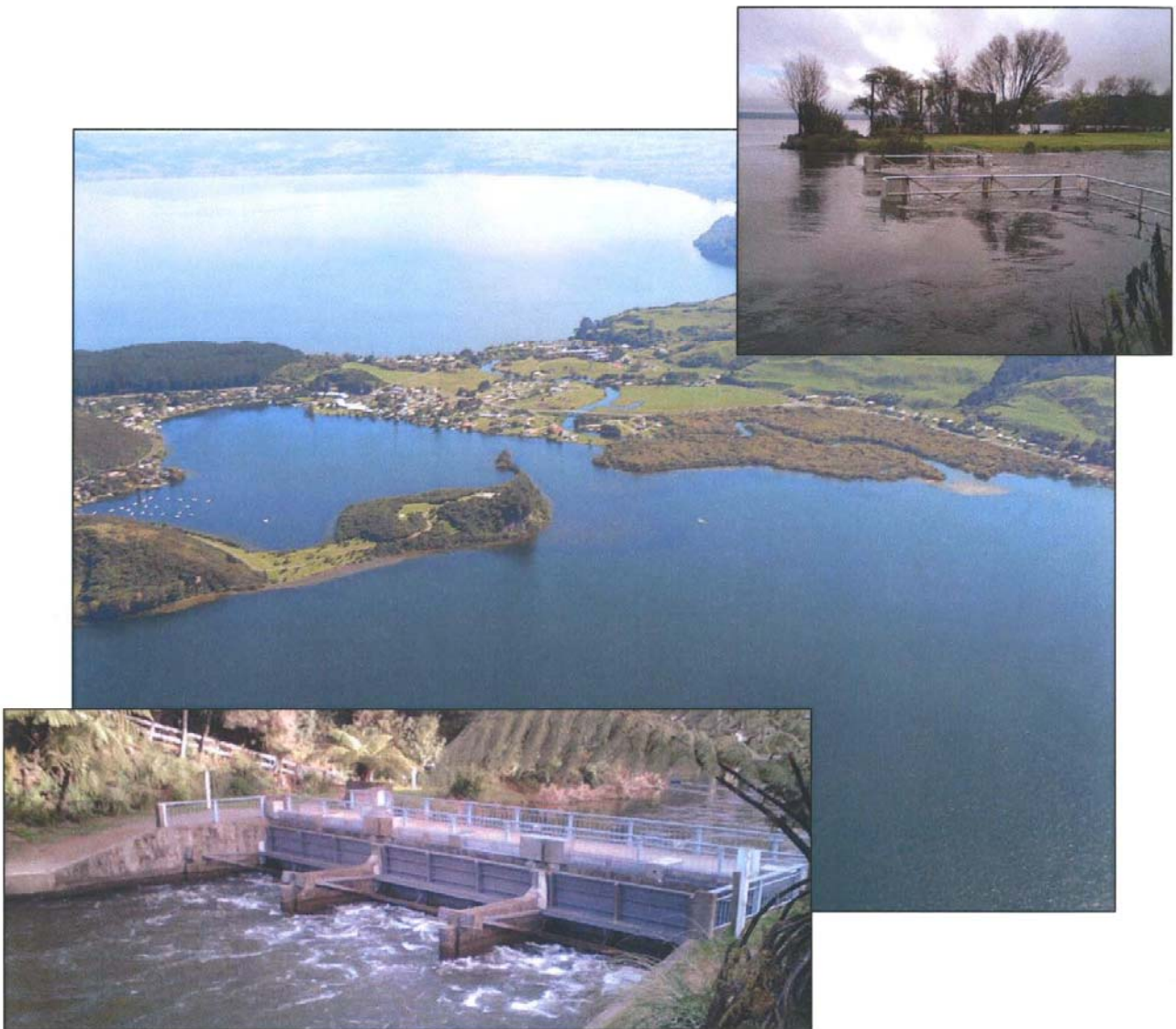


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# Cultural Management Plan for Okere Gates and Ohau Weir

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## 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.

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- 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

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### Date

This Cultural Management Plan is dated 7 October 2016.

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## 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 Kawatapuārangi

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*





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## 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.<sup>1</sup>
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

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<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup>
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:<sup>4</sup>

*"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.<sup>5</sup>
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.<sup>6</sup>

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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 Weir<sup>7</sup>**

<sup>6</sup> 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.

<sup>7</sup> 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 Gates<sup>8</sup>*

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



*Photograph 2 – Ohau Weir<sup>9</sup>*

<sup>8</sup> 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.

<sup>9</sup> 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.<sup>10</sup>

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:<sup>11</sup>

*"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.<sup>12</sup>
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**.

<sup>10</sup> Refer to section 23 of the Te Arawa Lakes Settlement Act 2006.

<sup>11</sup> Condition 2 of consents 65979 and 65980 respectively.

<sup>12</sup> 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 hui<sup>13</sup>*

#### *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.

<sup>13</sup> 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.<sup>14</sup>
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**.

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<sup>14</sup> 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 Rangiwehewehi, 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:<sup>15</sup>

*"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.

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<sup>15</sup> 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 Rangiwehewehi;
  - (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.*

*Ngāti 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.*

*Ngāti 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.

#### *Ngāti Whakaue*

64. On 7 June 2016 a letter was received from Ngāti 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 Ngāti Whakaue ki Tai.*

*That said, I trust Ngāti 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**.

#### *Ngāti Rangiteaorere*

66. On 6 June 2016 a response was received from Steven Michener indicating that: the cultural management plan had been distributed to Ngāti 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 Ngāti 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 Ngāti 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 Pumautanga 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 (Pikiaotanga). This background provides an insight into the unique cultural conditions that are inherent to Ngāti Pikiao.

#### 3.2. Pikiaotanga

75. Pikiaotanga 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. Pikiaotanga is described in Te Runanga o Ngāti Pikiao Iwi Resource Management Plan as follows:<sup>16</sup>

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

*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 (Pikiaotanga) and to ensure that the Crown imposed regulatory regimes do not impinge on; detract from; or destroy these basic principles.*

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

#### 3.3. Mātauranga Māori

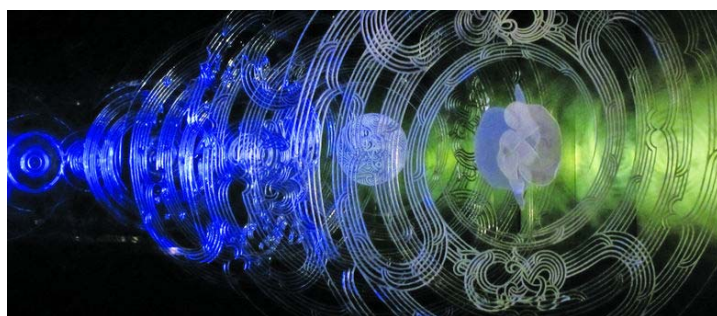


Figure 1 - Mauri Ora: a story of creation<sup>17</sup>

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

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

77. Mātauranga Māori starts with the whakapapa of creation:<sup>18</sup>

“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)”

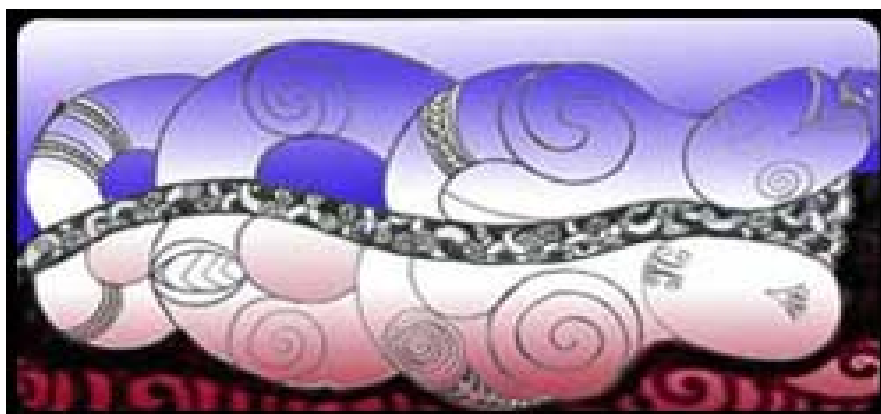


Figure 2 - Ranginui and Papatūānuku<sup>19</sup>

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.

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

<sup>19</sup> Image sourced from [www.tki.org.nz](http://www.tki.org.nz).



**Figure 3 - Separation of Ranginui and Papatuanuku<sup>20</sup>**

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.<sup>21</sup>
80. Accordingly, Māori believe that all things are connected and that humans are part of, and genealogically linked to, nature:<sup>22</sup>

*"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:<sup>23</sup>

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

<sup>20</sup> Image sourced from [www.tki.org.nz](http://www.tki.org.nz).

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

<sup>22</sup> Input provided by Mr Tamati Wiremu Waaka, cultural expert.

<sup>23</sup> Moorfield, JC *Te Aka Mori-English, English- Māori Dictionary* (3<sup>rd</sup> 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:<sup>24</sup>

"(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."<sup>25</sup> Consequently, the loss of mana is devastating to iwi/hapu. Indeed, it has been described as "the greatest loss

<sup>24</sup> Input provided by Mr Tamati Wiremu Waaka, cultural expert.

<sup>25</sup> 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.<sup>26</sup>

### 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.

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<sup>26</sup> 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:<sup>27</sup>

"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.<sup>28</sup>

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**<sup>29</sup>

*"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*

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

<sup>28</sup> Personal comment of Dr Kepa Morgan, 4 February 2016.

<sup>29</sup> 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**<sup>30</sup>

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**<sup>31</sup>

*"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**<sup>32</sup>

### 3.7. Kaitiakitanga

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

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:<sup>34</sup>

*"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:<sup>35</sup>

<sup>30</sup> 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].

<sup>31</sup> 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].

<sup>32</sup> 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].

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

<sup>34</sup> 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 Hohepa<sup>36</sup>*

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

*"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:<sup>38</sup>

*"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.<sup>39</sup> 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.<sup>40</sup>

*"...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*

<sup>35</sup> 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.

<sup>36</sup> Personal comment of Timi Te Hohepa during interview on 6 November 2015.

<sup>37</sup> Input provided by Mr Tamati Wiremu Waaka, cultural expert.

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

<sup>39</sup> 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.

<sup>40</sup> 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:<sup>41</sup>

- "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,<sup>42</sup> 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.

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

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

## 4. CULTURAL ASSOCIATION WITH OKERE GATES / OHAU WEIR AREAS

### 4.1. History and Relationship

103. The history and relationship of Te Arawa to Rotoiti and the Rotorua Lakes area has been researched and recorded in detail in a paper by Dr Rapata Wiri entitled "Te Arawa Mana Whenua Report: Eastern Region – Te Mana Whenua o Te Arawa ki te Rawhiti".<sup>43</sup> This paper draws significantly on the work undertaken by Don Stafford in his 1967 and 1996 texts on Te Arawa.<sup>44</sup>
104. The following paragraphs in this section are taken from section 1 of that paper and are quoted in full. The photographs were not included as part of that paper but have been inserted below to illustrate some of the areas referred to in that paper.

#### **"1. Te Hekenga mai o Te Arawa ki Uta - Migration of Te Arawa to Rotoiti and Rotorua Lakes Area**

*The traditional history of the Rotoiti, Rotoehu and Rotomā lakes district begins with the arrival of the waka Te Arawa, from Hawaiki, to Maketū around 1400 A.D. The captain of this waka was Tamatekapua and its tohunga, or high-priest, was Ngatoroirangi. According to Stafford (1967:18-19)<sup>45</sup> Te Arawa landed at a place called Te Awahou, the original entrance of the Kaituna river at Maketū. At the same time Te Arawa landed, another waka arrived at Maketū. This waka was called Pukateawainui and was captained by a man named Ruao whose wife, Kearoa, Tamatekapua had abducted back in Hawaiki and brought to Aotearoa on his waka, Te Arawa. Here at Maketū a dispute arose between Tamatekapua and Ruao over the abduction of Kearoa. However, peace was eventually made between the two ancestors with the gifting of a woman named Whakaotirangi, as a wife for Tamatekapua.*

*Immediately after the arrival of the two waka at Maketū the crew members decided to explore and claim the lands inland of Maketū by virtue of take taunaha, right of discovery. To achieve this, the crew members of Te Arawa and Pukateawainui divided into two parties under the leadership of Tamatekapua and Ruao. There were a number of crew members who came with Tamatekapua aboard Te Arawa including: Ngatoroirangi, Taunga, Kahumatamomoe, Tuhoromatakaka, Ihenga, Tia, Hei, Waitaha, Māka and many others. A journey inland from Maketū towards the Rotoiti lakes district was taken by Ngatoroirangi, Ihenga, Taunga, Kahumatamomoe and Tuhoromatakaka. Stafford claims that Taunga established a right to the lands near Kaituna by building a pā called Te Hoe a Taunga on the eastern banks of the Kaituna river, and then returned to Maketū. At the same time the Te Arawa migrants left Maketū, Ruao and his followers went inland to Tikitere, near the eastern shores of Lake Rotorua. Ruao then went on to Awahou, on the western shores of the lake where he settled (ibid, p.20).*

<sup>43</sup> Wiri, R Te Arawa Mana Whenua Report: Eastern Region (Te Mana Whenua o Te Arawa ki te Rawhiti), 6 February 2005.

<sup>44</sup> Stafford, DM Te Arawa – A History of the Arawa People, (Reed Auckland, 1967); and Stafford, DM Landmarks of Te Arawa, Volume 2: Rotoiti, Rotoehu, Rotomā, (Reed Auckland, 1996).

<sup>45</sup> Stafford, DM Te Arawa – A History of the Arawa People, (Reed Auckland, 1967) pages 18 – 19.

