

# TE ARAROA BARGE FACILITY WORKING GROUP

## CULTURAL REPORT

November 2021<sup>1</sup>

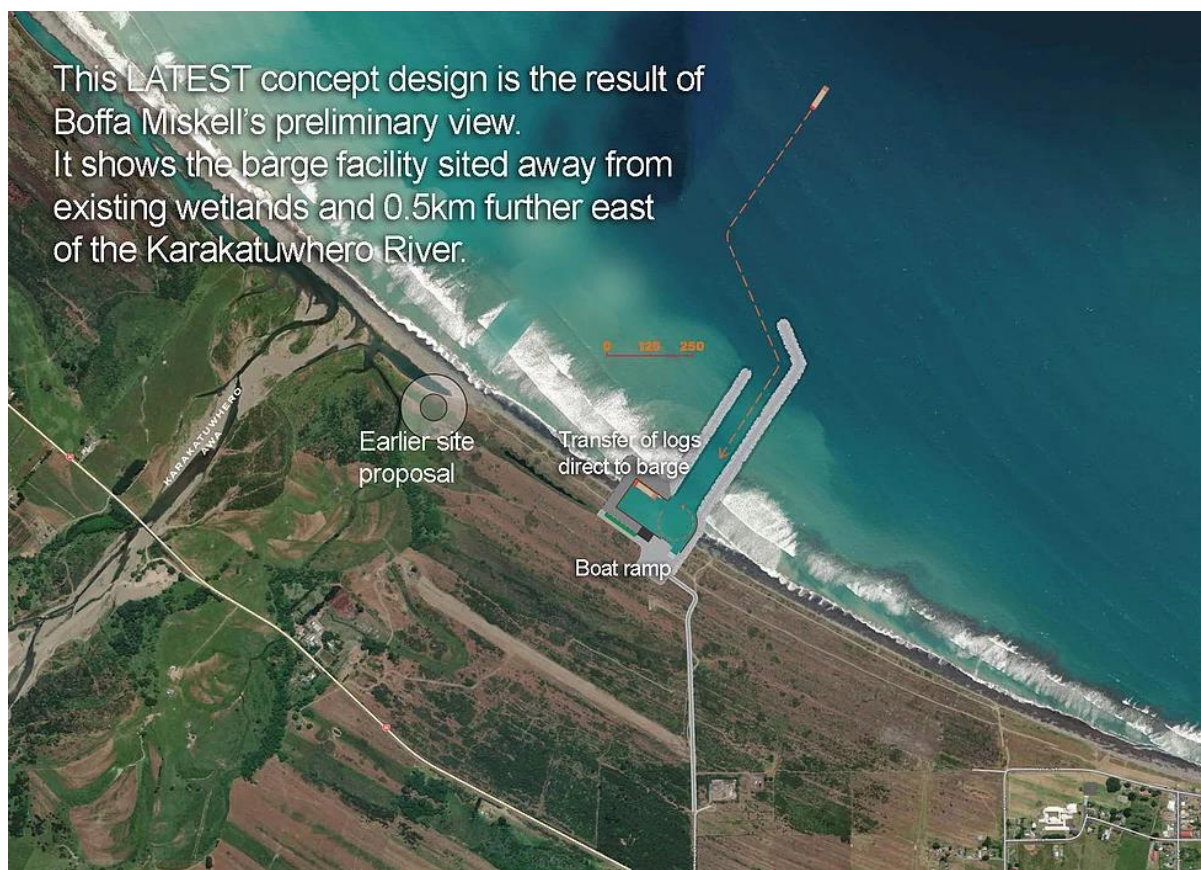


Figure 1: Proposed Te Araroa barge facility site location

### WHAKATAUĀKĪ

Ko Pukeamaru, hei whitinga mo te ra

Ko Puketapu, hei rerenga mo te ra

Ko Pukehou, hei tonga mo te ra

<sup>1</sup> Author: Darrell Naden, Managing Director, Tamaki Legal

## The sun first strikes Pukemaru

At its zenith, the sun shines directly down onto Puketapu (pā of Kauwhakatuakina)

Finally it looks back, sets and rests on Pukehou (a principal urupā)

One could say that each puke is symbolic of the stages of life—Pukeamaru, entering the world, Puketapu, reaching potential, Pukehou, exiting from the world

## INTRODUCTION

### Report purpose

1. The purpose of the Cultural Report is to evaluate the effects of the Te Araroa barge facility (**“barge facility”**) on cultural uses, interests and associations in the surrounding whenua and rohe moana. The report has been commissioned by the Te Araroa Barge Facility Working Group (**“the Working Group”**).
2. We begin with some background information on the Te Araroa Barge Facility Working Group and on Te Rimu Trust. The tangata whenua are then introduced—their lands, history and whakapapa.
3. The tikanga Māori (**“Māori values”**) that the Working Group bring to the project and which they share with tangata whenua are then set out, including mātauranga Ngāti Porou (iwi philosophy, knowledge), te tino rangatiratanga (self-determination), whakapapa (the interconnectedness of all things), kaitiakitanga (guardianship, stewardship) and whānaungatanga (familial ties, obligations). The values that the Working Group share with tangata whenua causes the Working Group to see to it that, in the event that the barge facility is proceeded with, the impact on the haukāinga’s<sup>2</sup> cultural uses, interests and associations (**“cultural interests”**) is minimal. In light of the economic activity that tangata whenua have engaged in since the arrival of the Pākehā, it is suggested that the Working Group and the haukāinga share the value of wealth creation and the community benefits that evolve therefrom.

---

<sup>2</sup> Haukāinga—noun, home, true home, local people of a marae, home people.

4. An assessment is undertaken of the types of cultural interests that exist in and around the proposed development site, including the whenua, takutai moana, wāhi tapu kaimoana, taunga ika and wetlands. Having identified the haukāinga's cultural interests, the impact of the barge proposal on them and on any associated kaitiakitanga is measured.
5. A consultation process is underway through which tangata whenua can air their views and be informed about the site development. We report on the consultation process to date.

### **Site activity**

6. The proposed barge facility involves opening a navigation channel through the beach barrier to a safe harbour basin dredged to a 4m-depth in the lagoon behind the beach. The navigation channel will be protected by two breakwaters extending out to the natural contour offshore. The harbour is designed to take self-propelled barges that are approximately 80m in length. Each barge can carry about 4500 tonnes of logs, which is approximately 90 truck and trailer loads. The inner harbour will contain a vessel-loading area. A log storage and loading area are proposed on the harbour's foreshore.

### **Site location**

7. The proposed development site is located approximately 500m east of the Karakatūwhero River, in Kawakawa Bay near Te Araroa. The scope of this report concerns that part of Te Rimu Trust land upon which the port will be sited, its immediate surrounds and the adjacent marine and coastal area.

### **Research methodology**

8. Information has been gathered in a variety of ways. Whakapapa and hapū history were sourced from korero tuku iho (oral information handed down) and from historical texts. It was also sourced from claimant evidence and historical research on the East Coast Waitangi Tribunal's record of inquiry. The tikanga Māori that is being applied was generated from korero tuku iho and from the writings and pepeha (sayings) of Ngāti Porou tīpuna and luminaries. Interviews concerning the potential impact of the barge facility on mahinga kai and wāhi tapu have been held with hapū members.

Information has also been gathered from community hui. Pakeke (elders) have expressed their issues and concerns with the barge facility in recently held hui. Written materials relied on are listed in the 'References' section below.

### **Preliminary report**

9. The Cultural Report is preliminary in nature. It is recommended that a comprehensive Cultural Impact Assessment ("**the CIA**")<sup>3</sup> be completed. The CIA should include an in-depth assessment of the cultural landscape and there should be a greater level of engagement with the whānau-hapū concerning their cultural interests in the whenua, the takutai moana, wāhi tapu and in their mahingā kai. Some specific CIA recommendations are included below in the 'Conclusion' section.
10. An ecological assessment is also recommended. Specific recommendations in this regard are included in the 'Conclusion' section below.

### **NGĀ RŌPU KAITIAKI**

#### **Te Rimu Trust**

11. Te Rimu Trust lands are comprised of seven Tokata and Whetumatarau blocks that are situated on both sides of the Karakatuwhero River. Aggregated in 1994, the land blocks comprise some 240 hectares of flat land that lies adjacent to the coastline. The trust has 349 owners<sup>4</sup> and is managed by responsible trustees Richard Clarke, Hepa Akuhata Brown, Maaka Tibble, Rowena Akuhata Brown and Sir John Clarke. The trust's activities include beef grazing, citrus orchards, manuka groves for oil and honey and river shingle extraction.

#### **Te Araroa Barge Facility Working Group**

12. Building on earlier developmental work that was spear-headed by Te Rimu Trust, the Te Araroa Barge Facility Working Group was established in mid-2021 to further develop the barge facility. All of the group's members, if we substitute the directors of Ngāti Porou Holdco for their management, have whakapapa ties to the area. There

---

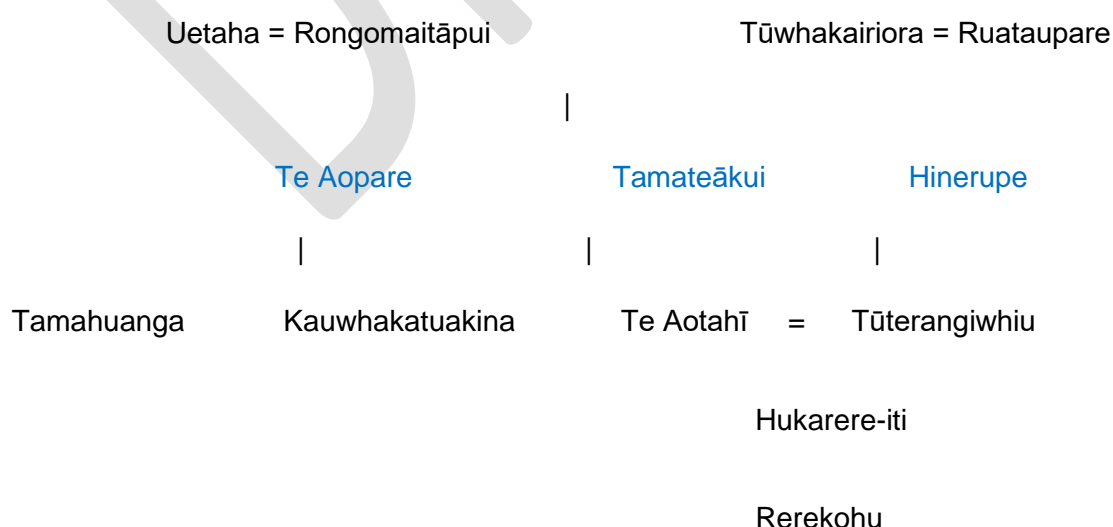
<sup>3</sup> A CIA is a report documenting Maori cultural values, interests and associations with an area or resource, and the potential impact of a proposed activity on these.

<sup>4</sup> Maori land Court Title Details Report dated 30 June 2021.

is a high level of commitment. The group possesses a wide range of relevant technical expertise, know-how and local knowledge. Group members draw on their networks to gather comment and feedback about the barge proposal. There is an acute awareness of the haukāinga's concerns with the proposed development and a genuine intention to work through those concerns towards mutually agreed resolution.

## NGĀ KŌPARA O RONGOMAITĀPUI

13. The whakapapa below records Uetaha and his marriage to Rongomaitāpui. They produced three daughters who came to be known as 'Nga Kōpara' (The Bellbirds)—Te Aopare, Tamateākui and Hinerupe. Uetaha gave the land at Awatere to Te Aopare and he gave Whangaparaoa to Hinerupe. Tamateākui was born at Kawakawa but was taken to Whangara as a child. She was given Tokata by her sister Te Aopare when she returned as an adult following the expulsion of Ngā Oho by her father Uetaha and his brother Tamakoro.<sup>5</sup> Tamateakui's children were Tatuaparae, Te Aomoengaariki, Kauwhakatuakina, Kairāhui and Wharetāruke. Mana whenua and mana moana over Kawakawa is held by the uri (descendants) of Ngā Kōpara, they being Te Whānau a Kahu, Te Whānau a Hinerupe and Te Whānau a Te Aopare. Hinerupe's eldest daughter Te Aotaihi married Tūterangiwhiu, the son of Tūwhakairiora and Ruataupare. Their eldest son is Hukarere-iti, whose son was Rerekohu. The name of the local high school and the landmark pōhutukawa tree at Te Araroa is Te Waha o Rerekohu.



<sup>5</sup> Manahi Parapara, Waiapu Native Land Court Minute Book 24, 10 May 1894, at 253-254.

