
Cultural Management Plan for Okere Gates and Ohau Weir



Final – Approved for Lodgement – 7 October 2016

ATKINS | HOLM | MAJUREY

ACKNOWLEDGEMENTS

Plan Development

This Cultural Management Plan has been developed by *Atkins Holm Majurey Limited* on behalf of the *Ohau ki Rotoiti Kaitiaki Group* and *Ngāti Pikiao Environmental Incorporated Society*. The principal authors are Tama Hovell and Vicki Morrison-Shaw.

Significant contributions, assistance and advice were provided by:

- Mr Fred Whata Snr QSM – Chairperson Ohau ki Rotoiti Kaitiaki Group
- Mr Joseph (Joe) Tahana – Member Ohau ki Rotoiti Kaitiaki Group
- Ms Wairangi Whata – Consultant
- Dr Kepa Morgan – Senior Lecturer in Civil and Environmental Engineering, Auckland University

Photographs

The photographs on the front page and photographs 1, 2, 18 and 27 were sourced from the Bay of Plenty Regional Council (Council) and reproduced with the Council's permission. Photographs 4 – 9, 12, and 14 were provided by the Council from the Rotorua Lakes Education Resource Photo pack and were reproduced with the permission of both the Council and the Rotorua Museum. Photographs 10 and 16 were reproduced with the permission of the Rotorua Museum. Photographs 11 and 13 were sourced from the National Library of New Zealand. Photograph 19 was provided by the Te Rangi whanau. All other photographs were taken as part of the Plan project.

Date

This Cultural Management Plan is dated 7 October 2016.

Queries

Any queries regarding this Cultural Management Plan should be directed to:

Joe Tahana
Ohau ki Rotoiti Kaitiaki Group
C/o 739 Okere Falls
State Highway 33
R D 4
ROTORUA

Phone: 021 606 276
Email: joey.tahana@gmail.com



ATKINS | HOLM | MAJUREY

MIHI

Ko Matawhaura te maunga,
Ko Te Rotoiti i kite ai e Ihenga te moana,
Ko Okere te awa,
Ko Ngāti Pikiao te iwi,
Kei Matawhaura ko Te Whakahau,
Kei Tapaniao ko te Urutohatoa,
Kei te Mātārae i o Rehu ko Puwhakaoho,
Kei Rawāhirua ko Te Mokai,
Kei Motutawa ko Haukeka,
Kei te Ohau ko Te Ohu,
Kei te atua reretahi ko Taranui,
Tae rawa ki Okere ko Tutea.

Ka heke te titiro ki te mauri whakareia o toku waka a Te Arawa.
Ka māwhiti rā taku rere ki te kōngutu awa o te wai mimi-o-Tapuika.
Māunu atu rā taku waka i te wai kia tae wawe atu ki Parihaua, ki Pararaureka.
Ka mihi au ki wōku tupuna e takoto mai rā i nga ana o tutea.
Hōkai ana i ngā repo weriweri o ngā toitoi e Okere

WAIATA

Kei te Ohautanga a Potakatawhitinui ko Te Ohu
Kei Rawāhirua ko Mokai
Kei atua reretahi ko Taranui
Kei Motutawa ko Haukeka
Ko nga pou o Kawatapuarangi
Huri āmio o te Rotoiti
Kei Te Mātārae i o Rehu ko Puwhakaoho
Kei Tapaniao ko Urutohatoha
Kei te Wharetaingamoko ko Pikiaowera
Kei Matawhau ko te kōkako peke wero o Te Waha Tuoro.

- *Ricky Bishop, Ngāti Pīkiao*



Contents

EXECUTIVE SUMMARY	1
1. INTRODUCTION AND BACKGROUND SETTING	3
1.1. Purpose	3
1.2. Scope	3
1.3. Background Setting	3
1.3.1. Consents	7
2. PROCESS FOLLOWED IN PREPARING CULTURAL MANAGEMENT PLAN	8
2.1. The Team	8
2.2. Tāngata Whenua Engagement	9
2.2.1. Interviews	9
2.2.2. Hui	10
2.2.3. Ngāti Pikiao	10
2.2.4. Te Arawa Lakes Trust	12
2.2.5. Te Maru o Kaituna	13
2.2.6. Tapuika Iwi Authority	13
2.2.7. Other Groups	14
2.3. Previous Cultural Management Plans/Project Plans	16
3. RELEVANT TIKANGA CONCEPTS	17
3.1. Importance of Concepts	17
3.2. Pīkiaoatanga	17
3.3. Mātauranga Māori	17
3.4. Mana	19
3.5. Tapu	21
3.6. Tikanga and Kawa	22
3.7. Kaitiakitanga	23
3.8. Mauri	24
3.9. Muru	25
4. CULTURAL ASSOCIATION WITH OKERE GATES / OHAU WEIR AREAS	26
4.1. History and Relationship	26
4.2. Mana Whenua	33
4.3. Te Arawa Today	37
4.3.1. Te Arawa Iwi	37
4.3.2. Ngāti Pikiao	37
4.4. Culturally Significant Sites and Features	41
4.4.1. Ana (Caves)	41
4.4.2. Beaches / Recreational Areas	41
4.4.3. Canoe Building	42
4.4.4. Cultivations	42
4.4.5. Geothermal Resources	43
4.4.6. Koropungapunga (Pumice)	44
4.4.7. Mahinga Kai	44



4.4.8.	<i>Pa and Maioro/Tuwatawata</i>	46
4.4.9.	<i>Papakainga, Kainga, Whare</i>	47
4.4.10.	<i>Pataka</i>	48
4.4.11.	<i>Plants</i>	48
4.4.12.	<i>Te Maunga</i>	49
4.4.13.	<i>Transport and Tourism</i>	49
4.4.14.	<i>Wāhi Tapu and Urupa</i>	50
4.4.15.	<i>Wai Maori and Mauri</i>	52
4.5.	<i>Nature of Relationships</i>	52
5.	KEY ISSUES	54
5.1.	<i>Introduction and Historical Context</i>	54
5.2.	<i>Te Arawa Lakes Trust Concerns</i>	55
5.3.	<i>Ngāti Pikiao Concerns</i>	56
5.3.1.	<i>Artificial Control of Lake Levels</i>	56
5.3.2.	<i>Loss of Beaches</i>	57
5.3.3.	<i>Loss of Safe Recreational Areas</i>	58
5.3.4.	<i>Impacts on People</i>	59
5.3.5.	<i>Flooding</i>	60
5.3.6.	<i>Wāhi Tapu</i>	60
5.3.7.	<i>Erosion</i>	61
5.3.8.	<i>Impacts on Food Sources</i>	62
5.3.9.	<i>Loss of Koropungapunga (Pumice Stone)</i>	62
5.3.10.	<i>Weeds</i>	63
5.3.11.	<i>Water Quality Issues</i>	63
5.4.	<i>Long Standing Concerns</i>	64
5.5.	<i>Process Concerns</i>	65
6.	CASE STUDIES	67
6.1.	<i>Taheke Marae</i>	67
6.1.1.	<i>Erosion</i>	68
6.1.2.	<i>Surface flooding</i>	72
6.1.3.	<i>Sedimentation and Siltation</i>	73
6.1.4.	<i>Loss of Identity</i>	73
6.2.	<i>Ohau Channel</i>	74
6.2.1.	<i>Sedimentation</i>	75
6.2.2.	<i>Mahinga Kai</i>	75
6.3.	<i>Rakeiao Marae</i>	76
6.3.1.	<i>Structural Works</i>	76
6.3.2.	<i>Financial Impact</i>	77
6.4.	<i>Ruato Bay</i>	80
7.	OTHER INTERESTS	82
7.1.	<i>Recreational</i>	82
7.2.	<i>Navigational</i>	82
7.3.	<i>Ecological</i>	82

