae



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

- Mangahariki
- Mangapari
- Kawakawa (Horomanga Wash Conservation Area)
- Otuwairua (Matea)
- Otara
- Whirinaki
- Wheao
- Pa hekeheke
- Horomanga
- Pokairoa
- Mangaharakeke
- Mangakirikiri
- Houmea
- Lake Aniwanuiwa
- Flaxy Lake

The Rangitaiki is of particular importance to Ngati Manawa as the sacred river of Ngati Manawa. It is an indicator of the spiritual, physical, cultural and economic well-being of Ngati Manawa. It is the mauri (life force) of Ngati Manawa and a provider of a key resource (tuna). It illustrates the Mana Atua, Mana Tangata, Mana Whenua of Ngati Manawa which are acknowledged by other iwi. Protection of the awa is exercised by appropriate rahui, cultural rituals which are still practised today.

The hydro schemes have had a major impact on Rangitaiki, and other rivers and waterways, as have forestry (water quality), farming (water drain-off) and sewerage (pollution). The diversion of the Rangitaiki into the Wheao has also created massive spiritual, physical and cultural chaos for Ngati Manawa. Some of this is recorded in the Waitangi Tribunal's Te Ika Whenua Report.

What the plans provide

Water is predominantly a regional council matter. The RPS states that an issue for iwi of the region is:



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

Water provides Maori with food and spiritual resources. These resources are directly impacted on when subject to various degrees of pollution especially with regard to the mauri of those resources. Any spiritual impact on the mauri of the water has an impact on waahi tapu, areas used for healing and cleansing, tohi and purification rites. The discharge of certain forms of industrial waste such as PCPs into tribal waters has negative impacts on Maori with respect to retaining high water quality to protect their food and spiritual resources. Those consulted want the degradation of tribal waters to be stopped.

The issue is:

Some water bodies are degraded due to discharges of contaminants, including human effluent, affecting Maori resources including taiapure, kai moana and waahi tapu.

Another issue is waste to water:

4.2.9 Waste to Water

In both traditional and contemporary Maori society, wastes were returned to Papatuanuku who was the agent of purification. Maori in the region do not accept that their waterways should continue to be used to transport or treat contaminant waste and advocate that, where appropriate, waste should undergo a form of land-based treatment, reducing the need to discharge contaminants into natural waters.

The issue is:

Water continues to be used for the transport and treatment of wastes.

In terms of existing hydro power schemes, applications to replace existing water consents are treated as controlled activities (Rule 47B. NB the dam structures themselves have indefinite use rights). Nevertheless, the plan states that such replacement applications will be publicly notified and that the regional council retains control over a large number of matters including:

(n) Effects on the relationship of tangata whenua and their culture and traditions with the site and any waahi tapu or other taonga affected by the activity.



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Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

(o) *Effects on the ability of tangata whenua to exercise their kaitiaki role in respect of any waahi tapu or other taonga affected by the activity.*

In terms of contamination, the first issue which the Proposed Regional Water and Land Plan notes for the region is the “Degradation of the mauri of waterbodies.” This is explained as follows:

“Tangata whenua believe that the use and cultural values of rivers, streams and lakes are adversely affected where contaminant discharges degrade the mauri of a waterbody. The discharge of sewage to water, may be particularly culturally offensive to Maori.”[[Para 4.1.1]]

Discharges of contaminants to water are to be managed to meet a number of goals including discharging “in a manner that takes into account the cultural values of tangata whenua acknowledged for that area.”[[Objective 20]]

Key rules in the Proposed RWLP make reference to tangata whenua values and sites of significance (eg Chapter 9 Rules 1A-1B Earthworks and Quarries, Rules 2A-2B Vegetation Clearance, Rules 30A, 30C Stormwater discharges, Rule 47B hydro schemes),

As mentioned above, “customary traditional and cultural” uses of river and lake beds “including, but not limited to the taking of paru (mud) and removal of plants for traditional medicinal or cultural purposes, where the activity is undertaken according to tikanga Maori” are a permitted activity (Rule 65B).

In relation to wetlands, the Proposed Regional Water and Land Plan provides that “Maori customary use, including, but not limited to raranga, rongoa, and mahinga kai, where the activity is undertaken according to tikanga Maori” is a permitted activity in wetlands.[[Rule 79A]]



Lake Aniwanuiwa



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Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
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The Ministry for the Environment has published a Cultural Health Index for Streams and Waterways which has nationwide application. It is available from the MfE website www.mfe.govt.nz <<http://www.mfe.govt.nz>>. It can be used to identify the cultural values in waterways of significance to Ngati Manawa as well as provide a Maori community evaluation of the ecological health of the stream (see further discussion under monitoring and enforcement below).

Conclusion

The Proposed RWLP provides broad protection of Ngati Manawa interests in terms of water contamination and most uses that might lead to contamination. The plan is interesting in providing specifically that Maori customary uses of river and lake beds and wetlands in accordance with tikanga Maori is a permitted activity. This is a broad exemption and an approach which gives Maori and Ngati Manawa concerns some priority.

Fisheries

Ngati Manawa concerns

Ngati Manawa say that in the past, freshwater koura could be caught in the Rangitaiki and that kakahi, the fresh water mollusc used to be found at Murupara. There are also a number of small freshwater fish known to Ngati Manawa such as kōkopu, raumahi and titarakura.

The retireti, a traditional fishing device, was used for eeling but was 'prohibited gear' under the rules and regulations applying to trout fishing because it was possible to use it for catching trout.

The Te ika Whenua Energy Assets Report 1993 reported on eels in the Rangitaiki River (para 2.4):



Ko Tawhiuu te maunga
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Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

Many of the spokespeople for the claimants stressed the importance of the river as a main source of food. Its eels were not "just any old eels, but the beautiful tasting silver belly eel"(A8(4):2), which were in great demand for their succulence(A8(10):2). Visitors to the area were treated to meals of this delicacy, the taste and texture of which were renowned. Eels were also highly prized as koha in traditional gift exchange(A8(15):2). They could be fished from Te Rimu, three miles up from Murupara right down to the Aniwanuiwa Falls(A8(4):2). There was harakeke (flax) in which eels were wrapped up for cooking in the umu(ibid). There were also trout, koura, kakahi, te hua hua, morihana, duck and watercress (A8(4):1;A8(7):1; A8(17):2).

A particular Ngati Manawa concern is the impact which hydro schemes have had on fisheries – impacts which are outlined in the Te Ika Whenua Energy Assets Report 1993 (para 2.5):

*In the area of the Wheao diversion, the Rangitaiki is but a trickle with only a fraction of its former flow. Where the Aniwhenua dam stands, the rushing waters have been replaced by a dam and lake. The effect on the eel population is said to be marked. In the words of Cletus Maanu Paul:
tuna (eels) cannot descend downstream to breed in Te Moana-nui-a-Kiwa (Pacific Ocean) because the dams mince them up in the turbines.(A8(13):4)*

Hence, he explained, the intensity of the claimants concern over one of their precious gifts being forcibly taken from them. No effort, he alleged was made to create a diversion for the eels to migrate down to the ocean to breed. All research had been in trying to enable elvers (baby eels) to migrate up the dams. The dams were "an impregnable wall" preventing this taonga from surviving (ibid, 4 and 5).

What the plans provide

The Proposed Regional Water and Land Plan sets out how water quality is to be maintained and enhanced. In relation to the discharge of stormwater to surface water, the regional council is concerned with "Aquatic ecosystems, indigenous flora and fauna, and the migration of fish species."



Ko Tawhiuu te maunga
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Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

The rules make extensive references to fish migration paths and the need to leave them unaffected by activities. For example, fish passages can be required for temporary damming of some waterways which the plan lists[[Rule 44]] and activities in the beds of waterways generally may not prevent the passage of migrating fish.[[Chapter 9 Part 9.11]]

Particular Maori concerns about fisheries and particular fish species are not noted in the plans however.

Conclusion

The regional plan provides in many places that fish migrations are not to be interfered with. However, no necessary linkage between particular species of concern to tangata whenua is noted (such as eels). Future plan changes might make that linkage.

Geothermal

Ngati Manawa concerns

Significant geothermal resources do not exist within the Ngati Manawa rohe. Nevertheless, there are low level resources which are known, or may be discovered.

What the plans provide

There is a Rotorua Geothermal Regional Plan which deals with issues specific to the Rotorua field.[[Shown in Fig 1 of the Plan, page 4]]

Region-wide geothermal issues are dealt with by Chapters 7 and 9 of the Proposed Regional Water and Land Plan (which also covers the Rotorua Geothermal Regional Plan). There are geothermal fields in around Kawerau and is noted as containing a geothermal field.

The Plan states that the regional council will:



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Ko Ngati Manawa te iwi*

Advise tangata whenua that a consent is not needed where section 14(3)(c) of the Resource Management Act 1991 allows for the take and use of geothermal water, heat or energy where it is taken and used in accordance with tikanga Maori for the communal benefit of tangata whenua in the area and the activity does not have an adverse effect on the environment. [[Policy 189A and Rule 72A]

Aside from permitted tangata whenua activities, the Plan splits the geothermal areas into “managements groups” based on the surface features of the resource, and the level of development.

Geothermal Management

Group 4 (few surface features of any note, and little development to date) includes Kawerau and Rotoma/Puhi Puhi. Geothermal Management Group 5 (few surface features, some development, moderate temperatures) includes Pukehinau.

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Geothermal Management Group 4 (few surface features of any note, and little development to date) includes Kawerau and Rotoma/Puhi Puhi. Geothermal Management Group 5 (few surface features, some development, moderate temperatures) includes Pukehinau.

Generally the plan provides for a first-come first-served approach to the use of geothermal water, making sure that resources are not overused, and allowing for trading in permits where there is intense use of a particular resource. But the rules in Chapter 9 also take different approaches for the different management groups. For example, new bores in the Group 1 area are carefully controlled, since important surface features may be affected. [[Rule 74A]]. By the same token, an easier approach is taken with Management Group 5 resources since “installation of bores in warm water areas (<70 degrees Celsius) has a lower risk of causing adverse effects on the environment and affected parties than in Geothermal Management Group 1, 2, 3 and 4 areas (>70 degrees Celsius).” [[Rule 74]]

A moderately restrictive approach has been taken with Geothermal Management



*Ko Tawhiuuu te maunga
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Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi*

Group 4 areas because” falling aquifer levels dues to over abstraction have been evident in the past, which indicates that the effects of the take and use of warm water must be restricted to avoid adverse effects on the resource.”[[Rule 72]]

Conclusion

Ngati Manawa does not have extensive geothermal features within its rohe. The broad management and special exception for activities undertaken in accordance with tikanga Maori provides a reasonable regime for the small geothermal resources which are currently known to exist in the region.

Flora and fauna

Ngati Manawa concerns

Ngati Manawa’s traditional flora and fauna include aruhe, kuera, pukeko, kiore, kotare, pikopiko, manuka, karamuramu, harakeke, harore and tohetaka. Historically, almost all harakeke grew near our rivers and often, there would be paru for dyeing in a swamp or old river bed nearby. While some of the flax growing areas remain, most of the places for paru have been obliterated or have disappeared.





Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

What the plans provide

Proposed Change No 1 to the Bay of Plenty Regional Policy Statement (Heritage Criteria) has some bearing on the matter. A criteria for assessing “Indigenous Vegetation and Habitats of Indigenous Fauna” in the Bay of Plenty region now includes:

- 3.14 *Indigenous vegetation or habitat of indigenous fauna contributes to the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;*

As noted above, the Proposed RWLP provides that activities involving the taking of flora in accordance with tikanga Maori in wetlands and river and lake beds may be undertaken without the need to obtain resource consent.

Conclusion

The ability to collect indigenous flora in accordance with tikanga Maori is provided for in the plans. Historic degradation of flora and fauna resources is a matter that will presumably be remedied by plan rules limiting vegetation removal and runoff from activities into riparian areas.

Pest control, herbicides and GMOs

Ngati Manawa concerns

1080 has been used in the region, Ngati Manawa have expressed concern that bush food is affected and that deer and pig also die. There have been protests about the issue. Rangj Anderson in evidence before the Central North Island Waitangi Tribunal inquiry:

“3.2 There were a number of work practices that I now consider as having been very dangerous, not only to the iwi, landscape or to the environment but also to everybody else within New Zealand. I am referring in particular to the use of 1080 drops, and what they now call a 1080 poisoning. That was carried out by aeroplane drops and at times we would assist in the servicing of the contractors who were dropping the carrots. The Forest Service at that time were the ones that were actually transporting the carrots to the



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

landing sites for the aeroplanes. The Forest Service was involved because they were trying to eradicate rabbit and possum. We now know that this damages the environment.”[[Rangj Anderson BOE Wai 1200 C36]]

The more serious allegation that Agent Orange has been used in the rohe is discussed below.

Ngati Manawa is also anxious about GMO and the possibility that GM crops might be grown in the region.

What the plans provide

Local authorities do not have control over whether 1080 is used. This is a matter for the Environmental Risk Management Authority under the Hazardous Substances and New Organisms Act. Local authorities control where it is used. The Proposed RWLP deals with the application of herbicides and pest controls such as 1080 in as far as it is concerned that excessive applications do not contaminate waterbodies. As Chapter 4 of that plans notes:

Contaminants include, but are not limited to, agrichemicals, acids or alkalis, salts, heavy metals, and wastes. Many commonly used substances, such as fertilizers and herbicides, can have adverse effects on the environment if application rates are excessive, or conditions lead to surface runoff.

