

**IN THE MATTER OF**

The Resource Management Act 1991

**AND**

**IN THE MATTER OF**

Notices of requirement for designations under section 168 of the Act, in relation to Te Ahu a Turanga; Manawatū Tararua Highway Project

**BY**

**NEW ZEALAND TRANSPORT AGENCY**  
Requiring Authority

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**STATEMENT OF EVIDENCE OF ASSOCIATE PROFESSOR JONATHAN  
PROCTER REPRESENTING RANGITĀNE O MANAWATŪ**

**8 March 2019**

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## **INTRODUCTION**

### **Purpose and scope of evidence**

1. The purpose of this evidence is to affirm that Rangitāne has been involved in the development in new section of SH3, to replace the severed route through the Gorge or the creation of Te Ahu a Turanga; Manawatū Tararua Highway (**TTMTH**).
2. This evidence aims to highlight that Rangitāne has completed an analysis of the cultural values of the area to be effected, identified key sites and has methods in place to manage any potential impacts that may arise during the establishment of the TTMTH. Rangitāne recognise that this process is part of a two part process; 1. Notices of Requirement for a designation (**NoRs**) given under section 168 of the Resource Management Act 1991 (**RMA**) and 2. Detailed Plans and further RMA resource consents.
3. This evidence relates to the Notice of Requirement and the corridor (proposed designation) within which a road (and all associated infrastructure) is proposed to be built.
4. Rangitāne will detail information about the cultural values and sites assessed and methods to avoid, remedy or mitigate and identified impacts that we perceive to date. This will be done with respect to the legislative and policy framework that we operate under.

### **EXECUTIVE SUMMARY**

5. This evidence outlines the potential impacts that occur in relation to the designation of the new TTMTH across Te Āpiti. It is important to recognise that Rangitāne is the mana whenua of the area and the only iwi that has a longstanding connection to the area based on tikanga. Rangitāne operates with respect to its Settlement Acts of 2016 and 2017, and expects that all facets of the NZ Government recognises these Acts and the status of Rangitāne. Rangitāne has chosen to engage with the New Zealand Transport Agency (**NZTA**) to develop in partnership a “living” cultural impact assessment that fully integrates Rangitāne into all aspects of the design, development and construction of the new road. As the project progresses Rangitāne will avoid, remedy or mitigate any issues as they arise. To date Rangitāne has been involved in all aspects of the design and designation of the new road.

## **INTRODUCTION**

6. Rangitāne, in 2018, provided the Te Ahu a Turanga: Technical Assessment of Tangata Whenua Values. The purpose of this assessment was to inform the broader assessment of effects on the environment required to support the NoRs given under section 168 of the RMA for the Project.
7. The focus of the assessment was to identify the cultural values that need to be considered during the ensuing phases of the project. The intention was and is to update and develop the assessment as part of the establishment of the TTMTH. The assessment documented the cultural landscape of the project area (and wider), including the history, creation stories, waahi tapu, relationships with taonga species, and spiritual connections with the environment.
8. The assessment also concluded with stating that NZTA and its representatives must continue to work in partnership with Rangitāne in all phases of developing TTMTH. To achieve this, we recommended that we adopt a concept of having a “living Cultural Impact Assessment” that allows us to respond on a case-by-case basis to any impacts that may occur during the development of TTMTH and RMA consents required to construct the road.
9. The assessment also presented a philosophy that Rangitāne has towards the Gorge and Te Ahu a Turanga as a place where Rangitāne connected with each other, its prominent ancestors and its atua. It is a place of great spiritual significance where the waters from the East meets the active mountain Ranges and Te Ahu a Turanga then continues to flow West fertilising the plains and wetlands of the Manawatū. It is this connection to a variety of Rangitāne cultural values, concepts and unbroken history we immensely value, respect and honour. We see this new proposed road as a 21<sup>st</sup> Century manifestation of that connection.

## **RANGITANE O MANAWATU**

### *Mana Whenua*

10. Rangitāne are the mana whenua of the area where the activity is to occur. The concept of mana whenua is key to understanding the environmental management philosophies of Māori. Mana whenua as defined by the RMA is the customary authority exercised by an iwi in an identified area. In general it

is the authority to control and manage a particular area or resource in relation to prescribed customary and cultural practices. The authority is obtained through the long-lived relationship of the people and the resources of the land. This relationship has developed by an association based on the genealogy or lineage of those people being the original people to occupy the area.