7.4.	Conflicts with Cultural Interest	83
8.	CMP – MITIGATION, MONITORING AND REVIEW	85
8.1.	Return to Natural Fluctuation Levels	85
8.2.	Adoption of the Mauri Model	85
8.2.1.	<i>Mauri Model</i>	85
8.3.	Amending Condition References to Tāngata Whenua	87
8.4.	Other Measures	88
8.4.1.	<i>Restore the Beaches</i>	88
8.4.2.	<i>Remove Exotic Weeds and Replant Beaches and Lake Edges</i>	88
8.4.3.	<i>Rebuild/Replenish Native Fisheries</i>	88
8.4.4.	<i>Better Protect from Flooding</i>	89
8.4.5.	<i>Better Protect from Erosion</i>	89
8.4.6.	<i>Protect and Ensure Access to Wāhi Tapu</i>	89
8.4.7.	<i>Build Footpaths</i>	89
8.4.8.	<i>Jetty Consenting and Commercial Returns</i>	89
8.4.9.	<i>Control of Gates</i>	89
8.4.10.	<i>Offset Consideration</i>	90
8.5.	Cultural Monitoring.....	90
9.	LEGAL SUPPORT FOR CHANGE.....	92
9.1.	Consents	92
9.2.	Validity of Cultural Beliefs.....	93
9.3.	Lack of Consideration of Cultural Impacts Previously	93
9.4.	Renewal and Existing Environment	94
9.5.	Mechanisms for Review	95
9.6.	Preferred Process.....	97
10.	CONCLUSIONS AND RECOMMENDATIONS	98
11.	LIST OF FIGURES, MAPS, PHOTOGRAPHS, AND TABLES.....	99
11.1.	List of Figures.....	99
11.2.	List of Maps	99
11.3.	List of Photographs.....	99
11.4.	List of Tables.....	100
12.	GLOSSARY	101
13.	REFERENCES.....	104
13.1.	Annual Reports	104
13.2.	Assessment of Effects Reports	104
13.3.	Cases	104
13.4.	Cultural Management and Project Plans	104
13.5.	Deeds of Settlement	105
13.6.	Evidence presented at the 2010 Bay of Plenty Regional Council Consent Renewal Hearings for the Okere Gates/Ohau Weir	105
13.7.	Evidence Presented at the 2015 Rena Hearings	105
13.8.	Iwi Management Plans.....	106
13.9.	Kaitiaki Group Minutes and File Notes	106



13.9.1.	<i>Ohau ki Rotoiti Kaitiaki Group</i>	106
13.9.2.	<i>Okere ki Kaituna Kaitiaki Group</i>	106
13.10.	Notes of Other Meetings.....	107
13.11.	Other Correspondence	107
13.12.	Other Reports and Articles.....	107
13.13.	Resource Consents and Agreements.....	107
13.14.	Texts	108
13.15.	Waitangi Tribunal Reports and Documents.....	108
14.	APPENDICES	109
14.1.	Appendix 1 – Copy of Resource Consents 65979 and 65980.....	110
14.2.	Appendix 2 – Letters Received From Other Iwi/Hapu Groups	111



EXECUTIVE SUMMARY

1. The purpose of this plan is to convey tāngata whenua, specifically Ngāti Pikiao, relationships with Lake Rotoiti and the Ohau Channel, and detail the impacts on tāngata whenua arising from the operation of the Okere Control Gates and Ohau Channel Weir ("Gates and Weir"). This plan explores mechanisms to avoid, remedy or mitigate these impacts, and details the legal basis that exists to ensure cultural impacts arising from the management and operation of the Gates and Weir are addressed.
2. The loss of the natural fluctuations of Lake Rotoiti is a fundamental alteration of the Lake's mauri which has had a range of impacts on tāngata whenua. These include the loss of the ability to:
 - (a) bathe in and use beaches that have been an important part of the lives of iwi and hapū on the shores of Lake Rotoiti;
 - (b) collect plants for customary purposes;
 - (c) access ancestral kaimoana sources and practice traditional fishing methods for traditionally prized or significant fish species;
 - (d) experience the natural fluctuations of Lake Rotoiti which play a significant role in the traditions of the iwi and hapū connected to it;
 - (e) point out places and features in order to transmit mātauranga from one generation to the next;
 - (f) carryout important cultural events (due to flooding);
 - (g) practice kaitiakitanga particularly over wāihi tapu which now lie beneath the water;
 - (h) engage with locations considered tapu to iwi and hapū; and
 - (i) manage the iwi and hapū's taonga according to their tikanga.
3. The undesired intrusion of the Gates and Weir into Ohau and Rotoiti, being a place synonymous with the iwi and hapū, is a takahi mana, or affront to the mana of these iwi and hapū.
4. These impacts also result in a loss of mana for the iwi and hapū connected to Ohau and Rotoiti, which is a culturally and spiritually devastating loss to iwi and hapū.
5. In addition to these cultural impacts, tāngata whenua have also incurred considerable financial costs in seeking to mitigate the significant adverse effects caused by the operation of the Gates and Weir. Such costs have included the installation of retaining walls and pumping equipment.



6. To date all of the costs have largely been borne by tāngata whenua due to maintained lake levels for the benefit of others.
7. Tāngata whenua consider that the above concerns can only be met by a return to natural fluctuation levels and adoption of the mauri model and a range of other cultural monitoring requirements and plans.
8. Tāngata whenua's preferred process to effect these changes is for Council to agree the detail of these changes with them and for these changes to be formalised through a s 128 review process under the Resource Management Act 1991.



1. INTRODUCTION AND BACKGROUND SETTING

1. This Cultural Management Plan has been prepared by Atkins Holm Majurey Limited on behalf of the Ohau ki Rotoiti Kaitiaki Group and the Ngāti Pikiao Environmental Incorporated Society.

1.1. Purpose

2. The purpose of this Plan is to:
 - (a) set out the tāngata whenua relationships with, and cultural values of, Lake Rotoiti, the Ohau Channel, and the surrounding area;
 - (b) identify the cultural impacts resulting from the operation of the Okere Control Gates and Ohau Channel Weir on those cultural relationships and values;
 - (c) identify mechanisms to avoid, remedy or mitigate these impacts; and
 - (d) provide a legal basis to support changes being made to the management of the Okere Gates and Ohau Weir and consent conditions to address the cultural impacts.