Discharges of contaminants to water are to meet ecological standards but also (Chapter 4 Objective 20):

(b) Discharges of contaminants to water are in a manner that takes into account the cultural values of tangata whenua acknowledged for that area.

The same requirement does not exist for discharges of contaminants to land (objective 23), because the RPS notes that “The discharge of contaminants to land is generally preferred, rather than point source discharges to surface water, as generally it is more culturally and socially acceptable. (Chapter 4 para 4).



*Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi*

Rule 37 provides for discharges to contaminants directly to water or where there is a chance that they may enter water. This would include the application of 1080 over large areas containing streams and creeks. A discretionary consent is required and Objective 20(b) above would be one of the matters taken into account.

GMOs are not dealt with by the district or regional planning instruments and are in any event a matter mostly controlled by the Environmental Risk Management Authority under the Hazardous Substances and New Organisms Act.

Conclusion

The regional plans provide fairly standard coverage for discharges of contaminants to land and water. Cultural issues are generally mentioned, with a note that contamination of water is more of a concern for tangata whenua than contamination of land. If contamination of particular waterbodies or parts of them were of concern to Ngati Manawa, some means of getting them 'acknowledged' now at a regional level might be explored.

The issue of 1080 use is more a matter for ERMA than the planning process.

Hazardous substances, waste disposal and contaminated sites

Ngati Manawa concerns

Rangi Anderson has given evidence to the Waitangi Tribunal that Agent Orange was used (from air?) in Kaingaroa forest and may have got into the water.

“3.3 Another significant issue is the use of what is now known as Agent Orange. At the time we knew it as 245T and 245D. It is a chemical defoliant. From 1974 or thereabouts they started to spray the forest. The gorse was sprayed either by hand or by the use of contractors who went around on four wheel drive vehicles. The local Forest Service workers were appointed to be with those contractors to show them the area and we'd be with them spraying the forest, the gorse and bracken. This occurred right up until 1983. Many of the workers that were in my subdivision, (the Wairapakao subdivision), were actually made to spray by hand. This chemical is a poison and yet the people were required to work with it on a daily basis unaware of the extreme risks and consequences of such a substance.



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

3.4 When we were spraying 245T and 245D we would have all these dumps around the forest and the dumps were 44 gallon drums of 245D in concentrated form. You had to mix it in with water at a ratio of 30 parts of water to one part of poison. The dumps around the forest were blatantly dangerous, but at the time we could not comprehend the potential danger of what we were doing. As time went on many of our people were starting to develop sores. They sprayed near the village. There are documented cases of malformed babies and miscarriages. Some of the women were made to carry packs around despite the potential danger to children and babies. There are people who can bear witness to this tragedy.”[[Rangi Anderson BOE Wai 1200 C36]]

The area may have a number of contaminated sites due to the forestry industry.

For example, the Hazardous Activities and Industries List (HAIL), which shows the main land uses or industries which typically use hazardous substances that could cause contamination includes:

- 41 Railway yards
- 42 Sawmills
- 47 Transport depots
- 48 Storage tanks for fuel and chemicals
- 50 Wood treatment and preservation

What the plans provide

This is both a district and regional plan matter. The regional council has primary responsibility for the management of hazardous waste discharges to land and water. The district council manages the location of waste disposal sites.

Chapter 12 of the Regional Policy Statement deals with hazardous wastes and 12.3.4 with contaminated sites. The RPS explains that:

12.3.4(c) Explanation/Principal Reasons



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

There are a large number of contaminated and potentially contaminated sites within the region. It is likely that a number of these sites will continue to have adverse environmental effects until remedied. Experience has shown that some land uses and activities have a higher probability of being associated with subsequent site contamination. Sites with a history of such uses or activities must be identified, the level of risk associated with them determined, and a strategy for avoiding, remediating or mitigating significant adverse effects developed. Measures are also required to minimize the risk of further sites becoming contaminated in the future. Environment B.O.P has a direct role, in regulating those activities likely to cause site contamination, and requiring owners and operators of contaminated sites to co-operate and participate in efforts to minimize environmental degradation. Planning controls (regional and district plans including rules where appropriate), will be required because of the costs involved, and the difficulties associated with apportioning responsibility for the clean-up of contaminated sites.

Six key policies are identified for dealing with contaminated sites (para 12.3.4(b)(i)-(vi)):

- Identify any contaminated sites in the region.
- Minimize the risk of any further sites within the region becoming contaminated.
- Remedy existing contaminated sites “according to the level of risk that they present”
- Support the use of the polluter pays principle in the clean-up of contaminated sites.
- Remedy or mitigate the adverse effects of existing and potentially contaminated sites.
- Establish and follow protocols for managing the gathering, storage and release of information about sites where the history of use indicates that site contamination could have occurred.

Rules 34 and 35 in the Proposed RWLP deal with remediation of sites. Consents are required for any significant remediation work (with the new location for the waste which is removed requiring separate consents under other rules).

The district plan makes particular provision for the Norske Skog (Tasman) Pulp and Paper Waste Disposal site on the Tarawera River, which deals with solid and liquid waste from the pulp and paper industry (para 4.8.4), including



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Ko Rangipo te wehenga o te tuna
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Conclusion

Contaminated sites are problematic because many remain unidentified. This region is no exception, except that, as the RPS notes, the industries in the region have in the past used high level hazardous chemicals in their operations, raising the potential that waste dumps remain, and that, if chemicals such as Agent Orange were spread over wide areas, large contaminated areas exist. There is little solid evidence of the latter at this stage however. The plans and policy statements do not make any link between kaitiakitanga and how that might have been particularly affected in this region by the industries that have operated here and the consequent high use of hazardous wastes. If such a link were noted it might add impetus to remediation efforts.

Existing roading and new roading proposals

Ngati Manawa concerns

Ngati Manawa have indicated that they have concerns about poor maintenance of existing roads, including in particular State Highway 38, safety issues, and the state of bridges to Murupara.

What the plans provide

On the general issue of roading infrastructure, relevant documents are the Regional Land Transport Strategy 2004 and a Draft Regional Land Transport Strategy 2006 on which submission closed in September 2006.

These policies have very little to say about the Murupara area. The draft strategy notes that the Whakatane District is most concerned about development pressure in its coastal area:

The Whakatane District is facing development pressure, particularly in Ohope, the Coastlands / Piripai area, the Ohiva Harbour and environs, and in rural areas. High density developments such as apartments are occurring in the Whakatane urban area and at Ohope. There is also subdivision development in and around the Whakatane urban area. There is



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Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

*demand for rural residential lots in the rural areas of the District. Demand exists for larger floor retailers to establish or expand in Whakatane.
Whakatane District is currently in the process of developing a Transport Study in conjunction with Transit. The study will consider all transport modes and will include a walking and cycling strategy.*

The Kawerau District Council is particularly concerned about forestry industry and a strategy to provide it with appropriate infrastructure. [[Draft Regional Land Transport Strategy 2006 pp17-18]]

The draft strategy states that “State highways in the Bay of Plenty form an integrated rural arterial road network” and lists “connecting with Urewera National Park via SH38 and Waikaremoana Road (through Murupara)”. [[p75]] However, the draft strategy makes it clear that SH38 is not a priority for Transit or for safety improvements. [[pp75 and 77]]

Interestingly, the draft strategy notes that:

A list of potential future rail projects for the region has also been identified in the Bay Plenty Rail Strategy. A number of these are ideas only. Detailed investigations in terms of viability have not yet been carried out on many of these projects.

...

- Murupara and South

Conclusion

Currently, transport planning in the area gives very low priority to the Murupara area and the Ngati Manawa rohe. Changing this is a matter for lobbying of central government, with the support of district councils.



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Ko Rangitaiki te awa
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Development levies

Ngati Manawa concerns

Ngati Manawa have expressed concern about development levies in submissions on the LTCCP. Current levies would seem to be at a very high level, and operate a significant discouragement to new business in the district. Some district plans (e.g. Otorohanga) see no need for development levies.

What the plans provide

The LTCCP excludes levies in the Ureweras on the basis of the poor economy's of that part of the district. It is hard to see why areas such as Murupara are not also excluded.

Conclusion

It is hard to see why areas such as Murupara are not also excluded. Ngati Manawa have already registered their concern with the Whakatane District Council on this issue.

Ngati Manawa could seek an early amendment to the LTCCP to extend the area exempt from development levies. A powerful case can be made that current levies would discourage even modest proposals, such as motels, from establishing in the area.

Air

Ngati Manawa concerns

Ngati Manawa are particularly concerned about extremely high levels of pollen at Murupara in August and September each year. They report 'sheets' of pollen flying through the air and cars coated with it. The high levels are an irritant to many people but also linked they say to asthma in many others. The say that hospital reports show that there are high admission rates for asthma in



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Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi*

August and September each year, and local doctors locally clearly link this to pollen. A recent Herald article has linked climate change with increased pollen and asthma problems.

What the plans provide

The Regional Policy Statement includes a policy to “give priority to avoiding significant adverse effects from the discharge of particulate and chemical contaminants and odour into the air.”²⁵

The Operative Regional Plan notes that “particulate matter from natural occurrences such as Whakaari/White Island and pollen” are among leading issues identified in a public survey in 1992 (2.3). The plan notes that both grasslands (2.5.4) and large forestry plantations (2.5.5) release pollen on a seasonal basis.

Under “Issues”, the Plan notes that “Contaminants from human activity presently or potentially adversely affecting the region’s air quality fit into one or more of the following categories: Pollen – forestry, agricultural and horticultural.” (3.1)

“The contemporary Maori view is that contaminants discharged into air may adversely affect the mauri of air, lands, waterways and other natural and physical resources important to tangata whenua. Allowing air pollution to occur unabated may cause offense to tangata whenua in their role as kaitiaki.” (3.2)

An issue under the plan is the discharge of particulates and adverse effects they may have. Agricultural, horticultural and other sources of pollen are noted as activities that discharge particulates (3.3 Issue 2).

The plan provides as Method 15 “Environment Bay of Plenty will advocate research into the human health effects of airborne pollen.” (6.3)

Under Method 20 EBOP will “consider the air quality issues identified in iwi management plans when considering resource consent applications” (6.3)

²⁵ 7.3.2(b)(ii)



*Ko Tawhiuu te maunga
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Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi*

Rule 18 provides that activities that discharge contaminants to air which are not subject to express rules are permitted provided that, among other matters, the discharge does not result in objectionable or offensive particulates beyond the boundary of the subject property, and no harmful concentrations of contaminants beyond the boundary. If those conditions are breached then a discretionary consent is required.

The plan provides that particulate matter will be measured by TSP (Total Suspended Particulate), and provides minimum levels for this.

The plan refers to survey of background pollution levels in BOP NIWA report AK95071 and ambient air quality monitoring Edgecombe 1992 ESR NECAL Report S92/837C.

No measurements appear to have been taken at Murupara.

No research appears to have been undertaken or promoted as the plan provides. In contrast, research has been undertaken of the possible contribution of pollen to lake pollution (refer sheet from EBOP website).

National Air Quality Standards.

National environmental ambient air quality standards

These standards require that Fine particles or (PM10), may exceed 50 micrograms per cubic metre of air ($\mu\text{g}/\text{m}^3$) averaged over 24 hours, only once per year.

Regulation 15 requires the following:

15 Regional council must monitor air quality if standard breached

If it is likely that the ambient air quality standard for a contaminant will be breached in an airshed, the regional council must -



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Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

- a. *monitor the airshed in relation to that contaminant; and*
- b. *conduct the monitoring -*
 - (i) *in that part of the airshed where -*
 - A. *there are one or more people; and*
 - B. *the standard is breached by the greatest margin or the standard is breached the most frequently, whichever is more likely; and*
 - (ii) *in accordance with the relevant method listed in Schedule 2.*

The regulations stipulate that monitoring must be carried out where people are exposed and the standards are most likely to be exceeded by the greatest margin or with the most frequency, whichever is the most likely. In essence, this places an onus on councils to monitor in the "worst" location. "Worst" is defined by the type of exposure, be it intensity and/or duration

Where the standards are exceeded, the regional council must give public notice of each breach – that is, published in a daily newspaper circulating in the region..(reg 16)

www.tdc.govt.nz

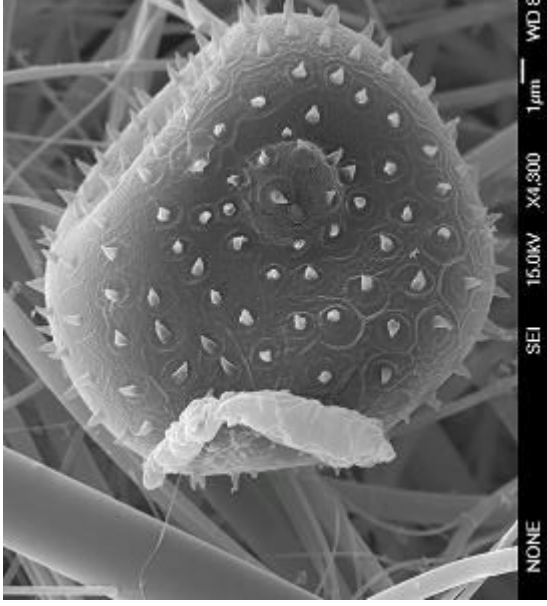
PM10 and PM2.5 come from sources such as burning coal, oil, wood and light fuel oil in domestic fires, transportation and industrial processes. Natural sources of particles include sea salt, dust, pollens and volcanic activity. However, most pollen and dust particles are larger than 10 microns (see diagram).