14. In accordance with tikanga Māori, and, in particular, with the values of tino rangatiratanga, whakapapa, whanaungatanga and manaakitanga (see below), the Working Group intends to establish a charitable, not-for-profit company called 'Ngā Kōpara Charitable Trust Limited' or similar. The trust will be a limited partner with a share interest in the limited liability partnership that will manage the barge facility. Ngā Kōpara Charitable Trust Limited will have three shareholders with equal shares, they being Te Whānau a Kahu Trust on behalf of Te Whānau a Kahu, Hinerupe Marae on behalf of Te Whānau a Hinerupe and Tutua Marae on behalf of Te Whānau a Te Aopare. The trust will have free carry, it will share in any profit but it will not appoint directors to the general partner.

## **TIKANGA MĀORI**

15. The tikanga or value set that the Working Group brings to the proposed development is explained in this section. All of the Working Group members, if we substitute the directors of Ngāti Porou Holdco for management, have whakapapa ties to Ngā Kōpara which means, in turn, that the Working Group's tikanga will be similar to if not the same as that of the haukāinga. This should ensure that the development and operation of the barge facility is carried out in a culturally appropriate way.

## **Mātauranga Ngāti Porou**

16. Previous longstanding Chairman of Te Rūnanga o Ngāti Porou, Dr Apirana Tuahae Mahuika, describes a fiercely autonomous tribal knowledge base:<sup>6</sup>

The key to Mātauranga Ngāti Porou is tikanga, or in the English term, culture. In culture or tikanga we find all those elements that are essential to life, namely, the rules and regulations about norms of behaviour and respect for people and property, rules of lore out of which arise systems of law, moral codes of behaviour and justice, sets of value systems, political and economic systems and religious and spiritual sanctions.

17. The Working Group and the haukāinga are bound by their mutual understanding and application of mātauranga Ngāti Porou (Ngāti Porou learnings, philosophy, know-

---

<sup>6</sup> Kaa, Hirini, Dr., *Te Hāhi Mihinare—The Māori Anglican Church*, Bridget Williams Books, at

how). The iwi's collective knowledge is drawn from history's lessons, place names, waiata (song), haka (war dance), mōteatea (chants), pou whakairo (carvings), mahi rāanga (weaving), karakia (prayer), korero tuku iho (knowledge handed down in oral form from the ancestors), pepeha (sayings) and from the headstones of the dearly departed. That collective knowledge culminated in a level of sophistication that was observed from the Endeavour's deck by botanist Joseph Banks:<sup>7</sup>

Throughout all this District the People seemed free from apprehension & as in a state of Profound Peace; their cultivations were far more numerous and larger than we saw them anywhere else, & they had a far greater quantity of fine Boats, fine cloaths (sic), fine carved work; in short the People were far more numerous, and lived in much greater affluence than any others we saw.

In his waiata 'He Wīwī Nāti', Sir Apirana Ngata echoed this stand-out aspect of the iwi's character with reference in the lyrics to 'he iwi whanoke (a Ngāti Porou)—an extraordinary people'.

18. According to Dr Hīrini Kaa, Ngāti Porou is not an iwi that is prone to navel gazing. Rather, they are a people with eyes fixed on the ever-changing world that lies beyond the waves. In the following pepeha, often referred to as 'E tipu e rea', Sir Apirana Ngata gave time-honoured instruction to the people of Ngāti Porou on how to navigate their way through this ever-changing world:

E tipu, e rea mō ngā ra o tōu ao

Ko tō ringa ki ngā rākau a te Pākeha,

Hei ara mō tō tinana.

Ko tō ngākau ki ngā taonga a ā tīpuna Māori,

hei tikitiki mō tō māhuna.

A, ko tō wairua ki tō Atua, nāna nei ngā mea katoa.

Grow tender one to meet the needs of your time.

May your hand master modern ways for physical well-being.

---

<sup>7</sup> Joseph Banks, journal. Quoted in Salmond, A., *Two Worlds: First Meetings Between Maori and Europeans, 1642-1771*, at 178.

May your heart cherish your ancestral roots for dignity.

May your spirit be with God, the maker of all things.

Tribal elder Arnold Reedy urged iwi members to grasp the meaning of ‘E tipu e rea’ by branding it on one’s forehead.

## **Tino rangatiratanga**

19. Rerekohu was born around 1700 AD and was the son of Hukarere-iti and the grandson of Te Aotāihi and Tūterangiwhiu. Therefore, he was the great-grandson of Tūwhakairiora and Ruataupare, and of Hinerupe and Hukarere. Rerekohu was indeed a person of noble birth and high rank. He is attributed with the pepeha, ‘Ko taku ūpoko ki te tihi o te maunga, ko aku matimati ki te huka o te wai—My head to the peaks of the mountains, my fingers to the foam of the tide’. The pepeha is an assertion of independence and authority.

20. A statement by Sir John Clarke in the opinion piece he prepared for the barge facility website emulates the substance of Rerekohu’s pepeha:

He tino kupu te ‘kuhu’ ki o tatou matua tīpuna. Kuhu was a favourite word of advice from our old people. Kuhu in the sense of fending for oneself, being resourceful, independent or resolute. Ki a rātou, ‘Kaua e waiho ma te penihana e whakatipu o tatou tamariki mokouna—To them, they would say, [d]on’t rely upon the penihana (benefit) to bring up our mokopuna’.

## **Equality**

21. A renowned aspect of mātauranga Ngāti Porou was the subject of Dr Apirana Mahuika’s MA thesis, ‘Ngā Wāhine Kaihautū o Ngāti Porou—The Female Leaders of Ngāti Porou’. Some of the outstanding female leaders discussed included Ruawaipu, Tamateaūpoko and Hinerupe. The phrase, ‘he tangata ōrite’ (equality of opportunity), encapsulated a prominent theme in the thesis and a prominent iwi value.

## **Whānaungatanga**

22. Pine Taiapa recorded the story of Hunaara and Te Rahuiōkehu in a tukutuku panel that adorns the wharehau Porourangi. Hunaara is seen with a kehe (marblefish) and next to him is Te Rahuiōkehu with a bundle of manuka. The tukutuku represents a



resource sharing, co-operative relationship between the rangatira and their respective hapū—one a coastal people and the other an inland people. The coastal hapū was given access to the resources of the inland people when access was requested and likewise the resources of the coastal people were made available to the inland people by arrangement.

### **Kaitiakitanga**

A significant feature of traditional Ngāti Porou society was the reverence that was given to Tāne and to Tangaroa and to the realms that they are responsible for. As a consequence, the preservation of their respective realms marked any venture into them. The act of preservation culminated in a positive obligation to protect the world the people lived in. Certain kawa or protocols were utilised to ensure that the Ātua were not transgressed.

### **Whakapapa**

23. Herewini Parata, Chairman of Te Rūnanga o Ngāti Porou, honoured the taonga and the institution that is whakapapa with reference recently to the pepeha, 'te whakapapa, kāore e taea te whiriwhiri—one cannot choose one's whakapapa (it chooses you)'. In other words, whakapapa is a gift but it also bestows great obligation.

### **Matatau**

24. Bob McConnell wrote that Tūwhakairiora's greatest battle was at Tārereko-a-au, which is situated between Ruatoria and Tikitiki. This is because of the large amount of land that was taken from the vanquished Wāhineiti. The cause of battle arose when Te Aotaihi, the sister of Hinerupe, was insulted by one of the Wāhineiti. Although the enemy was rapidly assailed, their fortified stronghold could not be breached. However, upon the arrival of Kauwhakatuakina and his war party at the battle site, the pā was taken. These events led Tūwhakairiora to elicit the whakatauāki, 'Ara kē koutou ki te whanga kia Kauwhakatuakina me tōna ope taua, kua matatau ki te pakanga—It's as if you await Kauwhakatuakina and his band of warriors; the masters of warfare'. In other words, proven leadership enhances success.

## Economic development

### *Early industries*

25. The people of Ngāti Porou have engaged in economic activity since their earliest encounters with the British. Enhancing prosperity and their quality of life through initiatives such as the barge facility is not only consistent with the haukāinga's history, but it is culturally familiar to them as well:<sup>8</sup>

Captain Cook's crew traded with East Coast Māori immediately and by the mid-nineteenth century, as a Pākehā market developed, East Coast Māori took avidly to cultivating and trading. They displayed substantial levels of enterprise and initiative tackling the novel situation, and a preparedness to invest their effort and resources into deriving as much benefit as they could from the emerging markets with the new goods and opportunities now available.

26. By the 1830s, the iwi was fully engaged in the flax trade with major trading stations located at Whangaparaoa, Ūawa and Tūranga at least. Now an organised business that was dominated by Sydney merchants, only good quality produce was guaranteed of acceptance in London. So by the time that East Coast Māori were involved, the demands of participating in this industry were even higher than they had been previously.<sup>9</sup>
27. Whaling was also a significant industry in the region for much of the 19<sup>th</sup> century with shore whaling stations located at Hicks Bay, Waipiro, Tokomaru Bay (Te Māwhai), Ūawa, Whāngara and Tūranga.
28. European agriculture was eagerly embraced by Māori of the East Coast. A large number of pigs were traded from Tolaga Bay in 1835. Bishop Selwyn recorded in 1842 that the pig trade was 'brisk along this coast'.<sup>10</sup> Waiapu Māori began wheat production during the 1840s and within 10 years they were exporting large quantities to Melbourne by way of Auckland. Paratene Ngata described the wheat growing during this period, 'Ura tonu te whenua katoa i te wīti—The whole land was golden

---

<sup>8</sup> Gilling, B., *'I raised the flag over them for their protection': The development of an alliance between East Coast Māori and the Crown 1840-1872* dayed April 2005, Wai 900, #A24, at 22.

<sup>9</sup> Gilling, B., *'I raised the flag over them for their protection': The development of an alliance between East Coast Māori and the Crown 1840-1872* dayed April 2005, Wai 900, #A24, at 28.

<sup>10</sup> Taylor (ed), *Early Travellers*, at 75.

with wheat'. The wheat, maize and other crops were carried to Auckland aboard coastal schooners, with 'quite a fleet' possessed by 1853.<sup>11</sup> According to Pierre Henare, at least five schooners were moored in the Awatere River estuary by this time.

### *Sheep farming*

29. After the conflicts of 1865, crop growing was largely abandoned and sheep farming was taken up.<sup>12</sup> Sheep farming would change the landscape forever as large areas of bush were cleared and sown in grass. Horimatua Evans lamented over the destruction:<sup>13</sup>

The history of the Waikura is well documented by local historians, how it was developed. The intention to develop lands followed the First World War really about the 1918s, '19s and '20s. I suppose the land settlement schemes promoted by the Crown to help people to bring what they considered idle Maori land into production. That was the last big chunk of territory shall we say up the Whangaparaoa and the Waikura valley. Initially the schemes there were where various settlement companies set up to acquire the leasehold and then certain rights were given to the lessees to allow them to borrow money to develop the land and eventually those funds became a charge on the land so the owners carried survey costs per se. The owners of the land sold blocks, sold half the blocks, sold half of Waikura station and kept half to the lessees who then gave them a good foothold to develop and so the development expanded from there fairly rapidly. Massive clearing, bush felling. It was totally uncontrolled. Tens of thousands of acres were burnt off, clear felled, so you could imagine the tremendous heat that it generated. We are paying for what it did to the soil structure now in the erosion that is evident up there. The intense heat cooked everything, destroyed everything and there was scant regard for that. Part of it was through the bush clear felling. The decree was certain areas were to be left in native trees, but I saw it myself when they fired some of the early blocks where the trees were left, vapour came off them and they exploded, whole blocks. You wouldn't believe. The heat boiled the sap in them it vapourised them and boom! So it was a waste of time. There was no sense in creating the reserves because the burn off wasn't

---

<sup>11</sup> Reed (ed), *Early Maoriland Adventures*, at 183-184.

<sup>12</sup> Young and Belgrave, *Te Papatipu o Ruawaipu: Traditional History Report*, Wai 900, #A30, Part One, at 251.

<sup>13</sup> Young and Belgrave, *Te Papatipu o Ruawaipu: Traditional History Report*, Wai 900, #A30, Part One, at 255-256.

managed. It was really the scorched earth policy. That is how the early settlers developed it. They took enough timber out to build homesteads and woolsheds and once they got back in the valleys, poured the grass seed on the ash and away it grew. As the fertility left by the ash disappeared the countryside deteriorated. Then in the '40s the topdressing planes came to pour the fertiliser on and that sort of saved the situation, but still erosion was happening in the valley floors and just was quite cancerous and was eating back so the beds of the rivers built up. Where there were freehold blocks they sold them but the people who owned the blocks were still walking around, the descendents of those people. I would have thought that the treaty claim would have been based on that, on the irresponsible nature that the land had been able to move from Maori customary ownership ably abated by the court system of the day to enable developers to freehold and leasehold it. A lot of them were accountants and lawyers and people who had no idea about land and land use at all. But they saw the investment opportunities for it and destroyed a wonderful part of our heritage.