1.2. Scope

3. This report focuses on the Ohau, Rotoiti and Okere water systems. It does not extend into the cultural effects and considerations for the Kaituna River. In the course of preparing this report, there were communications with Tapuika representatives and individual members of Te Maru o Kaituna in which it was noted that a separate cultural report may be produced in respect of the Kaituna River. This would be a matter for the relevant kaitiaki group for the Kaituna River to address with the Regional Council directly as the consent holder.

1.3. Background Setting

4. In 1972 an Environmental Impact Study (1972 Study) was undertaken to look at flood control measures for Lakes Rotorua and Rotoiti.¹
5. At that time there were no formal flood control measures in place on either lake. There was however a natural rock ledge located approximately 35m

¹ Wilson, R H, Lakes Rotorua and Rotoiti Flood Control Environmental Impact Study (96/146060), Investigations Section - Water and Soils Division, 27 October 1972.

downstream of the existing Okere gates (at RL278.5), which naturally controlled Lake Rotoiti levels.²

6. Without artificial intervention, Lake Rotoiti was free to fluctuate in accordance with the weather conditions. This meant that at times there could be extremely high levels (with flooding risk) as well as extremely low levels. The fluctuations provided their own physical and ecological benefits for the Lake and its banks. The fluctuations also provided metaphysical benefits in terms of positive experiential value as well as being an important aspect of Ngāti Pikiao knowledge and relationship with the Lake and its surrounds.
7. The 1972 Study found that constructing a radial control gate and channel cut at Okere Falls; and a bypass cut with a stop log control gate at the Ohau inlet (amongst other measures), would best manage flood risks.³
8. While the purpose of the control measures was primarily to address flooding, the 1972 Study also noted that such controls would provide amenity benefits:⁴

"For scenic and recreational purposes maximum benefit can be obtained when lake levels are reasonably high (below the flood range) and held with minimum fluctuations. In Lake Rotoiti this can be fairly well guaranteed if a weir or gate control is used at the Okere Outlet..."

9. Ngāti Pikiao members have advised that while they understood the desire to mitigate flooding events the control of fluctuations for that purpose or indeed for the scenic/recreational benefits was not a priority for Ngāti Pikiao. No consideration was given to the adverse effects that the Gates and Weir would have on Ngāti Pikiao.
10. The natural rock ledge was removed and both control structures were subsequently put in place as part of the Upper Kaituna Control Catchment Scheme.⁵
11. The structures were designed so that the lake levels could be managed within the range set by the former National Water and Soil Conservation Authority.⁶

² Refer: Graeme O'Rourke – Principal Engineering Surveyor, Consent Holder Annual Report on Okere Gates and Ohau Weir, Bay of Plenty Regional Council Operations Publication 2012/05, 14 September 2012, section 2.2 on page 5.

³ Wilson, R H, Lakes Rotorua and Rotoiti Flood Control Environmental Impact Study (96/146060), Investigations Section - Water and Soils Division, 27 October 1972, section 8.4 (a) and (f), pages 24 - 25.

⁴ Wilson, R H, Lakes Rotorua and Rotoiti Flood Control Environmental Impact Study (96/146060), Investigations Section - Water and Soils Division, 27 October 1972, section 6.3, page 17.

⁵ Statement of Evidence of Te Ariki Morehu (English Version), In the matter of claims in the Central North Island Inquiry (Wai 1200), 7 February 2005, at paragraph [32].

12. The Okere Gates are located at the outlet to Lake Rotoiti off State Highway 33 and the Ohau Weir is located at the outlet to Lake Rotorua off Hamurana Road.



Map 1 – Location of Okere Gates and Ohau Weir⁷

⁶ Resource Consent Application and Assessment of Environmental Effects for the Okere Gates and Ohau Channel Weir Structures, Revised Version September 2010, (Bay of Plenty Regional Council and Opus) s 1.3 - Background on page 11.

⁷ Map 1 is sourced from the Bay of Plenty Regional Council website <https://www.boprc.govt.nz/environment/water/rotorua-lakes/okere-gates-and-ohau-weir/> and reproduced with the Council's permission.

13. The Okere Gates were installed in 1982 to regulate the flow of water from Lake Rotoiti into the Kaituna River.



Photograph 1 – Okere Gates⁸

14. The Ohau Weir was constructed in 1989 to control water level fluctuations in Lake Rotorua.



Photograph 2 – Ohau Weir⁹

⁸ Photo sourced from Bay of Plenty Regional Council website: <https://www.boprc.govt.nz/environment/water/rotorua-lakes/okere-gates-and-ohau-weir/> and reproduced with the Council's permission.

⁹ Photo sourced from Bay of Plenty Regional Council website: <https://www.boprc.govt.nz/environment/water/rotorua-lakes/okere-gates-and-ohau-weir/> and reproduced with the Council's permission.



15. The Gates and Weir structures are owned by the Council but since 2006, the beds of both Lake Rotorua and Lake Rotoiti have been vested in Te Arawa by virtue of the Te Arawa Lakes Settlement Act 2006.¹⁰

1.3.1. Consents

16. The Bay of Plenty Regional Council holds resource consents (65979 and 65980) authorising the operation and management of the Okere Gates and Ohau Weir. The purpose of the consents are:¹¹

"to allow for the continued use of the Okere Gates control structure on the bed of the Kaituna River at the outlet of Lake Rotoiti and to control the water level of Lake Rotoiti with the objective of minimising water level fluctuations on Lake Rotoiti."

"to allow for the use of the Ohau Channel Weir on the bed of the Ohau Channel at the outlet of Lake Rotorua and to control the water level of Lake Rotorua with the objective of avoiding undesirably low lake levels."

17. The consents were granted by consent order in March 2012 for a term of 35 years and commenced on 10 April 2012.¹²
18. The key conditions for the purposes of this Cultural Management Plan are:
- (a) conditions 9.1 to 9.8 which establish the Ohau ki Rotoiti Kaitiaki Group and set out its purpose and functions;
 - (b) condition 9.9 which provides for the preparation of this Plan; and
 - (c) conditions 9.11 to 9.14 which provide mechanisms to address cultural issues raised in the Plan and provide for a review of the consent conditions.
19. A copy of the consents and the full set of conditions is attached as **Appendix 1**.

¹⁰ Refer to section 23 of the Te Arawa Lakes Settlement Act 2006.

¹¹ Condition 2 of consents 65979 and 65980 respectively.

¹² This is 15 working days after the grant of the consent order to allow the appeal period to expire.



2. PROCESS FOLLOWED IN PREPARING CULTURAL MANAGEMENT PLAN

20. A meeting was held between the Council and members of the Ohau ki Rotoiti Kaitiaki Group in late 2014 to discuss the preparation of the cultural management plan. At this meeting the Ohau ki Rotoiti Kaitiaki members sought that Atkins Holm Majurey be engaged to project manage the development of the plan.
21. Following this meeting, the Council wrote to Atkins Holm Majurey requesting a proposal for delivering the cultural management plan, which was to include a schedule of deliverables, costs and key milestones.
22. Atkins Holm Majurey prepared a proposal for the delivery of the cultural management plan which set out the process for development as well as key milestones and timing. This proposal was reviewed by and approved by the Ohau ki Rotoiti Kaitiaki Group members and the Council.