11. Mana whenua then are those tangata whenua that have the say or right to be involved in decision making processes. This also in turn contributes to the rangatiratanga of the tribe as a whole.
12. It is important to recognise that at no time in Rangitāne o Manawatū (**ROM**) 1000-year history has the Iwi ever relinquished or lost its status as mana whenua of its rohe. While over the last 150 years we have seen the arrival of Europeans and even more recently the arrival of displaced migrant Iwi, Rangitāne o Manawatū has continued to operate autonomously with freedom in accordance with its tikanga in its rohe.

#### **TE AHU A TURANGA – ASSESMENT V3 NO7 TECHNICAL ASSESSMENTS**

13. Rangitāne completed a cultural assessment of the area for NZTA in 2018. The assessment was purely focussed on identifying its cultural values and sites in the area. The assessment as stated does not seek to provide a detailed historical or archaeological assessment of the area but seeks to address the need for the broad Rangitāne cultural context for the proposed designation and design of the TTMTM.
14. The assessment identified 13 specific sites that Rangitāne connect to and value in different ways. The sites identified provide a broad range of types of cultural sites from scared rocks, water courses/flow, peaks, settlements/Pa, spiritual places to large cultural landscape features. Basic values associated with each site were identified. In association with those sites a further 12-13 sites of settlements were also identified.
15. The impacts associated with each of those sites have been discussed with the NZTA throughout consultation, workshops and design processes. We have contributed to the design of the route where we have inherently tried to avoid impacts on those cultural sites identified.
16. It is also important to note that throughout the consultation process a number of site visits have occurred in relation to better understanding the route and its impacts and at each of those visits spiritual impacts have been mitigated

through Karakia and other processes that seek to balance the impact/change to our sites while maintaining recognition of our connections to the sites.

17. Where impacts have been unavoidable (such as the alteration of the landscape on the eastern and western slopes) we have attempted to offset those impacts through being more involved in the design process and ensuring Rangitāne specific representation is visible and meaningful. Bridging of the Manawatū River has been a concern for Rangitāne, however we have mitigated any potential cultural impacts by ensuring the design is consistent for Rangitāne visual representations, cultural, history and spirituality while also aligning to the Cultural and Environmental Design Framework (**CEDF** (formerly the "ECDF") and adopting the Te Aranga Design principles.
18. With regard to the impacts of sites (and values) associated with Te Ao Turoa/Rangitāne biodiversity, mauri and water it is difficult to provide a definitive assessment other than qualitative statements of potential impact. Under Rangitāne tikanga it would be inappropriate to make such a qualitative assessment until more detail about those species or physical conditions of impact are better known, for Rangitāne this is more consistent with kaitiakitanga and acting as kaitiaki. Rangitāne has identified a number of sites and species and developed (and to date undertaken) appropriate monitoring of those sites and species in accordance with its matauranga-a-iwi. Essentially Rangitāne needs to better define its matauranga in higher resolution with respect to the designation to develop culturally coherent and consistent methods to mitigate any impacts. Similarly, Rangitāne requires more detailed knowledge of the actual and physical (engineering) activities that are being applied to define actual mitigation. This will be defined with respect to any consents required as we move into the second stage of the project.
19. Rangitāne would also like to point out that the environment or landscape we are examining has already been heavily modified, is actively farmed, with existing biodiversity not well recognised or well protected, and there is an existing (poorly maintained) road through the site currently. To make an assessment on the impacts of a cultural site/value from a pre-European point of view when there has already been so much impact is difficult and requires time. This is why we have adopted the approach of developing a living and ever-updating cultural impact assessment.

20. As stated in our original assessment we have adopted a principal of active partnership, co-production of design and management plans and the development of a “living Cultural Impact Assessment” where we will identify impacts to cultural values and sites as they arise through the development of TTMT. We will design methods to avoid, remedy and mitigate any impacts based on robust and higher resolution matauranga-a-iwi. Our matauranga-a-iwi with respect to the area is currently being improved and informing various management plans.

### **SETTLEMENT ACTS 2016 AND 2017**

21. The designation and subsequent road creation needs to recognise and assess any activity in accordance with the settlement acts; Rangitāne o Manawatu Claims Settlement Act 2016 and Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017. Both acts make specific reference to the cultural, spiritual, historical, and traditional associations to the designation area whose connections have been articulated and professionally reviewed, recognised and accepted by the Crown and must be considered above any interest groups. The Acts also have specific Deeds of Recognition and Statutory Acknowledgements that NZTA need to be aware of in all aspects of its activities not just in consenting processes. Specifically the aspects of the Acts that need to be recognised as fundamental values in any future design, development and activity is the information contained in the following;
- (a) Manawatū Gorge Statutory Acknowledgement; and
  - (b) Manawatū River Statutory Acknowledgement.

