

**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 Tūranga; Manawatū Tararua Highway Project

**BY**

**NZ TRANSPORT AGENCY**

Requiring Authority

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**STATEMENT OF EVIDENCE OF MAURICE WAYNE BLACK  
REPRESENTING KAHUNGUNU KI TĀMAKI NUI-A-RUA TRUST**

13 March 2019

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## 1.0 INTRODUCTION AND EXPERIENCE

1.1 Ko Kahuranaki te maunga, Ko Tukituki te awa, Ko Ngāti Kahungunu me Ngā Rauru Kitahi ōku iwi. Ko Ngāti Hawea tōku hapū. Ko Matahiwi te marae. Ko Morry Black tōku ingoa.

Mauri ki te whenua

Mauri ki te wai

Mauri ki te tangata

Tihei, Mauri Ora!

No reira, tēnā koutou, tēnā koutou, tēnā koutou katoa

1.2 My full name is Maurice Wayne Black. My hapū is Ngāti Hawea ki Heretaunga. My marae is Matahiwi. I also have whakapapa connections to Ngā Rauru Kitahi through my grandfather, Wiremu Pango Te Unahi and to Ngāti Porou through my grandmother Reremoana Te Ao Paaka.

1.3 I am a resource management consultant and researcher with 16 years' experience specialising in tangata whenua environmental issues, particularly around freshwater and marine environments. I am the director of a consultancy trading as Mauri Protection Agency since 2002. I gained accreditation from the Ministry for the Environment Making Good Decisions programme in 2008.

1.4 From 2004 to October 2012 I contracted to Ngāti Kahungunu Iwi Incorporated ('NKII'). In this role I provided planning advice and guidance to various marae and hapū collectives of Ngāti Kahungunu including Te Taiwhenua o Heretaunga, Te Taiwhenua o Tamatea and Kahungunu ki Tāmaki nui-a-Rua, whereby the collective interests of hapū and marae were supported. This involved drafting and presenting submissions to district and regional plans and notified resource consents, and on several occasions, subsequent representation at Environment Court proceedings. I managed Kahungunu submissions, hearings and Environment Court appeal processes associated with:

- The Hawke's Bay Regional Resource Management Plan;
- The Hawke's Bay Coastal Environment Plan;
- The Manawatū-Whanganui One Plan;

- Plan Change 5 to the Hawke's Bay Regional Resource Management Plan, and assisted with
- The Board of inquiry for the Ruataniwha Water Storage Scheme and Tukituki Plan Change 6;
- The Rangitīkei District Plan;
- Bulk resource consent renewals for various river systems in Hawke's Bay, and
- The proposed Hastings District Plan.

Much of my work for Kahungunu over the years has been associated with resource management planning and throughout the Kahungunu rohe. I am considered by my hapū and iwi to be an expert on freshwater and marine issues.

- 1.5 I have also worked with the Department of Conservation, the Ministry for the Environment, The Environmental Risk Management Authority and the Environmental Protection Authority on policy development and legislative reform and been engaged as an independent commissioner at local government level. More recently I have been involved in environmental and cultural education with a number of schools throughout the Tararua District.

## **2.0 SCOPE OF EVIDENCE**

2.1 My evidence will:

- Articulate the position of Kahungunu ki Tāmaki nui-a-Rua Trust in regard to Te Ahu a Turanga Project
- Provide evidence on a number of our tikanga Māori values in relation to Te Ahu a Turanga
- Comment on parts of the S42A report and its findings
- Other matters related to the NOR and effects of the project that have the capacity to influence Ngāti Kahungunu values and priorities
- Concluding statements