2.1. The Team

23. The core project team involved in preparing the cultural management plan were:
 - (a) Tama Hovell, Partner, Atkins Holm Majurey;
 - (b) Vicki Morrison-Shaw, Senior Associate, Atkins Holm Majurey;
 - (c) Fred Whata, Chair of the Ohau ki Rotoiti Kaitiaki Forum and President of Ngāti Pikiao Environmental Society Incorporated;
 - (d) Joe Tahana, Secretary of the Ohau ki Rotoiti Kaitiaki Forum and of Ngāti Pikiao Environmental Society Incorporated; and
 - (e) Wairangi Whata, Consultant Interviewer.
24. Dr Kepa Morgan, Senior Lecturer in Civil and Environmental Engineering, Auckland University, who is also Ngāti Pikiao, provided valuable input to help explain the physical impacts of the consent activities. In particular Dr Morgan provided advice on water issues and erosion as well as ongoing monitoring.
25. Further support and information was provided by many tāngata whenua through the various engagement processes and many were very active in providing information for this report as discussed further below.
26. Input was also provided by Mr Tamati Waaka, a cultural expert, on general Māori concepts and tikanga Māori.



2.2. Tāngata Whenua Engagement

27. A meeting was held with Joe Tahana and Fred Whata on 27 October 2015 to agree the approach for tāngata whenua engagement. A two-pronged engagement process was agreed upon:

- (a) interviews with individual tāngata whenua members to record their stories, memories and experiences of Lake Rotoiti, the beaches and fisheries pre and post the construction of the Gates; and
- (b) a series of interviews and hui with tāngata whenua at a broader scale to discuss the draft cultural management plan and obtain their feedback.

2.2.1. Interviews

28. Wairangi Whata was engaged on 30 October 2015 to carry out the tāngata whenua interviews.

29. The following 14 tāngata whenua members were interviewed in November 2015:

- (a) Denise Tahana;
- (b) Dennis Waiti;
- (c) Elaine (Tiki) Thomas;
- (d) Joe Tahana;
- (e) Kiwi Tahuriorangi;
- (f) Laurence Tamati;
- (g) Ngaro Morehu;
- (h) Ngawhakawairangi Hohepa;
- (i) Noel Gardiner;
- (j) Piki Thomas;
- (k) Raina Meha;
- (l) Roland Kingi;
- (m) Te Rata Epapara; and
- (n) Timi Te Po Hohepa.

30. These interviews were transcribed and written feedback was also received from Lyn Karaitiana on 9 November 2015 and Tawhiri Morehu 10 March 2016.

2.2.2. Hui

31. Letters were written to all relevant Ngāti Pikiao iwi and hapu bodies informing them about the project and inviting them to hui-a-iwi on 4 December 2015 at Taheke marae to discuss the draft cultural management plan. The hui was also publicly notified in the Rotorua Daily Post on 14, 21 and 28 November 2015.
32. Letters were also written to Te Arawa Lakes Trust, Te Maru o Kaituna and Tapuika Iwi authority informing them about the project and seeking to meet with them on the afternoon of 4 December 2015 to discuss the cultural management plan.
33. A copy of the draft cultural management plan was provided to all these groups on 30 November 2015 for discussion at the 4 December 2015 hui.
34. Hui with Ngāti Pikiao and Te Arawa Lakes Trust went ahead on 4 December 2015.

2.2.3. Ngāti Pikiao

Hui-a-iwi

35. The hui-a-iwi with Ngāti Pikiao on 4 December 2015 was well attended and very good feedback was received in terms of:
 - (a) impacts being experienced at particular locations (such as Taheke marae and individual property owners experiencing erosion);
 - (b) cumulative impacts arising from the loss of the beaches (such as inability to have footpaths in certain areas);
 - (c) linkage of lake levels and water quality;
 - (d) conflict of cultural values with recreational uses and values (in particular jetty owners);
 - (e) recognition of employment provided by rafting companies;
 - (f) other resources to review (including Waitangi Tribunal evidence and environmental management plans);
 - (g) ways in which the plan can be amended to better address these matters; and
 - (h) further hui.



Photograph 3 – Ngāti Pikiao 4 December 2015 hui¹³

Further Interviews and Hui with Ngāti Pikiao

36. Further interviews were carried out in January and February 2016 with representatives of Taheke Marae, Rakeiao Marae and tāngata whenua connected with the Ohau Channel in relation to the direct effects that high lake levels are having on their respective lands and sites.
37. The information from this engagement has been included in the case studies section of this Plan.
38. A further hui with Fred Whata, Joe Tahana and Dr Kepa Morgan was held on 4 February 2016 to discuss the direction of the revised draft and identify areas in which further information of follow up was required. One result of this hui was to add the Ruato Bay septic issue as an additional case study.
39. Following each of the above engagement steps the cultural management plan was revised and an updated draft was provided to tāngata whenua on 1 March 2016.
40. A couple of requests were received from tāngata whenua in March 2016 for minor corrections but no substantive changes were sought.
41. There has been ongoing engagement with Joe Tahana and Fred Whata since March 2016 via phone discussions and email in terms of responding to the Council's comments and processes for finalising the cultural management plan.
42. Updated versions of the cultural management plan were provided on 11 May 2016 and again on 9 June 2016.

¹³ Photograph taken on 4 December 2015 by Piki Thomas.

43. A final hui-a-iwi is planned to be called in late June or July to receive any final feedback on the plan and adopt the final plan.

2.2.4. Te Arawa Lakes Trust

Initial Hui

44. A hui with Te Arawa Lakes Trust was held between 1:15 pm and 2:15 pm on 4 December 2015 at Te Arawa Lakes Trust Office, 1194 Haupapa Street. This was attended by Leilani Ngawhika (Executive Manager) and Roku Mihinui (Strategy Manager – Freshwater and Environmental).
45. Good feedback was received in terms of the importance and linkage of the plan to other upcoming processes such as the review of the jetty structures, the Ohau diversion wall and consent renewal.

Further Correspondence and Hui

46. In March 2016 Te Arawa Lakes Trust provided an update on the recent jetty consent applications and the concerns that tāngata whenua have expressed with the jetties including:
- (a) increased traffic during summer months;
 - (b) traffic safety hazards for children and pedestrians;
 - (c) insufficient capacity of existing infrastructure to cope with traffic and parking;
 - (d) ongoing water quality issues; and
 - (e) complex water management regimes and rules.
47. Te Arawa Lakes Trust has advised that it intends to address these broader issues as well as financial returns and compensation issues as part of the Lakes Structure Policy Review.¹⁴
48. In mid to late May 2016 Joe Tahana met with Roku Mihinui of Te Arawa Lakes Trust to provide an update on where things are at and to extend an invitation to the Trust to attend the meeting with the Council on 10 June 2016.
49. Follow up correspondence on 25 May 2016 provided the Trust with an updated copy of the cultural management plan (dated 11 May 2016) and requested a letter of support.
50. A letter of support was provided by the Trust on 10 June 2016. A copy of the letter is attached in **Appendix 2**.