30. In addition to breaking in the land, Ngāti Porou shored the sheep, they built farm dwellings and wool sheds and they processed the wool for the market as well. Early in the 20<sup>th</sup> century, the Stout-Ngata Commission took stock of sheep farming activity by Māori in the Waiapu county. More than one third of the Tikitiki block had been cleared and grassed and was carrying 3,000 sheep and 200 cattle. Poho-o-terangi had been cleared of weeds and pasture established so that it was now running 1,450 sheep. There were 1,300 sheep on Whakararanui and Horoera while 2,100 sheep were grazing on pasture established at Te Pakihi. To the north, farming activities were more limited although 1,400 sheep were grazing on pasture cleared on Whetumatarau and another 1,000 sheep were farmed on Wharekahika. Sheep farming on other blocks in the region was also recorded. Of the area in Māori ownership, 16,000 acres was grassed and carrying 24,000 sheep.<sup>14</sup>
31. Income was earned from other activities as well. The roading network in the northern Waiapu continued to grow, with Ngāti Porou contractors closely involved with the work. A lot of the people went scrub cutting. Fencing was an ongoing source of occupation. It became a full-time occupation on some of the larger stations. Much of the land in the area was leased to Pākehā farmers and rental income earned.

---

<sup>14</sup> Interim Reports of Native Land Commission on Native Lands in the Waiapu County, AJHR, G-i, at 14-15.

### *Share milking*

32. In 1925, the Ngāti Porou Co-operative Dairy Company was formed. The factory, which produced butter, was based in Ruatoria and the venture was financed through a loan from the Native Trustee. In 1925, there were 58 suppliers and the factory produced 61 tons of butter. In 1936, this had increased to 377 suppliers and the factory produced over 743 tons of butter. As an iwi, Ngāti Porou embraced the dairy industry. Tom Trafford remembered all the cow sheds along the main road from Pōtaka to Hicks Bay.<sup>15</sup>

Then there was old Tom Houkamau across from Ngāti Walker's. He milked cows. No, there were 29 dairy farms I pointed out to my wife as we drove down to Hicks Bay wharf. Unbelievable.

33. Koro Dewes ruminated on the importance of dairy farming to the local Māori economy.<sup>16</sup>

APIRANA saved our people from certain extinction by helping us to develop economically and to keep up with the Paahea way of life. He was able to help Ngāti Porou build an economically viable industry based on dairy milking something we had never done before. This involved new techniques and systems of working. We had operated under a community based system for centuries, this way we could still operate under this system while at the same time benefitting economically. Thanks to his vision Ngāti Porou succeeded in areas we would otherwise probably have failed. Through dairy farming Ngāti Porou became one of the wealthiest tribes in the country.

34. Martin Evans ran a dairy farm on whānau land at Te Rimu in the 1950s. The whānau lived in a house built with a loan from the Department of Māori Affairs and the income earned from milking cows was used to pay off the mortgage. Likewise, Tipene Manawa Akuhata and his siblings Tūrei Akuhata, Noa Akuhata, Iritana Evans and Hariata Clarke supplied milk to the factory at Ruatoria from their dairy farm on Te Rimu.<sup>17</sup>

---

<sup>15</sup> Young and Belgrave, *Te Papatipu o Ruawaipu: Traditional History Report*, Wai 900, #A30, Part One, at 259.

<sup>16</sup> *Affidavit of Te Kapunga Matemoana Dewes* dated 14 December 2000, Wai 900, #A36, at [55].

<sup>17</sup> Young and Belgrave, *Te Papatipu o Ruawaipu: Traditional History Report*, Wai 900, #A30, Part One, at 261.

## Forestry

35. The shift to forestry came in the 1970s. Forestry would stabilise the hill country while protecting and enhancing farming and horticultural activities on fertile land near the coast. Improved land use would rejuvenate communities by providing employment opportunities that would bring people to the area to work.

## East Coast port facilities

36. Tangata whenua of the northern East Coast have supported seaport developments in the past. It was a case of having to. Road transport was not properly provided for until 1917 when a road was formed right through to Te Araroa. Even so, badly maintained roads continued to be a problem for wheeled transport for many years thereafter.<sup>18</sup>
37. During the 19<sup>th</sup> century, coastal trading was a notoriously difficult enterprise. James Stack described the conditions at Waiapu:<sup>19</sup>

The beach at Waiapu was very much exposed to south-easterly gales, and the heavy surf always beating upon it made landing there impossible, except when the wind was off-shore. Vessels wanting to land to take off cargo, had often to keep beating backwards and forwards for days together along the coast, till the wind came off the shore, when they would run in and drop anchor and get through their business with the utmost speed, for fear the wind might change before they could get away, in which case they were in danger of being wrecked.

Leonard Williams reminded later generations just how difficult, time consuming and dangerous communication and trade by sea was in the days before telegraph and steamships.<sup>20</sup> Coasting, as the trade was called, was also seasonal, hindering communications and travel in inclement weather.

38. Thus, the use by the government of steamships from the early 1860s on was of enormous significance to the region. The trip to Auckland was shortened to little more than a day, regardless of the wind. The breadth of the East Coast region could be

---

<sup>18</sup> Lawson, L., *Wharekahika – A History of Hicks Bay*, at 119.

<sup>19</sup> Reed (ed), *Early Maoriland Adventures*, at 160-161.

<sup>20</sup> Williams, W.L., *East Coast (N.Z.) Historical Records*, Gisborne, Gisborne Herald, at 27.

sailed in just a matter of hours. Despite the advent of the more reliable steamships, cargo was still moved to and from ships by surf-boats and lighters. When landing the surf-boats, drays and wagons were driven out into the water and the boats brought alongside. Due to the ever-increasing amount of cargo however, this could not go on. By the end of the 19<sup>th</sup> century, another solution had to be found and it was—seaports.

39. The port at Awanui was the major government centre in the northern East Coast, after the port was shifted there from Te Hatepe for safety reasons. According to Mackay, 'Port Awanui had three hotels, a courthouse, a police station, post office, three stores and a wool store'.<sup>21</sup> By 1949, it was all gone.
40. At Te Araroa, a jetty was built in 1912 for the purposes of loading wool but it soon became unstable after the Awatere River changed course.<sup>22</sup>
41. On Tuesday, 14 April 1925, the Hicks Bay wharf was officially opened. A large hui took place on the opening day with nearly 2000 people in attendance. Potene Tuhiwai an Tipiwai Houkamau welcomed the official party which included A.T. Ngata, M.P., K.S. Williams, M.P., Reweti and Poihipi Kohere, Pine Tamahori, Hatara Te Awarau and Renata Tamepo. On officially declaring the wharf open, A.T. Ngata named it Hinemaurea.<sup>23</sup> Lawson wrote about the wharf's utility:<sup>24</sup>

The wharf revolutionised cargo handling for the district. Coastal steamers called on a regular schedule bringing basic commodities such as sugar, flour, kerosene and farm equipment while produce off the land was loaded for Gisborne, Napier and Auckland. Records from the 1930s show the following exports from Hicks Bay over the wharf for one year; 2,500 bales of wool, 15,000 head of sheep, 40 bales of hides, 600 bushels of maize, 75,000 super-feet of white pine logs and 90 bags of edible fungus.

42. The economic "disaster" that resulted from the wharf's demise led Lawson to suggest the development of a barge facility:<sup>25</sup>

Those who recall the days of the coastal shipping service are emphatic that its cessation was a disaster to the economy of the East Coast and

---

<sup>21</sup> Mackay, J.A., *Historic Poverty Bay and the East Coast, North Island, New Zealand*, Gisborne: J.A. Mackay on behalf of the Poverty Bay-East Coast Centennial Council, 1949, at 401-402.

<sup>22</sup> Young and Belgrave, *Te Papatipu o Ruawaipū: Traditional History Report*, Wai 900, #A30, Part One, at 253.

<sup>23</sup> Lawson, L., *Wharekahika – A History of Hicks Bay*, at 118.

<sup>24</sup> Lawson, L., *Wharekahika – A History of Hicks Bay*, at 118.

<sup>25</sup> Lawson, L., *Wharekahika – A History of Hicks Bay*, at 118.

believe that a barge or similar type of service should be reinstated to enable cheaper transportation of bulk produce, livestock, wool, meat and fertilizer and when the forests come into production in the future, timber.

## WHENUA

43. The proposed development site will occupy Māori freehold land and a part of the marine and coastal area. We identify and discuss the cultural interests in the Māori freehold land and in the marine and coastal area.

### Tokatā and Whetumatarau land blocks

44. As discussed, Te Rimu Trust owns and manages the Māori freehold land upon which the barge facility will be built. Te Rimu Trust is comprised of the following land blocks:

a.	Tokata A14	17.5954 ha
b.	Tokata C12	0.4047 ha
c.	Tokata C13	121.1214 ha
d.	<b>Whetumatarau C11</b>	<b>63.63.48 ha</b>
e.	Whetumatarau C12	4.692 ha
f.	Whetumatarau C13	10.5815 ha
g.	<b>Whetumatarau C14</b>	<b>21.1001 ha</b>

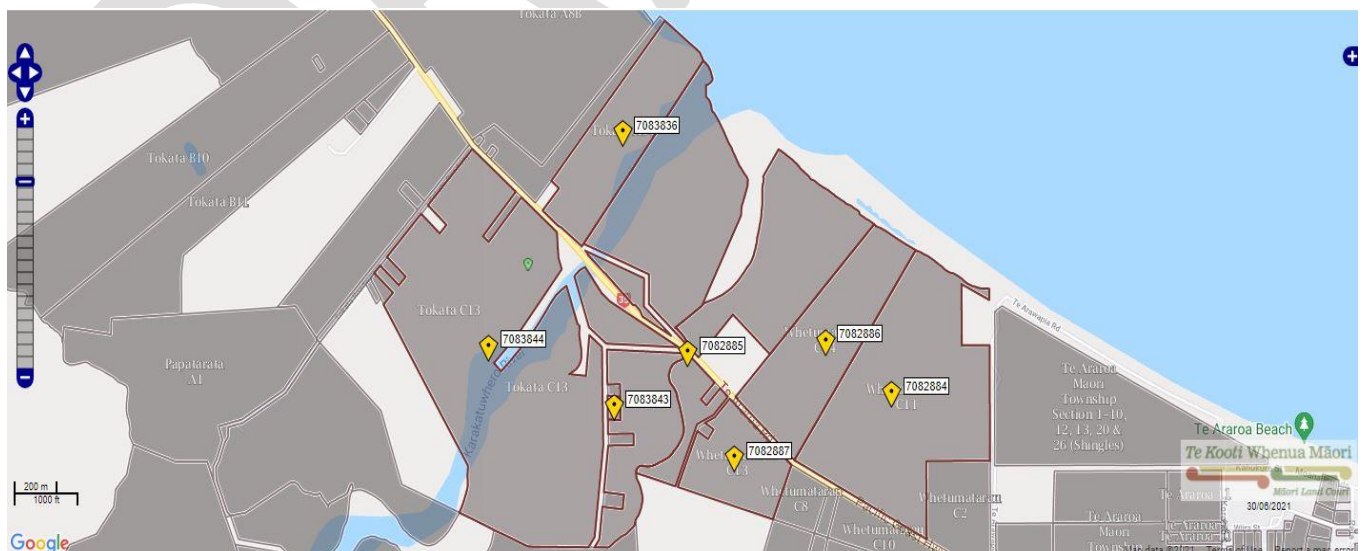


Figure 2: Te Rimu Trust land blocks



45. The barge facility will be built east of the Karakatuwhero River on Whetumatarau C11 and/or Whetumatarau C14.

*Whetumatarau Native Land Court title investigation, 1908*

46. The landowners in Whetumatarau C11 and C14 are the descendants of the blocks' customary owners identified by the Native Land Court in the Whetumatarau parent block title investigation held by the court in 1908.
47. By the early twentieth century, a number of East Coast land blocks remained outside the Native Land Court system as papatipu or customary land. This included Whetumatarau, Marangairoa, Hāhau, Tikitiki, Poroporo, Poho-o-terangi, Wharekahika and Tapatu. Certain individuals or committees were appointed as kaitiaki to protect the land and manage occupation. Approximately 1,400 sheep were grazing on pasture cleared on Whetumatarau and another 1,000 sheep were farmed on Wharekahika. Where disputes arose over stock or where they were grazing, these were referred to kaitiaki for adjudication. The kaitiaki proved remarkably successful at keeping the land out of the Native Land Court system given that an application could have been submitted by any disaffected farmer. Between 1894 and 1908, no Native Land Court sitting was held in the northern East Coast.
48. Eventually however, the title for the 5,346-acre Whetamatarau block was investigated and granted by the Native Land Court in 1908. The contours of the parent land block are depicted in the map below.