### **3.0 THE KAHUNGUNU KI TĀMAKI NUI-A-RUA TRUST (KAHUNGUNU)**

3.1 I currently work for Kahungunu on resource management, environmental education and research matters. They advocate for the broad interests of hapū and whānau members who whakapapa or affiliate to Ngāti Kahungunu within the traditional Tāmaki nui-a-Rua rohe which includes the Tararua District. We are one of six taiwhenua of Ngāti Kahungunu whose rohe-a-iwi encompasses the lower eastern side of the North Island from Paritu, north of Te Māhia Peninsula, down to Turakirae (Cape Palliser). Kahungunu ki Tāmaki-nui-a-Rua Trust (Kahungunu) operates within the Tararua District and around its periphery. Our vision statement is:

*“To have a thriving community with strong and trusted leadership, building a better future for Kahungunu people, all Māori, all iwi, and all people in the Tāmaki nui-a-Rua rohe.”*

3.2 This vision supports our aspirations to work responsibly with those we interact with, including NZTA, in a manner that gives due consideration to our roles and responsibilities as kaitiaki, while striving to uphold mana whenua and mana moana.

3.3 Were Te Ahu a Turanga Project to be approved, Kahungunu supports the Notice of Requirement subject to conditions that uphold the mana of the maunga, the whenua and the wai, that enables careful and considerate management of adverse effects on our cultural and environmental values, and which enable our full participation in aspects of the NOR that affect those values.

### **4.0 KAHUNGUNU KI TĀMAKI NUI-A-RUA VALUES AND INTERESTS**

4.1 The Crown recognises the mana of Kahungunu ki Tāmaki nui-a-Rua within the Tararua District and we are in negotiations to settle our historical Treaty claims having reached Agreement in Principle stage (alongside our Wairarapa whānau) in May 2016.

4.2 Recently within resource management constructs there has been a strong focus on ‘values’, with regulatory authorities and local government all wanting to know what our Māori or tangata whenua ‘values’ are. In my understanding of a ‘value’, it comes from western economics, implies association with

money or cost, and that a value can therefore be traded or balanced alongside other values. Where tikanga Māori priorities and concepts are repackaged as values, they risk losing the esteem in which they are held, as many have links to both the spiritual and physical realms. In my view, some tikanga Māori values like whakapapa and wairuatanga, are constant and immutable.

- 4.3 For the NOR, we are asked to assess the impact of an economic activity<sup>1</sup> on our cultural values, without those seeking a response understanding that some of these 'values' are absolute and perpetual.
- 4.4 The concept of Whakapapa can apply to the spiritual world, to human existence or to our relationships through the Atua to things terrestrial and aquatic. To date Kahungunu has had limited access to enable anything other than preliminary observations where there has been assessment of environmental matters undertaken by or on behalf of NZTA to inform the NOR application.. We are therefore at a disadvantage in terms of being able to present and compare things from a position of parity. In part this is due to the NOR proceeding rapidly, and before the effects of consequential activities that require resource consents, are fully known or appraised.
- 4.5 For this hearing and as a moemoea (vision, aspiration) going forward, our cultural priorities are targeted at upholding the integrity and mana of the whenua and the wai. Although basic, it is through them that we as hapū and iwi receive the spiritual and physical sustenance we require. This in turn helps to uphold our own mana, which we can then share (through manaakitanga) with others. In addition, through the practice of enhanced kaitiakitanga, we are able to promote our own cultural and environmental ideals.
- 4.6 Whakapapa o te wai - This value respects the connections between our maunga, the springs and streams that flow from them, joining the river systems down to the ocean. Acknowledging that the mauri of one entwines with and complements the mauri of the other, provided we have looked after the smallest parts of the system. I note the s42A report refers to the National Policy Statement for Freshwater Management (NPSFM) and how its provisions require tangata whenua to have more involvement in the

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<sup>1</sup> Part of the rationale for choosing Option 3 was because it was the shortest route (12.4 kms) and could save on travel time, fuel and expenses. Option 3 (\$350M - \$450M) was cheaper than Option 4 (\$450m-\$550m)

management of freshwater and its associated ecosystems. The NOR if approved, can be one avenue for implementing this part of the NPSFM.