¹⁴ Email from Roku Mihinui dated 23 March 2016.

2.2.5. Te Maru o Kaituna

51. Te Maru o Kaituna were unable to formally meet on 4 December 2015. At the request of Te Maru o Kaituna the project team offered to make themselves available in late January 2016 if there was demand for a hui. This offer was notified to Te Maru o Kaituna members. No response was received.
52. As noted in section 2.2.7 below, separate correspondence was sent to groups affiliated with Te Maru o Kaituna in May 2016 regarding the cultural management plan including: Ngati Whakaue, Tuhourangi, Ngati Uenukukopako, Ngati Rangiwewehi, Ngati Rangiteaorere, Tapuika, and Waitaha.
53. An updated copy of the cultural management plan and request for comment was also sent directly to Te Maru o Kaituna on 7 June 2016. A response was received from Arapeta Tahana on 8 June 2016 indicating that the next meeting of Te Maru o Kaituna was on 24 June 2016 and that if the cultural management plan was able to be added as an agenda item feedback could be provided late June/early July 2016.

2.2.6. Tapuika Iwi Authority

54. Tapuika Iwi Authority initially advised that they were unable to meet on 4 December 2015 and a later hui was rescheduled. In subsequent correspondence, Tapuika advised that:¹⁵

"It should be noted that the CMP is limited to the area of the Ohau Weir AND DOES NOT extend to include any part of the Kaituna and surrounding area of the Okere Gates.

In a determination of Mr Fred Whata that Tapuika should not engage in any participation of the area affecting Ohau Weir Kaitiaki group accordingly Tapuika wished to respect Mr Whata's requirement."

55. In telephone discussions between Tama Hovell and Mr Hohepa Maxwell, it was advised that a separate report may be appropriate to cover the interests of Tapuika and any potential effects on the Kaituna River system, since this report does not extent into the Kaituna River water system. This is a matter that could be taken up by Tapuika and the Okere ki Kaituna Kaitiaki Group with the Council as the consent holder.
56. An updated copy of the cultural management plan and request for comment was sent to Tapuika Iwi Authority on 7 June 2016. To date, no response has been received.

¹⁵ 10 December 2015 email from Joseph Hohepa Maxwell, Tapuika Iwi Authority, Resource Management Unit.

2.2.7. Other Groups

57. At the request of the Council a copy of the draft Plan was also provided to the following groups in the week commencing 16 May 2016:
- (a) Ngati Rangiwewehi;
 - (b) Ngati Rangiteaorere;
 - (c) Ngati Uenukukopako;
 - (d) Tuhourangi;
 - (e) Waitahi a Hei;
 - (f) Ngati Whakaue (including Maketu);
 - (g) Ngati Makino;
 - (h) Ngati Whakahemo; and
 - (i) Te Pumautanga o Te Arawa.
58. With the exception of Ngati Rangiteaorere, Fred Whata and Joe Tahana met kanohi ki te kanohi with representatives of each of these groups in the second and third weeks of May 2016. Fred Whata called into Ngati Rangiteaorere's office every day for a week but the office was unattended.
59. A follow up email was sent to each of these groups (including Ngati Rangiteaorere) inviting them to provide feedback and also to attend the Ngāti Pikiao hui-a-iwi (then) planned for June 2016 to discuss any feedback they had.
60. It is also noted that while separate letters were sent to Ngati Makino and Ngati Whakahemo these groups are part of the Ngāti Pikiao groupings listed in section 4.3.2 and have also been consulted as part of the Ngāti Pikiao engagement process.
61. Written responses were received from Ngati Makino, Ngati Whakaue, Ngati Rangiteaorere, Te Pumautanga o Te Arawa, and Ngati Tunohopu (an iwi closely affiliated with Ngati Whakaue).

Ngati Makino

62. On 24 June 2016 a letter was received from Ngati Makino Heritage Trust which stated:

"It is clear that Ngati Pikiao have suffer and continue to endure significant adverse impacts that have occurred a a result of the construction and ongoing operation of the Okere Gates and associated weir structures. The loss of beaches and access to

wāhi tapu, severe erosion and flooding, not to mention impacts to their cultural and spiritual well-being are unacceptable.

Ngati Makino acknowledge that Ngāti Pikiao has sought the return of natural fluctuating lake levels for Lake Rotoiti for many years and in many for a.

Ngati Makino wish to expressly tautoki and endorse the CMP and the recommendations set out in the CMP, including the return of natural fluctuation levels in Rotoiti. We also confirm that we agree with the request in Section 8.3 of the CMP to amend the conditions to remove reference to other tāngata whenua groups in relation to Okere."

63. A copy of the letter is attached in Appendix 2.

Ngati Whakaue

64. On 7 June 2016 a letter was received from Ngati Whakaue which stated that:

"Based on what the report states and feedback received from Board members, Ngāti Whakaue ki Uta, ki Tai appear to have differing views. Therefore, whilst we may agree in principle the impacts of the gate and weir on Ngāti Pikiao hapu around the lakes, if what is contemplated in your engagement with Regional Council is successful, then potentially there could be impacts for Ngati Whakaue ki Tai.

That said, I trust Ngati Pikiao will ensure every endeavour will be made to ensure there is no negative impacts for Ngāti Whakaue ki Tai and dialogue will be opened to them should your engagement with Regional Council progress."

65. A copy of the letter is attached in **Appendix 2**.

Ngati Rangiteaorere

66. On 6 June 2016 a response was received from Steven Michener indicating that: the cultural management plan had been distributed to Ngati Rangiteaorere Koromatua Council members, the members may have some comments and that the members were seeking clarification as to whether there were any impacts on Ngati Rangiteaorere.
67. Ngāti Pikiao provided a response on 7 June 2016 indicating that there were no direct impacts and seeking a letter of support from Ngati Rangiteaorere.
68. No further response has been received at this stage.

Te Pumautanga o Te Arawa Trust

69. On 8 June 2016 a letter was received from Wallyl Tangohau, General Manager of the Trust indicating that the Trust does not take a representative role in such matters and indicating that the cultural management plan had been provided to all 11 Te Pamautanga affiliates/hapu for their consideration. A copy of the letter is attached in **Appendix 2**.

70. No further response has been received at this stage.

Ngati Tunohopu

71. On 21 June 2016 a letter was received from Maru Tapsell on behalf of Ngati Tunohopu Iwi confirming support for the cultural management plan and requesting that Ngati Tunohopu be kept informed of its progress. A copy of the letter is attached in **Appendix 2**.

2.3. Previous Cultural Management Plans/Project Plans

72. The following cultural management plans/project plans were reviewed in preparing this plan:
- (a) Ngāti Pikiao Environmental Society, (Draft) Ngāti Pikiao Cultural Management Plan, September 2013; and
 - (b) Ngāti Pikiao Environmental Society Incorporated, Project Plan (Stage 2) for Rotoiti Cultural Management Plan, 24 April 2013.
 - (c) Te Runanga o Ngāti Pikiao Heritage Protection Authority Application 21 April 1994.
73. A full list of all the materials referred to in preparing this plan is set out in the references section (Part 13 below).