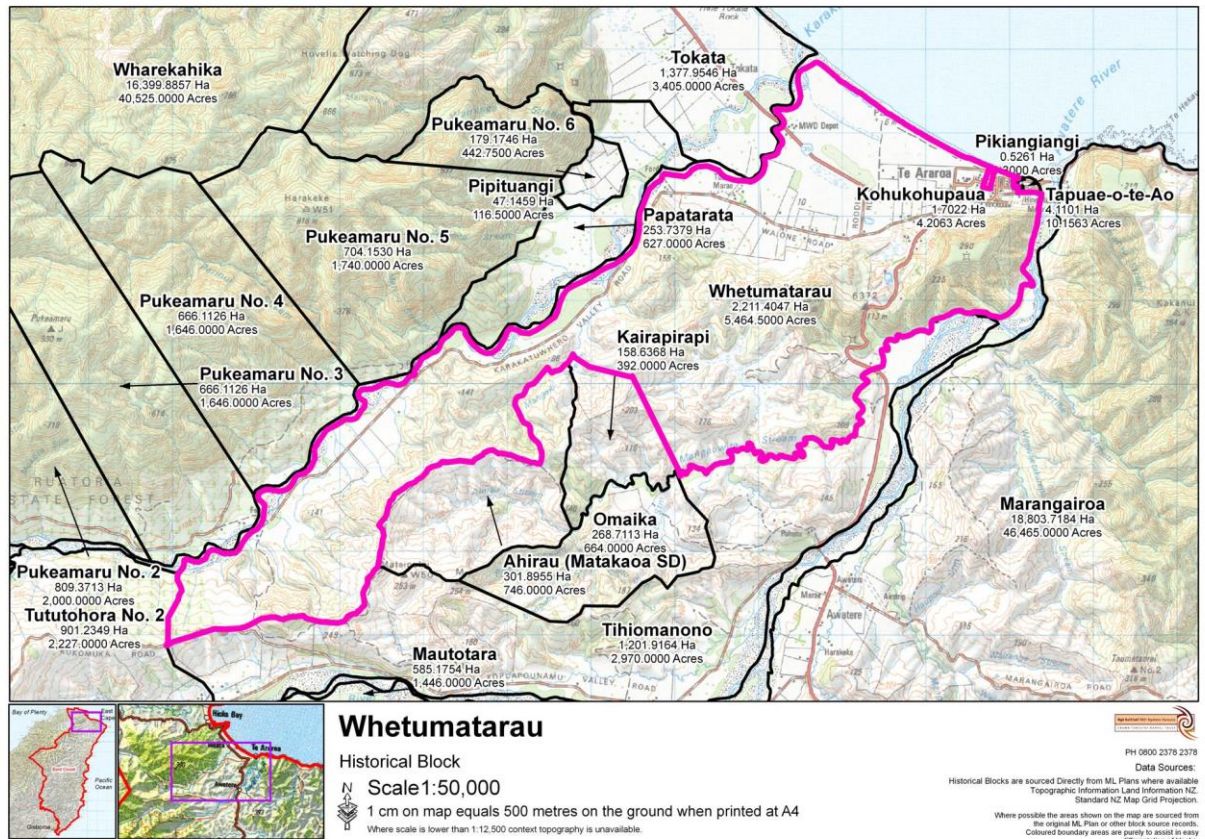


Figure 3: Whetumatarau parent block, 1908

### Whetumatarau partitioning

49. As a result of consolidation on 22 March 1957, the Whetumatarau blocks were made up of the A, B and C subdivisions. The Whetumatarau C series of consolidation subdivisions were as follows:

Block No.	Size (a.r.p)
C1	150/2/02
C2	20/0/00
C3	0/2/15
C4	11/3/09
C5	0/2/00
C6	26/0/24
C7	52/0/25
C8	7/2/00
C9	2/0/08

C10	13/2/15
<b>C11</b>	<b>150/2/02</b>
C12	11/3/09
C13	26/0/24
<b>C14</b>	<b>52/0/25</b>

50. On 3 February 1994, Whetumatarau C11 and C14 and the other land blocks referred to above were aggregated by the Māori Land Court under section 214 and 219 of Te Ture Whenua Māori Act 1993 to form Te Rimu Trust. On 10 February 1997, Whetumatarau C11, C12, C13 and C14 ceased to be general land and were declared Maori freehold land under section 133 of Te Ture Whenua Māori Act 1993.
51. At Te Rimu Trust's Annual General Meeting held on 29 November 2014 at Te Tini o Porou Conference Centre, Gisborne, the trustees were mandated to develop a barge facility on trust land. Since that date, the trustees have kept the trust's beneficial owners informed about progress with the barge facility at Annual General Meetings. The proposed development was incorporated into Te Rimu Trust's strategic plan in 2020. Te Rimu Trust landowners support the barge facility development. Their approval has the effect of abating the barge facility's cultural impact on the haukāinga's land interests and on their interests as kaitiaki.

### **Marine and coastal area**

The haukāinga have cultural interests in the marine and coastal area. Since the barge facility will be sited in the marine and coastal area, at least in part, the impact of the barge facility on cultural interests in the takutai moana should be taken into account and suitably addressed.

#### *Present day situation*

52. Some of the identified cultural interests in the marine and coastal area include the following:
- a. access to the takutai moana;
  - b. ownership of tāonga tūturu;
  - c. use of tauranga waka or other parts of the takutai moana for launching and for landing sea-craft;

- d. the right of navigation for seabound passage;
- e. performing acts of kaitiakitanga including the clearance of waste, monitoring flora and fauna, monitoring pollution issues, planting pīngao, spinifex, sea kale, sea thrift and grasses;
- f. participation in whale strandings;
- g. gathering of driftwood, stones, flotsam, jetsam, mud, rocks, sand, shells, seaweed, rongoa, other plants, other materials;
- h. performing customary rituals including karakia, the veneration of atua and kaitiaki, the burial of pito and whenua;
- i. swimming; and
- j. beach walks.

**(“the marine and coastal area interests”)**

It is accepted that there may be other cultural interests that are not listed. The interests of tangata whenua in mahingā kai are discussed in the section below entitled ‘Mahingā Kai’.

- 53. The barge facility will prevent or obstruct access to that part of the takutai moana that is occupied by the barge facility. Access to the foreshore and seabed beyond the area of the development site will not be hindered. A coastal walkway/cycleway is proposed in the Boffa Miskell environment report (“**the environment report**”) to ameliorate the access issue.<sup>26</sup>
- 54. Should tāonga tūturu be found during the construction of the barge facility on or near the development site, such as a whalebone patu or hei tiki pendant, pursuant to section 11 of the Protected Objects Act 2006 the taonga is deemed to be the property of the Crown. Any claim to the taonga is referred to the Maori Land Court for determination of ownership. In these circumstances, it is not seen that the barge facility will affect any cultural interests in taonga tūturu. The process for determining ownership can be proceeded with regardless.
- 55. It is understood that the proposed development site does not include all or any part of a tauranga waka. Richard Clarke stated that Karakatuwhero is not a place where you launch a boat for fishing and diving. That having been said, it is important that

---

<sup>26</sup> Boffa Miskell, *Te Araroa Coastal Infrastructure: Issues, Values and Management Options Analysis of the Te Rimu Trust Property prepared for Crown Infrastructure Partners*, 4 October 2021, at 4.

there is confirmation either way in the CIA. If it should be determined in the CIA that the proposed development site is not used by sea-craft, the barge facility cannot be said to affect cultural interests in accessing the takutai moana by sea-craft.

56. The haukāinga will maintain their right of navigation to the entire expanse of Kawakawa Bay but for the marine area that will be occupied by the barge facility. Unless it is established that the right of navigation where the barge facility will be sited must be maintained for some reason, it is difficult to see how this particular cultural interest will be affected given that those who are exercising their right of navigation in the bay area should be able to go around the barge facility when confronted with it.
57. It is considered that all of the activities set out in paragraph 53(e) to (j) above (**“the activities”**) can still be carried out by the haukāinga during the construction and operation of the barge facility, except where the barge facility occupies the marine and coastal area. Unless it is established in the CIA that the activities can only be carried out where the barge facility is sited, the haukāinga’s cultural interests in the activities are largely unaffected by the barge facility and their interests as kaitiaki as well.

*Marine and Coastal Area (Takutai Moana) Act 2011*

58. By way of section 9 of the Marine and Coastal Area (Takutai Moana) Act 2011, the meaning of “marine and coastal area” is defined as the area that is bounded on the landward side by the line of mean high-water springs and on the seaward side by the outer limits of the territorial sea. The outer limit of the territorial sea is defined in section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 to be 12 nautical miles from the low-water mark.
59. The Pōtikirua ki Whangaōkena Takutai Kaitiaki Trust (**“the Takutai Trust”**) was established by trust deed on 26 July 2017 to represent hapū with interests in the marine and coastal area from Pōtikirua to Whangaōkeno, they being Te Whānau a Tapaeururangi, Ngāi Tuere, Te Whānau a Tuwhakairiora, Te Whānau a Te Aotaki, Ngāi Tamakoro, Te Whānau a Hunaara, Te Whānau a Tarahauiti, Te Whānau a Te Aotaihi, Te Whānau a Kahu, Te Whānau a Hinerupe and Te Whānau a Te Aopare (**“Ngā Hapū”**).

60. By order in council dated 21 September 2020, customary marine title was recognised in parts of the area from Matakāoa to Whangaōkena. The marine and coastal area from Matakāoa Point to the Awatere River was not included. The seaward boundary for the area ranges from 0.5 nautical miles to 3 nautical miles from the low-water mark. A map of the marine and coastal area that is the subject of the order in council is **attached** as Appendix 'A'.
61. Pursuant to Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 ("the 2019 Act"), the Takutai Trust applied on 28 May 2021 to the High Court on behalf of Ngā Hapū for recognition orders for customary marine title, wāhi tapu or wāhi tapu areas, and protected customary activities. The Takutai Trust has now included the area from Matakāoa Point to the Awatere River in its application and the seaward boundary applied for is now out to 12 nautical miles. The Working Group filed a Notice of Appearance in response on 6 August 2021.
62. The Notice of Appearance allows the Working Group to contest the Takutai Trust's application so as to prevent the marine and coastal area that lies adjacent to Te Rimu Trust lands from being included in any court order awarded to the Takutai Trust. This outcome is a distinct possibility given that Te Rimu Trust owns the land adjacent to the relevant marine and coastal area, including the area where the barge facility will be sited. The Takutai Trust cannot claim to own the adjacent land. Evidence of the ownership of land lying adjacent to any marine and coastal area is of immense benefit to Te Rimu Trust, as is the fact that there is no Queen's chain reserve between Te Rimu Trust land and the marine and coastal area. Please note that Queen's chain reserves are discussed below. Furthermore, Te Rimu Trust landowners descend from Ngā Kōpara which means, in turn, that they can evidence use and occupation of the relevant marine and coastal area without substantial interruption, including the area where the barge facility will be sited, since 1840. This is more highly beneficial evidence. However, although Te Rimu Trust can defend its interests in the marine and coastal area, the trust cannot claim customary marine title because an application for title was not filed in the High Court by April 2017.
63. In the event that the High Court recognises Te Rimu Trust's interests in the marine and coastal area, Te Rimu Trust landowners' endorsement of the barge facility at duly convened trust hui has the effect of diminishing the barge facility's cultural impact on cultural interests in the takutai moana.

64. If the Takutai Trust's application for recognition of their interests in the marine and coastal area from Matakāoa Point to the Awatere River is granted by the High Court, the Takutai Trust will have the power to, inter alia, veto certain resource consent applications that affect any part of a customary marine title award. Other interests that can be gained by the Takutai Trust by way of a court award are as follows:
- a. the right to withhold permission regarding certain conservation processes within the customary marine title area e.g establishing a marine reserve;
  - b. the right to prepare a planning document which must then be taken into account by local bodies and other entities;
  - c. ownership of non-nationalised minerals e.g cobalt, sulphides, manganese;
  - d. default ownership of tāonga tūturu found in the area;
  - e. input into the New Zealand Coastal Policy Statement;
  - f. the right to be consulted on marine mammal watching permits and protective marine reserves; and
  - g. the ability to protect wāhi tapu within the customary marine title area through restrictions on access.
65. Many of the interests awarded by the court are legal rights that the barge facility cannot inhibit. It will not prevent the Takutai Trust from exercising its resource consent veto right or the right to withhold permission for the establishment of a marine reserve. The Takutai Trust's involvement with local and central government marine-related planning will not be affected. The barge facility will not affect the ownership of non-nationalised minerals in Kawakawa Bay. In a 2013 study, NIWA scientists illustrated the location of mineral resources around New Zealand in a map NIWA produced. None were located in Kawakawa Bay.<sup>27</sup> As we discuss below in the section entitled 'Wāhi Tapu', the information available to the Working Group to date is that there are no wāhi tapu on or near the proposed development site. The barge facility will not affect the Takutai Trust's right to be consulted on applications for marine mammal watching permits. In the event that tāonga tūturu are found during the construction or operation of the barge facility, ownership will revert to the Takutai Trust.