There are pollens which are less than 10 microns (see picture below), but pine pollen is usually large, around 50 microns or more.

Pollen in a PM10 filter



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi



There is research suggesting that they may give rise to skin reactions in some people (see www.dermnet.org.nz/dermatitis/plants/radiata.html accessed 11 September 2006).

The regional council is consulting over a proposed change no.1 to the Bay of Plenty Regional Air Plan which would include references to the new national environmental standards for air and new requirements with regard to the use of solid fuel heaters. It may be worthwhile considering how many families in Murupara use solid fuel heaters and the expected costs of conversion.

Conclusion

The regional council has undertaken to “advocate research into the human health effects of airborne pollen”. Ngati Manawa could consider a presentation to the regional council on the pollen issue, with a request for research, or at least initially that the Council collect existing research documents on pollen levels and potential effects.



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

Climate change

Ngati Manawa Concerns

Ngati Manawa have expressed a concern about the adverse effect of climate change on the environment within their rohe. The New Zealand Climate Change Office prediction for the Bay of Plenty region is that:²⁶

Climate scientists estimate that the Bay of Plenty's temperature could be up to 3°C warmer over the next 70–100 years. This compares to a temperature increase in New Zealand during the last century of about 0.7°C. To put this in perspective, the 1997/98 summer, which many New Zealanders remember as particularly long, hot and dry, was only about 0.9°C above New Zealand's average for the 1990s. Flooding could become up to four times as frequent by 2070, together with a sea-level rise of between 30 cm and 50 cm by 2100.

EBOP also notes indirect effects on human health:

A study commissioned by the Ministry for the Environment shows that climate change can affect human health both directly (temperature extremes and heavy rainfall) and indirectly (water supply, pollen causing allergy, ozone depletion, infectious diseases carried by animals or insects, and stress).

Possibly one of the largest effects at Murupara will be much hotter summers than currently and greatly increased fire risk. It appears that farm lands along the Rangitaiki river may be more affected by floods.

What the plans provide

In this regard, it is also worth noting that the RPS provides that natural hazards are an issue of special concern for iwi:

4.2.12 Natural Hazards

²⁶ Taken from EBOP website



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Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

Natural hazards such as tsunamis, earthquakes, floods, etc., have major effects on Maori people and sites of significance to their culture. These include marae, urupa, waahi tapu, and others. The location of many key points likely to result in a natural disaster can readily be plotted.

The issue is:

Natural hazards provide a threat to the integrity and survival of Maori culture, its values and taonga, and that, where practicable, the potential effects of natural hazards must be considered and remedied to ensure that Maori taonga, culture and values are actively safeguarded.

Climate change is a global issue, but its local effects is part of the kaitiakitanga role of Ngati Manawa and other tribal authorities. Maori in the area including Ngati Manawa are not large emitters of CO₂, although there is some reliance on primary production from local incorporation lands. Carbon taxes may hit particularly Ngati Manawa hard because of the current social and economic situation of its members.

On the other hand, any forestry lands obtained via the settlement process may be applied to carbon mitigation and return income on that basis.

Conclusion

Climate change has uncertain effects. Government policy on climate change is also uncertain. The presence of large forests in the rohe of Ngati Manawa exacerbates these uncertainties and potential risks for Ngati Manawa. Ngati Manawa could ask the regional council to keep it updated on information about possible risks in the Murupara area and suggest further areas for study. For example, as noted above, EBOP has already indicated that pollen could become more of a problem as the area warms.



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

Monitoring and enforcement

Ngati Manawa concerns

Ngati Manawa believe that they have matauranga Maori relating to natural and physical resources. This includes information about the history of physical resources such as marae, pa and urupa, as well as long term understanding of natural processes and impacts of activities on the environment e.g. changes in stream water quality over time. One example is Lake Aniwhenua (Aniwhenua). They have noticed changes since the hydro schemes were introduced.

What the plans provide

Policy 12 of the Regional Council's Proposed Regional Water and Land Plan provides that the Council aims:

To use the Ministry for the Environment's Maori environmental performance indicators as part of Environment Bay of Plenty's environmental monitoring programs, while recognising that there are different applications and interpretations of traditional Maori water categories between individual iwi and hapu in the region.

The Ministry for the Environment has published a Cultural Health Index for Stream and Waterways which has nationwide application. It is available from the MfE website www.mfe.govt.nz <<http://www.mfe.govt.nz>>.

The CHI can be used by iwi/hapu/runanga for a variety of purposes such as identifying and prioritising stream health problems, evaluating remedial actions aimed at restoring or enhancing stream health, and monitoring stream health of a site or the whole catchment. Use of the CHI in discussions with water managers and others involved in rivers and streams also provides a way of better understanding Maori perspectives and concerns about streams and rivers of value and incorporating these into management decisions.²⁷

As can be seen, this tool is useful for both the identification and monitoring of water resources of significance to Ngati Manawa

²⁷ Tipa, Gail and Laurel Teimey. *A Cultural Health Index for Streams and Waterways: A tool for nationwide use*. A report prepared for the Ministry for the Environment, April 2006, p 3.



*Ko Tawhiuu te maunga
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Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi*

Conclusion

The CHI is a valuable tool to advance monitoring of water resources and could perhaps be trialed in the region.

New issues

Ngati Manawa stress that the list of issues identified is not exhaustive. New matters may arise. For example, effects of climate change were not an issue several decades ago, nor was the issues of arsenic in the Plains water supply known to be an issue until recently.



Ko Tawhiuu te maunga
 Ko Rangitaiki te awa
 Ko Tangiharuru te tangata
 Ko Rangipo te wehenga o te tuna
 Ko Ngati Manawa te iwi

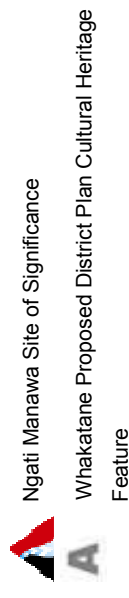
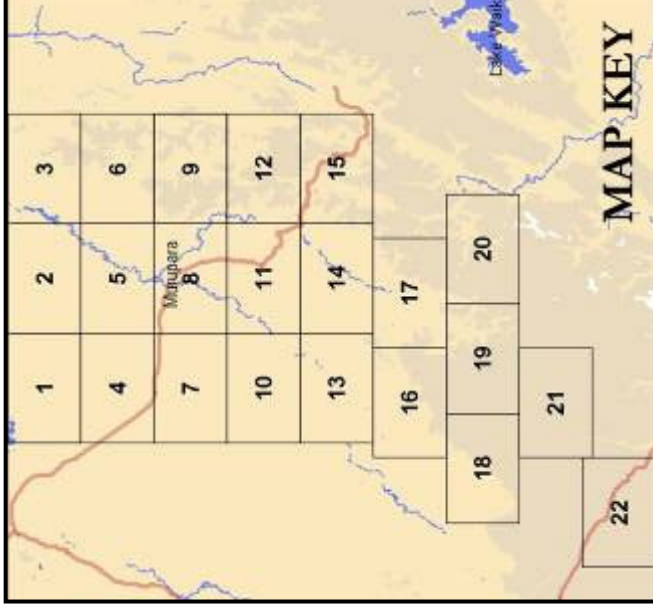
Part II: SITES OF SIGNIFICANCE TO NGATI MANAWA

Introduction

The following contains details of sites of significance to Ngati Manawa followed by a series of maps. The sites include pa, kainga, mahinga kai and waahi tapu. The historical background to the sites has primarily been sourced from Dr Rapata Wiri's section in the report, *Te Mana Whenua o Ngati Manawa*.²⁸ Wiri's sources were primarily Native Land Court records and kaumatua informants.

Ngati Manawa hold the GPS information for these sites. They have chosen not to disclose these at this point, although some sites will be readily identifiable, e.g. Tawhiuu. The maps merely identify the general location of sites. It is envisaged that an Iwi Management Plan will include a compilation of public disclosure of sites and silent files, recognising varying degrees of sensitivity

The Whakatane Proposed District Plan does not readily identify any of these sites. The Plan does include a list of 'Cultural Heritage Features' in Appendix 6.4. These have primarily been sourced from the New Zealand Archaeological Association's file of Recorded Sites. It is the result of individual surveys rather than a systematic survey of the entire district. The Plan acknowledges that there may be other sites. We identify in the list 'Cultural Heritage Features' in the general vicinity of Ngati Manawa's sites of significance. Other 'Cultural Heritage Features' also appear on the maps with site no. information. The reader should refer to Appendix 6.4 for a description of sites of interest



²⁸ The general author of the report is Dr Merata Kawharu. It is an unpublished document.



Ko Tawhiuu te maunga
 Ko Rangitaiki te awa
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 Ko Ngati Manawa te iwi

The Rotorua Operative District Plan includes a 'Natural and Cultural Heritage Inventory'. This includes archaeological sites identified in the Rotorua District. Ngati Manawa's sites of significance within this district do not appear in this Inventory.

Several sites are with the Taupo District Council. The Taupo Proposed District Plan does not include a 'cultural heritage list'. However it does encourage iwi management plans which "identify issues of significance to Tangata Whenua and which provide guidance on managing sites and values within their Rohe." It is maintains a Register outside of the Plan of known archaeological sites to assist Land Information Process. This will need to be consulted.



The Wairoa Operative District Plan maintains a schedule of 'Historic Places, Sites, Waahi Tapu Sites of Significance to Tangata Whenua, and Notable Trees. The two Ngati Manawa sites within the Wairoa District Council Boundaries do not appear in this schedule.

Sites

Map	Site	Site Type	Historical Background	Location	WPDP Cultural Heritage Features
1	Ahiweka	Pa/Waahi Tapu	Ahiweka is a pa of Ngati Manawa. Ahiweka is also a waahi tapu as a battle occurred here between Tangiharuru, Wharepakau, Murakareke, and the children of Rangitahi	Northern side of Ngatamawaahine stream	Not listed
4	Ahiwhakamura	Kainga/Pou Rahui	Ahiwhakamura is a Ngati Manawa kainga which is also	Just below Kaingaroa village.	Not listed



Ko Tawhiuuu te maunga
 Ko Rangitaiki te awa
 Ko Tangiharuru te tangata
 Ko Rangipo te wehenga o te tuna
 Ko Ngati Manawa te iwi

14	<p>Hinamoki</p> 	Kainga	<p>the central boundary of the Kaingaroa forest. It is also a boundary marker of Tangiharuru and Wharepakau.</p>	A high hill.	
3	<p>Horomanga River</p>	Pou Rahui	<p>Hinamoki was a kainga of Ngati Manawa's ancestor, Tangiharuru. Tangiharuru, lit a fire at Hinamoki to signal to Wharepakau that he had conquered the Rangitaiki district.</p>	Junction of Te Whaiti, Heruhiwi No 4 and Whirinaki blocks	Not listed
3	<p>Kaimokopuna</p> 	Pa	<p>The Horomanga River is a boundary marker of of Tangiharuru and Wharepakau.</p> <p>Kaimokopuna is described as a strongly fortified pa of Ngati Manawa situated on the right bank of the Horomanga river, 16 kilometers east of Karamuramu. Kaimokopuna is renowned for its aruhe which are said to taste like coconut and banana mixed</p>	Right bank of the Horomanga River, 16km east of Karamuramu	Not listed




Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

2	Kaiwhatiwhati	Pa	<p>together. Kaimokopuna was immortalized in the 'kaioraora' of Te Arawa which was composed to commemorate the killing of their ancestor, Tionga. This was the dwelling place of Te Wharekauri, the last fully tattooed warrior and cannibal of Ngati Manawa.</p> <p>This is a pa of Ngati Manawa. According to Peraniko Te Hura, a battle took place at Kaiwhatiwhati where Tangiharuru, Wharepakau and Murakareke defeated Te Marangaranga. During this battle, Kahukura of Te Marangaranga was killed by Tangiharuru.</p>	Kaingaroa 1 Block	Not listed
20	Kakanui	Pou Rahui	<p>Kakanui is a boundary marker of Tangiharuru and Wharepakau.</p>		Not listed
8	Kakarahonui	Mahinga Kai	<p>Kakarahonui is a mahinga kai of</p>		Not listed



*Ko Tawhiuuu te maunga
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Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi*

5	Karamuramu 	Pa	Ngati Manawa.	<p>Karamuramu is located about 15 kilometers north of Murupara on the left bank of the Rangitaiki river, near the present Fort Galatea. Three carved houses stood at Karamuramu pa called Tuwhare, Ruatapu and Tangiharuru. According to Bird, before the first world war, the house Tuwhare was moved to the site of the present Rangitahi marae. In 1929 it was dismantled and a smaller replica was built at Rangitahi College. In 1873, Karamuramu became the site of the first school in the district.</p>	<p>Nearby: 915: Terrace(s) and Middens 916: Terrace(s) 923: Terrace(s)</p> <p>Not Listed Nearby: 803: Terraces 862: Dwelling House/ Homestead/Hut 864: Redoubt 865: Redoubt (Fort Galatea)</p>
6	Kawakawa	Mahinga Kai	Kawakawa is a mahinga kai of Ngati Manawa.	<p>Not listed</p>	<p>Kuhawaea.</p>



Ko Tawhiuuu te maunga
 Ko Rangitaiki te awa
 Ko Tangiharuru te tangata
 Ko Rangipo te wehenga o te tuna
 Ko Ngati Manawa te iwi