- 4.7 Whakapapa o te wai also acknowledges that each constituent part of a river system has its own status and mana. Many of our native fish species are diadromous spending part of their lives in both fresh and coastal waters. Although we have not yet had the opportunity to monitor or assess the streams that the proposed NOR traverses, I note from the Freshwater report<sup>2</sup> the presence of two significant taonga species, longfin eel (at-risk declining conservation threat status), and koura (found at six of the eight survey sites). I find the assumptions made from one survey in February 2017 to quantify a priority or stream ranking unusual, as the report conclusions rely on a single temporal reference. In addition, derived stream rankings have been done without consideration or inclusion of tikanga Māori/cultural assessment. This same methodology has also been used to rank terrestrial environments and habitat. This means that some of the mitigations proposed may lack cultural relevance or consideration.
- 4.8 Kaitiakitanga is a concept that is central to the relationships that Kahungunu whānau and hapū have with both terrestrial and freshwater resources. Kaitiakitanga is taken seriously by Kahungunu ki Tāmaki nui-a-rua who seek to maintain the highest water quality possible for our taonga so our interactions with the rivers and the resources they provide can continue.
- 4.9 Ensuring the health and abundance of our taonga species, both terrestrial and aquatic, is part of the role of kaitiaki. Greater involvement in managing the effects on our taonga of the NoR - pre-construction, during construction, and through avoidance and mitigation activities – is paramount for Kahungunu. This can partly be achieved through monitoring and assessment of taonga.
- 4.10 Our tupuna placed taunaha upon the landscape, naming features, rivers and streams from a position of mana. These reflect cultural association, significance and esteem. I note that the freshwater report uses site numbers rather than stream names across the NoR corridor. In addition, it numbers the sites from downstream to upstream. Within Te Ao Māori, the energy flow for our awa is generally from the source in the Maunga, then flowing down to Tangaroa.

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<sup>2</sup> Boffa Miskell - Freshwater – Ecological Impact Assessment. Prepared for New Zealand Transport Agency

- 4.11 The names of the streams reflect their spiritual significance to tangata whenua, and from a tikanga Māori perspective how important they are within the area surrounding Te Ahu a Turanga. The wairua from the ranges flows down through the streams to replenish the rivers and the whenua. Cultural significance is reflected in the names of two streams that flow from Ross Peak, with the Manga-atua originating on the eastern side, while the stream flowing westward was is Te Awa o Te Atua<sup>3</sup>. The wairua of both streams is connected. One source of wairua from within the maunga flows down around Woodville to join the Manawatū near Ballance, while the other heads to join the Pohangina River before converging with the Manawatū River near Ashhurst. The confluence is a reconnection of the wairua.
- 4.12 Two other streams are the Manga-papa and Manga-manaia which both discharge into the Manawatū River. The manaia is a deity from within the realms of Te Ao Māori, it represents a spiritual guardian of mātauranga, of cultural knowledge, and is often shown with the head of a bird, the body of a man and the tail of a fish – hence three sources of knowledge. It symbolises and depicts a guardian of knowledge combined with a strong kaitiaki ethic. Representations of manaia are often carved from pounamu (jade, greenstone), denoting their significance.
- 4.13 In reference to Manga-papa, it can convey different meanings. The obvious one is connecting to Papatūānuku, the earth mother and wife of Ranginui. One association is therefore originating or flowing from the earth. Another interpretation is ‘gecko’ or ‘lizard’. There are various attributes associated with these. Like the manaia, they are revered as kaitiaki and holders of wisdom, and are sometimes featured in carvings on whare tūpuna. In Māori lore, reptiles are strongly related to the origin of the earth.
- 4.14 With NZTA’s aspiration to work closely with tangata whenua and encapsulate Māori values throughout the project, a basic understanding of how and why our values are significant to us would help inform future NZTA processes, planning and activities. Use of correct names (in place of numbers) is one way such recognition can be acknowledged.