3. RELEVANT TIKANGA CONCEPTS

3.1. Importance of Concepts

74. In order to understand the cultural impacts that the Okere Gates/Ohau Weir activities have, it is necessary to first have an understanding of mātauranga Māori (a Māori worldview) and in particular the world view of Ngāti Pikiao (Pikiaoatanga). This background provides an insight into the unique cultural conditions that are inherent to Ngāti Pikiao.

3.2. Pikiaoatanga

75. Pikiaoatanga is the belief system held by Ngāti Pikiao, which underpins the way in which Ngāti Pikiao view and interact with the natural and spiritual world. Pikiaoatanga is described in Te Runanga o Ngāti Pikiao Iwi Resource Management Plan as follows:¹⁶

As an iwi there are myriad of cultural values which regulate our interaction with our environment as part of our total belief system Pikiaoatanga.

Intrinsic in this notion is that we derive our Mana tāngata and our Mana whenua (jurisdictional authority) from our relationship with Papatuanuku and her bounty e.g. her food sources: her rongoa and all her resources for the sustainable development of our tribe.

In acknowledging this responsibility the iwi are bound to develop appropriate management systems to promote this belief system (Pikiaoatanga) and to ensure that the Crown imposed regulatory regimes do not impinge on; detract from; or destroy these basic principles.

76. Pikiaoatanga draws on a number of key concepts which are common to mātauranga Māori. An overview of these concepts is explained in the next section with notations made where Pikiaoatanga differs from the generic explanation/definitions given.

3.3. Mātauranga Māori



Figure 1 - Mauri Ora: a story of creation¹⁷

¹⁶ Te Runanga o Ngāti Pikiao, Iwi Resource Management Strategy Plan, 1993, page 1.

¹⁷ Image from Mauri Ora – A Story of Creation by Jaime Boynton, 2014.

77. Mātauranga Māori starts with the whakapapa of creation:¹⁸

"Ko Te Kore (the void, energy, nothingness, potential)
 Te Kore-te-whiwhia (the void in which nothing is possessed)
 Te Kore-te-rawea (the void in which nothing is felt)
 Te Kore-i-ai (the void with nothing in union)
 Te Kore-te-wiwia (the space without boundaries)
 Na Te Kore Te Po (from the void the night)
 Te Po-nui (the great night)
 Te Po-roa (the long night)
 Te Po-uriuri (the deep night)
 Te Po-kerekere (the intense night)
 Te Po-tiwhatiwha (the dark night)
 Te Po-te-kitea (the night in which nothing is seen)
 Te Po-tangotango (the intensely dark night)
 Te Po-whawha (the night of feeling)
 Te Po-namunamu-ki-taiao (the night of seeking the passage to the world)
 Te Po-tahuri-atu (the night of restless turning)
 Te Po-tahuri-mai-ki-taiao (the night of turning towards the revealed world)
 Ki te Whai-ao (to the glimmer of dawn)
 Ki te Ao-marama (to the bright light of day)
 Tihei mauri-ora (there is life)"

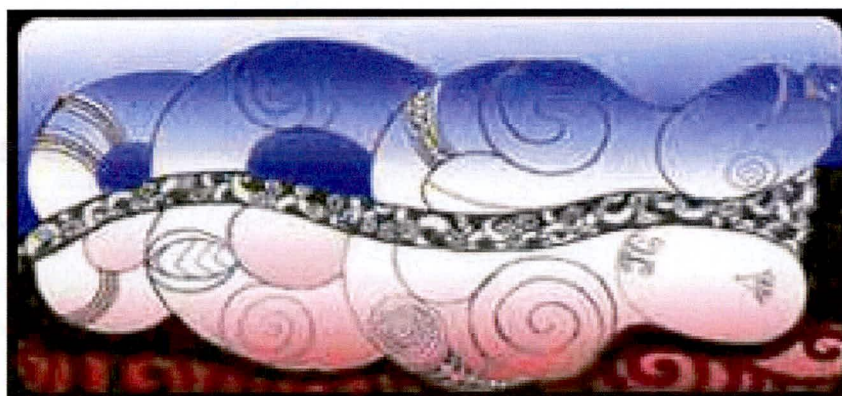


Figure 2 - Ranginui and Papatūānuku¹⁹

78. The above whakapapa describes the emergence of the world of light from nothingness and the darkness. There are various versions of the creation stories but most describe the emergence of Ranginui (the sky father) and Papatūānuku (the earth mother) from the nothingness. The two lie locked together in an embrace and their children exist in a world of darkness. In order to allow light into their world the children decide to separate their parents. Once this separation has occurred the children become Gods of various parts of the natural world.

¹⁸ Refer <http://maori.com/whakapapa/creation.htm>.

¹⁹ Image sourced from www.tki.org.nz.



Figure 3 - Separation of Ranginui and Papatuanuku²⁰

79. One of Ranginui and Papatūānuku's children, Tāne Mahuta (God of the forests) is credited with creating the first woman from the soil. He named her Hineahuone and together they had a child, called Hinetitama (later known as Hine-nui-te-po). It is from these tupuna that all Māori (indeed all humans) are said to descend.²¹

80. Accordingly, Māori believe that all things are connected and that humans are part of, and genealogically linked to, nature:²²

"Māori are connected to all things through whakapapa. They are connected by whakapapa to the land and sea and all things within. It is through this whakapapa that hapū and iwi are directly connected to parts of the environment that are important to them. For example, Whanganui iwi refer to the Whanganui River as their tupuna. Some hapū and iwi refer to their maunga as their tupuna."

81. This is why in reciting pepeha reference is made to the maunga, awa or other features of the whenua which are related and important to that particular iwi/hapu, in this case in particular, being the Ohau Channel, Lake Rotoiti, and Okere. It also explains why Māori hold these features in such high regard. As ancestors they are deserving of the utmost respect, and care must be taken to ensure these ancestors are protected and sustained for future generations.

3.4. Mana

82. Mana is defined and explained in Te Aka Māori-English Dictionary as follows:²³

"1. (stative) be legal effectual, binding, authoritative, valid..."

²⁰ Image sourced from www.tki.org.nz.

²¹ Refer <http://www.teara.govt.nz/en/first-peoples-in-maori-tradition>.

²² Input provided by Mr Tamati Wiremu Waaka, cultural expert.

²³ Moorfield, JC *Te Aka Mori-English, English- Māori Dictionary* (3rd ed, Longman/Pearson, Wellington, 2011).