---

<sup>27</sup> National Institute of Water and Atmospheric Research Ltd, *Expert Risk Assessment of Activities in the New Zealand Exclusive Economic Zone and Extended Continental Shelf*, Prepared for the Ministry for the Environment, September 2011, at 16. The map does not record any non-nationalised minerals at Kawakawa Bay or anywhere along the East Coast.

66. In the event that court orders are awarded in favour of the Takutai Trust, it will bear administrative responsibilities for the marine and coastal area interests referred to above. As discussed, the barge facility will not affect the marine and coastal area interests and/or it is yet to be determined as to whether or not the barge facility will affect the marine and coastal area interests. Where applicable, it has been recommended that the author/s of the CIA undertake the appropriate analyses.

#### *Queen's chain*

67. The term 'Queen's chain' refers to different types of reserves situated along the coastline and alongside waterways such as rivers, streams and lakes. The reserves are vested in the Crown or in local authorities. A high percentage of the coastline from Pōtikirua to Te Toka a Taiau is subject to these reserves. Typically they are 20 metres or one chain wide, but not always. One of their purposes is to ensure public access to the coastline and to the sea. Queen's chain reserves have been created by a variety of statutes including the Māori Affairs Act 1953, various Land Acts (1877, 1885, 1892, 1908, 1924, 1948) and amending legislation, the RMA, the Reserves and Domains Act 1953 and others. The reserves consist of roads, marginal strips, ambulatory marginal strips, public purpose reserves, esplanade reserves, recreation reserves and so on.
68. There are Queen's chain reserves in Kawakawa Bay. In Figure 4 below, the blue line represents Queen's chain reserves that are vested in the Gisborne District Council. These are coastal road strips. The turquoise line represents a Queen's chain reserve at the Karakatūwhero River mouth and further upriver that is vested in the Crown. The red line running along the coastline represents Maori freehold land and the green line running along the coastline at Punaruku represents General land. There is no Queen's chain where the red and green lines are situated. The map below shows that there is no Queen's chain reserve at the proposed development site.



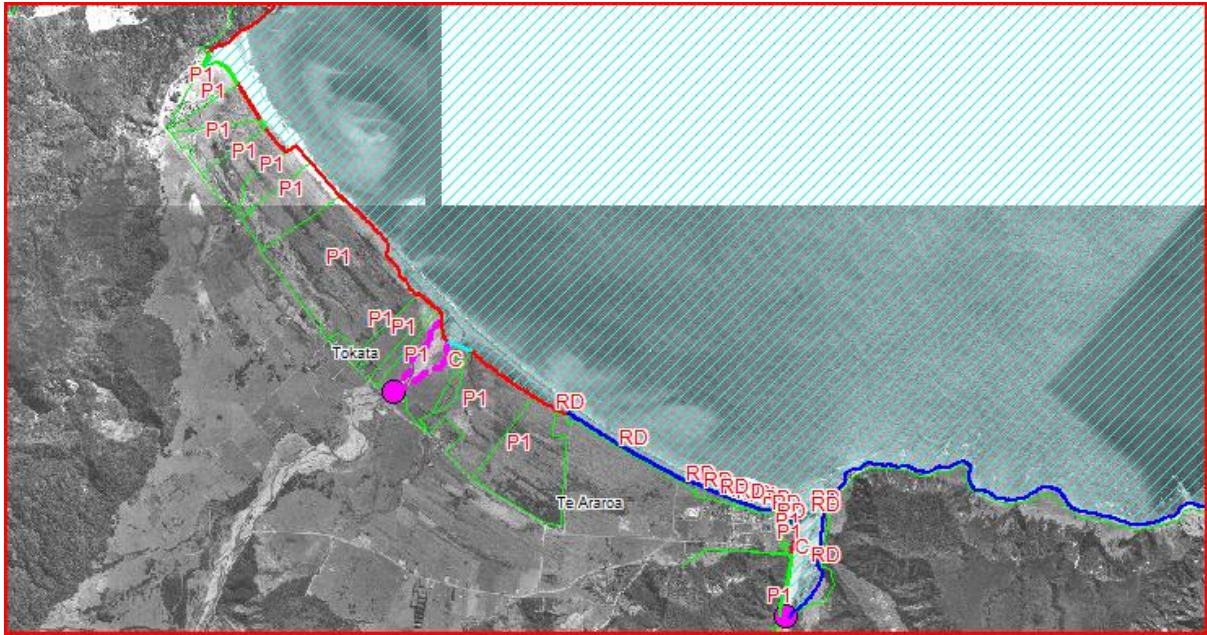


Figure 4: Queen's chain Tokata, Whetumatarau and Te Araroa area

## WĀHI TAPU

69. Before we consider the effect of the barge facility on wāhi tapu in the area, if any, we set out the Working Group's understanding of what wāhi tapu are. In article II of te Tiriti o Waitangi, the signatory chiefs affirmed "te tino rangatiratanga . . . o ratou taonga katoa"—their sovereign authority over "all valued customs and possessions".<sup>28</sup> With this sense of "tāonga katoa" in mind, the Waitangi Tribunal has gone on to find that wāhi tapu are taonga within the meaning of article II of te Tiriti o Waitangi.<sup>29</sup> The Hauraki Tribunal defined wāhi tapu to include "those sites of significance which are sacred to the tribe for cultural, spiritual and historical reasons".<sup>30</sup> The Te Roroa Tribunal considered wāhi tapu to be an 'umbrella' term that was not just applicable to urupā.<sup>31</sup> According to Alex Nathan of Te Roroa, wāhi tapu has a fluid meaning that varies across iwi, hapū and region:<sup>32</sup>

. . . any place or feature that has special significance to a particular iwi, hapū or whānau can be wāhi tapu but such places may not necessarily be significant to any other group. Hence a narrow definition is not possible.

<sup>28</sup> Waitangi Tribunal, *Report of the Waitangi Tribunal on the Te Reo Māori Claim* (Wai 11, 1986), at 20.

<sup>29</sup> Waitangi Tribunal, *Te Roroa Report* (Wai 38, 1992); Waitangi Tribunal, *The Hauraki Report VOL III* (Wai 686, 2010), at 964.

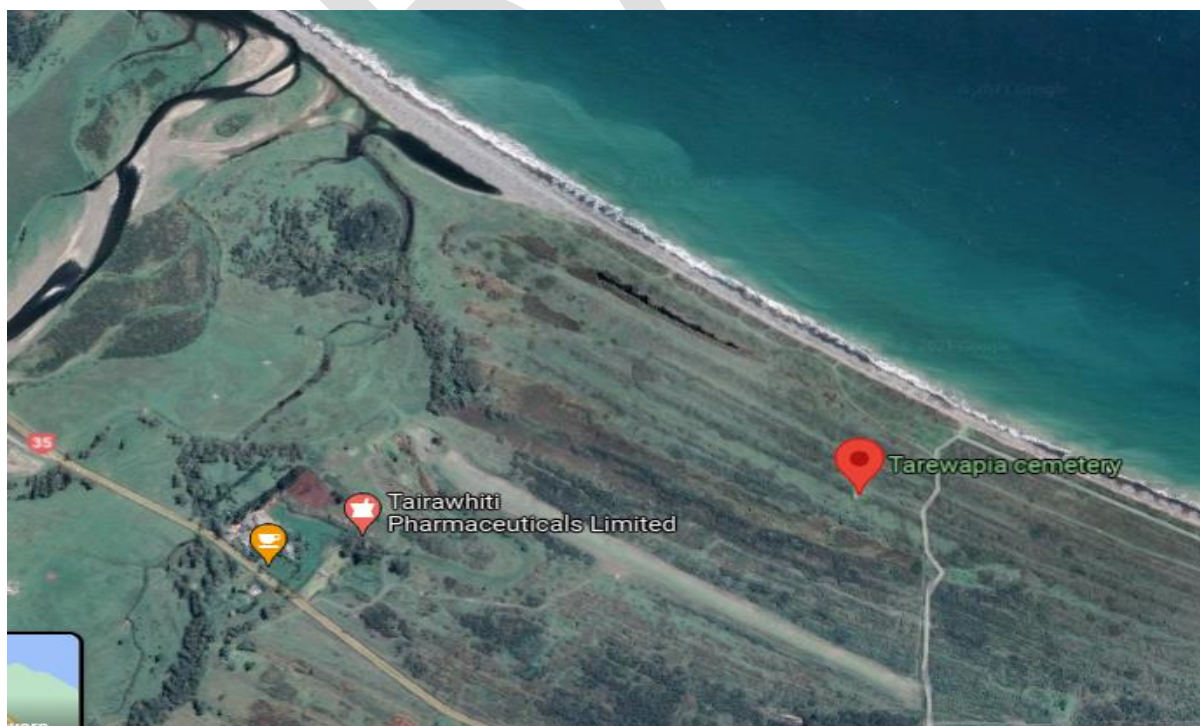
<sup>30</sup> Waitangi Tribunal, *The Hauraki Report VOL III* (Wai 686, 2010), at 933.

<sup>31</sup> Waitangi Tribunal, *Te Roroa Report 1992* (Wai 38, 1992), at 227.

<sup>32</sup> Waitangi Tribunal, *Te Roroa Report 1992* (Wai 38, 1992), at 227.

Wāhi tapu cannot be forced into preconceived categories of importance and one group cannot determine what is wāhi tapu to another.

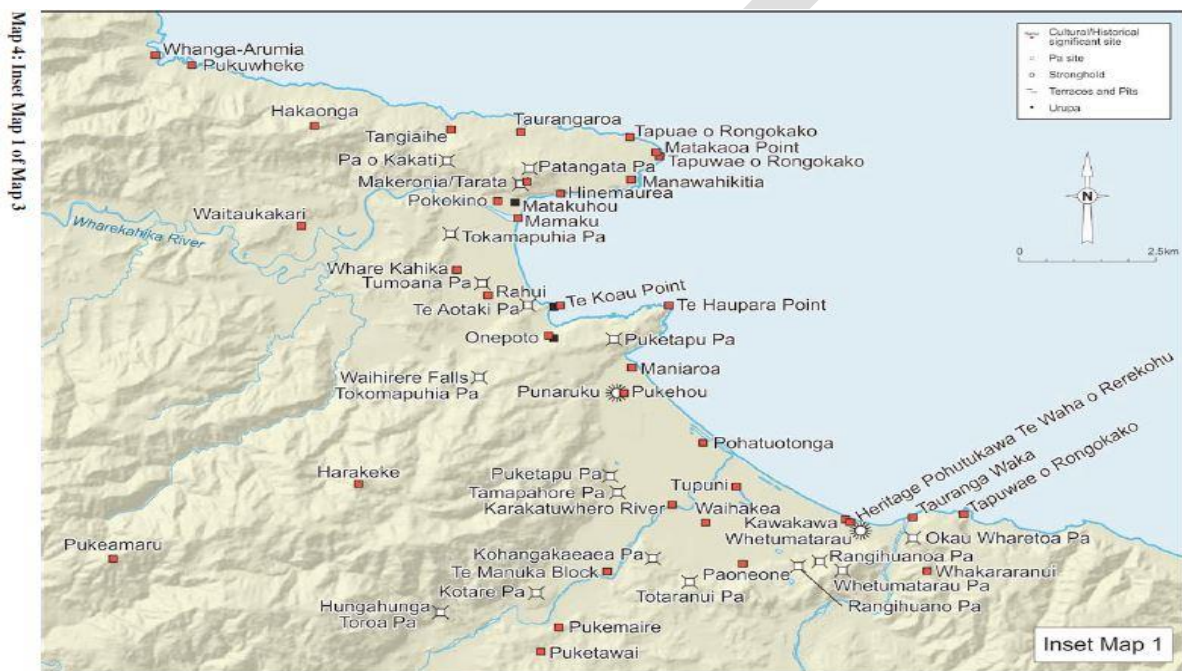
70. In light of the manner in which wāhi tapu have been viewed by the Waitangi Tribunal, an expansive view is taken by the Working Group to the meaning of wāhi tapu. Accordingly, it includes urupa, sites of historical significance, tūahu (altars), bloodied battle grounds, streams for washing the dead, the birthplace of renowned ancestors, healing waters, the rohe of spiritual guardians, pito burial areas, marae ātea and certain landmarks such as trees, rocks and some mountains. The desecration of wāhi tapu is to be avoided. They are to be protected from being covered, excavated, defiled, trampled, squashed or inundated. The Working Group has obligated itself to protect any wāhi tapu within the vicinity of the barge facility.
71. One protective measure taken was to ask renowned matakite (seer) John Hovell to visit the proposed development site and examine it for wāhi tapu. He did that and confirmed that no wāhi tapu is on or so near the site as to be affected by it. John trampled Tarewapia cemetery as well to locate the unmarked graves. Although the cemetery's boundaries need to be defined, it is considered to be too far from the proposed development site to be affected by it. The cemetery's location is depicted in the map below. There is another urupa in the vicinity but it is located on the other side of the Karakatuwhero River near the Pukehou Memorial.