8	Kiorenui	Kainga/ Mahinga Kai	As the name implies, Kiorenui is a kainga and mahinga kai where native rats were snared by the ancestors of Ngati Manawa.	Kiorenui Reserve	Not listed
5	Kohaikura	Waahi Tapu	Kohaikura is the junction of the Rangitaiki and Whirinaki rivers where the two ancestors Tangiharuru and Wharepakau separated; hence it is a waahi tapu. According to Maurice Toetoe, Kohaikura was also a kainga where the ancestor, Tukuha of Ngati Manawa lived.		
2	Mangaharakeke	Mahinga Kai	This is a major stream in the northern part of Kaingaroa and is a mahinga tuna of Ngati Manawa.	Mangaharakeke Stream, north of Kaingaroa 1 Block	Not listed
2	Mangahariki	Mahinga Kai	Mangahariki is a tributary of the Mangaharakeke stream in the northern part of Kaingaroa. According to Peraniko Te Hura, Mangahariki is a mahinga aruhe	Tributary of the Mangaharakeke stream in the northern part of Kaingaroa	Not listed



Ko Tawhiuuu te maunga
 Ko Rangitaiki te awa
 Ko Tangiharuru te tangata
 Ko Rangipo te wehenga o te tuna
 Ko Ngati Manawa te iwi

21	Mangakahika	Pou Rahui	of Ngati Manawa where they obtained fern root.		Not listed
8	Mangakirikiri	Mahinga Kai	Mangakirikiri is a stream and mahinga tuna of Ngati Manawa. The source of the Mangakirikiri stream is at Pekepeke. Two of Peraniko Te Hura's uncles, named Te Hihiri and Te Wai, are buried in a cave at Mangakirikiri, making this a waahi tapu as well.	Kaingaroa No 1 Block	Not listed
2	Mangapari	Mahinga Kai	Mangapari is a mahinga kai of Ngati Manawa.	Kaingaroa No 1	Not listed
14	Matatu	Kainga	Matatu was a popular dwelling place of Ngati Manawa.		Not listed 935: Gunfighter's pa 955: Gunfighter's pa



Ko Tawhiuau te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

21	Maungataniwha	Pou Rahui	Maungataniwha is a boundary marker of Tangiharuru and Wharepakau.	Not listed
5	Motumako	Pa	Motumako is a pa of Ngati Manawa located near Oruatewehi. According to Nihita Kaipara this is where Te Arero and his people lived. Motumako was the permanent dwelling place of Pokaia and Ngori or Ngati Manawa where they obtained fern root, birds, eels and cultivated the potato. After 1867, Moutmako was re-occupied and cultivated by Ngati Manawa where they returned to from Te Awa a te atua. According to Bert Messent, a carved house stood at Motumako. The house was later moved to Karamuramu after the eruption of Mt. Tarawera in 1886. The pa site is currently a reservation that is administrated by the Ngahuinga/Motumako Trust.	Not listed



2	Motuparapara	Kainga	<p>The pa site is currently a reservation that is administered by the Ngahuinga/Motumako Trust.</p> <p>Motuparapara is a kainga of Ngati Manawa.</p>	<p>Kaingaroa No 1 Northern side of Ngatamawaahine stream. Very close to Ngatamawaahine</p>	<p>Not listed</p>
10	Nga Puna Takahi a Ngatoroirangi	Kainga	<p>As the name implies this place is associated with the ancestor, Ngatoroirangi and his sisters, Kuiuwi and Haungaroa. This is a kainga of Ngati Manawa which contains a famous spring called Nga Puna Takahi a Ngatoroirangi. The spring is a boundary or pou rahui of Ngati Manawa on the south western boundary of Kaingaroa. Henare Ngakete of Ngati Hineuru stated that although Ngatoroirangi named places on the Kaingaroa block he had no claim to land.</p>	<p>Kaingaroa No 2</p>	<p>Not listed</p>



Ko Tawhiuuu te maunga
 Ko Rangitaiki te awa
 Ko Tangiharuru te tangata
 Ko Rangipo te wehenga o te tuna
 Ko Ngati Manawa te iwi

11	Ngahuinga	Pa	<p>Ngahuinga is a pa and is described as a flat piece of land on the banks of the Rangitaiki river. According to Messent, this place received its name because it is located at the junction of the Rangitaiki and Wheao rivers – ‘koinei te huinga o nga awa o Rangitaiki me Wheao’.</p>	<p>Junction of Rangitaiki and Wheao Rivers</p>	<p>Not listed Nearby: 922: Artefact(s)/Findspot (Wooden Items)</p>
17	Ngapuketuraa	Kainga	<p>Ngapuketuraa is a kainga and boundary of Ngati Manawa.</p>	<p>Pukahunui</p>	<p>Not listed</p>
2	Ngatamawaahine	Mahinga Tuna	<p>Ngatamawaahine is a major stream in the northern part of Kaingaroa which was used by the ancestors of Ngati Manawa as a mahinga tuna or eel pond. Nihita Kaipara of Ngati Apa stated that the upper part of the Ngatamawaahine stream was utilised by Ngati Apa while the lower part was used by Ngati Manawa. Mikaere of Ngati Tuwharetoa admitted before the Native Land Court in 1880 that</p>	<p>Northern Kaingaroa Joins Rangitaiki River just south of Lake Aniwanuiwa</p>	<p>Not listed</p>



3	Ohui	Waahi Tapu	Ngati Manawa have mana over Ngatamawaahine stream and to the land east and south of the stream. Peraniko Te Hura had a rahui placed over southern portion of Ngatamawaahine stream.		Not listed
18	Okarea	Pa	Ohui is a waahi tapu of Ngati Manawa that is associated with Tangiharuru's conquest of Te Marangaranga. Okarea is described as a flat-topped pa with two cliff-like sides. The pa was first built by Ngati Manawa and Ngati Whare in 1818 in order to fight a battle against Tuhoë and Ngati Pukeko. According to Parakiri of Ngati Manawa, there was a carved meeting house at Okarea with six poupou.	Boundary of Te Whaiti and Heruwi No 4 Blocks	Not listed Nearby: 953: Botanical Evidence 957: Tree with Bark Removed 984: Botanical Evidence
22	Okoromatakitoi	Pou Rahui	Okoromatakitoi (bush) is a boundary marker of Tangiharuru and Wharepakau.		Not listed



Ko Tawhiuuu te maunga
 Ko Rangitaiki te awa
 Ko Tangiharuru te tangata
 Ko Rangipo te wehenga o te tuna
 Ko Ngati Manawa te iwi

5	Oruatewehi	Pa	<p>Oruatewehi is a pa site of Ngati Manawa near Motumako that was occupied by Tangiharuru and his descendants up until 1881. From Ohui, on the banks of the Rangitaiki river, Tangiharuru diverted north to Kaingaroa, with his uncle, Wharepakau. Here they defeated Te Marangaranga thus acquiring the mana of the all the lands between Kaingaroa plains and the Rangitaiki and Whirinaki valleys. According to Peraniko Te Hura, the ancestors of Ngati Manawa had cultivations at Oruatewehi.</p>	Kaingaroa 1 near Motumako	Not listed
16	Otamatea	Pou Rahui	<p>Otamea stream is a boundary marker of Tangiharuru and Wharepakau.</p>		Not listed
5	Otara	Mahinga Kai	<p>Otara is described as a mahinga tuna or eel pond where the ancestors of Ngati Manawa caught eels.</p>	Rangitaiki River (beside Kaingaroa 1 Block north of	Not listed



				Murupara)	
14	Otukopeka	Kainga	Otukopeka was a popular dwelling place of Ngati Manawa.		Not listed Nearby 872: Pa 885: House Floor(s)
5	Otuwairua	Kainga/ Mahinga Kai	Otuwairua is described as a swampy area and is a kainga and mahinga kai of Ngati Manawa.	Kuhawaea	Not listed
2	Pa hekeheke	Mahinga Kai	Pa hekeheke is a stream that was used as a mahinga tuna by the ancestors of Ngati Manawa.	North of Kaingaroa 1	Not listed
5	Pa Matakioire	Waahi Tapu	Pa Matakioire is a waahi tapu as it contains an ana tupapaku or burial cave.	Kuhawaea	Not listed
8	Pekepeke	Pa	Pekepeke is a permanent pa and pou rahui of Ngati Manawa and was occupied by them until the 1840s. According to Bird,	Kaingaroa 1 Near Wairapukao	Not listed



Ko Tawhiuuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

			<p>Pekepeke takes its name from a taniwha which lived in a lagoon below Pekepeke pa. The taniwha was killed by Ngati Manawa and because the taniwha leapt about in its death throes the name, 'pekepeke' arose.</p> <p>There is also a mahinga tuna at Pekepeke where Peraniko Te Hura caught eels. According to Nihita Kaipara, Pekepeke is associated with the ancestor. Matarae, a descendant of Tangiharuru.</p> <p>A battle took place at Pekepeke where the ancestor Wairua of Ngati Apa was killed for stealing aruhe. Pekepeke is a pou rahui or boundary marker near Wairapukau. Peraniko's father is said to be buried in a cave at Pekepeke.</p>	North of Kaingaroa 1	Not listed
3	Pokairoa	Mahinga Kai	Pokairoa is a major stream which was known for the ferocity		



Ko Tawhiuuu te maunga
 Ko Rangitaiki te awa
 Ko Tangiharuru te tangata
 Ko Rangipo te wehenga o te tuna
 Ko Ngati Manawa te iwi

8	Puharaunui	Waahi Tapu	<p>of its eels. The stream provided an old Maori trail that was used by the ancestors of Ngati Manawa and which followed the course of the Pokairoa stream from its junction the Rangitaiki river, to its headwaters, in the northern boundary in the Kaingaroa plains.</p> <p>Puharaunui is a waahi tapu of Ngati Manawa that is associated with Tangiharuru's conquest of Te Marangaranga. Major battles took place at Puharaunui, which is on the eastern side of the Rangitaiki River.</p>	Kaingaroa No 1	Not listed
15	Pukekioire	Mahinga Kai/ Pou Rahui	<p>Pukekioire is a mahinga kai of Ngati Manawa where kioire or native rats were snared. Pukekioire is also a boundary marker of Tangiharuru and Wharepakau.</p>	Tributary of Mangakakaho Stream	Not listed
18	Pukehinau	Pa	<p>Pukehinau is a pa of Ngati Manawa. The ancestor</p>	Heruwi No 4 Block	Not listed Nearby:



*Ko Tawhiuau te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi*

1	<p>Pukemoremore</p> <p>Pa/Pou Rahui</p>	<p>Tangiharuru lit a fire at Pukehinau to signal Wharepakau that he had conquered the Rangitaiki district.⁵³ He was killed here by Rangiahua of Te Marangaranga. A song was composed to commemorate this incident.</p> <p>Pukemoremore is a pa site of Ngati Manawa where Peraniko Te Hura resided during the early 1880s. Pukemoremore is also a boundary marker of Tangiharuru and Wharepakau.</p>	Kaingaroa No. 1	<p>987: House Floor(s) 988: House Floor(s)</p> <p>Not listed</p>
12	<p>Pukerimu</p> <p>Pou Rahui</p>	<p>Pukerimu is a boundary marker of Tangiharuru and Wharepakau.</p>		<p>Not listed Nearby: 867: Pa with pits</p>
2	<p>Puketapu</p> <p>Pa</p>	<p>Puketapu is a pa of Ngati Manawa in the northern part of Kaingaroa. A battle took place at Puketapu between the ancestors named above and the children of Rangitihī, where the former were</p>	Northern part of Kaingaroa	<p>Not listed</p>



3	<p>Raepohatu</p> <p>Kainga/ Boundary Maker</p>	<p>defeated. After their defeat, Wharepakau, Murakareke and the descendants of Apa lived at Puketapu with Tangiharuru.</p> <p>Raepohatu is a kainga that was occupied by the ancestor, Tangiharuru, and is described a rocky bluff. According to Peraniko Te Hura, Raepohatu is also a permanent residence and mahinga kai of Ngati Manawa. Food cultivations were growing at Raepohatu in 1880. Raepohatu is also a boundary marker.</p>	<p>Just south of Aniwaniwa. A rocky bluff</p>	<p>Not listed</p>
6	<p>Rakawaewae</p> <p>Mahinga Kai</p>	<p>Rakawaewae is a mahinga tuna of Ngati Manawa. This place is also known as Te Rekereke o Hape, and is associated with the ancestor, Hape, of Ngati Manawa.</p>	<p>North of Murupara on west bank of Rangitaiki, Near Te Awangarara.</p>	<p>Not listed</p>
3	<p>Rangipo</p> <p>Waahi Tapu</p>	<p>Rangipo is significant to Ngati Manawa as a waahi tapu where</p>		<p>Not listed</p>



Ko Tawhiuu te maunga
 Ko Rangitaiki te awa
 Ko Tangiharuru te tangata
 Ko Rangipo te wehenga o te tuna
 Ko Ngati Manawa te iwi