### **LEGISLATIVE AND PLANNING**

22. In examining the legislative and planning framework we operate under, it is clear that there is an absence of specific cultural environmental management methods to guide this application with only a handful of general cultural concepts that simply have to be recognised. While these might be matters of national importance, they can also be simply over-ridden by a desire to achieve sustainability or simply ignored by Local and Territorial Authorities. There is in our opinion a paucity of information on appropriate methods to avoid, remedy or mitigate any effects to cultural values and sites.
23. In this situation we heavily rely on the willingness of the applicant to develop a strong working relationship and partnership with Rangitāne to co-produce

and jointly develop solutions to avoid, remedy and mitigate any potential effects.

24. To date we have developed in our view a substantial working relationship and formally agreed (as a Memorandum of Partnership) that as the project progresses we will develop appropriate solutions to any effects that fulfil the NZTA projects of completing a road and our role as mana whenua, rangatira and kaitiaki over the area and our sites.

*Resource Management Act 1991 (RMA)*

25. The RMA provides for Māori and/or Tangata Whenua to engage in environmental management through a limited set of mechanisms contained in Part 2, which are considered as matters of national importance, namely:

- (a) Part 2 Section 6(e)

This section of the RMA requires the recognition of and provision for the relationship of Māori to their significant sites, taonga and water. It is our opinion that NZTA has done this through the consultation undertaken to date and the development of the Te Ahu a Turanga Technical Assessment of Tangata Whenua Values. This assessment has provided for the recognition of Rangitāne sites. As stated NZTA and Rangitāne/TMI are committed to developing and completing a number of management plans before the RMA consenting phase. Active involvement in all stages of the project will also maintain an unbroken relationship with our sites.

- (b) Part 2 Section 7(a)

This section of the RMA is recognised in the designation through not only the partnership that has developed between NZTA and Rangitāne but also through the fact that NZTA is supporting Rangitāne to fulfil its role as kaitiaki to undertake a series of baseline monitoring of its sites of significance, biodiversity and waterways that will inform methods to manage any impacts. This will manifest itself as a series of management plans to be adopted in the construction phases.

- (c) Part 2 Section 8

This section of the RMA recognises the Treaty of Waitangi and its principles. Rangitāne, as an iwi with Treaty of Waitangi settlements, and NZTA as a representative of the Crown should not only recognise



the Treaty and its principles but should enact and incorporate these into every aspect of the activity. To date Rangitāne believe this has occurred through the development of the Memorandum of Partnership, co-produced joint work plans, development of design principles and concepts, and the development of protocols and management plans.

*Horizons One Plan and the Palmerston North City Council (PNCC) District Plan.*

26. The Horizons One Plan and the PNCC District Plan provide very little detail or expansion on the provisions of the RMA, and even less detail on methods or specific policies or actions to ensure active expression of kaitiakitanga or involvement of Tangata Whenua in environmental developments that require anything more than consultation to fulfil them. There are some provisions that can be expanded on and recognised in relation to this activity.
- (a) The PNCC District Plan has Objectives; 1.2: To protect identified sites and objects of significant cultural and natural heritage value to tangata whenua and 1.3: To avoid, remedy or mitigate the effects of activities or development which could disturb or destroy the intrinsic cultural and natural heritage values associated with an identified site or object.
  - (b) The Horizons One Plan identifies the Manawatū River as having a value of being a site of cultural significance.
  - (c) The Horizons One Plan has a unique reference to "have regard for mauri of water: "yet provides no methods or further information on how regard should be shown. Other provisions relate to;
    - (1) Identification of sites of significance,
    - (2) Code of conduct around for the protection and discover of waahi tapu,
    - (3) Joint Management Agreements, and
    - (4) Resource Consent processes for notifying Iwi/hapū.
27. In relation to this process, these provisions have essentially been fulfilled through the compilation of information in the Te Ahu a Turanga Technical Assessment of Tangata Whenua Values produced by Rangitāne. This assessment provides for the identification of sites of significance and that the applicant and Rangitāne will continue to work together to show regard

for mauri and develop methods to avoid, remedy or mitigate any effects that require resource consents.