Tamatekapua begat two sons named Kahumatamomoe and Tuhoromatakaka. Tuhoromatakaka had Ihenga. When he grew up, Ihenga fell in love with his first-cousin, Hine-te-kakara, daughter of Kahumatamomoe. Soon after, they married and she became pregnant with their child. During her pregnancy Hine-te-kakara began to experience cravings and so Ihenga decided to journey into the forests, south of Maketū, to hunt birds for his wife. He went with his dog, Potaka-tawhiti. While hunting kiwi, Ihenga's dog began to chase a large bird which escaped by running into an unknown lake. According to Te Arawa traditions, the dog ran into the lake and began catching and eating 'inanga' (native trout). The dog returned to Ihenga, dripping wet, and then began to vomit the inanga it had just eaten. This alerted Ihenga to the presence of a lake in the vicinity and so he decided to investigate. It was then that Ihenga and his party discovered a beautiful lake with shoals of inanga leaping from the water. Ihenga first saw the lake from a place called Pariparitari and because the lake appeared small from where he viewed it, he bestowed the lake with the name: "Te Rotoiti-whakakite-a-Ihenga" or "The small lake discovered by Ihenga" (ibid, p.20).<sup>46</sup> In doing this, Ihenga asserted his mana whenua over Lake Rotoiti by virtue of 'take kite hou' (right of prior discovery), and 'tapatapa whenua' (naming land). Ihenga caught and ate many of the inanga from the lake and took a sufficient amount home to Maketū for Hine-te-kakara and the others.<sup>47</sup>

Sometime later Ihenga explored the lands west of Lake Rotoiti but this time he discovered a much larger lake, which he named "Te Rotorua-nui-a-Kahumatamomoe" (The basin-like lake of Kahumatamomoe) named in honour of his uncle, and father-in-law, Kahumatamomoe (Stafford 1996: 139).<sup>48</sup> On a later expedition inland from Maketū, Ihenga brought his uncle to Rotoiti where they stopped for a time and named a famous place at Rotoiti called Ohaukākā. Stafford claims that this place was so named because Kahumatamomoe took a kākā feather from his hair and stuck it into the ground. They also renamed the lake Te Rotokite-a-Ihenga-ariki-ai-Kahu (The lake discovered by Ihenga progeny of Kahu).

The discovery of Lake Rotoehu is attributed to an ancestor named Tahupikitaō, who some claim, came to Aotearoa on board the waka, Te Arawa. Tahupikitaō is said to have lived at Whangarā on the East Coast of the North Island. One day, an incident occurred where Tahupikitaō's house was deliberately burnt down by local villagers. It was from this episode that he gained the name Tahuwera. After this, Tahuwera and his followers migrated to Te Awa-o-te-atua where he met his relatives, Ngatoroirangi, Oro and Māka. From here they moved to a place called Otamarakau, near Matatā, where they lived with the descendants of Hei. Here, Tahuwera married Pikirunga and built a pā called Te Takanga (ibid, p.140).

<sup>46</sup> He Maunga Rongo – Report on Central North Island Claims Stage One (Volume 1), Waitangi Tribunal, Wai 1200, 16 June 2008, at page 20, refers to the Lake as "the narrow lake seen by Ihenga".

<sup>47</sup> Report of the Waitangi Tribunal on the Kaituna River Claim, Wai 4, 30 November 1984, Appendix setting out oral evidence of Te Irirangi Te Pou o Uruika Tiakiwa, at page 35 also notes that "Ihenga also journeyed on around Lake Rotoiti and came towards a channel of water. Ihenga's dog named Ohau drowned in the upper reaches of the channel at a place called parewharewhatangā and in memory of his dog, Ihenga named the channel Ohau".

<sup>48</sup> Stafford, DM Landmarks of Te Arawa, Volume 2: Rotoiti, Rotoehu, Rotomā, (Reed Auckland, 1996), page 139.

While living at Otamarakau, Tahuwera made some explorations inland with the ancestors, Uruika, Matamoho and Tutauaroa. Upon their arrival at the north-eastern shore of Lake Rotoehu they glanced upon the lake and were not very impressed by its muddy appearance. So he named the lake, Rotoehu (Muddy lake). It was here that they also named a place called Te pā o Parehe. After naming a number of places around Rotoehu they returned to Otamarakau by a track called Ohinepuara, known today as Hongi's track. Sometime later, Tahuwera and his wife moved back to the Rotoehu and Rotomā districts where they settled at Maireraunui on Matawhaura mountain (*ibid*). It is said that Tahuwera eventually died at Rotoehu and is buried at Matawhaura (*ibid*).



Rotorua Lakes Education Resource – Mōrea 'Now and Then' Photopack  
Photos from the Rotorua Museum of Art and History, Te Whare Taonga o Te Arawa, NZ

CP-486 Waitangi Springs, Rotoehu

**Photograph 4 – Waitangi Springs, Rotoehu<sup>49</sup>**

Tahuwera and Pikirunga begat Tahuniua. Tahuniua had two wives named Ruatoki and Hinervuarangi. Tahuniua built a pā at Rotoehu called Kaihamu where he lived with both his wives and children. To his second wife, Hinervuarangi, Tahuniua had a son named Rakeimarumarū who moved to Rotomā where he eventually settled. Rakeimarumarū is said to have been impressed with the clear appearance of this lake and so named it, Rotomā (Clear lake). Rakeimarumarū built a pā for his family on the eastern shore of Rotomā called Te Matau.

**Table 1 – Tahuniua and Rakeimarumarū**

Tahuwera = Pikirunga			
Ruatoki (first wife) = <b>Tahuniua</b> = Hinervuarangi (second wife)			
Tuwhakaoroahu		<b>Rakeimarumarū</b>	
Hinetemairu = Tamateatūtahi			
Hinehopu = Pikiao II			
Te Takinga	Hinekura	Moho	Te Rangiunuora

<sup>49</sup> CP-486.



As will be noted above, Rakeimarumarū had a daughter named Hinetamairu who married Tamateatūtahi, eponymous ancestor of the Ngāti Tamateatūtahi hapū of Ngāti Pīkiao. From this union sprang Hinehopu, wife of Pīkiao II. Therefore, by right of prior discovery and permanent occupation, Tahuwera and his offspring established their mana whenua to the lands surrounding Rotoehu and Rotomā. In addition, the children of Hinehopu and Pīkiao II (see Table 1) were to become important figures in the history of the Rotoiti lakes district as will be revealed in the next section of this chapter (*ibid*).

After discovering the lakes of Rotoiti and Rotorua, Ihenga returned to Maketū where his wife gave birth to their son, Tama-ihu-toroa (Stafford 1967:32). Subsequently, the migration of Te Arawa, inland of Maketū to the Rotoiti lakes district is continued several generations later with the ancestor, Rangitihi, great grandson of Kahumatamomoe. His genealogy is recorded below:<sup>50</sup>

**Table 2 – Rangitihi**

Tamatekapua	
Kahumatamomoe	Tuhoromatakaka
Tawakemoetahanga	Hinetekakara = Ihenga
Uenukumairarotonga	Tama-ihu-toroa
<b>Rangitihi</b>	

Rangitihi is perhaps the most celebrated Te Arawa ancestor for it was he and his children who established the Arawa people in the Rotorua lakes district. According to Stafford (*ibid*, p.57) Rangitihi was born at Maketū and then moved inland to Paengaroa where he built a pā called Pakotore near the Kaituna river. Later he built another pā called Matapara at Kaituna. Rangitihi had eight children, to four different wives. These children became known as 'Nga pūmanawa e waru o Te Arawa' or "The eight pulsating hearts of Te Arawa". Their genealogy is recorded below in Table 3:

**Table 3 – Rangitihi**

<b>Rangitihi</b> = Rongomaiturihuia <sup>51</sup>		<b>Rangitihi</b> = Manawakotokoto	
Rotorua		Kawatapurangi Rakeiao Apumoana	
<b>Rangitihi</b> = Kahukare		<b>Rangitihi</b> = Papawharanui	
Rangiwhakaekahau	Rangiaowhia Taruao	Tuhourangi	

Because of his prowess in battle Rangitihi gained a fearsome reputation in the Rotorua district. Stafford (*ibid*) notes that on one occasion, while he was leading a war party, he had his head split open by an enemy warrior. However, this did not

<sup>50</sup> It is noted that this differs to the evidence given by Te Irirangi Te Pou o Uruika Tiakiawa in the Appendix to the Report of the Waitangi Tribunal on the Kaituna River Claim, Waitangi Tribunal, Wai 4, 30 November 1984, that: "[Kahumatamomoe] married hineitapaturangi and they begat tawakemoetahanga; he married Tuparewhaitaita and they begat Uenukumairarotonga; he married Te Aokapurangi and begat Rangitihi".

<sup>51</sup> It is noted that this differs to the evidence given by Te Irirangi Te Pou o Uruika Tiakiawa in the Appendix to the Report of the Waitangi Tribunal on the Kaituna River Claim, Waitangi Tribunal, Wai 4, 30 November 1984 that Rotorua also had a full sibling called Tauruao.

deter Rangitihi for he wrapped his head with an 'akatea' vine and continued to do battle with his enemy. From this incident he acquired the name: "Rangitihi upoko whakahirahia, nō Rangitihi te upoko i tākaia ki te akatea" – "Rangitihi the hard headed one, Rangitihi whose head was bound with akatea".

The children of Rangitihi moved inland to Rotorua and Rotoiti and settled in different parts of the land, thus reinforcing the mana whenua of Te Arawa over the region. Rotorua is said to have lived at Pukemaire, situated on the Whakapoungakau block. Kawatapurangi, Rakeiao and Apumoana initially lived at Whakapoungakau as well at a place called Turi-rongo. From Turi-rongo, Rakeiao moved to Rotoiti where he lived at a pā called Waikare-one, situated one mile south of Mourea. Rangiwahakehau, Rangiaowhia and Taruao also lived in the Whakapoungakau district and established pā near the eastern shores of Lake Rotorua.

Tuhourangi was the favourite son of Rangitihi. His mother, Papawharanui, was the sister of Ruapani, paramount chief of the Tūranga-nui-a-Kiwa district (ibid, p.58). Tuhourangi is an important figure in the early history of the Rotoiti lakes district for it was his descendants who originally occupied the area prior to Ngāti Pikiao. Kawatapurangi and Rakeiao are also important figures at Rotoiti. Kawatapurangi married Rangikawekura, grand-daughter of Rakeiao. Rakeiao married two women named Kēpare and Maruahaungaroa and had five children. In later life, Rakeiao moved to Okataina where his descendants, Ngamahanga, remained for some time.



Rotorua Lakes Education Resource – Mourea 'Now and Then' Photopack  
Photos from the Rotorua Museum of Art and History, Te Whare Taonga o Te Arawa, NZ

OP-1465 Camp and houseboat – Rotoiti end of channel, Ohau Channel

**Photograph 5 – Rotoiti end of channel, Ohau Channel<sup>52</sup>**

The sons of Tuhourangi; Uenukukopako and Taketakehikuroa grew up at Rotoiti at the famous pā of Ohaukākā (near the present Ohau channel). The southern shore of Lake Rotorua, from Tikitere to Owhatiura was occupied by Uenukukopako, Rangiteaore (son of Rangiwahakehau), Kawatapurangi and his son, Pikiao I. The Rotoiti district was occupied by Tuhourangi's son, Taketakehikuroa. By this time, Rangitihi had left Rotorua and went back to Pakotore, near Paengaroa, where he died (Stafford 1967: 82).

<sup>52</sup> OP-1465.

**Table 4 – Rangiteaorere, Pikiao I, Uenukukopako, Taketakehikuroa**

Tamatekapua			
Kahumatamomoe			
Tawakemoetahanga			
Ueukumairarotonga			
Rangitihi			
Rangwhakaekahau Kawatapurangi		Tuhourangi	
<b>Rangiteaorere</b>	<b>Pikiao I</b>	<b>Uenukukopako</b>	<b>Taketakehikuroa</b>

Pikiao married a woman named Rakei-iti but she could bear him no male children. Consequently, Kawatapurangi suggested to his son to find another wife who could produce him a son. Rakei-iti heard this advice and commented: "Tērā, te takapūwahia kei te tūwhera tonu" meaning that she was still fertile enough to bear Pikiao a son. Despite this, Pikiao travelled to Mt. Pirongia where he married a woman named Rereiao. Rereiao bore him a son named Hekemaru, who became the ancestor of the first Māori king, Potatau Te Wherowhero. After a brief time in Waikato, Pikiao returned to Rotorua where he reconciled with his first wife who eventually bore him a son named Tamakari (ibid).<sup>53</sup>

**Table 5 – Te Takinga**

Rakei-iti = Pikiao I = Rereiao			
Tamakari		Hekemaru	
Pikiao II = Hinehopu			
Te Tākinga	Hinekura	Moho	Te Rangiuuoroa

As mentioned earlier, Tuhourangi had two sons, Uenukukopako and Taketakehikuroa. Taketakehikuroa lived at Rotoiti and soon became involved in a dispute about the use of a hot spring. As a result of this he returned to Ohaukākā and then he moved to Pakotore pā at Paengaroa while Uenukukopako remained at Whakapoungakau. The two brothers had children themselves as shown in Table 6.

**Table 6 – Te Aorauru = Tūteamutu, Te Wininiorongo = Aotepairu**

Tuhourangi			
Uenukukopako		Taketakehikuroa	
Whakaue	<b>Te Aorauru = Tūteamutu</b>	<b>Te Wininiorongo = Aotepairu</b>	

Te Aorauru, son of Uenukukopako, married Tūteamutu and Te Wininiorongo, son of Taketakehikuroa, married Aotepairu. On one occasion a dispute arose between the two wives at an eel hole below the junction of the Huruhuru stream and the Kaituna river. The spot was a favourite eel hole of Taketakehikuroa and was named

<sup>53</sup> It is noted that this differs to the evidence given by Te Irirangi Te Pou o Uruika Tiakiawa in the Appendix to the Report of the Waitangi Tribunal on the Kaituna River Claim, Waitangi Tribunal, Wai 4, 30 November 1984 that the son is called Kawiti. Tamakari is also mentioned but the evidence does not expressly state who Tamakari descends from.

Te Rotoporohe-a-Taketakehikuroa. The cause of the dispute was a cutting remark that Te Aorauru made to Aotepairu about her inability to do heavy work. Aotepairu was so offended she told her husband, Te Winiwiniorongo. She even managed to persuade her husband that they should leave Pakotore pā and consequently they moved to Ohaukākā at Rotoiti. Taketakehikuroa heard of the incident and decided to settle the trouble with his son and nephew. So, in order to avoid further arguments he divided the land between Te Aorauru and Te Winiwiniorongo. According to Stafford, the northern part of Rotoiti was given to Tūteamutu, while the southern part was given to Te Winiwiniorongo (ibid, p.83). From Ohaukākā, Te Winiwiniorongo and his wife moved to Pukarahi pā at Te Weta Bay, Rotoiti. It was here that Aotepairu left her husband, Te Winiwiniorongo and disappeared from the district. She eventually married a man from Tauranga and never returned to the Rotoiti district (ibid, p.93).