**Figure 5: Tarewapia cemetery**

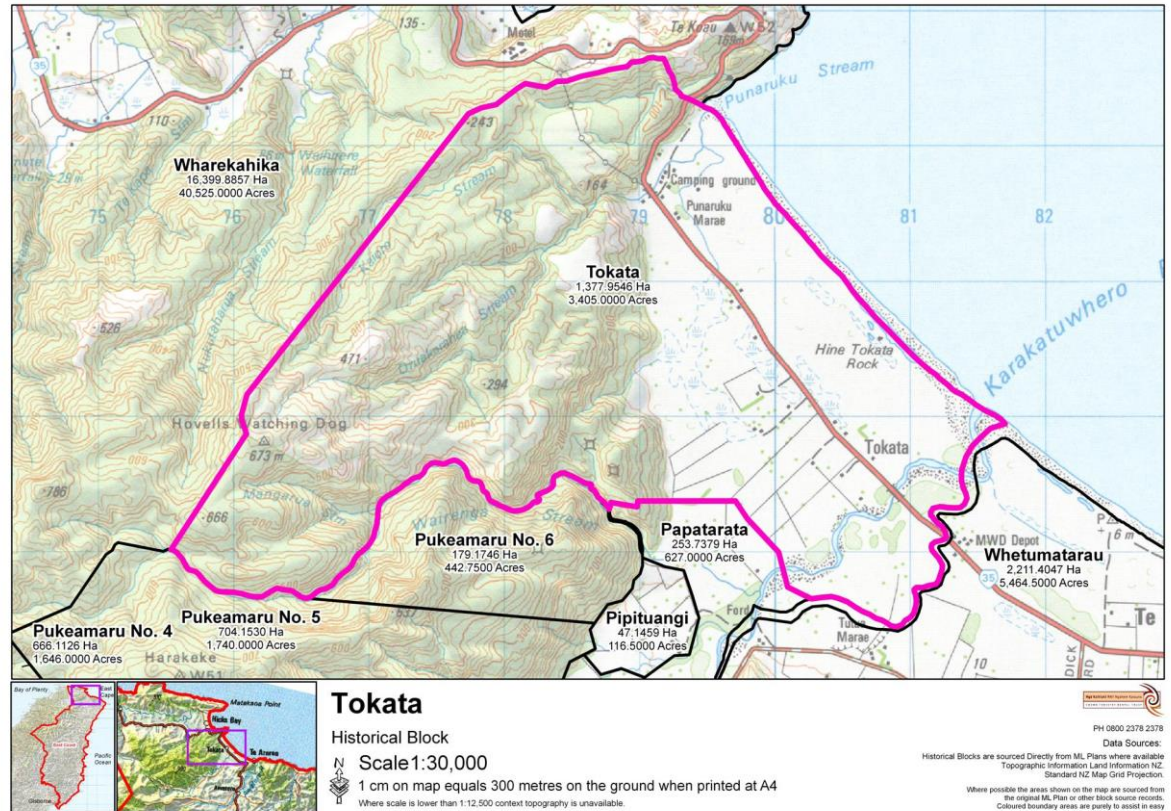
72. A former battle ground known as Maniaroa is in the vicinity of the proposed site development. However, since it is situated between the Te Araroa Holiday Camp and the Punaruku bridge, which are located at the western end of Kawakawa Bay, it is too far from the proposed development site to be affected by it. Māniaroa is shown in the map below, as are a number of other wāhi tapu in the region. According to Kingston Cooper, Maniaroa is also the name of an ancient track that began on the beach at the mouth of the Wairata and came out near Te Koau.



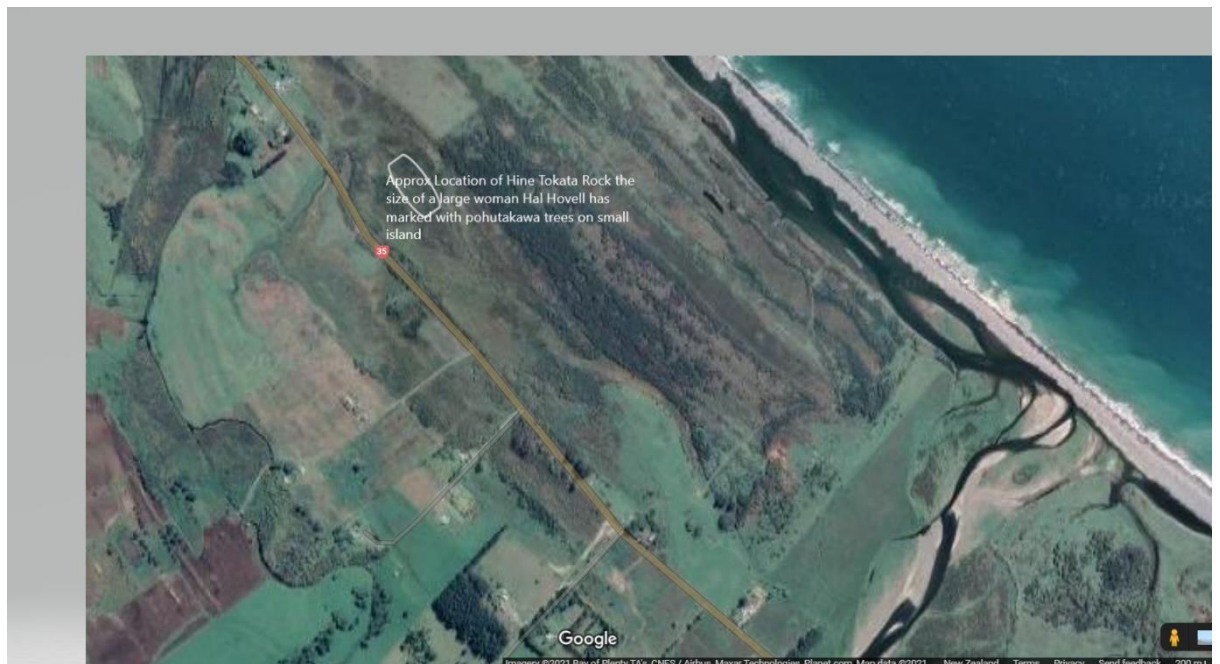
**Figure 6: Sites of cultural or historical significance**

73. Depicted in the map below is the wāhi tapu known as Hine Tokata. It is also known as Te Toka a Hine. It is suggested that the reference to 'Pohatuotonga' in Figure 6 is in fact a reference to Hine Tokata. Pierre Henare stated that Hine Tokata is closer to the Te Araroa Holiday Camp, referred to below as the 'Camping Ground', and that it is in the swamp on the inland side of State Highway 35. Hirini Clarke stated that the wāhi tapu is a petrified rock in the shape of a girl lying face down in the swamp. It is located near to where Tokata school used to be. The girl was said to have lived with her family in a cave near the Punaruku Stream. The cave could only be accessed at low tide. The young girl and her family were a special breed of people known as the Ngāwhare. They die from the sun's rays whenever they are exposed to them. Early one morning, Hine Tokata ventured out from her home to gather water from a special spring that was located some distance away. The water was for her ailing brother,

although some say it was for her father. Unfortunately, she was unable to make it back to the cave before the sun rose. It is said that it was because the high tide had blocked her way home.



74. In Figure 8 below, Hine Tokata is depicted closer to where Pierre Henare and Hirini Clarke have indicated. Hal Hovell commemorated the site with the planting of pōhutukawa near it.



**Figure 8: Confirmed site of Hine Tokata**

75. There are some who say that Te Toki a Hinerupe is a wāhi tapu and that it is located within the vicinity of the proposed site development. However, according to Pierre Henare, the toki is not a wāhi tapu. Instead, it is a reference to the gift of land that Te Aopare gave her sister Tamateākui when she returned from Whangarā upon the expulsion of Ngā Oho. In the Whetumatarau survey map which is **attached** and marked Appendix 'B', 'Tokiahinerupe' appears to refer to an area of land. In any event, it is proposed that the CIA author/s investigate the existence or not of Te Toki a Hinerupe.
76. In their research report entitled '*Te Papatipu o Ruawaipu*', Young and Belgrave present a map of all of the present-day marae in the region. No marae are located near the barge facility site.<sup>33</sup> They also depict coastal sites of occupation from Wharekahika to the Waiapu in their research report. There is no occupation site at or near the Karakatuwhero River.<sup>34</sup> Young and Belgrave mapped the wāhi tapu of Te Papatipu o Ruawaipū in their research report. The map is Figure 6 above.<sup>35</sup> It shows that there are no wāhi tapu near the proposed barge facility site. Te Toki a Hinerupe is not recorded on the map.

<sup>33</sup> Young and Belgrave, *Te Papatipu o Ruawaipu: Traditional History Report*, Wai 900, #A30, Part One, at 37.

<sup>34</sup> Young and Belgrave, *Te Papatipu o Ruawaipu: Traditional History Report*, Wai 900, #A30, Part One, at 87.

<sup>35</sup> Young and Belgrave, *Te Papatipu o Ruawaipu: Traditional History Report*, Wai 900, #A30, Part One, at 38.



77. In his wāhi tapu research report for the East Coast Waitangi Tribunal inquiry, Tony Walzl listed the following wāhi tapu for Te Araroa:<sup>36</sup>

- a. The top of Whetumatarau;
- b. Hinerupe's pā Taumoko and an adjacent urupā;
- c. Hinetokata;
- d. Waikarawhete, along the East Cape Road;
- e. A number of urupā at Maungakākā and out at East Cape;
- f. Koiwi have been found at Tapapapa pā on Puketapu;
- g. Hungahungatoroa, located along the Karakatuwhero River, a Hauhau stronghold where a battle was fought;
- h. A number of wāhi tapu are in the gorge of the Waikurare Stream where there are stands of karaka trees which are often used to mark wāhi tapu. There are burial mounds for significant ancestors such as Hinerupe's sons.

None of the wāhi tapu that Walzl listed for Te Araroa are in the vicinity of the barge facility. There is no reference to Te Toki a Hinerupe.

78. The Rārangi Kōrero/New Zealand Heritage List is a list of historical sites of significance that is published by Heritage New Zealand Pouhere Tāonga under the auspices of the Heritage New Zealand Pouhere Tāonga Act 2014. Two archaeological sites located within the region are on the Rārangi Kōrero List. Neither of these two sites are near the proposed development site. They are the Te Araroa Hospital and St Stephen's Church.

79. Based on the research that has been carried out to date and the information provided by hapū members, it appears that the barge facility will not affect any wāhi tapu nor any kaitiakitanga over the wāhi tapu. However, it is important that a Cultural Impact Assessment is commissioned so that a much more rigorous and comprehensive analysis of the existence and location of wāhi tapu can be completed.

80. Although he was approached, noted kairangahau Hal Hovell declined to comment for the purposes of this report on the existence and/or whereabouts of any wāhi tapu in

---

<sup>36</sup> Walzl, T., *East Coast Wāhi Tapu*, Report Commissioned by the Crown Forestry Rental Trust For the East Coast Waitangi Tribunal Inquiry, October 2010, at 11.

the vicinity of the proposed development site. He advised that the kaumatua sources of his knowledge require their knowledge to be kept confidential.

## **MAHINGĀ KAI**

81. Cultural interests in mahingā kai is an important issue for the haukāinga. The Working Group's adherence to whakapapa, whānaungatanga and manaakitanga means that the preservation of mahingā kai is important to them as well.
82. For the purposes of this report, the term 'mahingā kai' is a reference to food-gathering areas and, in particular, to the kaimoana (shellfish) and taunga ika (customary sea fisheries). Although the focus below is on kaimoana and taunga ika, some consideration is also given to the Karakatuwhero River and to Te Whare wetlands as mahingā kai.
83. The CIA should examine the gathering of kaimoana and the use of taunga ika in the area near the Karakatuwhero River mouth. An ecological assessment ought to be conducted on fish habitats and the effect the barge facility could have on them. If necessary, there should be recommendations on how the kaimoana beds and taunga ika can be enhanced.

### *Kaimoana*

84. 75-year old Hirini Clarke has lived most of his life in the Te Araroa region. He has never gathered pipi, cockles or tuatua at or near the Karakatūwhero River. He never heard his parents talk about gathering kaimoana there either. His view is that there are no significant pipi beds by the Karakatūwhero otherwise there would be pipi shells on the beach. The closest place is at Punaruku, where mussels can be collected but not pipi or cockles.
85. Pierre Henare has also lived much of his life in the Te Araroa area. He has never gathered kaimoana near the Karakatūwhero River mouth and is not aware of any pipi beds there. He has heard of pipi beds at Punaruku and seen lots of empty shells when swimming there but he has never known anybody to go there with a deliberate intention to gather pipi. Pierre understands that there are tuatua beds closer to the Karakatūwhero. However, he does not know of anybody who has ever collected

tuatua there. His expectation is that silt moving down the river has spilled into the bay and covered the shell-fish beds.