28. Again, Rangitāne can only state that in the absence of specific policy and guidelines on specific methods to avoid, remedy or mitigate any perceived effects, we require the applicant to develop a partnership with Rangitāne and through that we will develop our own unique and site/activity specific mechanisms that are appropriate at the time of activity rather than to try and pre-empt and forecast potential effects. The approach we have adopted is more aligned to Rangitāne concepts of Te Ao Turoa, Kaitiakitanga and Rangatiratanga.

### **EFFECTS ON OUR SITES AND ENVIRONMENT**

29. Impacts on Rangitane values associated with ecological issues will be discussed by Siobhan Karaitiana-Lynch.

### **COMMENTS ON SECTION 92 REQUEST FOR FURTHER INFORMATION**

30. I wish to comment on the questions asked by the Council reporting officers of the NZTA, in its request for further information under section 92 of the RMA.
31. We can only respond by saying that we have carried out a detailed assessment of Rangitāne sites and connections to the proposed road area. Again, we reiterate that a detailed review of impacts on those sites has not been completed for two reasons; 1. We will deal with site specific impacts as the project progresses and (engineering) methods that create impact are better defined and understood as well as methods to avoid, remedy and mitigate can be better determined, and, 2. We are still gathering baseline data and detailed cultural data on the nature of those sites to inform more robust cultural methods to avoid, remedy or mitigate. We can say that our most significant and directly impacted site of Te Ahu a Turanga has been avoided in this development and appropriate protocols and Karakia have been undertaken on site to ensure our world is balanced.
32. Rangitāne can also confirm that we agree with the NZTA response to this request in that we have adopted the;
- *Te Aranga Māori Design Values and Principles in the ECDF, with examples of design outcomes being:*
    - *reviving and recording traditional and ancestral names;*

- *identifying appropriate names for the road and features in partnership with tangata whenua;*
- *reusing and recycling waste materials, where appropriate;*
- *referencing tangata whenua values and narratives in design;*  
*and*
- *opportunities for tangata whenua to have further specific roles in relation to the Project such as seed collection, planting vegetation, propagation and/or environmental maintenance;*
- *on-going participation of tangata whenua in the design of the Project through input into:*
  - *the preparation of the Landscape Management Plan;*
  - *the preparation of the Lizard Management Plan, if required;*
  - *the preparation of the Bat Management Plan;*
  - *the preparation of the Avifauna Management Plan;*
  - *the preparation of the Ecological Management Plan;*
- *the finalisation of an accidental discovery protocol, or protocols; and the preparation of the Manawatū Gorge Scenic Reserve Car Park Management and Reinstatement Plan;*
- *specific provision for consultation with the Te Āpiti Ahu Whenua Trust in respect of works related to the bridging of the Manawatū River;*
- *a Tangata Whenua Values Monitoring and Management Plan (or Plans) with a stated purpose “to recognise and provide for the tangata whenua values of the area and to develop mechanisms and processes to seek to avoid or minimise potential impacts on those values through the implementation of agreed monitoring and mitigation measures”;* and
- *the management of unrecorded archaeology sites that may be disturbed through an accidental discovery protocol that is prepared in consultation with tangata whenua. Matters relating to water will be addressed as part of the future applications for regional resource consents.*

33. Rangitāne find the analysis and request from the consenting authority for detailed assessments of values and relationships with methods to avoid, remedy or mitigate any perceived impacts hypocritical when the legislation, plans and policies we operate under do not provide any guidance or methods to do so. In fact most Local and Territorial Authorities fail to recognise our Settlement Acts and Statutory Acknowledgements in the manner they should be recognised.

34. In the vacuum that we operate in with no clear methods on how to avoid, remedy or mitigate any effects, it is purely reliant on the applicant/developer and iwi to develop those in partnership and adopt those methods they both agree to. In our view the framework we have chosen to adopt of developing methods to identify and respond to issues on a case-by-case as the project develops is more consistent with the concepts of tino rangatiratanga and kaitiakitanga.
35. What is most concerning to us in the analysis and questions provided in the section 92 request was that the consenting authority is covertly attempting to override our mana and connections to the area by elevating migrant (post pākehā arrival) iwi to have an equal status over managing the cultural effects of the potential development. This is totally abhorrent to Rangitāne and unacceptable. We see this as a contemporary breach of the Treaty of Waitangi.
36. Rangitāne are the mana whenua of the area and this has been recognised by the Crown through the various Rangitāne Treaty Settlements, their Acts and statutory acknowledgements/deeds of recognition in the project area. To request that further analysis be required from migrant iwi on our cultural sites in our area is disgusting. NZTA has for the most part correctly chosen to work with the actual mana whenua and undertake this development in partnership (with respect to the Treaty and Settlement Acts). However we find their recent position to work with one particular migrant iwi a breach of the Treaty and flies in the face of their own cultural advice which is regrettable.
37. Rangitāne believe that there needs to be specific mention of Rangitāne o Manawatū, Rangitāne Tamaki Nui A Rua and their Settlement Acts; Rangitāne o Manawatū Claims Settlement Act 2016 and Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017, in a condition (with respect to section 8 of the RMA) that ensures NZTA continues to work in partnership only with Rangitane to manage any effects in the designation area.