Stafford (ibid) claims that an ancestor named Naia, of Waiataha-a-Hei, migrated inland from Maketū and settled at Rotoehu where he and his descendants settled<sup>54</sup>. Rakeiao, brother of Kawatapurangi, had prospered and he and his offspring spread around the shores of Lake Okataina where they lived with the Ngati Kahuupoko people. Another important ancestor, Rangitakaroro was also living at Okataina at this time. It is said that Te Rangitakaroro was responsible for the name of Lake Okataina. One day he was sitting on a rock by the lake and almost convulsed with laughter at joke he heard, hence the name "Te Okataina" or "The place of laughter" (ibid). Having shown how Te Arawa established their mana whenua at Rotoiti, Rotoehu, Rotomā and Okataina, the discussion now turns to the battles between Ngāti Pikiao and Tuhourangi at Rotoiti."



Photograph 6 – Lake edge, Rotoiti<sup>55</sup>

<sup>54</sup> Stafford, DM Te Arawa – A History of the Arawa People, (Reed Auckland, 1967), page 93.

<sup>55</sup> OP-1815.

## 4.2. Mana Whenua

105. The mana whenua of Ngāti Pikiao in Rotoiti is outlined in detail in the paper by Dr Rapata Wiri entitled “Te Arawa Mana Whenua Report: Eastern Region – Te Mana Whenua o Te Arawa kit e Rawhiti”.<sup>56</sup>
106. The following paragraphs in this section are taken from section 2(i) of that paper and are quoted in full – unless otherwise indicated.

**“2. Te Rironga o te Mana Whenua – The Acquisition of Mana Whenua (i) Ngāti Pikiao at Rotoiti and Ngāti Tarawhai at Okataina**

*Shortly after Tuhourangi's descendants became established at Rotoiti, a series of battles began which led to the annexation of that district by Ngāti Pikiao, or the descendants of Kawatapurangi. According to Stafford (1967:90) Tutānekai was living at Ruatō Bay at Lake Rotoiti when he got involved in a sham fight with Morewhati, son of Pikiao I. The result of this was that Tutānekai killed Morewhati and cut off his head. He then decided to return to Rotorua and on the way back he encountered Morewhati's brother, Tamakari, who immediately attacked Tutānekai for killing his brother. However, Tamakari was killed by Tutānekai and his head was taken as well. Stafford claims that both Tamakari and Morewhati's heads were taken back to Mokoia Island where they were placed on stakes on the shore outside of Mokoia Island. When Ngāti Pikiao heard of the incident they immediately set off to Mokoia and retrieved the heads of Tamakari and Morewhati without Tutānekai's knowledge.*

*Soon after, Ngāti Pikiao sent a message to Tutānekai, that they wanted to make peace. So they arranged a peace-making meeting with Tutānekai and his people, at Motutawa island, Lake Rotokakahi, near Tarawera. Tutānekai was warned that the meeting was an act of deception by Ngāti Pikiao and that he should stay home. Tutānekai decided to remain at Mokoia but some of his people went to attend the meeting. As predicted, upon their arrival at Rotokakahi, Ngāti Pikiao ambushed and killed some of Tutānekai's people, including an ancestor named Umukaria (ibid, p.91). When Tutānekai heard the news, he set off to attack Motutawa but upon arriving there he found that it had been vacated. He went on to Moura pā at Tarawera where he discovered Umukaria's head. He then proceeded to attack and defeat the occupants of the Moura pā. However, by this time, Pikiao and his people had escaped and had gone to Matatā, Otamarakau and Pukehina. Eventually Pikiao moved to Rotoehu where they stayed at Te Puia pā with his friend and relative, Matarewha (ibid, p.93).*

*While Ngāti Pikiao were living at Rotoehu, Te Takinga, son of Pikiao II, married Hineora of Waitaha-a-Hei. At this time, the Tuhourangi people were living at Rotoiti where they were visited by Tutānekai, at Tūmoana pā, who was intent upon avenging Ngāti Pikiao for the death of Umukaria. However it seems that Tuhourangi turned against Tutānekai and killed his son, Tamakuri. So in an ironic turn of events, Tutānekai then decided to go to Rotoehu in order to seek the assistance of Ngāti Pikiao to avenge the death of his son by Tuhourangi. When Tutānekai arrived at Te Puia pā, Rotoehu, he was almost attacked by Matarewha but his life was spared by Ngāti Pikiao. They allowed him entry into the pā and here he made his proposal of revenge against Tuhourangi (ibid, p.96). Ngāti Pikiao listened intently to Tutānekai as he eloquently put his case to them. The proposal to attack Tuhourangi was agreed*

<sup>56</sup> Wiri, R Te Arawa Mana Whenua Report: Eastern Region (Te Mana Whenua o Te Arawa kit e Rawhiti), 6 February 2005.

to by Ngāti Pikiao because by this time they were anxious to get rid of Tuhourangi from Rotoiti and assume mana whenua over the entire region. Subsequently, a war party was raised by Ngāti Pikiao under the leadership of Te Takinga, Hinekura and Matarewha (*ibid*, p.97). They attacked and defeated Tuhourangi at Rotoiti at a pā called Tūmoana. An ancestor named Whioi of Tuhourangi was killed and his body was given to Tutānekai by Te Takinga in expiation of the killing of Tutānekai's son, Tamakuri.

Te Takinga and his war-party returned to Rotoehu where some arranged marriages were made with Tuhourangi in order to keep peace between the two tribes. Te Aoniwaho of Tuhourangi was married to Kotiora of Ngāti Pikiao. However, the marriage was not a successful one for soon after they were married, Te Aoniwaho was insulted by her husband and reported the incident to her father. As a result, Tuhourangi raised a war-party and attacked Ngāti Pikiao and Waitaha-a-Hei at Lake Rotoehu killing Kotiora. In revenge, Ngāti Pikiao attacked Tuhourangi and seized Una-a-te-kapu pā after which they returned to Rotoehu. This resulted in retaliation by Tuhourangi who attacked Ngāti Pikiao and Waitaha-a-Hei and inflicted a heavy defeat on them killing several important chiefs including Te Rangikaheke and two of Te Takinga's sons named Tutaki and Ruamoko (*ibid*, p.97). This incident led to the final phase in the battles at Rotoiti.



Rotorua Lakes Education Resource – Mōurea 'Now and Then' Photopack  
Photos from the Rotorua Museum of Art and History, Te Whare Taonga o Te Arawa, NZ

OP-1769 Preparing food for a picnic (opposite Pukurahi), Te Weta Bay, Rotoiti

#### **Photograph 7 – Opposite Pukurahi, Te Weta Bay, Rotoiti<sup>57</sup>**

During Te Takinga's time, Tuhourangi occupied a number of pā at Rotoiti including: Pukurahi, Paehinahina, Kākānui, Te Weta, Titaka, Motuhiwa, Te Pukeroa, Makamakahiānaki, Kopuakino, Moutawa and others. When Te Takinga found out about the death of his sons he decided to wage war on Tuhourangi. In order to achieve this he gained the assistance of the Waitaha-a-Hei people and together they attacked Tuhourangi at Te Weta pā. Waitaha arrived at the scene first, killing Te Herepunga of Tuhourangi. Later they were joined by Te Takinga and Ngāti Pikiao and captured this pā (*ibid*, p.100). After attacking Te Weta pā they turned their

<sup>57</sup> OP-1769.

attention to Pukurahi pā. However, when they arrived at Pukurahi, Hinekura discovered that he had a grandson at this pā and so it was spared. Two more pā were taken after this including, Kākānui pā and Motuohiwa.

After capturing Motuohiwa Te Takinga had a meeting with his war-party and declared: 'I am avenged'. He instructed the Waitaha warriors to leave the bodies of the dead and return to Rotoehu. The Tuhourangi survivors of these battles were spared by Te Takinga. Later however, he decided to re-declare war and thus gain the entire Lake Rotoiti district for the descendants of Kawatapurangi and Waitaha-a-Hei, once and for all. So he attacked Tuhourangi at Kotipu pā and then returned to Rotoehu and Eastern Rotoiti. After a brief time, Te Takinga decided to go and see the paramount chief of Tuhourangi, Te Rangipuawhe at Motutawa pā to discuss the occupation of Rotoiti lands by his people. However, on his arrival at Motutawa, he discovered Te Rangipuawhe about to embark on a meal of his children and exclaimed: 'Make your meal while there is still light'. To this remark, Te Rangipuawhe was embarrassed and replied: 'I have no payment for the death of your children. My land you can have – I shall go somewhere else'. With that, Te Rangipuawhe gave his remaining land to Te Takinga unconditionally. Following that, Te Rangipuawhe and Tuhourangi left Rotoiti and migrated to Tarawera and Lake Rotokakahi where they named Motutawa in the memory of their Rotoiti homeland (ibid, p.102).



OP-1669 Woman beside half buried food storage cave entrance, Te Weta Bay, Rotoiti

Rotorua Lakes Education Resource – Mourea 'Now and Then' Photopack  
Photos from the Rotorua Museum of Art and History. Te Whare Taonga © Te Arawa, NZ

**Photograph 8 – Te Weta Bay, Rotoiti<sup>58</sup>**

<sup>58</sup> OP-1669.

Upon the expulsion of Tuhourangi from Rotoiti, the land was divided among the four remaining sons of Te Takinga: Kiore, Mango, Manene and Te Awanui. According to Stafford, Kiore took the portion from Mourea to Waikarangatia. Manene, Mango and Te Awanui occupied the northern side of the Ohau stream. After that, they continued on to Käkänui where they captured Pukurahi pā. Kiore and Awanui are said to have taken the portion from Pukurahi to Pukearuhe (ibid). After the land had been divided up among the four sons of Te Takinga, they travelled to Te Hiapo pā near Okere Falls which was under the leadership of an ancestor named Te Huia. Mango was offended by a comment made by Te Huia and he and his brothers killed him in expiation of the insult. They continued up the Kaituna river to a place called Turirau where they expelled a chief named Poia and his people from the district (ibid, p 103). The last battle of any significance at Rotoiti occurred at Ohaukākā pā. Here Ngāti Pikiao, under the leadership of Te Rangiawāhā, attacked Tuhourangi and defeated them. According to Stafford, this finally won the entire lake Rotoiti district for Ngāti Pikiao. Below is a whakapapa of Te Takinga's children who were instrumental in the conquest of the Rotoiti district (ibid, p.104 -5):

**Table 7 – Manene, Mango, Te Awanui, Kiore**

Rangitihī		
Kawatapurangi		
Pikiao II		
Tamakari		
Pikiao II		
Te Takinga		
Te Takinga = Hinekiri	Te Takinga = Hineui	Te Takinga = Hineora
Manene	Mango Te Awanui	Kiore

In conclusion, it was through *take tipuna* (ancestral right), *take raupatu* (right of conquest) and *ahi kā roa* (permanent occupation) that Ngāti Pikiao established their mana whenua over the Rotoiti district..."



Rotorua Lakes Education Resource – Mourea 'Now and Then' Photospot  
Photos from the Rotorua Museum of Art and History. Te Whare Taonga o Te Arawa, NZ

CP-2033 Ohau Channel road bridge, Mourea

**Photograph 9 – Ohau Channel road bridge, Mourea<sup>59</sup>**

<sup>59</sup> CP-2033.



### 4.3. Te Arawa Today

#### 4.3.1. Te Arawa Iwi

107. Te Arawa is a confederation of Māori tribes which are descended from the people of the Arawa canoe. Te Arawa comprises the tribes descended from Tuwharetoa living near Lake Taupo and Tamatekapua living around the Lakes and extending to the point at Maketu.<sup>60</sup>

*"Te Arawa have a strong and unique cultural relationship with the lakes in rivers in the Te Arawa rohe and have responsibility as cultural kaitiaki to protect and maintain the integrity of their taonga." – Roku Mihinui<sup>61</sup>*

108. The Crown has recognised this special relationship through vesting the beds of the Lakes in Te Arawa and also through the issuing of a statutory acknowledgement which makes provision for Te Arawa involvement in resource management and other decision making processes concerning the Lakes.<sup>62</sup>
109. Te Arawa as a whole is represented by the Te Arawa Lakes Trust. The Trust recognises the mana of the Te Arawa sub-tribes and hapu and does not seek to usurp the mana of Ngāti Pikiao (or others) but acts on behalf of all Te Arawa.<sup>63</sup>
110. Te Arawa Iwi Resource Management Plan identifies water as being important to Te Arawa, and sets out principles to guide relationships with the land – including recognising other iwi interests and kaitiakitanga. However there is no direct mention made of any specific waterbodies within this plan.
111. Te Arawa Lakes Trust gave evidence in support of the consent renewals at the 2010 Council hearing.<sup>64</sup>

#### 4.3.2. Ngāti Pikiao

112. Ngāti Pikiao is a confederation of iwi/hapu who whakapapa to the Te Arawa waka. The groups that can affiliate to Ngāti Pikiao include:
- (a) Ngati Hinekiri;
  - (b) Ngati Hinekura;

<sup>60</sup> Report of the Waitangi Tribunal on the Kaituna River Claim, Wai 4, 30 November 1984, at paragraph [3.2].

<sup>61</sup> Statement of Evidence of Roku Mihinui, Chief Executive Officer of Te Arawa Lakes Trust, 19 November 2010, at paragraph [5].

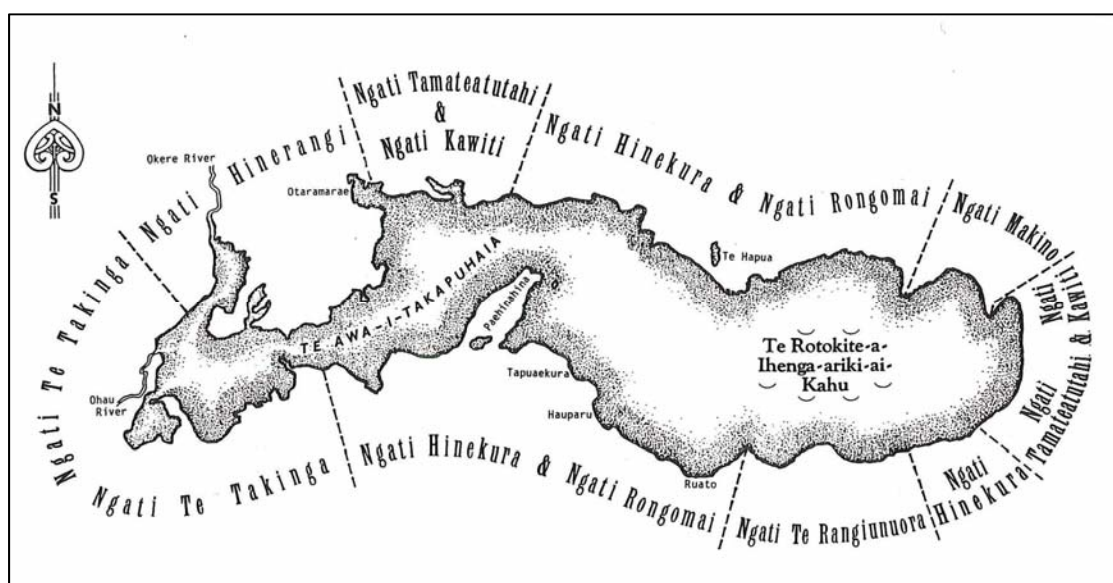
<sup>62</sup> Te Arawa Lakes Settlement Act 2006, ss 59 to 67.