86. According to Paora Brooking, there are large clam beds on the Te Araroa side and pipi beds on the Punaruku side. He gathers pipi that are washed up on the beach after an easterly swell. The pipi are used for bait and for kai as well. He has seen whānau who have been brought up in the area gathering kaimoana there.
87. Dr Leland Ruwhiu stated that he dives for kaimoana at Horoera and not at Karakatūwhero. Richard Brooking did not gather kaimoana at the Karakatūwhero River. Richard, his father and grandfather would head to known taunga ika where the fishing was guaranteed. Whilst there, they would take the opportunity to gather kaimoana such as pāua, koura and kina.
88. In the environment report, Boffa Miskell consider it likely that there are mussels at Punaruku and to the east of Te Araroa at Te Hekewa Point.<sup>37</sup>
89. In light of the information gathered to date, the barge facility will have minimal impact on cultural interests in kaimoana and on any kaitiakitanga associated therewith. The kaimoana beds that exist in Kawakawa Bay are too far from the barge facility to be affected by it. There is no evidence to date that kaimoana is gathered from the Karakatūwhero River area.

#### *Taunga ika*

90. In his time, Hirini Clarke has caught a lot of snapper, gurnard and kahawai surfcasting off the beach in Kawakawa Bay. He's helped run a few fishing competitions there as well between Christmas and New Year's. In his experience, there has to be a southerly wind blowing to catch fish at the beach. It was uncommon to see people there unless a competition was on. It was not a frequented beach because it's steep, short and stony. The water is too deep for netting. He considers the popular fishing spots are more towards Hick's Bay, the Matakāoa area and the East Cape. Those fishing places are more pristine and because they are sandy beaches the tide travels

---

<sup>37</sup> Boffa Miskell, *Te Araroa Coastal Infrastructure: Issues, Values and Management Options Analysis of the Te Rimu Trust Property prepared for Crown Infrastructure Partners*, 4 October 2021, at 28.



out quite a way. Hirini emphasised his point by observing that Beau Kururangi lived down by the local schoolhouse and yet he kept his klinker at Matakāoa.

91. As alluded to earlier, Richard Brooking was taken by his pakeke to known taunga ika because they were assured of a catch there:<sup>38</sup>

I have fished and dived in the Matakaoa and East Cape area for more than 50 years as a visitor and during my childhood spent many holidays staying with my grandparents Stuart and Charlotte Brooking at their Tokata home. During my childhood years we were never taken to the Karakatuwhero river mouth area fishing because it was not recognised as a reliable fishing ground. Remember my grandparents and my father's generation went fishing according to their calendar, the weather and at places that were known by them as kapata kai. There were no social welfare benefits back then so fishing was an essential kai gathering activity to get food for the entire whanau as a matter of survival. So we need to differentiate between recreational fishing, which is the norm nowadays, and what were the traditional and recognised fishing grounds that served our people for hundreds of years. The entire coastline between Whangaokena and Lottin Point at various times of the year are great for fishing as kahawai, snapper, gurnard, shark and other species come close to shore but kapata kai areas were identified and used because they were predictable and productive. The main places that I was taken to as a child were Matahi, Papakahawai, Sugarloaf, Iron Peg, Airstrip, Flat rock, Pukuwheke and Whangaromia. The 150 metres of coastline that the proposed Te Araroa Barge Facility will occupy adjacent to the Karakatuwhero river is many kilometres away from any kapata kai that I was introduced to by my whanau.

92. According to Paora Brooking, many people surf-cast along the beach front at Kawakawa Bay. He explained why he goes fishing there:<sup>39</sup>

The fishing is really good. I go at least 3 to 4 times a week. You can fish that beach all year round. The most popular place to fish is either side of the Karakatuwhero River. If it's a lower tide, you tend to go on the Te Araroa side. I am not sure if it has anything to do with the isolation or anything but big contingents come from the Hawkes Bay and from the Bay

---

<sup>38</sup> Richard Brooking, email dated 25 October 2021.

<sup>39</sup> Paora Brooking, oral interview, Thursday, 21 October 2021.

of Plenty regularly. With social media, more people have been coming. For as long as I can remember, they have held fishing competitions along there. When I was a kid, the schools of kahawai coming up the river would be so thick that you could fish them out with your hands.

93. Recently, Huti Watson went night fishing at the proposed site and “the place was packed” according to her. Plenty of “locals” were there to get snapper.<sup>40</sup> Huti also stated that “her sons often throw a line out around Karakatūwhero”.<sup>41</sup>

94. Pierre Henare has lived much of his life in Te Araroa. In the past he has fished along the shoreline at Kawakawa Bay, including the mouth of the Karakatūwhero.<sup>42</sup>

If you wanted something quick for dinner, you fish off the beach between the two river mouths. You can bring in gurnard, kahawai and snapper.

He considers the area between the Karakatūwhero and Awatere Rivers to be a popular place to fish. People have their favourite fishing spots there. When the fish are running, the people are “out there night and day”.<sup>43</sup>

95. When the kahawai were running, which was usually around March or April, Pierre, his father and some work mates would set their nets at the Karakatūwhero River mouth or just outside of it. Although the people he grew up with still set their nets, there aren’t as many people doing so now. Tuna can still be caught in the river at the end of March or the start of April when the first heavy rain comes and tuna heke starts.

96. Although Pierre’s pakeke fished from the beach, some fished offshore at taunga ika located in the bay as well. They would access different fishing grounds for different types of fish. They knew when a taunga ika was ripe for fishing. There is a hapuku fishing ground at Te Whānau a Kahu’s boundary towards Hicks Bay. Young and Belgrave have recorded a fishing ground in Kawakawa Bay known as Omanga.<sup>44</sup>

---

<sup>40</sup> Huti Watson, email dated 3 October 2021.

<sup>41</sup> Huti Watson, email dated 26 September 2021.

<sup>42</sup> Pierre Henare, oral interview, Monday, 11 October 2021.

<sup>43</sup> Pierre Henare, oral interview, Monday, 11 October 2021.

<sup>44</sup> Young and Belgrave, *Te Papatipu o Ruawai: Traditional History Report*, Wai 900, #A30, Part One, at 87.

97. There are taunga ika in Kawakawa Bay that may be affected by the barge facility. Based on the information gathered to date however, it is difficult to say whether or not they will be affected. There is evidence of surf casting activity along the beach near the proposed development site and yet others say that people prefer to fish elsewhere. Although it is unlikely that fishing for kahawai and tuna in the Karakatūwhero River will be affected by the barge facility, more data should be sought in this regard nevertheless. In these circumstances, a more detailed analysis should be carried out concerning cultural interests in taunga ika and recreational fishing interests near the barge facility.
98. In any event, there are proven methods for enhancing fish habitats so as to attract fish to shorelines such as that which runs along Kawakawa Bay. The seeding of mussel lines on or near the barge facility would likely result in an enhanced fishery. We suggest that such a measure be examined in the ecological assessment that has been proposed of the local fishery. If the fishery can be enhanced and otherwise maintained, the impact of the barge facility on cultural interests in the local fishery may be much reduced to minimal.

#### *Te Whare wetland*

99. When asked about Te Whare wetland as a mahingā kai, Kingston Cooper stated that tuna and deer have been caught in the wetlands closer to Punaruku but not at those near the Karakatūwhero. Likewise, Paora Brooking used to catch flounder and tuna in wetlands near Punaruku but that activity has stopped now because the mahingā kai is now private land. He did not state that Te Whare wetland is a mahingā kai.
100. Hirini Clarke never caught tuna in Te Whare wetland. Instead, the whānau would catch eels in the Karakatūwhero River. He went on to state that Te Whare wetland was formed as a result of gravel extraction by the Ministry of Works. It is not a natural wetland. Large holes were left in the land when the gravel was extracted. The holes would fill with water and then the plants that live in watery environments would start to grow. Eventually they would thrive. The plant growth is an ideal home for certain bird-life, insects, lizards, freshwater crayfish and other species. In the end, although a wetland resulted, it was man-made.

101. Hirini also talked about the use of Te Whare wetland and the surrounding area for the disposal of rubbish “of every conceivable kind”.<sup>45</sup> He vividly recalls riding in a East Coast Transport truck with his brother Mickey in 1956. They were dumping debris from the Kawakawa Hotel that had burnt down that year into “dugouts which had been abandoned by the Ministry of Works after extracting aggregate for roadworks and other tasks”.<sup>46</sup>

Evidence of this is very noticeable and lies between Tarawapia Road and the Karakatuwhero river. This is a typical example of areas that had been left with gaping excavation scars and tonnes of rubbish of all kinds. In those days, there was little or no control over the beachfront from Te Araroa township to the mouth of the Karakatuwhero. Clean up of such areas was done by concerned citizens who burnt rubbish that was likely to burn, and as a consequence, fires along the beachfront were a common occurrence.

A year after the Kawa Kawa Hotel was destroyed by fire, disaster struck again. McIntyre's Bakery, Hayden's Store and the Kamizona Billiard Rooms & Hairdresser were all burnt to the ground. Once again, the clean-up took weeks and yes further debris was disposed of down at the most obvious of places in the dugouts now classified as wetlands. Since those unfortunate disasters occurred, Te Araroa also lost the Maadi Café, a 3<sup>rd</sup> Kawa Kawa Hotel and Hinerupe marae and dining hall and yes further debris was added to the pristine beach and wetlands.

102. On the basis of the information to hand, Te Whare wetland is not a mahingā kai. It can be concluded that the barge facility will have no impact on cultural interests in Te Whare wetland as a mahingā kai. Since Te Whare wetland is not a mahinga kai, it is difficult to see how the haukāinga has any associated kaitiakitanga.
103. We refer to Figure 4 in the Boffa Miskell environment report, which is a Gisborne District Council map of Te Whare Wetland (“**the GDC wetland map**”). The entire expanse of Te Whare wetland as it is represented in the GDC wetland map may not be a ‘natural wetland’ for the purposes of the National Policy Statement on Freshwater Management (“**NPS-FM**”). Under the NPS-FM, ‘natural wetland’ means a wetland that is not:<sup>47</sup>

<sup>45</sup> Hirini Clarke, email dated 4 October 2021.

<sup>46</sup> Hirini Clarke, email dated 4 October 2021.

<sup>47</sup> New Zealand Government, *National Policy Statement for Freshwater Management 2020*, August 2020, at 23.

- (a) A wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former natural wetland);

Accordingly, consideration should be given to inclusion in the ecological assessment of an examination of the origin of Te Whare wetland. If the wetland is artificial, it is difficult to see how cultural interests can properly exist in a man-made structure of recent advent that is, in effect, the result of the Ministry of Works gravel extraction activity.

104. If, however, it should be determined that Te Whare wetland is a natural wetland for the purposes of the NPS-FM, it will be important to survey the wetland extent in order to inform the implementation of any mitigation measures required. That having been said, we refer again to the Whetumatarau survey map which is **attached** and marked Appendix 'B'. The wetland area therein referred to as the 'Waipai Swamp' is located, at least in part, where the Te Whare wetland is depicted on the GDC wetland map. It should be noted that the area of the Waipai Swamp is much less than the wetland depicted in the GDC wetland map. The area of the Waipai Swamp in the Whetumatarau survey brings into question the accuracy of the GDC wetland map.

## CONSULTATION

### *Meaning of consultation*

105. The Working Group understands how important it is to consult with the community about the barge facility. The courts have examined the meaning of consultation with Māori. In *Beadle v Minister of Corrections*,<sup>48</sup> the court considered it was important that those being consulted with "are able to respond with appropriate and accurate information on the potential effects on affected Māori, so that it may be considered by the decision-maker. The consulting party, while entitled to have a working plan in mind, has to keep its mind open and be ready to change or even start afresh."<sup>49</sup> Therefore, the party being consulted must be in possession of the requisite knowledge and the Crown must keep an open mind when consulting. It was held in *Land Air Water Association v Waikato Regional Council* that a purpose of consultation

<sup>48</sup> *Beadle v Minister of Corrections*, W018/02 [2002] NZEnvC 196 (6 June 2002).