		<p>karakia or incantations were recited to farewell the tuna as they returned to the sea in order to spawn. Its significance to Ngati Manawa is evident in the tribe's pepeha or motto: <i>Ko Rangipo te wehenga o te tuna</i>, Rangipo is the departure place of the eel.</p>	
8	Rangitahi Waahi Tapu	<p>Rangitahi is a Waahi Tapu as it contains the urupa of Ngati Hui.</p>	Not listed
9	Takatakanga Waahi Tapu	<p>Takatakanga is described as a sharp conical hill situated on the south east corner of the Galatea basin on the eastern side of the Whirinaki river. Te Aro-a-Kapa, son of Mahanga of Ngati Manawa, was killed by Te Rangi-puarewa of Tuhoe when he fell from the cliff at Takatakanga into the Whirinaki river. From this episode the name, Te Takatakanga a Aro-a-Kapa, or 'The Falling of Te Aro-a-Kapa' was applied to this place. In 1850, another battle</p>	<p>Not listed Nearby: 861: Pa 931: Pa</p>



18	Tarapounamu	Pou Rahui	<p>occurred at Takatakanga between Ngati Manawa and Ngati Maru of Thames after Unuhia of Ngati Manawa stole a greenstone adze from Ngati Maru. With the help of Tuhoe, Ngati Manawa managed to repulse an attack by Ngati Maru at Takatakanga. However, peace was finally made through the intervention of the missionary, James Preece, and the adze was returned by Ngati Manawa.</p>			Not listed
8	Tauranga kawau	Waahi Tapu	<p>Tauranga kawau is a waahi tapu where the kawau or cormorant landed and roosted.</p>	Kuhawaea		Not listed
9	Tawhiuau	Waahi Tapu/ Pou Rahui	<p>Tawhiuau is a waahi tapu and sacred mountain of Ngati Manawa. The significance of</p>	Tawhiuau Block		Not listed




Ko Tawhiuau te maunga
 Ko Rangitaiki te awa
 Ko Tangiharuru te tangata
 Ko Rangipo te wehenga o te tuna
 Ko Ngati Manawa te iwi

		<p>Tawhiuau is evident in Ngati Manawa's pepeha or tribal motto: <i>ko Tawhiuau te maunga</i>, Tawhiuau is the mountain. Tawhiuau is also a boundary marker of Tangiharuru and Wharepakau.</p>	
8 Te Ana a Maru	Pou Rahui	<p>Te Ana a Maru is a boundary marker of Tangiharuru and Wharepakau.</p>	Not listed
1 Te Anaruru	Kainga	<p>Te Anaruru is a kainga of Ngati Manawa where travellers would rest on long journeys. Peraniko Te Hura claimed that the descendants of Tangiharuru first stayed at Anaruru after the battle of Ahiweka. After some time they began to quarrel among themselves causing some of Ngati Manawa to move to Tarawera, Whanganui and Taupo. The kainga was occupied by Ngati Manawa until the time of Peraniko's grandfather. According to</p>	North of Kaingaroa 1 Block Not listed




*Ko Tawhiuuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi*

3	<p>Te Aniwaniwa</p> 	<p>Mahinga Kai/ Pou Rahui</p>	<p>Henare Ngakete of Ngati Hineuru there is a cave a Anaruru which provided a temporary shelter for travellers who dug fern root and caught eels.</p> <p>Te Aniwaniwa is a waterfall located below the present Aniwhenua dam. It is a boundary marker of Tangiharuru and Wharepakau.</p> <p>and mahinga tuna or eel pond of Ngati Manawa.</p>		<p>Not listed</p>
13	<p>Te Arawhataotenoho omoki</p>	<p>Pou Rahui</p>	<p>Te Arawhataotenohomoki is a boundary marker of Tangiharuru and Wharepakau.</p>		<p>Not listed</p>
13	<p>Te Arawhata o te paringa</p>	<p>Kainga/ Mahinga Kai/ Pou Rahui</p>	<p>Te Arawhata o te paringa is a kainga and mahinga kai of Ngati Manawa where Peraniko's father obtained food. There are two rahui posts called Hineika and Paneke located at this site. Eels are not located beyond this point of the Rangitaiki river. Te</p>	<p>On Rangitaiki river between Kaingaroa No 2 Block and Heruiwi Block</p>	<p>Not listed</p>




Ko Tawhiuuu te maunga
 Ko Rangitaiki te awa
 Ko Tangiharuru te tangata
 Ko Rangipo te wehenga o te tuna
 Ko Ngati Manawa te iwi

1	<p>Te Aruhe tawiri</p>	Kainga	<p>Arawhata o te paringa is also a boundary marker of Tangiharuru and Wharepakau.</p>	<p>Beside Ngatamawaahine Stream, very close to Ahiweka Pa)</p>	Not listed
5	<p>Te Awangarara</p> 	Kainga	<p>This was a kainga associated with the Ngati Manawa ancestor, Tahawai. It is also described as a mahinga kai. According to Nihita, Aruhetawiri belonged to Koro and Hape, the north-east to Koro and the south-west to Hape. Harehare Atarea and Peraniko Te Hura are associated with this place through the ancestor, Koro of Ngati Manawa.</p> <p>Te Awangarara was a permanent residence of Ngati Manawa from their ancestors down to the present time.</p>		Not listed
Te Houhi		Mahinga Kai	<p>Te Houhi is a pa of Ngati Manawa, Patuheuheu and Ngati</p>	Location unknown	Not listed




Ko Tawhiuuu te maunga
 Ko Rangitaiki te awa
 Ko Tangiharuru te tangata
 Ko Rangipo te wehenga o te tuna
 Ko Ngati Manawa te iwi

		<p>Haka. Te Houhi was the original dwelling place of the Patuheuheu/Ngati Haka people before they were relocated to Waiohau. Te Kooti visited Te Houhi in 1886 where he uttered a prophecy concerning a place called Te Umutaoroa.</p>	
<p>14</p> <p>Te Huruhuru</p>	<p>Mahinga Kai</p>	<p>Te Huruhuru stream was a fishing area of Ngati Manawa.</p>	<p>Not listed Nearby: 935: Gunfighter's pa 955: Gunfighter's pa</p>
<p>11</p> <p>Te Kohua</p>	<p>Pou Rahui</p>	<p>Te Kohua is a boundary marker.</p>	<p>Not listed Nearby: 858: Dendroglyph 928: Artefact(s)/Findspot</p>
<p>4</p> <p>Te Korokoro o Huatahi</p>	<p>Pou Rahui</p>	<p>Te Korokoro o Huatahi is a boundary marker of Tangiharuru and Wharepakau.</p>	<p>Not listed</p>
<p>5</p> <p>Te Maire</p>	<p>Waahi Tapu</p>	<p>Te Maire is a waahi tapu as there is an urupa located here.</p>	<p>Not listed</p>




Ko Tawhiuuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

17	Te Peaupeau	Mahinga Kai/ Kainga	Te Peaupeau was a temporary kainga of Ngati Manawa where the tribe maintained cultivations.	Not listed
8	Te Putakotare 	Waahi Tapu	This is a burial ground of the Ngati Koro hapu located at Te Putakotare. According to Bert Messant of Ngati Manawa, Te Putakotare is a place that is frequented by the kotare or kingfisher bird, hence its name.	Not listed
14	Te Rake	Pa	Te Rake was an ancient pa used by Ngati Manawa and Ngati Whare.	Not listed Nearby: 905: Artefact(s)/Findspot
8	Te Rautawhiri	Pa	Te Rautawhiri is a pa of the Ngati Hui hapu of Ngati Manawa and is located on the banks of the Rangitaiki river near Kohaikura. According to Wiremu Bird a battle occurred at Te Rautawhiri between Ngati Manawa and Ngati Pukeko prior to European contact. The Ngati Hui hapu lived at Te Rautawhiri, during the early twentieth	Not listed

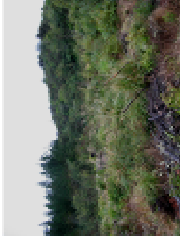


Ko Tawhiuuu te maunga
 Ko Rangitaiki te awa
 Ko Tangiharuru te tangata
 Ko Rangipo te wehenga o te tuna
 Ko Ngati Manawa te iwi


5	<p>Te Repo o Hinengawari</p> 	Waahi Tapu	<p>century, before moving to the site of their present marae at Te Rangitahi. Te Rautawhiri is associated with the Bird whanau.</p>		Not listed
1	<p>Te Rere</p>	Kainga/ Pou Rahui	<p>Te Repo o Hinengawari is described as a large flax swamp area and is a waahi tapu where Hinengawari, wife of Hape, is buried. The flax of this area is likened to the hair-stands of Hinengawari.</p>	Kaingaroa 1 Block	Not listed
9	<p>Te Rourou</p>	Pa	<p>Te Rourou is located at the base of the mountain, Tawhiuuu. This is an old pa of Te Marangaranga which was conquered by Tangiharuru and Wharepakau. After their victory at Te Rourou, Tangiharuru and Wharepakau separated with Tangiharuru</p>	At the base of the mountain Tawhiuuu	Not listed



Ko Tawhiuuu te maunga
 Ko Rangitaiki te awa
 Ko Tangiharuru te tangata
 Ko Rangipo te wehenga o te tuna
 Ko Ngati Manawa te iwi

14	<p>Te Tapiri</p> 	Pa	travelling up the Rangitaiki river and Wharepakau travelling up the Whirinaki river.
		<p>Te Tapiri is described as a gunfighter's pa with flanking defences connecting Te Tapiri to its neighbouring ridge, Okupu. The pa consists of a rifle trench, measuring 60 by 15 metres enclosing a rifle hut or pit. On 7 June 1865, a battle took place at Te Tapiri between Ngati Manawa and Ngati Rangitihiri on the one side and Ngati Whare and Tuhoë, who were supporters of the Hauhau movement, on the other side. Mauparaoa and Peraniko were the chiefs of Ngati Manawa at this battle. According to Cowan, after running out of ammunition and food, Ngati Manawa and Ngati Rangitihiri abandoned Te Tapiri and escaped the Hauhau force by way of Arawhata, on the Rangitaiki river. In 1988, the pa was damaged by Timberlands</p>	Whirinaki Block
			<p>Not listed Nearby: 886: Artefact(s) Findspot 888: Gunfighter's pa</p>



8	Te Taua a Rae	Pou Rahui	during the course of a controlled burn of the Whirinaki forest.	Not listed	
3	Te Umutaoroa 	Waahi Tapu	<p>Te Taua a Rae is a boundary marker of Tangiharuru and Wharepakau.</p> <p>Te Umutaoroa literally means 'The earth oven of long cooking'. This is a waahi tapu which is associated with the prophet Te Kooti. According to historian Judith Binney, Te Kooti uttered a prophecy at Te Houhi on 15 January 1886 which related to this particular place, Te Umutaoroa. The prophecy refers to a 'hangi' or earth oven and is recorded below:</p> <p>Te kupu ki te Umutaoroa – Te Houhi Ka taona e ahau tenei hangi ma taku tamaiti e hura. Tenei me te hangi, ko nga kai o roto he ora mo te tangata</p> <p>The word concerning Te Umutaoroa – Te Houhi I am preparing this hangi for my child</p>	Not listed	Kuhawaea Block



Ko Tawhiuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

7	Te Upoko o Po	Pou Rahui	to unearth. The food inside this hangi will be for the salvation of the people. When Te Kooti was asked about the coming child, he replied by saying that: 'when Te Umutaoroa is opened, that shall be our child'. Since 1886, Te Umutaoroa has remained a waahi tapu of Ngati Manawa and the followers of the Ringatu faith.		Not listed
5	Te Wai-irohia	Mahinga Kainga	Te Upoko o Po is a boundary marker of Tangiharuru and Wharepakau. Wai-irohia is a stream which was used as a mahinga kai by the ancestors of Ngati Manawa. Wai-irohia is associated with the ancestor, Hape of Ngati Manawa.	Stream near Murupara (near Log yard)	Not listed
11	Tututarata	Pa	Tututarata is described as a 'mania' or an area of flat land near the Rangitaiki river. This is	Whirinaki Block	Not listed Nearby: 895: Pa



			925: Midden(s)
17	Waione	Mahinga Kai	a pa where Ngati Manawa hosted Ngati Rangitahi with a hakari or feast. According to Bert Messent, Tututarata was known as 'Te Omu' and was the dwelling place of Harehare Atarea.
19	Waipunga	Pou Rahui	Waipunga river is a boundary marker boundary marker of Tangiharuru and Wharepakau.
10	Wairapukao	Kainga/Pou Rahui	Wairapukao received its name when a woman from Ngati Manawa lost her 'kao' (kumara bulb) and began searching for it. According to Mikaere of Ngati Tuwharetoa, Wairapukao is associated with the ancestor, Ngatoroirangi and his sisters, Kuiuwi and Haungaroa. This is a permanent kainga of Ngati Manawa, near Pekepeke where travellers would stop on
			Not listed
			Not listed
			Not listed



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Ko Ngati Manawa te iwi*

1	<p>Waitehouhi</p> <p>Mahinga Kai/ Pou Rahui</p>	<p>journeys. There is a spring or puna at this site that was used for horses. A boundary was established to by Ngati Manawa from Wairapakao to Puna Takahi in 1866.</p> <p>According to Nihita Kaipara of Ngati Apa, the descendants of Tangiharuru caught eels at Waitehouhi and it was a mahinga tuna or eel preserve of Ngati Manawa and Ngati Apa. A rahui was placed over the Waitehouhi stream and the rahui posts were still evident in 1880. The aruhe or fern root was also obtained at Waitehouhi.</p> <p>Tangiharuru is said to have had mana over this small stream and he was often visited by Hataraka, and other ancestors, who exchanged food for eels. Waitehouhi is also a boundary marker of Tangiharuru and Wharepakau.</p>	<p>West of Kaingaroa 1</p>	<p>Not listed</p>
20	<p>Whangonui</p> <p>Waahi Tapu/</p>	<p>This is a waahi tapu of Ngati</p>	<p>Mouth of</p>	<p>Not listed</p>