<sup>63</sup> Statement of Evidence of Roku Mihinui, Chief Executive Officer of Te Arawa Lakes Trust, 19 November 2010, at paragraph [13].

<sup>64</sup> Statement of Evidence of Roku Mihinui, Chief Executive Officer of Te Arawa Lakes Trust, 19 November 2010, at paragraphs [28], [29] and [32].

- (c) Ngati Hineora;
- (d) Ngati Hinerangi;
- (e) Ngati Kawiti.
- (f) Ngati Makino;
- (g) Ngati Paruahanui;
- (h) Ngati Rongomai;
- (i) Ngati Tamakari;
- (j) Ngati Tamateatutahi;
- (k) Ngati Tarawhai;
- (l) Ngati Te Rangiunuora;
- (m) Ngati Te Takinga; and
- (n) Ngati Whakahemo.

113. In relation to Lake Rotoiti, the Ngāti Pikiao groupings have been mapped as follows:<sup>65</sup>



**Map 2 – Ngāti Pikiao Iwi and Hapu – Lake Rotoiti**

114. Ngāti Pikiao's eponymous ancestor is Rangitihi and his third wife Manawakotokoto:<sup>66</sup>

<sup>65</sup> Stafford, DM Landmarks of Te Arawa, Volume 2: Rotoiti, Rotoehu, Rotoma, (Reed Auckland, 1996), page 180.

<sup>66</sup> Te Pukenga Kaumatua o Ngāti Pikiao, Nga Tikanga Whakahaere Taonga o Ngāti Pikiao Whanui, 1997, Part 1, page 1.

*“Ko tenei te ‘Rohe Potae’ o Ngāti Pikiao Whanui,  
a, ko nga whenua, nga moana me nga awa nei,  
kei raro i te mana o nga Tokotoru a Manawakotokoto,  
te Tupuna Whakahirahira o te Iwi o Ngāti Pikiao.”*

115. Ngāti Pikiao's rohe has been described as follows:<sup>67</sup>

*“From Te Tumu in the West, stretching Eastward to Pikowai, and heading inland along the Waimimiha Stream, extending to the East of Lake Rotoma, to Lake Tarawera, then North-west, encompassing Lakes Rotoma, Rotoehu, Rotoiti, Okataina and a section of Lake Rotorua advancing along Hururu Stream, to the Okere River and down to the Kaituna Estuary, thence back along the coast to Te Tumu.”*

116. There are 12 Ngāti Pikiao marae located around Lake Rotoiti:<sup>68</sup>

Marae	Whare Tupuna	Wharekai	Hapu	Iwi
Tapuaeharuru	Uruika	Kauiarangi	Ngati Tamateatutahi - Kawiti	Ngāti Pikiao
Waiiti	Hinekura	Niniurangi	Ngati Hinekura	Ngāti Pikiao
Taurua	Te Rangiunuora	Wetenga-a-Uru	Ngati Te Rangiunuora	Ngāti Pikiao
Punawhakareia (Gisborne Point)	Uenuku mai Rarotonga	Te Aokapurangi	Ngati Te Rangiunuora	Ngāti Pikiao
Waikohatu (Ruato)	Tarāwhai	Rangimaikuku	Ngati Tarawhai	Ngati Tarawhai
Ruato	Ngā Pumanawa e Waru o Te Arawa	Te Awa-i-Takapuwhaia	Ngati Rongomai	Ngati Rongomai
Tapuaekura	Rākeiao	Maruahangaroa	Ngati Rongomai	Ngati Rongomai
Hohowai	Te Tākinga	Hineora	Ngati Te Takinga	Ngāti Pikiao
Waiātuhi (Ohau)	Kahumatamomoe	Hinetaputurangi	Ngati Te Takinga	Ngāti Pikiao
Waerenga (Ohau)	Paruaharanui	Waiwaha	Ngati Te Takinga	Ngāti Pikiao
Opatia (Tāheke)	Rangitihi	Manawakotokoto	Ngati Hinerangi	Ngāti Pikiao
Otaramarae	Houmaitāwhiti	Hinekukuterangi	Ngati Hinekura	Ngāti Pikiao

**Table 8 – Ngāti Pikiao Marae around Lake Rotoiti**

117. There are also three Ngāti Pikiao marae located on the East Coast:<sup>69</sup>

<sup>67</sup> Te Pukenga Kaumatua o Ngāti Pikiao, Nga Tikanga Whakahaere Taonga o Ngāti Pikiao Whanui, 1997, Part 1, page 1.

<sup>68</sup> Table provided by Joe Tahana in email dated 5 July 2015.

Marae	Whare Tupuna	Wharekai	Hapu	Iwi	Location
Te Awhe o Te Rangi	Te Awhe	Te Kete Rokiroki a Whakaotirangi	Ngati Whakahemo	Ngāti Pīkiao / Ngati Makino	Maketu
Pukehina	Tawakemoetahanga	Tuparewhaitaita	Ngati Whakahemo	Ngāti Pīkiao	Pukehina
Otamarakau	Waitahanui-a-Hei	Ruapotango	Ngati Makino	Ngāti Pīkiao	Otamarakau

**Table 9 – Ngāti Pīkiao Marae on the East Coast**

118. Ngāti Pīkiao hold tino rangatiratanga and mana whenua of the following resources within their rohe:<sup>70</sup>

- (a) Lakes Rotoiti, Rotoehu, Rotoma, and Okataina and all their tributaries;
- (b) The Okere River and all of its tributaries;
- (c) Ngahere (forests);
- (d) Te Tai Moana from Te Tumu to Matata;
- (e) Ngawha (geothermal); and
- (f) Whenua (land).



**Map 3 – Land blocks around Lake Rotoiti**

<sup>69</sup> Te Pukenga Kaumatua o Ngāti Pīkiao, Nga Tikanga Whakahaere Taonga o Ngāti Pīkiao Whanui, 1997, Part 1, pages 2 and 4.

<sup>70</sup> Te Pukenga Kaumatua o Ngāti Pīkiao, Nga Tikanga Whakahaere Taonga o Ngāti Pīkiao Whanui, 1997, Part 1, page 13.

#### 4.4. Culturally Significant Sites and Features

119. The culturally significant sites, features and uses include:<sup>71</sup>

- (a) ana (caves);
- (b) beaches / recreational areas;
- (c) canoe building;
- (d) cultivations;
- (e) geothermal resources;
- (f) koropungapunga (pumice);
- (g) mahinga kai;
- (h) pa and maioro/tuwatawata;
- (i) plants;
- (j) papakainga, kainga and whare;
- (k) pataka;
- (l) te maunga;
- (m) transport and tourism;
- (n) wāhi tapu and urupa; and
- (o) wai Māori and mauri.

##### 4.4.1. Ana (Caves)

120. Caves provided areas of shelter and also for burial. Locations of caves included Oruru, Marenuī, Puketitoi (Tumoana Point). There are also burial caves that line the Kaituna River.<sup>72</sup>

##### 4.4.2. Beaches / Recreational Areas

121. Beaches and traditional recreation areas are viewed as taonga:

*"To say that the Lake was of fundamental importance to Ngāti Te Rangiunuora is an understatement..." – William Emery<sup>73</sup>*

<sup>71</sup> Wiri, R Te Arawa Mana Whenua Report: Eastern Region (Te Mana Whenua o Te Arawa ki e Rawhiti), 6 February 2005, section 3(i), pages 17 – 28; and Ngāti Pikiao Environmental Society, (Draft) Ngāti Pikiao Cultural Management Plan, September 2013, section 4.3.1.

<sup>72</sup> Report of the Waitangi Tribunal on the Kaituna River Claim, Wai 4, 30 November 1984, at paragraph [3.17].

122. Access to these areas have been and remain key concerns of tāngata whenua.<sup>74</sup>



Photograph 10 – Group at Tapuaeharuru<sup>75</sup>

#### 4.4.3. Canoe Building

123. Waka or canoes were built in specific areas including at kahikatea.

#### 4.4.4. Cultivations

124. Many areas of land were set aside for cultivating crops particularly potato and kumara. These included areas at:

*Ahurupokai,<sup>76</sup> Hana, Haowhenua, Hingatiraha, Huruewahine, Kahikatea, Kahikawaka, Kaihamu, Kakarikirau, Kaouitaota, Maaka, Mahinapouri, Marorewa, Ngamahuta, Ngarotu, Ohineutu, Omanupeke, Omarupoto, Omatataihuna*

<sup>73</sup> 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 [4].

<sup>74</sup> Statement of Evidence of Alistair Malcolm Muirhead, Principal Planner – Opus Consulting, 19 November 2010, at paragraph [4.38].

<sup>75</sup> Group at Tapuaeharuru, date unknown, courtesy of Rotorua Museum Te Whare Taonga o Te Arawa (OP-3319).

<sup>76</sup> Note the existence of this cultivation was noted in the Statement of Evidence of David Te Hurihanganui Whata-Wickliffe, In the matter of the CNI Rotorua Inquiry (Wai 1200), 22 April 2005, but was not included in other materials reviewed as a cultivation – although it was listed as a mahinga kai.

(Tawhitinui),<sup>77</sup> Omimiro, Onehurahi, Oneonetea, Otaititi, Otukino, Owahohia, Paehinahina, Pakaurongo, Pareheka, Poronui, Pouakainga, Pukearuhe, Pukehinau, Pukekaramuramu, Purutoetoe, Putaatua, Tawamahi, Tawhakarere, Tawhititapu, Te Ara Whakapai, Te Arawaere and Te Karamuramu,<sup>78</sup> Te Kohea, Te Kopae, Te Kuha o te hei, Te Paiaka, Te Para, Te Puakanga, Te Raumanuka, Te Rautawhiri, Te Rengarenga o te Wehenga, Te Tarata, Te Tawaamihi, Te Teno, Tutangikaunga, Waihipa, Waimanga, Waiporete, Wairere, Waituruturu, and Whakapapa.

125. Mara kumara (kumara cultivations) were recorded at:

Hurua, Kakahopakapaka, Mamaku, Moanawaipu, Omanihi, Omatiro, Omahutu Orongotamanoke Otaranga and Purutoetoe,<sup>79</sup> Pukewharangi, Pukeko, Puketea, Tapuaekura, Tawarau, Te Aute, Te Hapua, Te Hika, Te Taupare, Te Toroa, Tekahikawaka,<sup>80</sup> Titiai, Toreahi, Wainikau, and Wharetipu.

#### 4.4.5. Geothermal Resources

126. The Lakes area is also highly prized for its geothermal resources. Such resources are regarded as “a taonga of the highest value”,<sup>81</sup> over which iwi/hapu exercise kaitiakitanga and which iwi/hapu wish to preserve.<sup>82</sup> Use of such resources included bathing, cooking, recreation, and curing and dyeing of flax and other materials<sup>83</sup>. Some of the resources are also acknowledged as having mineral and curative (or healing) properties.<sup>84</sup>
127. It is noted that the rangatiratanga of Ngāti Pikiao over the surface manifestations of the Rotoma geothermal resource (Waitangi Soda Springs) has been acknowledged by the Waitangi Tribunal.<sup>85</sup>

<sup>77</sup> Note the existence of this cultivation was noted in the Statement of Evidence of David Te Hurihanganui Whata-Wickliffe, In the matter of the CNI Rotorua Inquiry (Wai 1200), 22 April 2005, but was not included in other materials reviewed.

<sup>78</sup> Note the existence of this cultivation site was noted in the Statement of Evidence of David Te Hurihanganui Whata-Wickliffe, In the matter of the CNI Rotorua Inquiry (Wai 1200), 22 April 2005, but was not included in other materials reviewed.

<sup>79</sup> Note the existence of these kumara cultivation was noted in the Statement of Evidence of David Te Hurihanganui Whata-Wickliffe, In the matter of the CNI Rotorua Inquiry (Wai 1200), 22 April 2005, but were not included in other materials reviewed.

<sup>80</sup> Note the existence of this cultivation was noted in the Statement of Evidence of David Te Hurihanganui Whata-Wickliffe, In the matter of the CNI Rotorua Inquiry (Wai 1200), 22 April 2005, but was not included in other materials reviewed.

<sup>81</sup> Preliminary Report on the Te Arawa Representative Geothermal Resource Claims, Waitangi Tribunal, Wai 153, 1993, Section 1, at page 7.

<sup>82</sup> Preliminary Report on the Te Arawa Representative Geothermal Resource Claims, Waitangi Tribunal, Wai 153, 1993, Section 3, at page 17.

<sup>83</sup> Preliminary Report on the Te Arawa Representative Geothermal Resource Claims, Waitangi Tribunal, Wai 153, 1993, Section 2, at page 17.

<sup>84</sup> Preliminary Report on the Te Arawa Representative Geothermal Resource Claims, Waitangi Tribunal, Wai 153, 1993, Section 1, at page 9; and Section 2 at page 15.

<sup>85</sup> Preliminary Report on the Te Arawa Representative Geothermal Resource Claims, Waitangi Tribunal, Wai 153, 1993, Section 1, at page 9.