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<sup>3</sup> Te Awa o Te Atua – The Awa of the Atua (spiritual guardian(s)) flows into the Pohangina Awa, while the Manga-atua discharges into the Manawatū Awa. The spiritual energy emanating from the maunga completes a full circle as the Pohangina joins the Manawatū at Ashhurst.

## 5.0 COMMENTS ON THE S42A REPORT

### 5.1 *Uncertainties regarding effects*

This issue is raised in numerous places throughout the S42A report in relation to insufficient detail around highway location and design, quantification of environmental mitigations and whether these are appropriate, the offsets package and whether offsets can be enforceable in perpetuity on landowners who may or may not agree with them, and/or the location of sites for spoil from cuttings within stream catchments and flow paths. The other key issue for tangata whenua is the loss of old-growth forest and terrestrial habitat. My colleague James Kendrick will comment on most of these aspects in his evidence.

5.2 The effects of sedimentation and appropriate mitigation is a major concern for Kahungunu. Having walked over the route, the proximity of the highway to surface waters including dams, seepage wetlands and within stream catchments presents a high level of sedimentation risk.

5.3 I suggest a way forward to address the uncertainties in relation to project outcomes, tangata whenua concerns, and involvement of tangata whenua could be through a more robust level of engagement with NZTA through the next phase of the project if it gains NoR approval. This approach could be enabled through:

- Reconfiguring and revising the ECDF and its application to provide greater surety of outcomes for all tangata whenua and others
- A higher level of involvement for all tangata whenua in design and detailed planning
- Allowing sufficient time for all tangata whenua to undertake cultural monitoring and assessments adequate to inform the Project and the avoidance, remediation or mitigation of its adverse effects
- Greater consideration of potential adverse and positive effects (including effects on cultural values and priorities) that would occur outside of the NoR corridor, as a consequence of the NoR and Te Ahu a Turanga Project (for example sedimentation of downstream environments)
- Involvement of iwi/hapū in seed-collection, recovery of indigenous resources and planting, mitigation and offsetting programmes

## **6.0 OTHER MATTERS**

- 6.1 Adverse effects on Mauri and other tikanga Māori values and priorities, are matters that only tangata whenua can assess and quantify, in accordance with how they perceive and express Wairuatanga (Māori spirituality) and Mauri. By restricting involvement of tangata whenua in the initial assessments of environmental effects, NZTA can only assume the nature and scale of adverse effects on Mauri and tikanga Māori values.
- 6.2 This places Kahungunu in a position of disparity in that limited opportunity can only result in a limited response. It would be helpful if we could get some surety around a timeline for identifying the number, range and scale of adverse effects on cultural values, that are (potentially) resultant from Te Ahu a Turanga project. As a precursor to this it is necessary to quantify the current environmental and cultural state.
- 6.3 I note that the ECDF is somewhat reliant on the Outline Plan and consideration for the content of the ECDF is across multiple fronts, although Kahungunu, other iwi and submitters have limited redress through the Outline Plan process. As the Outline Plan will then inform subsidiary plans, Kahungunu would like to be involved in drafting of these, to ensure they address our issues and concerns.
- 6.4 Kahungunu and NZTA have yet to agree a pathway forward to address matters associated with Pouhere Taonga – Heritage New Zealand approvals and an agreement on an Accidental Discovery Protocol.

## **7.0 CONCLUDING STATEMENTS**

- 7.1 Kahungunu remain supportive of a new Highway across the Ranges as the current roads are sub-standard and dangerous in places, and we appreciate the concerns of other members of the community
- 7.2 Kahungunu seek surety and commitment from NZTA to work more closely with all tangata whenua to find resolution to the problems with the current NoR project and the avoidance of adverse effects, the design and implementation of proposed mitigations and/or offsets.
- 7.3 Kahungunu will work collaboratively with our whanaunga from Ngāti Raukawa to discuss and address issues of mutual concern in relation to Te Ahu a Turanga project.

**Maurice Wayne Black**

13 March 2019