2. (noun) prestige, authority, control, power, influence, status, spiritual power, charisma - mana is a supernatural force in a person, place or object. Mana goes hand in hand with tapu, one affecting the other. The more prestigious the event, person or object, the more it is surrounded by tapu and mana. Mana is the enduring, indestructible power of the atua and is inherited at birth, the more senior the descent, the greater the mana. The authority of mana and tapu is inherited and delegated through the senior line from the atua as their human agent to act on revealed will. Since authority is a spiritual gift delegated by the atua, man remains the agent, never the source of mana. This divine choice is confirmed by the elders, initiated by the tohunga under traditional consecratory rites (tohi). Mana gives a person the authority to lead, organise and regulate communal expeditions and activities, to make decisions regarding social and political matters. A person or tribe's mana can increase from successful ventures or decrease through the lack of success. The tribe give mana to their chief and empower him/her and in turn the mana of an ariki or rangatira spreads to his/her people and their land, water and resources. Almost every activity has a link with the maintenance and enhancement of mana and tapu. Animate and inanimate objects can also have mana as they also derive from the atua and because of their own association with people imbued with mana or because they are used in significant events. There is also an element of stewardship, or kaitiakitanga, associated with the term when it is used in relation to resources, including land and water...

3. (noun) jurisdiction, mandate, freedom."

83. Mana is of critical importance to the reputation and wellbeing of iwi/hapu, and to their relationship with their respective whenua, awa, and roto:²⁴

"(a) Mana has two key parts:

(i) One is linked to the reputation or attributes of the hapū and iwi;

(j) The other part of mana is the materialisation of mana which is the right and ability of hapū and iwi to access and use places and resources that are important to them to provide for their livelihoods, their sustenance and important customs within their rohe...

(b) These days, mana is held by all members of the hapū and iwi. If mana of the hapū or iwi is increased, everyone benefits, and if mana is lost, all the people of the hapū and iwi suffer from the loss of mana or whakamā.

(c) The loss of mana can also occur in both ways. It can be lost through damage or loss of reputation of the hapū or iwi, or it can be lost where the hapu or iwi no longer has the ability to access and use places and resources that are important to them, or can no longer be used for the customs they were used for, such as to manaaki, koha.... ."

84. The importance of maintaining mana cannot be overstated as mana is the "most prized and sought after quality."²⁵ Consequently, the loss of mana is devastating to iwi/hapu. Indeed, it has been described as "the greatest loss

²⁴ Input provided by Mr Tamati Wiremu Waaka, cultural expert.

²⁵ Input provided by Mr Tamati Wiremu Waaka, cultural expert.

that can be suffered" by Māori, and a "demoralising burden" that the iwi/hapu will carry with them if mana is not restored.²⁶

3.5. Tapu

85. Tapu is defined and explained in Te Aka Māori-English Dictionary as follows:

- "1. (stative) be sacred, prohibited, restricted, set apart, forbidden, under atua protection...
2. (modifier) be sacred, prohibited, restricted, set apart, forbidden, under atua protection...
3. (modifier) holy...
4. (noun) restriction, prohibition - a supernatural condition. A person, place or thing is dedicated to an atua and is thus removed from the sphere of the profane and put into the sphere of the sacred. It is untouchable, no longer to be put to common use. The violation of tapu would result in retribution, sometimes including the death of the violator and others involved directly or indirectly. Appropriate karakia and ceremonies could mitigate these effects. Tapu was used as a way to control how people behaved towards each other and the environment, placing restrictions upon society to ensure that society flourished. Making an object tapu was achieved through rangatira or tohunga acting as channels for the atua in applying the tapu. Members of a community would not violate the tapu for fear of sickness or catastrophe as a result of the anger of the atua. Intrinsic, or primary, tapu are those things which are tapu in themselves. The extensions of tapu are the restrictions resulting from contact with something that is intrinsically tapu. This can be removed with water, or food and karakia. A person is imbued with mana and tapu by reason of his or her birth. High-ranking families whose genealogy could be traced through the senior line from the atua were thought to be under their special care. It was a priority for those of ariki descent to maintain mana and tapu and to keep the strength of the mana and tapu associated with the atua as pure as possible. People are tapu and it is each person's responsibility to preserve their own tapu and respect the tapu of others and of places. Under certain situations people become more tapu, including women giving birth, warriors travelling to battle, men carving (and their materials) and people when they die. Because resources from the environment originate from one of the atua, they need to be appeased with karakia before and after harvesting. When tapu is removed, things become noa, the process being called whakanoa. Interestingly, tapu can be used as a noun or verb and as a noun is sometimes used in the plural. Noa, on the other hand, cannot be used as a noun."

86. It is important to note that the concept of tapu does not just apply to humans it applies to all living things. All living things are regarded as having an inherent tapu, and accordingly, all must be treated with respect.

²⁶ Input provided by Mr Tamati Wiremu Waaka, cultural expert.

3.6. Tikanga and Kawa

87. Tikanga and kawa are defined in Te Aka Māori-English Dictionary as:²⁷

"Tikanga

1. (noun) correct procedure, custom, habit, lore, method, manner, rule, way, code, meaning, plan, practice, convention, protocol - the customary system of values and practices that have developed over time and are deeply embedded in the social context.

2. (noun) correct, right.

3. (noun) reason, purpose, motive.

4. (noun) meaning."

"Kawa

1. (verb) (-ia, ina) to perform the kawa ceremony, open a new house.

2. (noun) a ceremony to remove tapu from a new house or canoe.

3. (noun) karakia (ritual chants) and customs for the opening of new houses, canoes and other events.

4. (noun) marae protocol - customs of the marae and wharehau, particularly those related to formal activities such as pōhiri, speeches and mihimihi. This seems to be a modern extension of the word.

88. It is important to note that Pikiatanga reverses the meaning of these terms. In other words, for Ngāti Pikiatanga "tikanga" means protocols and "kawa" means practices.²⁸

89. Tikanga and kawa were (and remain) an important means of preserving resources:

"The respect for the resources and domains of our kin has ensured that the vitality of our taonga and our peoples has been sustained. Even though many hapu and whanau lived around and utilized the lake for many generations, the lake remained crystal clear." – **Te Ariki Morehu**²⁹

"I do not consider myself to be a tohunga for these things, but my tupuna did pass down tikanga that I have always observed when gathering kai either from the Lake or the Ngahere. I have endeavoured to pass down these teachings to my tamariki and mokopuna in the hope that the wisdom of our ancestors will help to preserve

²⁷ Moorfield, JC Te Aka Mori-English, English- Māori Dictionary (3rd ed, Longman/Pearson, Wellington, 2011).

²⁸ Personal comment of Dr Kepa Morgan, 4 February 2016.

²⁹ Statement of Evidence of Te Ariki Morehu (English Version), In the matter of claims in the Central North Island Inquiry (Wai 1200), 7 February 2005, at paragraph [14].

these taonga that have sustained my people over the generations." – **William Emery**³⁰

90. There were (and are) specific tikanga applying to Lake Rotoiti:

"10. Respect for the lake and those who were connected to it can also be seen in the number of tikanga associated with our activities on and around the waters.