#### 4.4.6. Koropungapunga (Pumice)

128. The beaches around Lake Rotoiti used to provide an abundant source of koropungapunga (pumice).
129. In traditional times pumice stone was used for the creation of stone gods (aitua), for fishing floats (including nets) and to sharpen wooden weapons.<sup>86</sup> In more contemporary times, pumice has been used as nail and feet scrubbers and also to distress denim jeans to get a "stone-wash" look.<sup>87</sup>

#### 4.4.7. Mahinga Kai

130. Mahinga kai are areas where food is collected and include fishing grounds, as well as areas for bird hunting/snaring, rat trapping and tawa/hinau berry collecting.
131. General mahinga kai areas include:

*Arawatere,<sup>88</sup> Awhiawhi, Haowhenua, Herepakiaka, Hingakitau, Hokowhiti, Hue-atamoewhare, Kahikawaka, Kakahopakapaka, Kakatuamoro, Kawatapu, Kopaketiretireti, Kuharua, Maraeroa, Matakitaki, Maungatapu,<sup>89</sup> Mohurua, Motutawa, Ngapuna, Ngatipura, Okaka, Okawapouri, Omarukaka, Omatapuna, Onetara, Opatia, Otamapuku, Otaramarae, Otukawae, Otutarata, Otutatatara, Pakiaitehau, Papakiore, Poheroa, Pourewa-a-tawapa, Puapua, Pukahukiwa, Pukemapou, Rangakohe, Rauowhiti, Rongohuruhuru, Rua o Mahina Tahuwerawera, Ruakai Taheremaro, Takauranga, Tapapapuwharawhara, Tapuaekura, Tautuku, Tawharepunaku, Te Akau, Te Hiapo, Te Hika, Te Kokomataiti, Te Onepu, Te Papa, Te Parapara, Te Rere Ota, Te Ruataumanu, Te Rutapiko, Te Tawatutahi, Te Toanga, Te Toroa, Te Wai o te Atua, Te Umutahanganui, Te Waiu, Te Wehikura, Te Weta Island, Tiakirere, Tikinui, Tipapakoura, Tokopa, Torewera, Tumoana, Turirau, Tarauowhiti, Te Ahio Ngutuweru, Te Ahurupokai, Te Awa a Taikehu, Te Mangatawa, Te Takapou, Te Tiki, Whareana, Wharetata, Waikarangatia, Waikimihia, Wairere, and Wairoa.*

#### *Bird Hunting/Snaring/Trapping*

132. Hunting, snaring and/or trapping of birds occurred at Apanui, Ahurupukai, Kahikatea, Matakitaki, Omarukaka, Onepuiti, Opoutihi, Oruru, Tawakepakura, Te Mutu I, Te Rotokomako, Waione and Waitetawa. Turirau in particular was noted as a place to hunt wild duck.

<sup>86</sup> Personal comment by Jim Schuster made to Joe Tahana in April 2016.

<sup>87</sup> Personal comment by Joe Tahana in email dated 19 April 2016.

<sup>88</sup> Note the existence of this mahinga kai was noted in the Statement of Evidence of David Te Hurihanganui Whata-Wickliffe, In the matter of the CNI Rotorua Inquiry (Wai 1200), 22 April 2005, but was not included in other materials reviewed.

<sup>89</sup> Note the existence of this mahinga kai was noted in the Statement of Evidence of David Te Hurihanganui Whata-Wickliffe, In the matter of the CNI Rotorua Inquiry (Wai 1200), 22 April 2005, but was not included in other materials reviewed.



## Fishing

133. The Lakes have particular cultural values as traditional fishing grounds for fish (such as common bully and koaro)<sup>90</sup>, koura, and kakahi (freshwater mussels), providing a source of kai for sustenance, for hakari and for tangi.<sup>91</sup> Particular fishing spots for kokopu, inanga and koura included Haka a Te Uira and Te Kahikatea. Okere<sup>92</sup>, Pukaki and Reremutu<sup>93</sup> have been noted as a place for eels.



**Photograph 11 – Two people fishing from a waka on Lake Rotoiti<sup>94</sup>**

134. The Ohau Channel is an important cultural fishery for smelt, koaro, koura and kakahi.<sup>95</sup>

<sup>90</sup> Although as noted in the Statement of Evidence of Keith David Hamil, Principal Environmental Scientist Opus Consulting, November 2010, at paragraph [2.19] the introduction of trout has severely depleted the numbers of Koaro in the Lakes and their tributaries.

<sup>91</sup> Report of the Waitangi Tribunal on the Kaituna River Claim, Wai 4, 30 November 1984, Appendix, page 36; Statement of Evidence of Alistair Malcolm Muirhead, Principal Planner – Opus Consulting, 19 November 2010, at paragraph [4.38]; and Statement of Evidence of Keith David Hamil, Principal Environmental Scientist Opus Consulting, November 2010, at paragraphs [2.18], [2.22], and [2.26].

<sup>92</sup> He Maunga Rongo – Report on Central North Island Claims Stage One (Volume 1), Waitangi Tribunal, Wai 1200, 16 June 2008, at page 122.

<sup>93</sup> Note the existence of these as fishing sites were noted in the Statement of Evidence of David Te Hurihanganui Whata-Wickliffe, In the matter of the CNI Rotorua Inquiry (Wai 1200), 22 April 2005, but were not included in other materials reviewed.

<sup>94</sup> National Library of New Zealand, Ref: PA1-f-179-51-2, photograph taken by John Pringle circa 1908.

<sup>95</sup> Statement of Evidence of Keith David Hamil, Principal Environmental Scientist Opus Consulting, November 2010, at paragraph [2.8].



Rotorua Lakes Education Resource – Mourea 'Now and Then' Photopack  
Photos from the Rotorua Museum of Art and History, Te Whare Taonga o Te Arawa, NZ

OP-1463 Camp and houseboat, Ohau Channel

**Photograph 12 – Ohau Channel<sup>96</sup>**

### *Rat Tracks and Rat Trapping*

135. Rat tracks were located at Haohaotikitiki, Wainikau, and Waione. Rat trapping occurred at Kahikatea, Opoutihi as well as Waione.

### *Tawa/Hinau Berry Collecting*

136. Tawa and hinau berries were collected at Haowhenua, Okawapori, Omatahuna and Otarahehiheri,<sup>97</sup> and Patehe. Rahui were placed on the collection of such berries at Herepatiaka and Ngaki.

### *4.4.8. Pa and Maioro/Tuwatawata*

137. Pa were located throughout the rohe including at:

*Anamatakupua, Hana, Haohaotiki, Haupokoraua, Heruparoa, Hireo, Hui te Rangiora, Hurua, Kahuwera, Kaihamu, Kakahopakapaka, Kakanui, Kopuakino, Korangipure, Mahanga Matua, Makamakahinaki, Makatupua, Maketu, Mareporohe, Marorewa, Matangirauriki, Matarehurehu, Maungatapu, Moe te Ao, Moriori, Motuhiwa, Motu-o-Hiwa, Motutawa, Mourea, Moutawa, Nga Motu, Ngahuhu, Ngakahu, Ngamaru, Ngamawhiti, Ngatamahine, Ngongoahi, Nukumarū, Oetara, Ohaukaka, Okahu,<sup>98</sup> Okere, Omahutu, Onarahu, Opunganui, Orangihina, Paehinahina, Paiaka, Pakaiatehau, Papatu, Paragenatehe, Poronui, Pourewa-a-tawapa, Poututerangi, Pukearuhe, Pukeroa, Puketapu, Pukurahi, Punawhakareia, Putaatua, Rangiatetaua, Tahiwihivi, Taipiripiri, Takerei, Tapanao, Tawhitinui, Te Anaakapua, Te Araioteriri, Te Hinahina, Te Houngaataua, Te Huihuamatariki, Te Ipu,*

<sup>96</sup> OP-1463.

<sup>97</sup> Note the existence of these sites were noted in the Statement of Evidence of David Te Hurihanganui Whata-Wickliffe. In the matter of the CNI Rotorua Inquiry (Wai 1200), 22 April 2005, but were not included in other materials reviewed.

<sup>98</sup> Note the existence of this pa was noted in the Statement of Evidence of David Te Hurihanganui Whata-Wickliffe. In the matter of the CNI Rotorua Inquiry (Wai 1200), 22 April 2005, but was not included in other materials reviewed.

*Te Karaka, Te Komuhumuhu, Te Mapou, Te Matau, Te Pa o Parehe, Te Paiaka, Te Pakipaki, Te Papatu, Te Para a Taiha, Te Poka, Te Rangiwharonga, Te Rainga, Te Roiatutea, Te Taiki, Te Tapuae o Rangi Hape, Te Tipari, Te Uruponga, Te Weta, Ti Taka, Tipapakoura, Tuarae, Tumoana, Tutangaikaranga, Uenukumatanui, Waiharuru, Whakairingatoto, and Whangaikorea, and Wairere.*

138. Maioro/Tuwatawata (fortifications and fences) were noted as being located at:

*Anamatakapua, Haupokoraua, Hireo, Hurua, Maketu, Materehurehu, Moriori, Puketapu, Tahiwihiwi, Takerei, Te Pakipaki, Tuarae, and Whangaikorea.*

#### 4.4.9. Papakaiinga, Kaiinga, Whare

139. Papakaiinga and kaiinga (villages and homes) were located throughout the rohe. Papakaiinga were recorded at:

*Kaokaoroa, Karaka no. 1 and 2, Kohangakeaea. Kuharua, Mourea, Otaramarae, Pukukiwa, Punga Rehu, Ruahine and Ruahine 1, Taheke 3 – 5, Te Akau, Te Waiatatuhi, Wainui, and Waipapa 1 and 2.*



**Photograph 13 – Carved doorway, meeting house, Mourea Pa<sup>99</sup>**

140. Kaiinga were recorded at:

<sup>99</sup> National Library of New Zealand, Ref: PA1-f-179-52-2, photograph taken by John Pringle circa 1908.

Hireo, Kaihamu, Kokopunui, Maraenui, Ngahuapiri, Ngarotu, Ohaukaka, Ohiraporangi, Okura, Otairoa, Otuhouhou, Papatu, Puhinui, Puhitaiki, Tamakari, Tamanui te Ra, Tawhero, Te Apupurua, Te Awahou, Te Hapua, Te Kohea, Te Mutu, Te Paiaka, Te Paraakiriwheke, Te Ponaua, Te Rangaranga, Te Rangiunuora, Te Tava, Te Taukapua, Tetuoi, Te Umutahangawai, Te Waho o te Rangi, Tikawe, Tititai, Tomohukahuka, Totahu, Waihipa, Wainikau, Waiporete, Waituruturu, and Whakapapa.

141. In addition:

- (a) Ngakoko is also noted as being important as a place for mahi kainga or home work;
- (b) Te Araioteriri is noted as being an assembly place or nohonga huihui;
- (c) Ngatihi is noted as being a whare runanga or place of learning;
- (d) Te Rangaranga, Te Waiherowhero and Wahatuoro are noted as being whare tupuna (ancestral houses); and
- (e) Parerewha and Whaingakore are noted as being whare whakiro (carved meeting houses).

#### 4.4.10. Pataka

142. Pataka were storehouses used to store food. Recorded pataka include Te Wharawhara, Te Whatakaikore and Whakaarakaikore.

#### 4.4.11. Plants

143. A number of different plants grew on the edges of Lake Rotoiti that were (and still are) used for medicinal purposes, and for weaving and dyeing.<sup>100</sup> These include harakeke, toetoe, raupo and paopao.<sup>101</sup>
144. Aruhe (fern roots) were collected from a number of locations including: Ngakoko, Okawapori, Patehe, Rahui a hinetara, Tawakepakura, the Wainikau inlet<sup>102</sup> and Whakatuamaro.

<sup>100</sup> Report of the Waitangi Tribunal on the Kaituna River Claim, Wai 4, 30 November 1984, at paragraph [3.16].

<sup>101</sup> Personal comment, Jim Schuster, email dated 2 November 2015.

<sup>102</sup> Note the existence of this site for aruhe was noted in the Statement of Evidence of David Te Hurihanganui Whata-Wickliffe, In the matter of the CNI Rotorua Inquiry (Wai 1200), 22 April 2005, but was not included in other materials reviewed.

145. Harakeke (flax) was collected from a number of locations including: Hauhau, Ngatamahine, Pirua, Pitekorua, Te Iringa, Ti Poka, Whakatupona, Paripari, Te Hikonga, and Waione.



OP-1811 Young woman holding raupo, Rotorua

Rotorua Lakes Education Resource – Maori New and Their Philology  
Photos from the Rotorua Museum of Art and History. The Maori Heritage of Te Arawa, NZ

**Photograph 14 – Raupo collecting, Rotoiti<sup>103</sup>**

#### 4.4.12. Te Maunga

146. Matawhaura is noted as being an important maunga or mountain.

#### 4.4.13. Transport and Tourism

147. The Lakes and their tributaries were also historically of importance as primary transport routes for the area.<sup>104</sup> Okere was a noted travel route.
148. The Lakes have also been of importance to Te Arawa for tourism purposes since around 1840. At that time, Te Arawa set up commercial boating operations on the Lakes and other tourist ventures including providing travel to and from the pink and white terraces, game hunting and fishing.<sup>105</sup> Tourism remains an important contributor to the Te Arawa and wider Rotorua economy to this day.

<sup>103</sup> OP-1811.

<sup>104</sup> Deed of Settlement of the Te Arawa Lakes Historical Claims and Remaining Annuity Issues, 18 December 2004, section 7, paragraph [7.1].

<sup>105</sup> Deed of Settlement of the Te Arawa Lakes Historical Claims and Remaining Annuity Issues, 18 December 2004, section 7, at paragraph [7.2].

#### 4.4.14. Wāhi Tapu and Urupa

149. There are a number of wāhi tapu and significant sites throughout the rohe. These include at:

*Haohaotikitiki, Hireo, Matawhaura Maunga, Mourea, Okere, Ngamata, Waipuna at Waikimihia, and Whakakana.*

150. Unfortunately not all wāhi tapu have been free of desecration. David Whata-Wickliffe tells the story of one such wāhi tapu near Pukurahi:<sup>106</sup>

*"...At the entrance to Te Weta Bay and Kuharua there is a magnificent fortress called Pukurahi... The Fortress was occupied by Tamakari descendants and one day they were attacked by marauding hapu. Roi was one of Tamakari's Chiefs who was in the vicinity of the Fortress with his kuri when the hapu were attacked. Roi instructed his kuri to remain by the Fortress to hold the attackers at bay and to delay them. Roi and the other members of Ngati Tamakari went into the cave and out the other side and were able to escape to the opposite side which was the entrance to Te Weta Bay. Roi called out to his dog to leap across the entrance and the kuri obeyed leaving the attacking warriors on the other side. Unfortunately when the kuri jumped he hit the cliff face where Roi was standing breaking his neck and fell into the water. When Roi saw what happened to his kuri he was broken hearted and he chanted a karakia which turned the kuri into a rock and he named it Te Kuri a Te Roi. The rock is visible and is well known by the hapu to this day.*

*...Sadly the rock named Te Kuri a Te Roi has been desecrated by the Rotorua District Council who have disrespectfully used the rock as a beacon light to guide boat users on Lake Rotoiti. The District Council failed to consult with Ngati Tamakari prior to erecting the beacon..."*

151. There are also a significant number of urupa within the Ngāti Pikiao rohe. These include:<sup>107</sup>

- Haroharo 1C4 (private whanau urupa) between Tapuaekura and Te Waiiti;
- Hohowai at Ohau (Church Site);
- Kakanui at Taheke;
- Kotererua and Paehinahina (private urupa) at Tapuaekura (Rakeiao Marae);
- Motu Tapu at Okawa Bay;
- Ngaparinga at Hauparu;
- Ngaruru-a-Hinekura at Waiiti (Hinekura Marae Rotoiti);

<sup>106</sup> Statement of Evidence of David Te Hurihanganui Whata-Wickliffe, In the matter of the CNI Rotorua Inquiry (Wai 1200), 22 April 2005, at paragraphs [82] and [83].