<sup>49</sup> *Beadle v Minister of Corrections*, W018/02 [2002] NZEnvC 196 (6 June 2002), at [549].

is to enable informed decisions to be made.<sup>50</sup> The court continued saying that no set formula existed as to what was considered adequate consultation. Adequacy is judged by reference to the particular circumstance.<sup>51</sup> In *Takamore Trustees v NZ Historic Places Trust*, the mere fact that consultation had occurred did not mean that a consent authority had necessarily given adequate regard to kaitiakitanga in its decision.<sup>52</sup> A consultation process that did not allow the Māori view to influence decision-making is no more than window-dressing.<sup>53</sup>

106. The Court of Appeal decision in *Wellington International Airport Ltd v Air NZ*<sup>54</sup> is still a leading authority regarding the issue of consultation.<sup>55</sup> The court found that fairness is the paramount consideration, and this requires an open mind on the part of the consulting party.<sup>56</sup> Justice McKay held as follows:<sup>57</sup>

[...] one of the purposes of requiring consultation was to place some restraint on the airport company, which would be in a monopoly position as the only provider of airport facilities in Wellington.

[...]

The obligation to consult can be seen as providing some protection to the airlines and to the public against an abuse of monopoly power.

107. In the 1987 *Lands* case, Richardson J considered the phrase “undisturbed possession of **their** lands,” (emphasis added) as it is set out in Article 2 of the Treaty of Waitangi. He considered the phrase not only applies to the chiefs and tribes but also to their respective families and to individuals as well.<sup>58</sup> Richardson J ruled that in a contemporary context, this treaty interpretation allows an individual Māori to bring claims before the Waitangi Tribunal.<sup>59</sup> Analogously, this means that the duty to consult with Māori includes a duty to consult not only with iwi and hapū but also with whānau and individuals when the particular fact situation demands it.<sup>60</sup> It should not

---

<sup>50</sup> *Land Air and Water Association v Waikato Regional Council* (Unreported, Judge Whiting, Environment Court, Auckland, A110/01, 23 October 2001, at [445].

<sup>51</sup> *Land Air and Water Association v Waikato Regional Council* (Unreported, Judge Whiting, Environment Court, Auckland, A110/01, 23 October 2001, at [448].

<sup>52</sup> *Takamore Trustees v Kāpiti Coast District Council* [2003] 3 NZLR 496.

<sup>53</sup> *Takamore Trustees v Kāpiti Coast District Council* [2003] 3 NZLR 496, at [86].

<sup>54</sup> *Wellington International Airport Ltd v Air NZ* [1993] 1 NZLR 671.

<sup>55</sup> Waitangi Tribunal, *Report on the Crown's Foreshore and Seabed Policy* (Wai 1071, 2004), at 120.

<sup>56</sup> *Wellington International Airport Ltd v Air NZ* [1993] 1 NZLR 671.

<sup>57</sup> *Wellington International Airport Ltd v Air NZ* [1993] 1 NZLR 671, at 29.

<sup>58</sup> Waitangi Tribunal, *The Ngāi Tahu Report 1991: Volume Two* (Wai 27, 1991), at 244-245.

<sup>59</sup> Waitangi Tribunal, *The Ngāi Tahu Report 1991: Volume Two* (Wai 27, 1991), at 244-245.

<sup>60</sup> Waitangi Tribunal, *The Ngāi Tahu Report 1991: Volume Two* (Wai 27, 1991), at 245.

be assumed that any one person or group of Māori speaks on behalf of another person or group.<sup>61</sup>

108. In keeping with the tikanga of whakapapa, whanaungatanga and manaakitanga, the Working Group is ensuring that there is adequate consultation with the local community. Information concerning environmental issues and the effect of the barge facility on cultural interests will be shared so that informed decisions can be made. The Working Group is prepared to work with an open mind on the issues at hand and make the necessary adjustments to the development plan should they be required. There has been and there will be on-going consultation at the individual, whanau, marae and hapū levels.

#### *Consultation to date*

109. The Working Group has engaged in a considerable amount of consultation to date. At the trust's AGM held in 2014, Te Rimu trustees consulted with and were mandated by trust landowners to develop the barge proposal. The trustees' mandate has been regularly refreshed since then.
110. Community consultation hui were held at Tutua Marae, Te Araroa, in 2016 and 2019. Also in 2019, Te Rimu Trust trustees invited kaumatua and nearby residents to a hui held on the trust's property to discuss the development proposal. All three hui were marked with positive interest in the development even though concerns were expressed with its effect on the environment. One particular outcome for the Working Group was confirmation of the need to carry out an environmental impact assessment, with a particular focus being the development's impact on Te Whare wetland.
111. In a publicly-notified hui-a-hapu held on Saturday, 12 June 2021, the Working Group met with members of Te Whānau a Kahu at Hinerupe Marae, Te Araroa. There was a good turn-out, with approximately 80 people in attendance. The shared whakapapa between Nga Kōpara effectively meant that people with whakapapa ties to Te Whānau a Hinerupe and to Te Whānau a Te Aopare were also in attendance. It was agreed at the hui to establish the Working Group.

---

<sup>61</sup> Waitangi Tribunal, *The Ngāi Tahu Report 1991: Volume Two* (Wai 27, 1991), at 245.

112. A pānui was placed in the Gisborne Herald on Saturday, 23 October 2021 by the Working Group to convene a public hui to be held on Sunday, 31 October 2021 in Te Araroa. A large turn-out is expected. At the time of preparing the Cultural Report, the hui had not been held. Since the pānui was placed in the newspaper however, the date for the hui has been postponed to Sunday, 7 November 2021 due to anticipated adverse weather conditions on the initial hui date. The pānui included information about the proposed development, with a particular focus on the impact of the barge facility on the environment. A copy of the pānui is **attached** and marked “**Appendix C**”.
113. Working Group members have recently convened meetings that are being referred to as ‘pakeke hui’. The first of the hui was held on Wednesday, 22 September 2021 at Tutua Marae, Te Araroa. The pakeke hui have provided the community with the opportunity to air their issues and concerns with the barge facility. For the Working Group, the emphasis is on listening to hui-goers and noting their issues. It is not seen as an opportunity to convince the community of its need to accept the development proposal. As a result of the three pakeke hui held to date, a variety of issues have been recorded and this, in turn, has resulted in a more informed understanding of the community’s concerns. The Working Group intends to respond to the issues and concerns raised at the pakeke hui when the upcoming public hui is held and otherwise address them as much as is practicably possible in its development proposal and implementation. Information that was unknown or about which there was limited knowledge has been gathered as well from the pakeke hui. Prior to the pakeke hui, a pamphlet was distributed to the community with information on it concerning the barge facility. A copy of the pamphlet is **attached** and marked “**Appendix D**”.
114. In another consultation initiative, Working Group members have invited barge opposition leaders to hui with them to state why they are opposed, to share information and to see if there is any common ground. Two of the three people approached have acknowledged receipt of the hui invitations but they are yet to accept. Correspondence regarding these consultation efforts can be made available. Efforts in this regard are ongoing.
115. The Working Group has consulted with other groups as well. On 12 May 2021, Te Rimu Trust trustees met with the Gisborne District Council’s regional transport committee to outline their development plans. Amongst the submissions that were made, the regional transport committee was asked to include facilities such as a



barge port in its long-term transport plan. It was emphasised that the barge facility will significantly reduce log truck movements to Gisborne. In the interests of informing the public about the proposed development, Working Group members have liaised with various media outlets such as Radio Ngāti Porou, Radio Waatea and the Gisborne Herald. Numerous reports about the barge facility have been published by other media outlets.

116. Consultation has occurred on other levels as well. The Working Group holds weekly meetings to plan and to discuss developments. A number of guest speakers have attended the weekly meetings to provide their perspective on the barge facility and to hear from Working Group members about it. The guest speaker attendances have given the Working Group the opportunity to consult with community leaders, academics, business heads and expert advisors. Local community members who do not necessarily support the proposed development are nevertheless encouraged to attend the weekly hui to share their views and information. When going about their daily activities, Te Araroa-based Working Group members often engage on an ad hoc basis with community members about the barge facility.

#### *Other consultation measures*

117. A recent addition to the Working Group's ranks is James Barnes of REM World Consulting, Gisborne. A member of the Hovell whānau and Chair of the Manuel Jose rōpu, James is a community engagement facilitator having worked for local, national and international agencies in central and local government and in the private and voluntary sectors. The first stage in the process of community engagement involves open dialogue with communities of interest in Te Araroa, which is likened to discing a field before a crop is planted and harvested. The second stage of this process is the planting of the seed which involves an analysis and assessment of the issues unearthed. The harvest is what the community engagement process produces in terms of the benefits identified and mitigation requirements that will need to be addressed to the satisfaction of the Te Araroa community and the Environmental Court.
118. The Working Group has engaged with social media to spread the message about the barge facility. A Facebook presence was begun in August 2021, with assistance from Te Rūnanganui o Ngāti Porou.

119. A significant effort went into the creation and launch of the Te Araroa Barge Facility website in September 2021. Of note is the inclusion of a consultation page that provides the local community with the ability to share their issues and concerns with the barge facility. Upcoming hui dates are advertised and key information about the development proposal is provided.

## CONCLUSION

120. All of the Working Group's membership, if we substitute the managers of Ngāti Porou Holdco for their directors, identify with the haukāinga through whakapapa and shared experiences. This means that the haukāinga's cultural interests and those of the Working Group are largely the same if not the same. The Working Group and the haukāinga are likely to share value sets or tikanga Māori as well. These aspects of the proposed development are important. They should mean that any prejudice that the barge facility causes to cultural interests will be minimal.
121. The barge facility can be seen as another in a long line of economic activities that northern East Coast Māori have engaged in since Cook's arrival in 1769, including the flax trade, whaling, the growing of wheat and other crops, sheep farming, road construction, fencing, scrub-cutting, dairying and forestry. The development and use of port facilities in the region is also a feature of the past.
122. With regard to the barge facility's impact on cultural interests in the land, since the barge facility will be located on Te Rimu Trust land and given that the landowners have mandated the trustees to develop a barge facility, it is reasonable to state that the impact of the barge facility on cultural interests in the land will be minimal to non-existent.
123. The haukāinga's cultural interests in the marine and coastal area, such as access to the takutai moana, ownership of tāonga tūturu, the right of navigation, launching sea-craft, swimming and beach walks will be maintained despite the proposed development. Furthermore, in the event that the High Court recognises Te Rimu Trust's interests in the marine and coastal area, Te Rimu Trust's landowners' endorsement of the barge facility will have the effect of diminishing the barge facility's impact on cultural interests in the takutai moana.
124. Having set out the Working Group's understanding of what wāhi tapu are, an expansive view is taken by the Working Group to the meaning of wāhi tapu. Matakite

John Hovell did not locate any wāhi tapu near the proposed development site. Wāhi tapu in the vicinity such as Tarewapia cemetery, Maniaroa and Hine Tokata are too far from the proposed site to be affected by it. Te Toki a Hinerupe appears to be an area of land and not a wāhi tapu. Based on the information gathered to date, it would appear that the barge facility will not affect any wāhi tapu. That having been said, the CIA should further examine whether wahi tapu will be affected in any way.

125. There do not appear to be any kaimoana beds at or near the proposed development site that are accessed by the haukāinga. Accordingly, the barge facility will have minimal impact on cultural interests in kaimoana. Although there is surf-casting activity at or near the proposed development site and there is some evidence that there are taunga ika nearby. Although the barge facility would prevent surf-casting from the area that it occupies, surf-casting can be continued with elsewhere along the shoreline without any apparent prejudice. In any event, an ecological assessment of the impact of the proposed development on the surf-casting fishery and on any nearby taunga ika is recommended. The possibility of enhancing the nearby fishery with mussel seeding should be noted.
126. There is no evidence to date that the barge facility will adversely affect Te Whare wetland and the Karakatūwhero River as mahingā kai. There is evidence that much of Te Whare wetland is not a natural wetland and there is evidence of earlier use of the wetland area for dairying, gravel extraction and as a public rubbish dump.
127. In terms of kaitiakitanga, we have taken the approach that if cultural interests are not impacted or impacted minimally by the proposed development, then any kaitiakitanga associated with the cultural interests will also not be impacted or it will be impacted minimally.
128. The Working Group has a good understanding of its consultation obligations. Its values or tikanga should see to it that its consultation obligations are met. Not only is there is a willingness to engage with the people to hear their concerns, but a variety of approaches are being taken to ensure that the consultative process is as broad and effective as possible.

#### *Cultural Impact Assessment recommendation*

129. It is recommended that a Cultural Impact Assessment be carried out. Without limiting its scope, it is recommended that there be an assessment of the following:

- a. Whether or not the activities listed in paragraph 52(e) to (j) above can only be carried out where the barge facility will be sited;
- b. The extent of Tarewapia cemetery;
- c. The existence or not of Te Toki a Hinerupe as a wāhi tapu; and
- d. The gathering of kaimoana and the use of taunga ika, if any, near the barge facility.

*Ecological assessment*

130. It is recommended that an ecological assessment be carried out. Without limiting its scope, it is recommended that there be an assessment of the following:

- a. The surf-casting fishery habitat and the effect that the barge facility could have on it;
- b. The effect that mussel seeding will have on the surf-casting fishery;
- c. The extent of the public rubbish dump; and
- d. The origin and extent of Te Whare wetland.