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Ko Ngati Manawa te iwi*

	Pou Rahui	Manawa that is associated with Tangiharuru's conquest of Te Marangaranga. Whangonui is also a boundary marker of Tangiharuru and Wharepakau.	Whirinaki river	

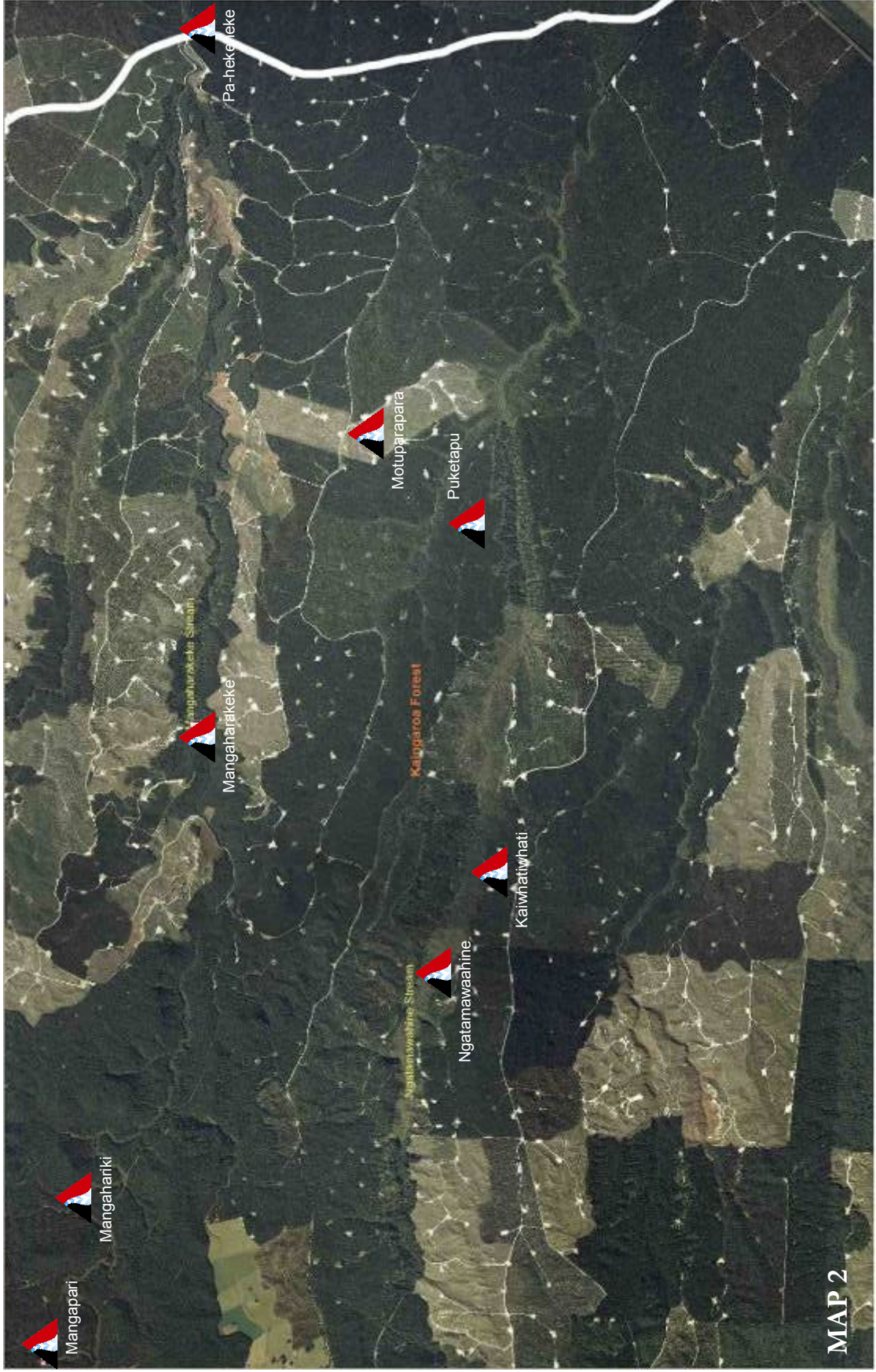


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 Ko Rangitaiki te awa
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Ko Tawhiuu te maunga
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Ko Rangitaiki te awa
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Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi

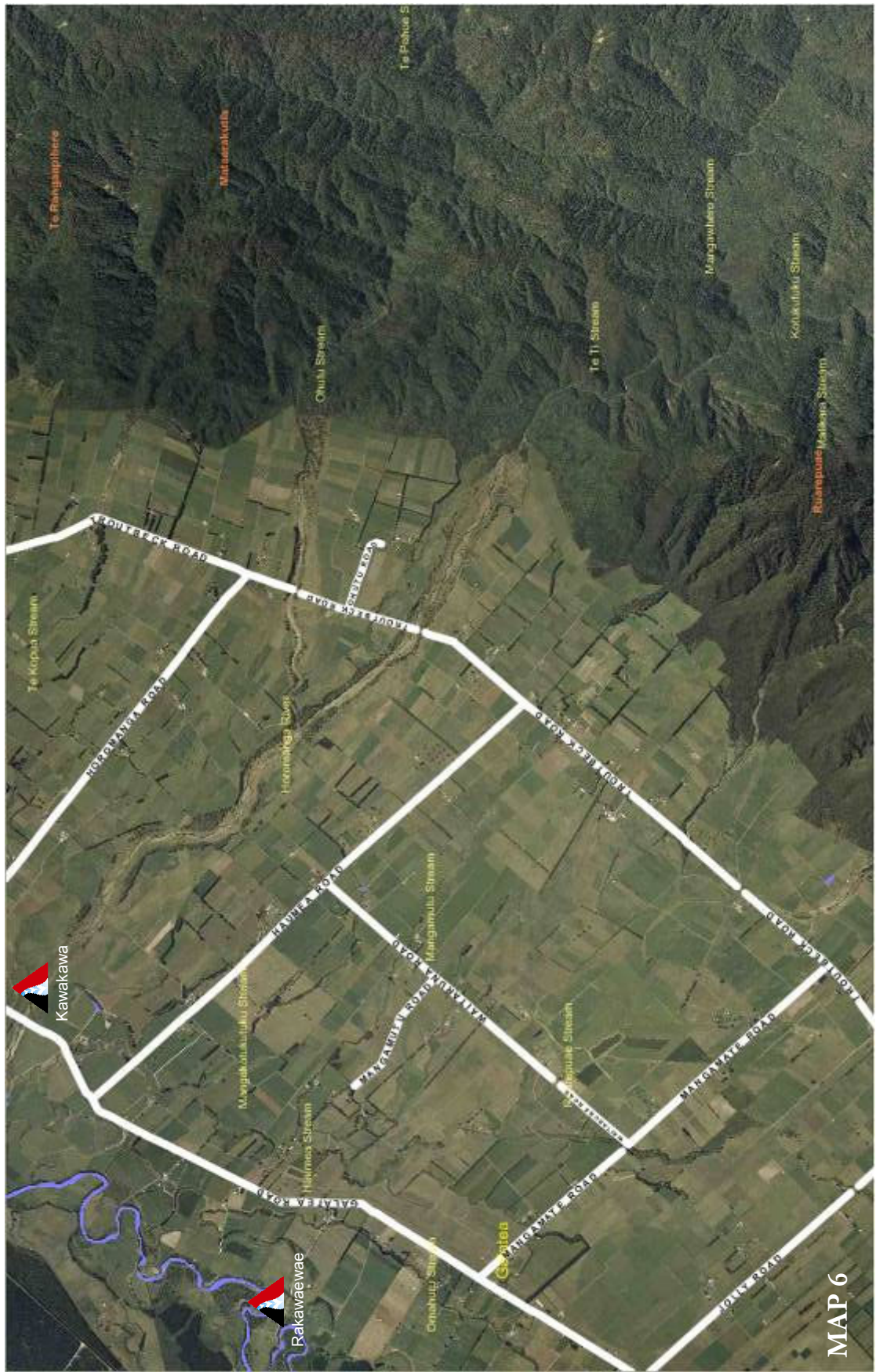




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Ko Rangitaiki te awa
Ko Tangiharuru te tangata
Ko Rangipo te wehenga o te tuna
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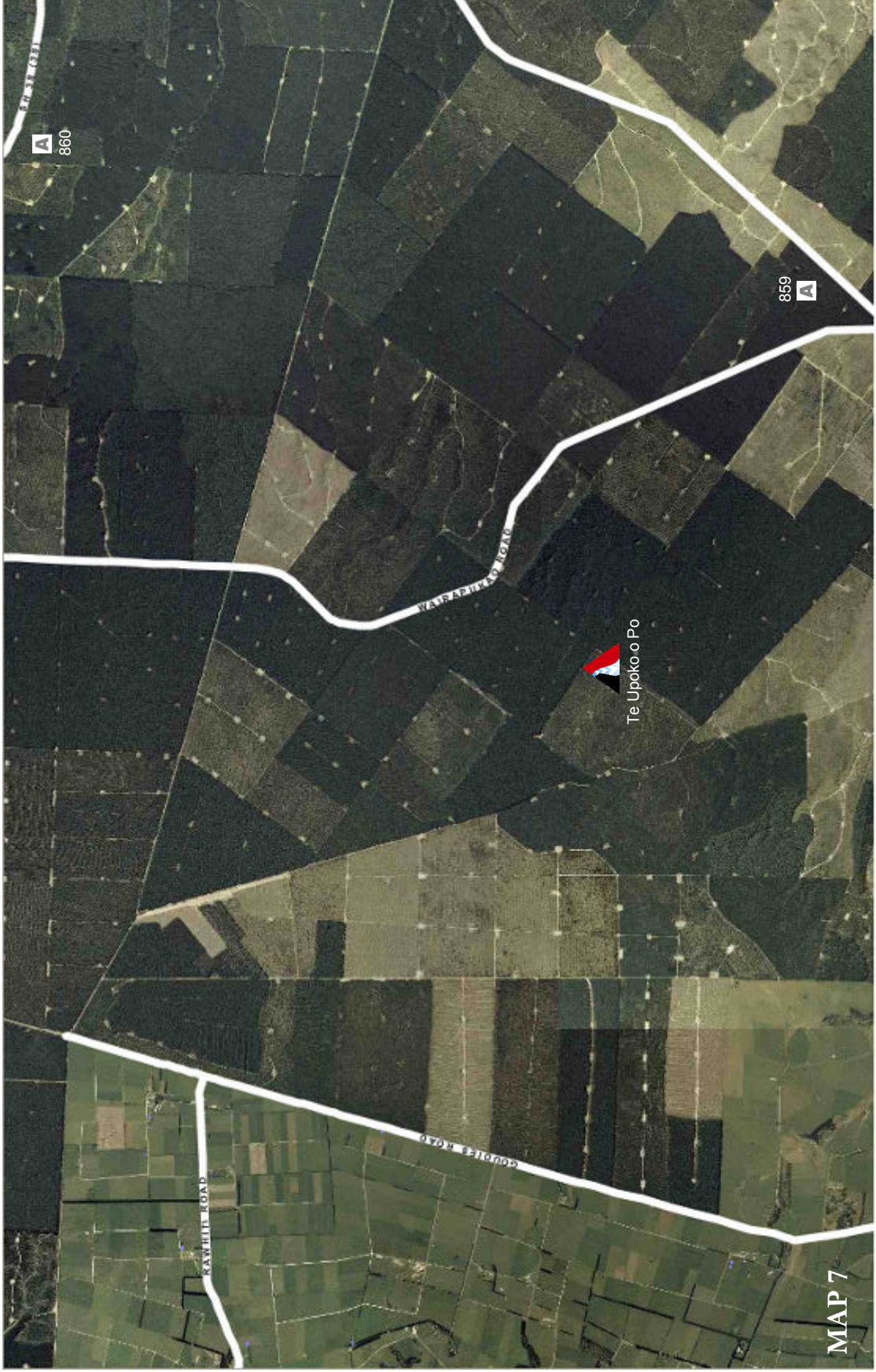
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 Ko Tangiharuru te tangata
 Ko Rangipo te wehenga o te tuna
 Ko Ngati Manawa te iwi