<sup>107</sup> Information in these lists was compiled from: Te Pukenga Kaumatua o Ngāti Pikiao, Nga Tikanga Whakahaere Taonga o Ngāti Pikiao Whanui, 1997, Part 1, page 2; and Wiri, R Te Arawa Mana Whenua Report: Eastern Region (Te Mana Whenua o Te Arawa ki e Rawhiti), 6 February 2005.

- Ngawaituoro;
- Oreiwhata at Pukehina;
- Orimu;
- Oruru;
- Paehinahina;
- Pukearuhe;
- Pukekui at Ruato;
- Punawhakareia at Haumingi (Uenuku Marae Gisborne Point);
- Rangiwaharona at SH33 Mourea;
- Rawahirua at Otaramarae;
- Rawhitiroa at Tokerau (Rotoiti);
- Rere a Kupe;
- Tapaniao at Tapuaekura (Rakeiao Marae);
- Tapuaeharuru at Rotoiti (Church site);
- Taupiri at Waerenga (Ohau);
- Te Atuareretahi at Taheke;
- Te Hiapo;
- Te Tuarai above Taurua Marae;
- Te Wehikura at Te Akau;
- Te Wharetaingamoko;
- Tuirau;
- Unknown at SH33 Mourea;
- Waewaehikitia at Otamarakau;
- Wahanui at Rotoehu;
- Waiatuhi at Kahumatamamomoe Marae (Ohau);
- Waikohatu at Ruato (Tarawhai Marae);
- Waiporete;

- Whangaikorea; and
- Wharetaingamoko at Haumingi (Gisborne Point).

#### 4.4.15. Wai Maori and Mauri

152. Ngāti Pikiao historical associations with its lakes and waterways are set out in detail above.
153. In terms of Lake Rotoiti, it is a significant taonga, upon which Ngāti Pikiao depends:

*"The lake has sustained us and ensured our survival since the arrival of the Te Arawa Waka. Since Potakatawhiti first fed from the lake, it has provided us with a variety of delicacies such as koura, kakahi, kokopu and morihana. Through the collective gathering and sharing of such delicacies, our whanau have remained intact for centuries."* – **Te Ariki Morehu**<sup>108</sup>

154. Ngāti Pikiao demonstrates their association with their waterways and waterbodies through pepeha, and whakatauki.<sup>109</sup>

#### (a) Pepeha:

*"Ko Matawhaura te Maunga  
Ko Te Rotoiti-kite-a-Īhenga ariki ai Kahu  
Matawhaura is my mountain  
Rotoiti is my water"*

#### (b) Whakatauki:

*"Karanga nga hau o te muri  
Karanga nga hau o te tonga  
3Kei te whakapuke nga ngaru o te ngarue  
Kei te heru mai potiki a Hinehopu  
Ki te Matarae I o Rehu  
The winds of the north and south  
Will raise our waters and swamp you  
Like the descendants of Hinehopu"*

### 4.5. Nature of Relationships

155. As noted earlier in this Plan, tāngata whenua have special relationships with the environment. These relationships are founded on important tikanga of whanaungatanga, mana, mauri and kaitiakitanga.

*"...it's our lake...and we don't mean it in a selfish way that people can't swim there but we belong here that's the difference...It's who we are, we're not river people, we're not sea people, we're lake ... people"* – **Raina Meha**<sup>110</sup>

<sup>108</sup> 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 [9].

<sup>109</sup> Refer Ngāti Pikiao Environmental Society, (Draft) Ngāti Pikiao Cultural Management Plan, September 2013, section 4.4.



156. Through the tikanga of whanaungatanga, the iwi/ hapu that are connected to the Ohau, Lake Rotoiti, Okere and Kaituna waters are directly linked to these places through whakapapa. These places are just as much a part of the genealogy of the iwi and hapu as are their direct ancestors themselves. This is a unique bond based on the tikanga and beliefs of the iwi and hapu connected to these places.

*"...being in the lake was...was like whanaungatanga...we did a bit of swimming, we did a lot of talking...it was our networking in modern terms but it was just us playing."*

**- Raina Meha<sup>111</sup>**

157. Te Taiao o Te Whatuoranganuku Ngāti Tamateatutahi Ngāti Kawiti Hapu Environmental Management Plan 2015 provides a description of this relationship as follows: <sup>112</sup>

*"Our natural resources are the basis of our identity and their significance is reflected in our whakapapa, waiata, ancestral place names and tribal histories. They reinforce our continued existence as tāngata whenua, strengthen our turangawaewae and sustain our tribal connections."*

158. The mana of iwi/hapu is directly bound to the places that have always been important to sustaining them, such as providing pa sites, mahinga kai, places for cultural practice and customs, and which have become synonymous with those iwi/hapu. They are part of the identity and very essence of the people that associate with these places and the people and the environment are inseparable. All Ngāti Pikiao iwi/hapu are strongly connected to Lake Rotoiti. The mana of the iwi/hapu manifests in the rights and ability of iwi/hapu to use; access and continue to practice customary practices at places that have been used for such purposes for generations, by their founding ancestors through to current generations.
159. The historical accounts set out earlier in this Plan record the values and importance of Rotoiti as a mahinga kai. These customary activities are integral to the mana and bond that tāngata whenua have to Lake Rotoiti to this day.
160. The relationship that Ngāti Pikiao and other tāngata whenua have with the Lakes and the surrounding land remains strong.

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<sup>110</sup> Personal comment of Raina Meha during interview on 9 November 2015.

<sup>111</sup> Personal comment of Raina Meha during interview on 9 November 2015.

<sup>112</sup> Te Taiao o Te Whatuoranganuku Ngāti Tamateatutahi Ngāti Kawiti Hapu Environmental Management Plan 2015, at page v.

## 5. KEY ISSUES

### 5.1. Introduction and Historical Context<sup>113</sup>

161. In the eyes of Te Arawa, the management regime adopted by authorities has been less than satisfactory. There has been a gradual denigration of the mauri of the waiariki as a result of changes to the hydraulic characteristics of the catchment. These changes have caused a cascade of impacts upon mauri over the past sixty years.
162. The first significant denigration occurred as a result of the discharge of primary treated effluent from the city sewers into Rotorua at Sulphur Point. In the 1950's there was large scale clearing of the Rotorua catchment converting native forest to farmland made viable by the application of super-phosphate to overcome nutrient deficiencies in the soils. This reduced attenuation times for runoff causing flooding of lakeside house sites and also increased the flow of nutrients into Rotorua.



*Photograph 15 – Land management practices for forestry<sup>114</sup>*

163. To alleviate the flooding, the Ohau was channelised (straightened and deepened) destroying the spawning habitat and transferring the flooding problems from Lake Rotorua to Lake Rotoiti and the lower Kaituna River. As noted earlier, in the early 1980's the natural ledge restricting flow at the outlet from Rotoiti was removed to allow greater flows and the Okere Control

<sup>113</sup> The information in this section was provided by Dr Kepa Morgan.

<sup>114</sup> Photograph supplied by Dr Kepa Morgan on 6 February 2016.

Gates were installed to protect farming activities on the lower Kaituna river as well as raise Rotoiti lake levels to improve navigation.

164. The Okere Control Gates moderated flows having the effect of capturing greater quantities of sediment originating from the denuded Rotorua catchment and the Rotorua wastewater discharge at Sulphur Point and retaining this in Rotoiti. Evidence given in the Kaituna claim to the Waitangi Tribunal described the Rotorua wastewater scheme as turning the Ngāti Pikiao food bowl into a toilet bowl, and with the flood gates installed making Rotoiti the septic tank. The effects of primary treated effluent discharges into Lake Rotorua at Sulphur Point were by then becoming troublesome for water front property owners, and Council proposed to pipe the effluent directly to Okere for discharge into the headwaters of the Kaituna river. This proposal was stopped by the late 1970's Waitangi Tribunal claim which provided the genesis for land based disposal of treated effluent into the Waipa forest. Higher lake levels were desired for Lake Rotorua and so in 1989 the Ohau weir was constructed to regulate lake levels on that Lake. This new structure restricted fish passage.
165. Management of the geothermal fields associated with Puhotu geyser were modified in the late 1990's, which had the unintended impact of also reactivating the natural geothermal springs at Sulphur Point. The result of this increased sub-surface activity was to stir up lake bed sediment re-suspending this material in the water column. These nutrients along with fertilisers applied in the Rotorua catchment created ideal conditions for algal blooms which became a problem for Lakes Rotorua and Rotoiti in the early 2000's.<sup>115</sup> The solution was to construct a diversion wall that runs from Te Takinga to the Okere Control Gates, however the wall installation has altered currents in Lake Rotoiti, changing the flow of mauri. Since the construction of flood banks on the lower Kaituna river during the late 1980's, the Okere Gates have been re-purposed by vested interests to control lake levels optimised primarily for boat users.

## 5.2. Te Arawa Lakes Trust Concerns

166. At the time of the 2010 consent renewal hearings, Te Arawa Lakes Trust noted that tāngata whenua had a number of concerns relating to the "values of mauri, tapu and kaitiakitanga" and around "the possible effects of the structures on traditional food sources and customary practices, beaches, wāhi tapu and the condition of the Ohau Channel."<sup>116</sup>

<sup>115</sup> Refer to: Bodger, S "Toxic danger lurks under lake surfaces", New Zealand Herald, 30 June 2000; and Winstone, C "Not enough action to save Rotorua lakes, say residents", New Zealand Herald, 22 September 2003.

<sup>116</sup> Statement of Evidence of Roku Mihinuī, Chief Executive Officer of Te Arawa Lakes Trust, 19 November 2010, at paragraph [14].

167. While supporting the retention of the Okere Gates and Ohau Weir at that time; Te Arawa Lakes Trust has concerns about the elevated groundwater levels and surface flooding in Hinehopu (Tamatea Street) and the impacts this has on property amenity and potentially occupier health.<sup>117</sup>
168. Te Arawa Lakes Trust representatives also noted that there were adverse cultural effects arising from managed lake levels – such as the inability to carry out rama koura.<sup>118</sup>
169. In relation to kaitiaki matters, it is acknowledged by Te Arawa Lakes Trust that tāngata whenua are the mandated bodies to convey the position in respect of kaitiakitanga of the Lakes and Rivers and that tāngata whenua consider the mauri of the Lake is best protected by a return to more natural lake levels and flows.<sup>119</sup>

### 5.3. Ngāti Pikiao Concerns

#### 5.3.1. Artificial Control of Lake Levels

170. The people of Ngāti Pikiao are proud and grateful to their ancestors for their gift of occupation, use and connection to Lake Rotoiti. Over the last 20-30 years there has been an upsurge of resentment towards the installation of various man-made structures associated with the lake that have had a negative influence on the surrounding environment.

*“Since these gates were put in, rising lake levels have destroyed all of the beaches that once were in all the bays of Rotoiti. The level of the lake is so high that erosion is now a problem and our whenua is falling into our moana, altering many of our sites of significance and changing the landscape as we know it.” – Te Ariki Morehu<sup>120</sup>*

171. The effect of the current narrow lake level range is to destroy beaches and encourage dense lake weed growth to the light tolerance depth. The proliferation of lake-weed has made chemical spraying necessary resulting in decaying vegetation that causes odour problems. The destruction of beaches has removed habitat essential for ecological processes and the full enjoyment of Lake Rotoiti by Ngāti Pikiao (koura are more difficult to gather, there are no longer beaches for whanau or for safe travel along the Lake edge).
172. Ngāti Pikiao have “consistently sought a return to more natural lake levels and flows which are seen to be in the best interests of the mauri of the

<sup>117</sup> Statement of Evidence of Roku Mihinui, Chief Executive Officer of Te Arawa Lakes Trust, 19 November 2010, at paragraphs [22] and [28].

<sup>118</sup> Personal comment by Roku Mihinui, at 4 December 2015 hui.

<sup>119</sup> Statement of Evidence of Roku Mihinui, Chief Executive Officer Te Arawa Lakes Trust, 19 November 2010, at paragraph [16].

<sup>120</sup> 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].

lakes".<sup>121</sup> Ideally Ngāti Pikiao would like the Okere Gates and Ohau Weir to be removed.<sup>122</sup> It is recognised that this outcome is not a matter that can be achieved through the review of the consents. In saying this, what is really being sought by Ngāti Pikiao is that the Lake levels fluctuate in accordance with natural fluctuation. Ngāti Pikiao would like the Council to consider if this is something that can be achieved with the structures in place but not used (e.g. gates left open and weir not used).

### 5.3.2. Loss of Beaches

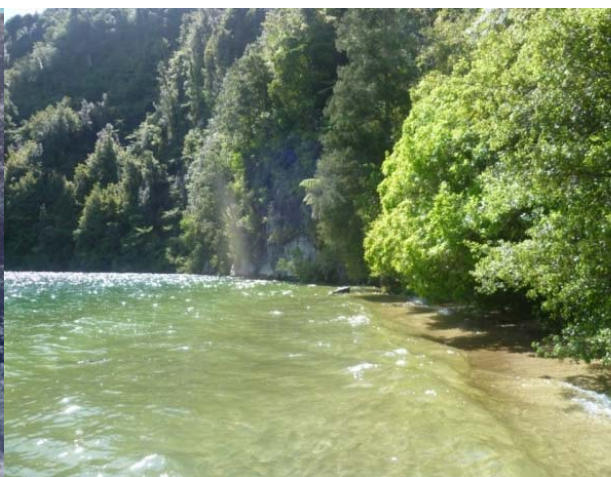
173. A key consequence of the maintenance of high lake levels has been the loss of beaches.