## **RESPONSE TO SUBMITTERS**

### *Heritage New Zealand Pouhere Taonga*

38. Rangitāne note that Heritage New Zealand Pouhere Taonga (**HNZ**) has made a submission on the NoRs and reminded NZTA that they have to

adhere to the Heritage New Zealand Pouhere Taonga Act 2014 and should take a precautionary approach in seeking archaeological authorities despite the potential for archaeological sites being considered low during assessments.

39. Rangitāne would not support this approach and would suggest that conditions related to these matters reference archaeological protocols developed between NZTA and Rangitāne. In our experience HNZ does not recognise the mana and rangatira of Iwi. HNZ in our experience attempts to implant itself over the top of Iwi which is unacceptable, to control the ownership and management of any potential discoveries and reinforce colonial approaches of oppression of the recognition and management of cultural sites, our historical (archaeological) and artefacts (that we left there, sometimes for a reason).
40. We also want to ensure that archaeological assessments or archaeological processes recognise the “true cultural” history is pre-1830. Protocols and conditions need to recognise that any artefact found that is pre-1830 is solely the property of Rangitāne.

#### *Forest and Bird*

41. It is concerning to Rangitāne that Forest & Bird is recommending working with The Department of Conservation (**DOC**) and Horizons regarding Pest control, we remind Forest & Bird that Rangitāne are the original Kaitiaki of Te Āpiti and we have extensive experience in pest control that we seek to apply in this project.

#### *Department of Conservation*

42. DOC is a representative agency of the Crown that has a protocol with ROM as a result of the Treaty Settlement and should not be acting as kaitiaki in relation to this issue or attempting to represent iwi. From a Rangitāne perspective we have concerns around DOC promoting provision of public access to the northern area of Te Āpiti scenic reserve, this area is extremely significant to Rangitāne and DOC have not discussed their aspirations of this with us. Rangitāne need to work very closely with any agency who suggests and advocates for this, to protect culturally significant sites and waahi tapū.

## **COMMENTS ON MANAWAROATANGA**

43. It is important that in this evidence, statements and commentary is provided on the inclusion of the “Manawaroatanga” narrative. Ngāti Raukawa is not affected whatsoever by this activity, solely based on the fact that this activity is not occurring in an area that they have ever had any traditional or cultural connection or history to since their arrival during 1830’s, well after European settlement. NZTA need to recognise this and accept this.
44. The narrative provided does not provide one specific reference to the Gorge area or Te Āpiti or any site in a 50 km vicinity thereof. The sites and historical events mentioned in the narrative refers to places that are in the Southern Manawatū/Horowhenua area. I struggle to see how this shows any connection to the area that should require involvement in the management of the site post-designation. Surely NZTA must see this as well as other Agencies.
45. The narrative itself is littered with historical inaccuracies and general interpretation with the absence of factual accounts. Similarly, the references provided throughout the report are self-citations of non-published secondary material from members of their own iwi. The court minutes referred to also recount “stories” from members of Ngāti Raukawa providing self-fulfilling and biased views on those events. The interpretation of events and the “stories” provided in the narrative has been shown to be inaccurate through various Waitangi Tribunal processes.
46. The recognised history of the site and events around the Gorge can only be found in the Rangitāne o Manawatū Claims Settlement Act 2016 and Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017. If representation of Māori culture or inclusion of cultural concepts is to be applied then it should be only from Rangitāne, and if confusion exists then conditions need to be created to allow Rangitāne and NZTA develop the connection to their whenua as they require.

## **CONCLUSION**

47. Rangitāne is the mana whenua of the Te Āpiti area, and is working in partnership with the NZTA to avoid, remedy or mitigate any cultural issues or issues that impact Rangitāne culture in any way. Through this partnership

we engage regularly to develop methods to avoid, remedy or mitigate any issues that may arise respecting the rangatiratanga of Rangitāne.

**Associate Professor Jonathan Procter**

**8 March 2019**