MAP 6

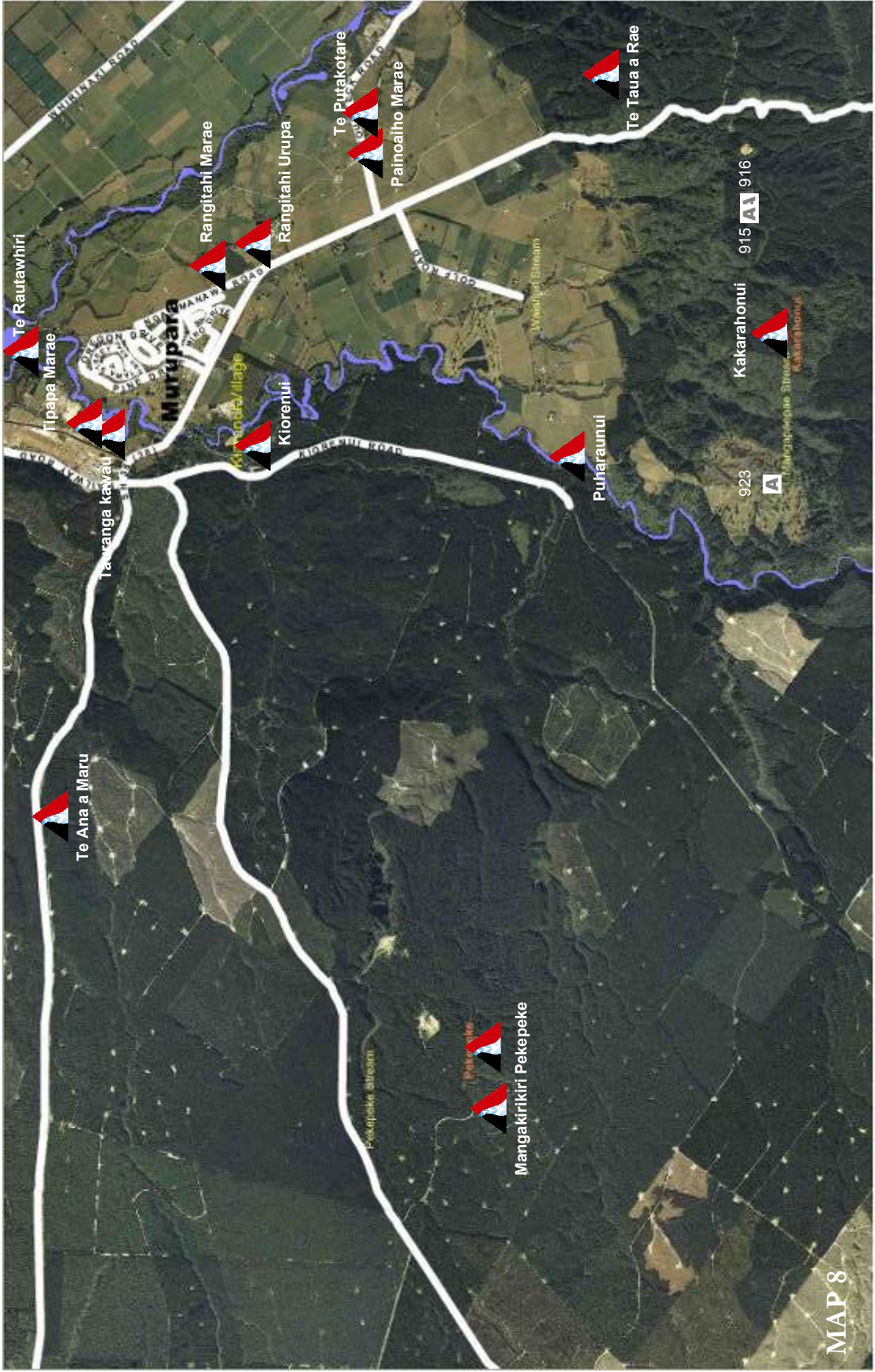


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Ko Ngati Manawa te iwi



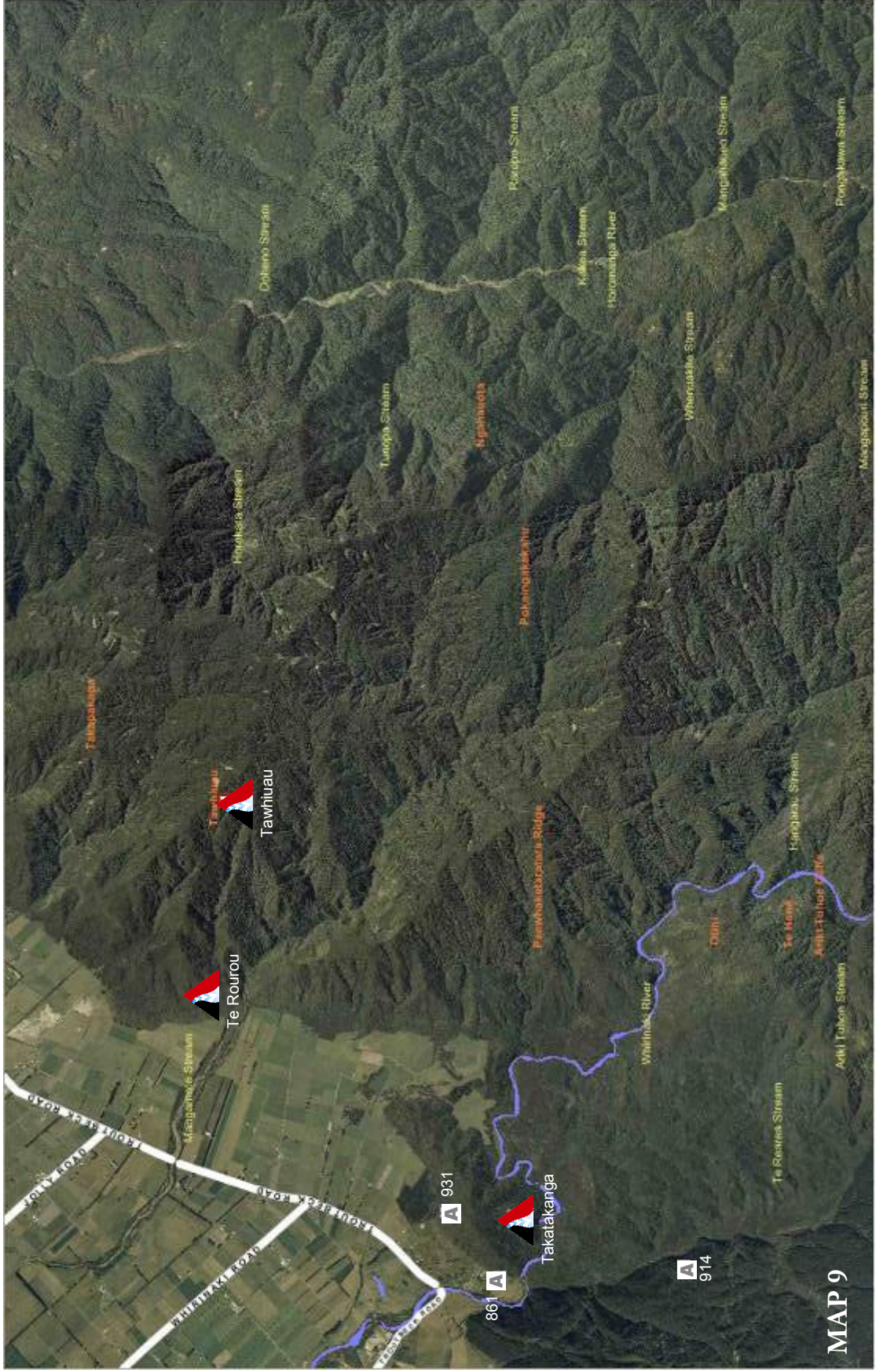


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 Ko Rangitaiki te awa
 Ko Tangiharuru te tangata
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Ko Tawhiuu te maunga
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MAP 9



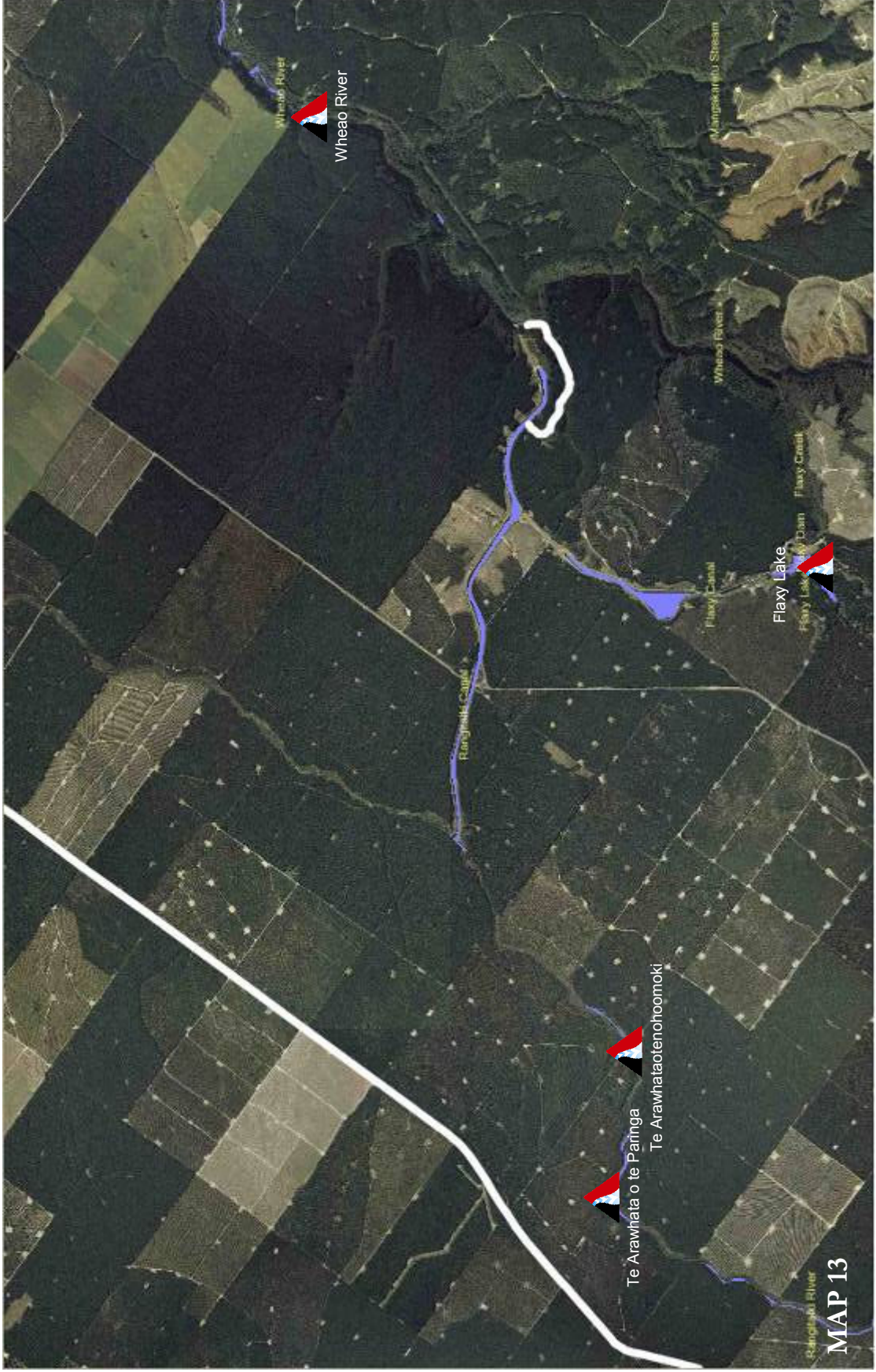
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Ko Ngati Manawa te iwi



MAP 10



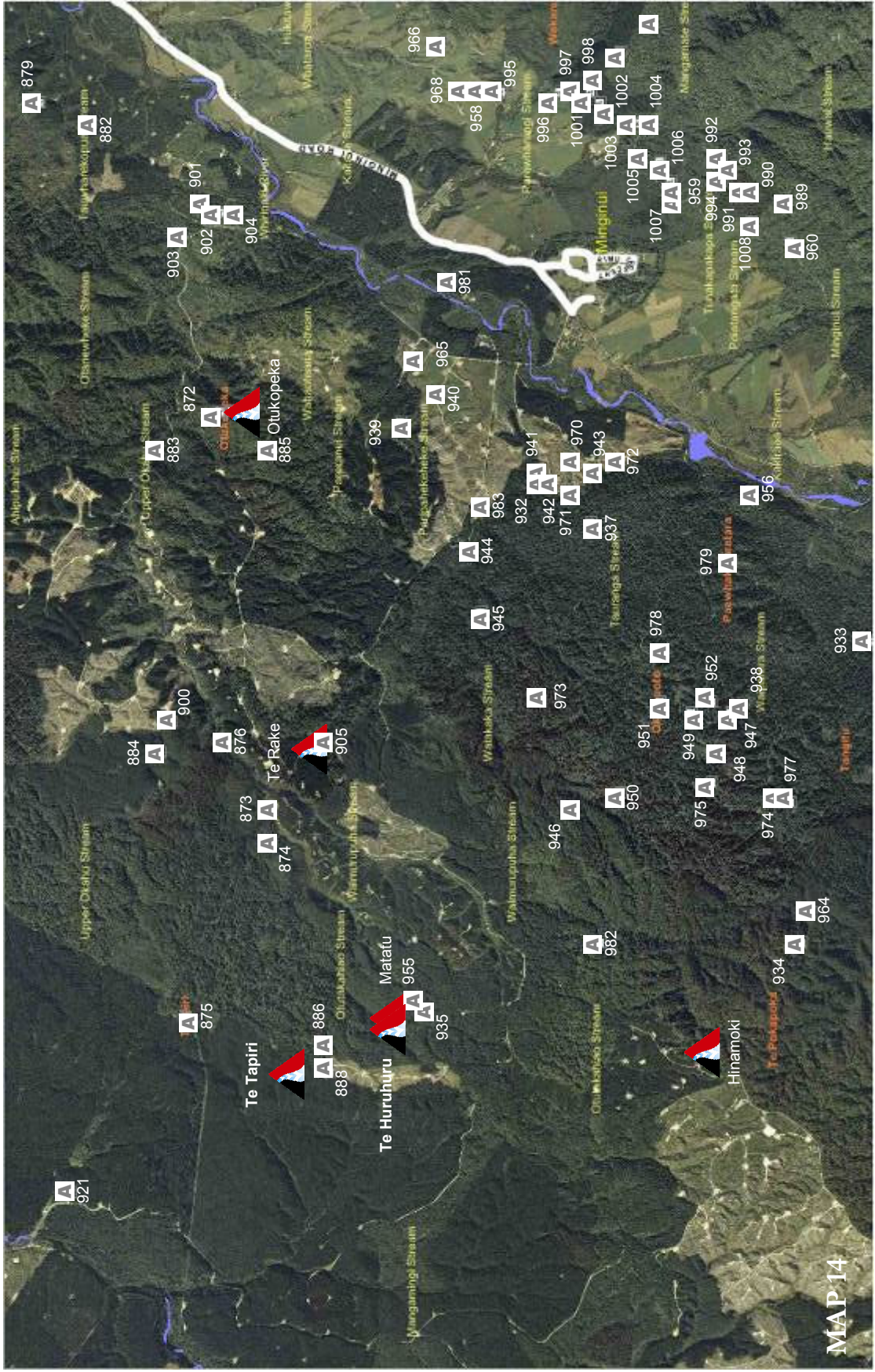
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Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi



MAP 13

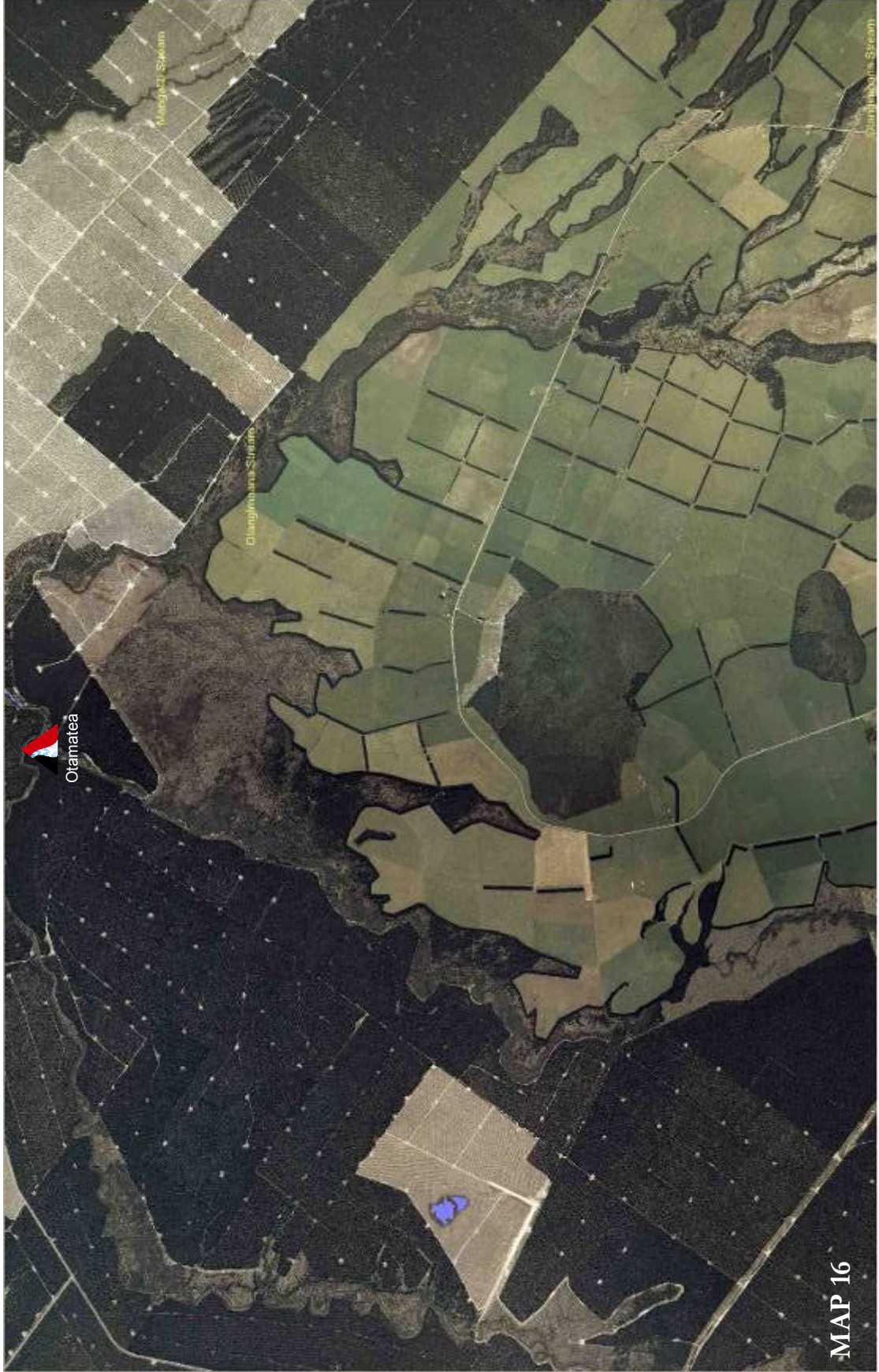


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Ko Tangiharuru te tangata
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Ko Ngati Manawa te iwi





Ko Tawhiuuu te maunga
Ko Rangitaiki te awa
Ko Tangiharuru te tangata
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Ko Ngati Manawa te iwi



MAP 16



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Ko Rangitaiki te awa
Ko Tangiharuru te tangata
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Ko Ngati Manawa te iwi



MAP 17



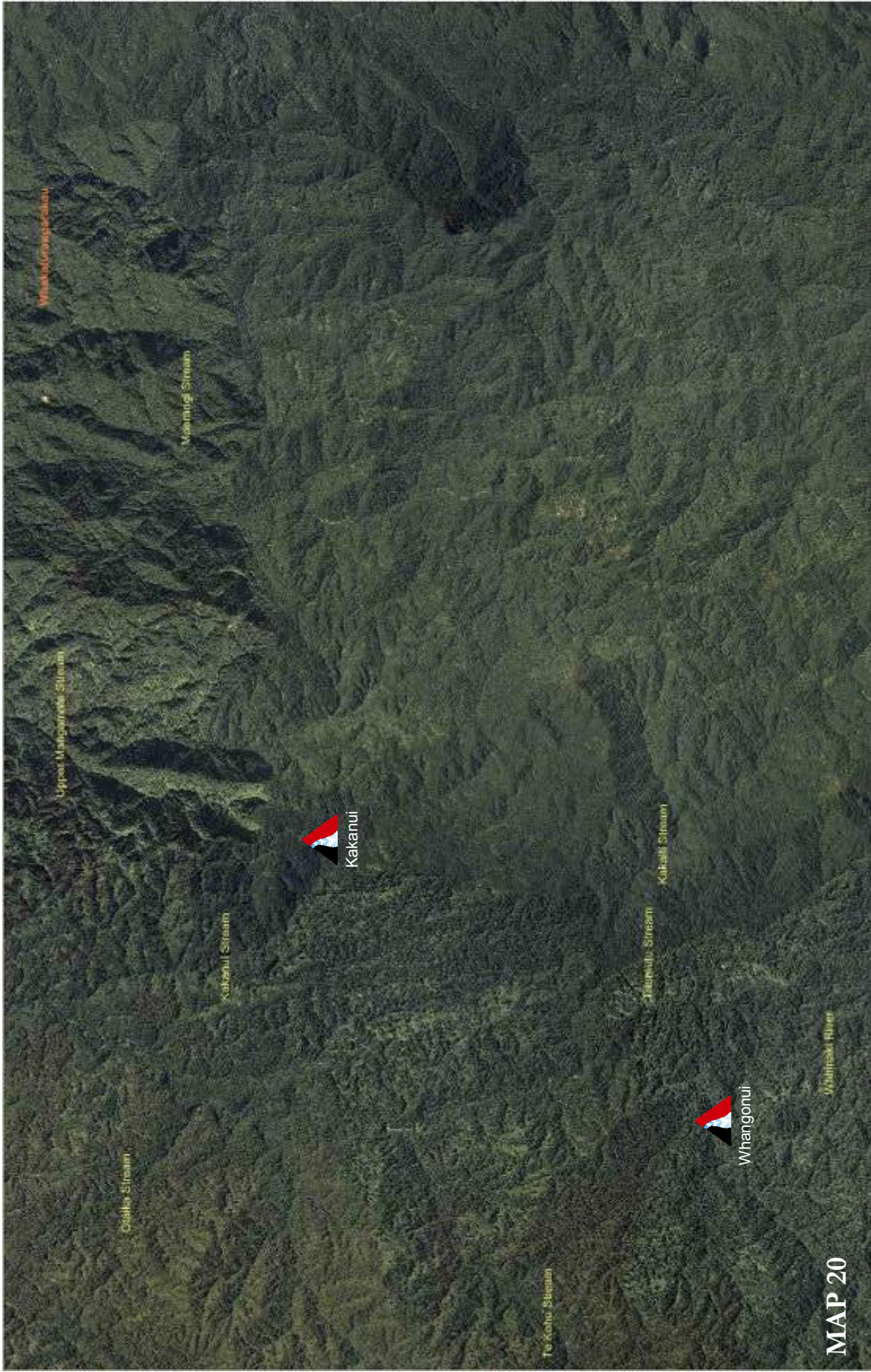
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Ko Rangipo te wehenga o te tuna
Ko Ngati Manawa te iwi



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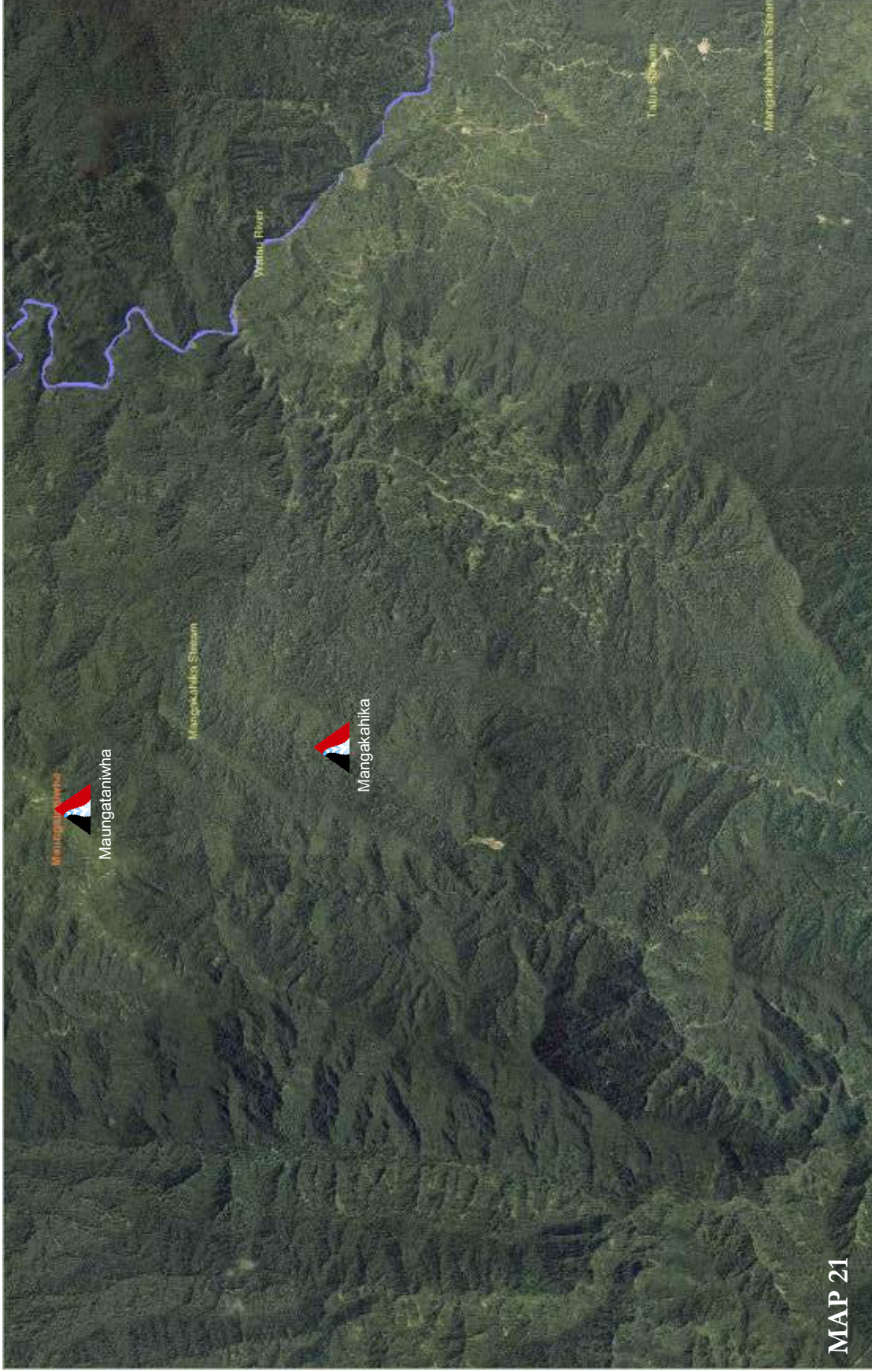


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Ko Rangitaiki te awa
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MAP 21



Ko Tawhiuu te maunga
 Ko Rangitaiki te awa
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 Ko Ngati Manawa te iwi



MAP 22



*Ko Tawhiuu te maunga
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Ko Ngati Manawa te iwi*