*"When I was growing up we had a beautiful beach at Ruato Bay. It was a really nice clean beach where we shared it with everybody who came and stopped along the road to have a swim or just have a picnic. Today that doesn't happen, simply because we don't have a beach and now it's just a grass verge right to the edge of the water."* – **Ngawhakawairangi Hohepa**<sup>123</sup>

174. The loss of beaches can be seen pictorially when comparing historical photographs with current photographs, for example at Korokitewao:



**Photograph 16 – Korokitewaho – then**<sup>124</sup>



**Photograph 17 – Korokitewaho – now**<sup>125</sup>

<sup>121</sup> Statement of Evidence of Roku Mihinui, Chief Executive Officer of Te Arawa Lakes Trust, 19 November 2010, at paragraph [16].

<sup>122</sup> Submission on behalf of Ngāti Pikiao, presented by Joe Tahana, to the Bay of Plenty Regional Council Hearings Committee, 8 December 2010.

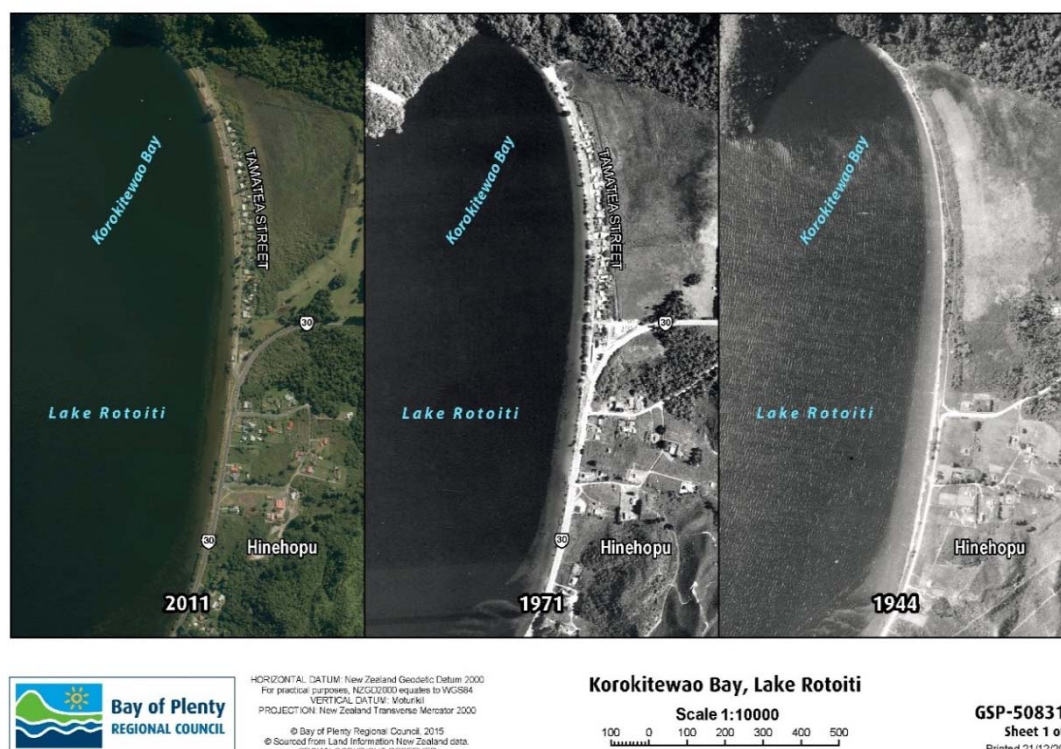
<sup>123</sup> Personal comment of Ngawhakawairangi Hohepa during interview on 6 November 2015.

<sup>124</sup> Korokitewaho – Tapuaeharuru, Matawhaura Bluff, Lake Rotoiti, date unknown, courtesy of Rotorua Museum Te Whare Taonga o Te Arawa (CP-396).

<sup>125</sup> Korokitewaho – Tapuaeharuru, Matawhaura Bluff, Lake Rotoiti, Photo Taken by Wairangi Whata, 13 December 2015.



175. The loss of beaches is a direct result of the high lake levels.<sup>126</sup> An aerial photograph showing the changes in the extent of the beaches from the 1970's to today was prepared by the Council and is set out below.



**Photograph 18 – Aerial photographs of Tamatea Street – then and now<sup>127</sup>**

### 5.3.3. Loss of Safe Recreational Areas

176. With the loss of the beaches Ngāti Pikiao, and indeed the wider public, have lost key recreational areas beside the lake. The beaches used to provide safe areas for picnics, volleyball, walks and general recreation.

<sup>126</sup> McMillan, O Investigation of Reduced Lake Water Level Range on Beach Erosion and Bank Formation, and Implications for the Okere Flood Gates at Rotoiti (Department of Civil Engineering, University of Auckland, 2013), sections 3.1 and 4.

<sup>127</sup> Photograph supplied by the Council on 21 December 2015 via email from Trig Gates at 3:34pm.



**Photograph 19 – Beach at Ruato Bay<sup>128</sup>**

177. However, now with no beach area, these opportunities are lost and there are safety concerns for those wishing to access the Lake given the lack of space for footpaths and the proximity of State Highway 30.

*“...we used to have a little narrow path, a beach that we used to walk down to Tapuaeharuru because that was the safest way to get down to the pa.” – Joe Tahana<sup>129</sup>*

#### 5.3.4. Impacts on People

178. The artificial controls imposed on the Lake and the inability of Ngāti Pikiao to manage their taonga according to their tikanga has caused adverse effects on its people. Living with the burden of the controls has caused frustration, disempowerment, and disappointment, and has constrained Ngāti Pikiao's ability to fully carryout kaitiakitanga and manākitanga responsibilities:

*“If my parents could only see the lake now, they would be very disappointed with us for allowing the degradation that has occurred...”*

*We continue to have foreign ideas of conservation imposed upon us by those who refuse to listen to us...*

*Swans and Canadian Geese are also a continuing problem. Though we have complained about the increases in the swan population and the detrimental effect they have on our lake, we are still not allowed to shoot them. We are forced to standby as they keep soiling our lakes...*

<sup>128</sup> Photograph of Te Rangi Whanau taken in the 1960's, supplied by Joe Tahana.

<sup>129</sup> Personal comment of Joe Tahana during interview on 9 November 2015.

*Our main frustration continues to be the fact that nobody listens to us. For these reasons, I have not found that being on the Scenic Reserves Board or the Lakes Clean-up Committee has really been effective for my people. We remain unheard and more often than not, we are outvoted.* – **Te Ariki Morehu**<sup>130</sup>

179. The artificially high lake levels have also meant that the Lake is not able to be used and enjoyed in the same way it has been previously and that in-turn has resulted in a loss of traditions and heritage for the current generations:

*"...in terms of beaches you know all the family around the lake had their own beach, their own special beach... [a]nd that's the sad part. My daughter, she's 13 and the eldest is 21, they'll never know beaches. That's a tragedy. They've lost out on their heritage...they're entitled to have a look at what a beach looks like in their own way but somebody's taken that away from them"* – **Joe Tahana**<sup>131</sup>

*"Our enjoyment has gone, our children can't enjoy their lives here"* – **Hakopa Paul**<sup>132</sup>

#### 5.3.5. Flooding

180. The constantly maintained high water levels have resulted in flooding at a number of locations around Lake Rotoiti. This has impacted houses, marae, open space areas, and has also resulted in a number of sewage and sewage reticulation issues around the Lake.<sup>133</sup>

*"Around about 2012 2013 there was a house at Otaramarae where the Lake level rose to floorboard level... the family eventually had to move out..."* – **Tawhiri Morehu**<sup>134</sup>

181. Some specific examples are discussed in the case study section below.

#### 5.3.6. Wāhi Tapu

182. Wāhi tapu enforces the connection Ngāti Pikiao has to the whenua and moana. Many wāhi tapu have previously been subjected to damage and there is continuing apprehension amongst tribal members that particular areas are vulnerable to further desecration if Lake levels remain high. In particular:

- (a) some wāhi tapu are now underwater:

*"...when we talk wāhi tapu it's something we've kept to ourselves as a people... the want is for people to be culturally sensitive... I mean right around to the base of our mountain here "Matawhau" you know there were heaps of wāhi tapu. Most of them now are submerged under water and it's*

<sup>130</sup> 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 [33], [37], [38] and [42].

<sup>131</sup> Personal comment of Joe Tahana during interview on 9 November 2015.

<sup>132</sup> Personal comment of Hakopa Paul at Ngāti Pikiao hui 4 December 2015.

<sup>133</sup> This concern was raised during a Steering Group meeting in December 2012 and recorded in a Draft Memorandum from Ohau Diversion Wall Cultural Advisory Panel to Lakes Programme Steering Group on Lake Rotoiti Issues, 11 December 2012.

<sup>134</sup> Comment made in email from Tawhiri Morehu to Joe Tahana on 10 March 2016.



*sad because we can talk to our children about different places but we can't take them there because it's all under water now."* - **Timi Te Po Hohepa**<sup>135</sup>

- (b) some wāhi tapu are located in areas at risk of flooding/exposure due to the high water table:

*"Huruhuru is one of our tūpuna and she's buried in a non-descript place. You'll see this really nice manicured lawn in front of this big property and in the corner there's this un-kept fenced section and that's where she is. And I just wondered... you know whether the raising of the water table (it) may flood there."* - **Piki Thomas**<sup>136</sup>

*"I think our biggest fear is that as the lake gets higher and higher is... that whole thing will start coming back in and lifting up the ground again. Whereas ...when we didn't have the gates, the natural connection between Huruhuru and the lake was through little channels. Well those are gone now... we're not too sure what will happen... the old bones will come up again. And I think that's our biggest worry is that some of those old things that are still underneath... will be exposed by the high water table."*

*"And that... that one would be at risk in the next 20 years because that's lower than Kakanui. Kakanui's up... on the top of the hill, whereas that one there's on the side, lot more closer to the lake and it's on the sloping part so... once that lake just starts eating and eating and eating away... years say like in the next 50-60 years... that urupa will be at risk."*

*Well... a lot of bodies could... start turning up in the lake... if we don't address that stuff right now."* – **Hakopa Paul**<sup>137</sup>

### 5.3.7. Erosion

183. A key concern of Māori landowners adjoining the Lake has also been the significant tracts of land which are being eroded away by the high Lake levels.
184. Photographs taken at Tawhakarere Bay illustrate this erosion:

<sup>135</sup> Personal comment of Timi Te Hohepa during interview on 6 November 2015.

<sup>136</sup> Personal comment of Piki Thomas during interview on 12 November 2015.

<sup>137</sup> Personal comment of Hakopa Paul during interview in February 2016.



**Photograph 20 and Photograph 21 – Lakeside erosion at Tawhakarere Bay<sup>138</sup>**

185. The Taheke marae case study also includes a section on the erosion issues that it and an adjoining property have faced.

#### 5.3.8. Impacts on Food Sources

186. The higher lake levels have also had detrimental impacts on traditional food sources:

- (a) it is more difficult now to access kaimoana beds as you have to go out further;<sup>139</sup>
- (b) prior to the Gates/Weir it was possible to gather kakahi and rama koura in water which was only about knee deep;<sup>140</sup> and
- (c) some tuna holes have been lost.<sup>141</sup>

187. These impacts are compounded by Ohau Diversion Wall which is blocking/making it difficult for inanga to travel up-stream.<sup>142</sup>

#### 5.3.9. Loss of Koropungapunga (Pumice Stone)

188. Prior to the installation of the Gates and Weir the beaches used to provide an abundant supply of koropungapunga (pumice stone). Now that the beaches have been lost so too has the pumice.<sup>143</sup>

<sup>138</sup> Photographs supplied by Arapeta Tahana, March 2016.

<sup>139</sup> Personal comment of Te Rata Epapara during interview on 9 November 2015.

<sup>140</sup> Comment made in email from Tawhiri Morehu to Joe Tahana on 10 March 2016.

<sup>141</sup> Comment made at Ngāti Pikiao hui 4 December 2015.

<sup>142</sup> Personal comment Fred Whata, President of Ngāti Pikiao Environmental Society Incorporated, 27 October 2015; and Statement of Evidence of Anthony Waiomio on behalf of Ngati Te Takinga, 22 April 2005, (Wai 1200), Central North Island Inquiries, at paragraph [5(i)].

### 5.3.10. Weeds

189. Since the controls on Lake Rotoiti were put in place, tāngata whenua have observed a significant increase in the presence of weeds on the Lake bed:

*"I remember as a child you could climb the hill here in Ruato and look down and see the bed of the Lake well now you can't all the weed that's in there..." - Timi Te Po Hohepa<sup>144</sup>*

190. The loss of beaches and the maintenance of water levels within a narrow range has also meant that grasses and weeds are now growing right up to the Lake edge.



**Photograph 22 – Grass and weeds at Lake edge, Tapuaekura<sup>145</sup>**

191. It is noted that to address the weed issues, the Council has proposed the use of herbicide which in Ngāti Pikiao's view would create further issues in terms of it polluting the mauri of the water and the relationship of Ngāti Pikiao to the Lake.

### 5.3.11. Water Quality Issues

192. Since the Okere Gates and Ohau Weir have been in place Ngāti Pikiao have also noticed a loss of water clarity and a build-up of siltation:

*"...what we used to do was, from one side of the bank to the other we'd all line up, we'd have rocks and we'd all be walking on the bottom of the Ohau from one bank to the other underwater, so we're all looking at one another and it's a race so*

<sup>143</sup> Personal comment of Te Rata Epapara during interview on 9 November 2015.

<sup>144</sup> Personal comment of Timi Te Hohepa during interview on 6 November 2015.

<sup>145</sup> Tapuaekura, Lake Rotoiti, Photo Taken by Wairangi Whata, February 2016.

*you're racing across the bottom of the river and my memory of that was how clean the river was, how the bottom of the river wasn't silted at all... if you have a look at it today its shallow and its silted."* – **Laurence Tamati**<sup>146</sup>

193. There is no doubt that water quality is a major issue facing the lakes. In relation to this issue, as far as we are aware, there is no information to suggest that water quality would be compromised by enabling the lake levels to be managed in accordance with more natural fluctuations. Rather, through the process, we heard suggestions from tāngata whenua that amending the regime to provide for natural fluctuations may provide water quality benefits (if for example a return to fluctuations was effective in eradicating some of the weed). If this is the case, this would be a strong consideration in our view.