11. There were certain places for washing, and certain places for human consumption. Places were also set aside for ceremonial purposes, and each hapu had their own places or tuahu for karakia..." – **Te Ariki Morehu**³¹

"8. To the best of my knowledge, there are only three ways to catch koura in the lake, that is either by way of free diving, rama or tau. Free diving is best undertaken during the summer months when it is warm and is done during the daytime, rama along the beaches at night when there is no moon while tau can be done at any time. I understand that there were karakia for the cutting of the fern, bundling the fern and putting the fern in the water. I recall in the 1950's and 1960's that everyone caught koura by doing the tau, however, this method has all but died out." – **William Emery**³²

3.7. Kaitiakitanga

91. Kaitiakitanga is defined in Te Aka Māori-English Dictionary as "guardianship, stewardship, trusteeship."³³

92. Such a definition while technically correct in the modern context does not capture the historical meaning of the word "kaitiaki" and nor does it capture the obligations and responsibilities kaitiakitanga places on iwi/hapu.

93. In terms of historical context, "kaitiaki" was often a spiritual or metaphysical being or a manifestation of an atua in the form of a lizard, owl, eel, shark or a bird.

94. An example in the Ngāti Pikiao context is the presence of Mataura, an atua/kaitiaki of Rotoiti. Mataura was described by Te Ariki Morehu in the Central North Island Report as:³⁴

"It is he who protects our lake and the environs of those who have passed before us. It is his environment that we are obligated to protect."

95. In terms of the obligations and responsibilities associated with kaitiakitanga:³⁵

³⁰ Second Statement of Evidence of William Graham Whakataki Emery, In the matter of claims in the Central North Island Inquiry (Wai 1200), 7 February 2005, at paragraph [7].

³¹ Statement of Evidence of Te Ariki Morehu (English Version), In the matter of claims in the Central North Island Inquiry (Wai 1200), 7 February 2005, at paragraphs [10] and [11].

³² Second Statement of Evidence of William Graham Whakataki Emery, In the matter of claims in the Central North Island Inquiry (Wai 1200), 7 February 2005, at paragraph [8].

³³ Moorfield, JC Te Aka Mori-English, English- Māori Dictionary (3rd ed, Longman/Pearson, Wellington, 2011).

³⁴ He Maunga Rongo – Report on Central North Island Claims Stage One (Volume 1), Waitangi Tribunal, Wai 1200, 16 June 2008, at page 94.

"Kaitiakitanga means more than just mere guardianship. It is the intergenerational responsibility inherited at birth to care for the environment which is passed down from generation to generation. The purpose of kaitiakitanga is not only about protecting the life supporting capacity of resources, but of fulfilling spiritual and inherited responsibilities to the environment, of maintaining mana over those resources and of ensuring the welfare of the people those resources support."

96. This is demonstrated in a Pikiao context by the following quote:

"...I think of all the old people that were alive when we were children we were growing up here and I you know I use to always remember them saying 'look after the lake because in return the lake will look after you'." - Timi Te Po Hohepa³⁶

97. Further, kaitiakitanga is intrinsically linked to mana. Indeed kaitiakitanga cannot exist without it: ³⁷

"21. Mana includes the concept of kaitiakitanga when talking about land and water and resources. Kaitiakitanga is a derivative of mana and can only exist where the hapū or iwi have mana over the object or resource. A particular person, whanau, or hapū can have kaitiakitanga over resources or objects for the benefit of the wider hapū and iwi kin groups."

3.8. Mauri

98. Mauri is defined in the Te Aka Māori-English Dictionary as follows:³⁸

"1. (noun) life principle, vital essence, special nature, a material symbol of a life principle, source of emotions - the essential quality and vitality of a being or entity. Also used for a physical object, individual, ecosystem or social group in which this essence is located."

99. Mauri is the connection that binds the physical and spiritual together.³⁹ All things have a mauri and there are many different types of mauri. The mauri of a person is also intimately connected with the mauri of the environment.⁴⁰

"...When the resource or feature is no longer able to perform the functions it has for the iwi and hapū that have mana whenua or mana moana, the mauri is said to be depleted or vacated. People also have mauri. The concepts of 'mauri oho', 'mauri rere' are forms of mauri that are attached to the person. The mauri of the person can also be attached to the mauri of resources that are important to them. Thus, the mauri of the hapū or iwi can suffer when the mauri of resources important to them are depleted. The whakatauki, 'ko au te awa, ko te awa ko au' for Waikato conveys the connection between the Waikato people and the Waikato River and

³⁵ Majurey, PF, Hovell, T, Morrison-Shaw, VN Māori Values Supplement to the Making Good Decisions Commissioner Training Programme (Ministry for the Environment, Wellington, 2010), Chapter 2.

³⁶ Personal comment of Timi Te Hohepa during interview on 6 November 2015.

³⁷ Input provided by Mr Tamati Wiremu Waaka, cultural expert.

³⁸ Moorfield, JC Te Aka Mori-English, English- Māori Dictionary (3rd ed, Longman/Pearson, Wellington, 2011).

³⁹ Majurey, PF, Hovell, TL, Morrison-Shaw, VN Māori Values Supplement to the Making Good Decisions Commissioner Training Programme (Ministry for the Environment, Wellington, 2010), Chapter 2.

⁴⁰ Input provided by Mr Tamati Wiremu Waaka, cultural expert.

their interlinked mauri, where the mana and mauri of the awa represents the mauri of the hapū along its banks."

3.9. Muru

100. Muru is defined and explained in Te Aka Māori-English Dictionary as follows:⁴¹

- "2. (verb) (-a) to plunder, confiscate, take ritual compensation - an effective form of social control, restorative justice and redistribution of wealth among relatives. The process involved taking all the offending party's goods. The party that had the muru performed on them did not respond by seeking utu. The reasons for a muru included threats to the institution of marriage, accidents that threatened life (e.g. parents' negligence), trampling on tapu, and defeat in war. It could be instituted for intentional or unintentional offences. It only occurred among groups of people who were linked by whakapapa or marriage and linked neighbouring villages in a collective response in the delivery of punishment. The protocols and practices involved would be determined by various factors, including the mana of the victim or offender, the degree of the offence and the intent of the offending party. Before a muru was engaged, the matter of what would be taken would be discussed in detail, as would the size of the taua to perform the muru. Physical violence could occur but generally ended when blood was drawn. A muru sought to redress a transgression with the outcome of returning the affected party back to their original position in society...
3. (verb) (-a) to wipe out, forgive, absolve, excuse, pardon, cancel...
4. (modifier) plundering, looting - especially in seeking ritual compensation..."

101. Muru is a form of restorative or social justice that provides the restoration of mana for persons or groups. In traditional times, this occurred through the transgressed plundering the possessions of the transgressor. This was an accepted and unopposed exchange with the view to restoring balance for all involved.

102. "Muru raupatu" has been defined as confiscate,⁴² and was a term coined in the context of the confiscation of land that occurred after the Māori land wars. The term 'raupatu' recognises that this was not a process of restoring balance, but more a form of taking without justification.

⁴¹ Moorfield, JC *Te Aka Mori-English, English- Māori Dictionary* (3rd ed, Longman/Pearson, Wellington, 2011).

⁴² Moorfield, JC *Te Aka Mori-English, English- Māori Dictionary* (3rd ed, Longman/Pearson, Wellington, 2011).