#### **5.4. Long Standing Concerns**

194. Concerns of Ngāti Pikiao have been expressed with the Crown and the Council on various occasions. Some examples include:

- (a) the Minister of the Environment when Ngāti Pikiao (unsuccessfully) applied to be appointed a heritage protection authority in respect of the Kaituna River:<sup>147</sup>

*"Without acknowledgement of HPA status, the mana of Ngāti Pikiao will continue to be eroded. This wāhi tapu is not being respected and Ngāti Pikiao iwi are bearing the brunt of the consequences."*

- (b) the Waitangi Tribunal during the Central North Island inquiry:<sup>148</sup>

*"Te Ariki Morehu told us about his frustration at the management practices of statutory authorities during their various and many historical attempts to deal with nitrates, weed, and other pollutants entering Lake Rotoiti via the Ohau Channel from Lake Rotorua.<sup>68</sup> He also told us about the works at Okere Falls. He alleged that this had occurred with minimal tāngata whenua participation." [footnotes excluded]*

- (c) the Council during the consent renewal process (in correspondence, submissions and evidence);<sup>149</sup> and

<sup>146</sup> Personal comment of Laurence Tamati during interview on 4 November 2015.

<sup>147</sup> Te Runanga o Ngāti Pikiao, Application to become Heritage Protection Authority, 21 April 1994.

<sup>148</sup> He Maunga Rongo – Report on Central North Island Claims Stage One (Volume 4), Waitangi Tribunal, Wai 1200, 16 June 2008, at pages 1414 - 1415.

<sup>149</sup> Refer: Submission on behalf of Ngāti Pikiao, presented by Joe Tahana, to the Bay of Plenty Regional Council Hearings Committee, 8 December 2010; Letter from Joe Tahana on behalf of Ngāti Pikiao Mandated Representatives to Ken Tarboton, 65979 & 65980 Okere Gates and Ohau Weir, 30 November 2010; and Statement of Evidence of Dr Te Kipa Kepa Brian Morgan, Ngāti Pikiao, undated.

- (d) the Council following the grant of consent in hui such as that occurring between members of Ngāti Pikiao and the Council in January 2013 where the concerns were expressed as follows:<sup>150</sup>

*"[Ngāti Pikiao]*

*a) are concerned about the cumulative effects and wider implications of the Okere Gates operations and Rotoiti lake levels. Ngāti Pikiao have been expressing their views, and concerns for over 30 years.*

*b) are adamant that the Okere Gates is having a negative impact on water quality.*

*c) were not happy with the consent process and question whether the process was transparent.*

*d) they believe there are unresolved technical discrepancies. There has been too much emphasis on quantitative data (numbers).*

*e) they would like a 3 year trial to lower lake levels. Through the trial Ngāti Pikiao want to see if there are positive impacts such as whether the beaches will re-establish, or if weed problems and fish species improve.*

*f) they believe there are two conflicting views – iwi and the lake communities including the Lake Rotoiti Community Association. The association is concerned with access to jetties and not environmental impacts. Jetty owners are mainly non-residents, they live away from the lake.*

*g) they believe flushing does not work..."*

- (e) the Council with the lodgement of Te Taiao o Te Whatuoranganuku Ngāti Tamateatutahi Ngāti Kawiti Hapu Environmental Management Plan 2015, which states:<sup>151</sup>

*"Fluctuating lake levels have been a major concern for Ngāti Pikiao, with western science and local knowledge not always seeing eye to eye. Of particular concern has been the loss of beaches along the shores of Lake Rotoiti and Lake Rotomā. This is illustrated in an earlier black and white photograph of Tapuaeharuru Bay (1954). The demise of the shore area of some of our favourite swimming and mahinga kai areas from Tapuaeharuru to Korokitewao has been noticeable over the years. Some hapū members attribute this to the operation of the Okere Radial Gates, which control the level of Lake Rotoiti and Lake Rotorua."*

## 5.5. Process Concerns

195. As well as having concerns regarding the impacts arising from the presence and operation of the Okere Gates and Ohau Weir, Ngāti Pikiao also has some process concerns that they wish to be recorded in this Plan.

<sup>150</sup> Notes of the Meeting between Members of Ngāti Pikiao and BOPRC, held at BOPRC Rotorua Office, 24 January 2013, section 2.

<sup>151</sup> Te Taiao o Te Whatuoranganuku Ngāti Tamateatutahi Ngāti Kawiti Hapu Environmental Management Plan 2015, at page 36.

196. The first concern relates to the treatment of Ngāti Pikiao's expert evidence:
- (a) Ngāti Pikiao's proposed performance measures were disregarded or discounted in favour of "hard science". An example is contained in the evidence of Mr Robbin Britton for the 2010 renewals hearing:<sup>152</sup>

*"...many of the Ngāti Pikiao performance measures were based on anecdotal evidence implying Lake Rotoiti levels were lower in the past than that indicated by the historical record. However historical lake level records were peer reviewed and found to be accurate."*
  - (b) Evidence provided by Dr Kepa Morgan was criticised as not being "sufficiently objective or impartial",<sup>153</sup> and as a result very little if any consideration was given to the matters raised in that evidence.
197. A further concern was that evidence relied on by the Council, and in particular the NIWA record, was compromised as the record was adjusted when the measuring location was changed.<sup>154</sup> However, again, it appears that very little (if any) consideration was given to this point.
198. The purpose of raising these points here, is because Ngāti Pikiao wishes to ensure that any future process where cultural matters are considered, (including the consideration of this cultural management plan), takes a more appropriate, constructive and balanced approach.

<sup>152</sup> Statement of Evidence of Robbin James Britton, Principal, Britton Consultants Ltd, November 2010 at paragraph [25].

<sup>153</sup> Statement of Evidence of Robbin James Britton, Principal, Britton Consultants Ltd, November 2010 at paragraph [26].

<sup>154</sup> Statement of Evidence of Dr Te Kipa Kepa Brian Morgan, Ngāti Pikiao, undated at paragraph [18]; and personal comment Dr Kepa Morgan, 4 December 2015.

## 6. CASE STUDIES

### 6.1. Taheke Marae<sup>155</sup>

199. Taheke marae is located at 119 Okere Road, and is the closest marae to the water. Taheke marae is to home Ngāti Hinerangi.
200. Ngāti Hinerangi feel they have suffered the brunt of the man-made structures connected to Lake Rotoiti and the Ohau Channel. Ngāti Hinerangi suspected their area of the Lake would be a buffer zone and would experience negative impacts which they thought might be acceptable on the basis that their sacrifice was for the betterment of the whole Lake. What was not expected was the overwhelming extent of the impacts on the marae which is today suffering both culturally and financially.

*"You know we wanted to make sure we played our part... we understand that it may have leached really up to the far end of Rotoiti. We didn't want that to happen so we said oh well we'll support it in the efforts of trying to clean up Lake Rotorua. ...(At) the same time don't put all this paru water right up to our (part of the) lake. At the same time we knew that we'd receive all the rubbish right on the front of Taheke Marae and it's probably ended up that way. First couple of years, really brilliant green, the algal bloom. ...when the algae dies... it was stink and we still have problems. ...we've been... in an adhoc manner going to the Council and Regional Council to say come and clean (up our area). If we have the Poukai down there we ask them to come and clean our foreshore up and they do. But still we want it to get back to the nice pristine position. ...[T]hose are some of the impacts we've been facing as a Marae. The silt, the erosion."* – **Piki Thomas**<sup>156</sup>

201. The significant adverse effects Taheke marae experiences as a result of the high water levels include:
- (a) erosion and actual loss of land;
  - (b) surface flooding;
  - (c) sedimentation, siltation and rubbish build up;
  - (d) loss of mātauranga and relationship with a naturally fluctuating lake;
  - (e) loss of wāhi tapu references; and
  - (f) a loss of identity.
202. Significantly, Taheke Marae has had to contend with the financial burden of installing and maintaining a retaining wall on their lakeside boundary as a direct result of the maintained lake levels, the eventual cancellation of a significant cultural event, the accumulation of debris within the confines of

<sup>155</sup> Material in this section was supplied by Wairangi Whata and Piki Thomas.

<sup>156</sup> Personal comment of Piki Thomas during interview on 12 November 2015.



their Lake interests; and the concerns over future investment needed to alleviate or resolve these issues for the long-term sustainability of the marae.

#### 6.1.1. Erosion

203. Erosion on the lakeside boundary of Taheke Marae has caused the loss and degradation of marae land. These effects have led to Taheke marae having to install and maintain a retaining wall at its own cost.



**Photograph 23 – Taheke marae water's edge before the retaining wall was built<sup>157</sup>**

204. While part of the cost (75%) was paid by the New Zealand Transport Agency this was to offset other monies owing to the marae. So while the marae only had to directly pay 25% of the cost, it effectively bore the full cost of the works.

<sup>157</sup> Photograph supplied by Piki Thomas in January 2016.





**Photograph 24 – Taheke marae retaining wall post installation**<sup>158</sup>

205. After four years it is showing signs of failure. Water is penetrating behind the wall potentially requiring the marae to invest additional funds for repair or replacement.

*"...for the marae down at Taheke.... we've noticed that there's been quite a bit of erosion on the front of our lakeside boundary and we've put in a retaining wall and even that's starting to erode out as well.... that's one of the negative impacts that we've seen in there."* – **Piki Thomas**<sup>159</sup>

<sup>158</sup> Photograph supplied by Piki Thomas in January 2016.

<sup>159</sup> Personal comment of Piki Thomas during interview on 12 November 2015.



**Photograph 25 – Taheke marae retaining wall erosion<sup>160</sup>**

*"...one of the biggest impacts that the raising of the lake is that it's... not just our properties but a lot of the properties around the lake are starting to erode around the banks and so it's not unusual for some of the properties, their sections are in the lake now and one of the at risk properties that we have down home is our marae, where even the retaining bank is not able to hold the water so what's happening now (is) the water's getting behind the retaining bank... a lot of the areas around the marae are starting to erode back in to the lake." – Hakopa Paul<sup>161</sup>*

206. A neighbouring property owned by local whanau and currently operating under a land lease agreement has suffered a great deal of erosion amounting to metres of land being consumed by Lake Rotoiti.

*"...the next door house as you come into the back of the marae, the property to the left of the marae. ...half of its property is in the lake... Now the house is only about a metre (from the lake). "...there was a lawn in front of the house. So we're looking at what - 30 years, 35 years since those gates have been up so that property which is leased ...the whanau still own the land... by the time they get their property back, probably half of that land will be in water." – Hakopa Paul<sup>162</sup>*

<sup>160</sup> Photograph supplied by Piki Thomas in January 2016.

<sup>161</sup> Personal comment of Hakopa Paul during interview in February 2016.

<sup>162</sup> Personal comment of Hakopa Paul during interview in February 2016.





**Photograph 26 – Taheke Road neighbouring property, Lake Rotoiti<sup>163</sup>**

207. The photograph below shows the boundary peg for the neighbouring property is now located in the Lake itself.



**Photograph 27 – Taheke Road neighbouring property boundary peg, Lake Rotoiti<sup>164</sup>**

<sup>163</sup> Photograph supplied by Wairangi Whata in February 2016.

<sup>164</sup> Photograph supplied by Wairangi Whata in February 2016.

### 6.1.2. Surface flooding

208. During heavy periods of rain Taheke Marae is susceptible to surface flooding. The poukai which is a significant annual cultural event in Ngāti Pikiao was suspended in early 2015 due to excess water around the atea affecting cultural protocols.

*"Do you notice when it rains now for any length of time, it floods... it floods over there in front of the meeting house... (It) floods quickly". – Elaine Thomas<sup>165</sup>*

*"Yeah it does. The last Poukai, we had to call it off." – Piki Thomas<sup>166</sup>*

*"I'm not too sure what the meeting was, it might have been the Poukai. Yep we had to... actually call it quits because the water was just gathering. We had to cut it short because people were already standing in water." – Hakopa Paul<sup>167</sup>*

209. Another area prone to surface flooding is the land that sits between the wharenuī and the Lake. It is a collection point for stormwater flow and run-off generating pools of water.

*"...what happens is that you've got water coming down from the hills and you've got the lake up there so what you have is a gathering place on the marae, no way for the water to drain out into..." – Hakopa Paul<sup>168</sup>*



**Photograph 28 – Rear car park Taheke marae<sup>169</sup>**

<sup>165</sup> Personal comment of Elaine Thomas during interview on 12 November 2015.

<sup>166</sup> Personal comment of Piki Thomas during interview on 12 November 2015.

<sup>167</sup> Personal comment of Hakopa Paul during interview in February 2016.

<sup>168</sup> Personal comment of Hakopa Paul during interview in February 2016.

<sup>169</sup> Photograph supplied by Wairangi Whata – February 2016.

### 6.1.3. Sedimentation and Siltation

210. The marae also experiences problems with sedimentation and siltation. In particular, there has been an issue with siltation in the stormwater drain:

*"Certainly (we've) seen the build-up of... the storm water drain comes out right next to the pa, the amount of silt that builds up there, ... and we ask them (Council) to come down and clean that all the time."* – **Piki Thomas**<sup>170</sup>

211. There is also a build-up of rubbish (including oil containers) flowing downstream from the Gates and collecting on the edge of the marae.

*"Okay I would say in the last 12 months it's been a lot better but it wasn't... I mean every year just collects rubbish, plastics and algae. ...even EBOP had to come out to get our digger there to take some of the rubbish away."* – **Hakopa Paul**<sup>171</sup>

### 6.1.4. Loss of Identity

212. Traditionally Ngāti Pikiao relied heavily on its native fish species and native vegetation to survive. Ngāti Hinerangi in particular closely identify with the native toitoi plant.

*"...when we grew up there was, around the other end anyway, there was a lot of beach areas around the lake and around the water and around the river. ... it was a good habitation for the cockabully and the whitebait or inanga. We hardly see that down the Okere arm now. In fact we don't even see the toitoi which is what we are named after – the "Nga toitoi o Okere" and so I guess we've lost part of our identity in terms of the toitoi. We have a saying back home – "kotahi te toitoi e hia nga inanga ka kai Hinerangi upoko maro"–* **Hakopa Paul**<sup>172</sup>

<sup>170</sup> Personal comment of Piki Thomas during interview on 12 November 2015.

<sup>171</sup> Personal comment of Hakopa Paul during interview in February 2016.

<sup>172</sup> Personal comment of Hakopa Paul during interview in February 2016. Timi Te Po Hohepa advises that the following is the more formal version of this saying: "Kotahi te toitoi e hia nga inanga ka kaingatia, Ngāti Hinerangi upoko maro".



## 6.2. Ohau Channel<sup>173</sup>

213. For the hapū Ngāti Te Takinga, modifications to the Ohau Channel have resulted in a noticeable build-up of sedimentation at the base of the river. This has caused concerns around safety when swimming and has impacted on customary fishing practices.
214. In 2007 NIWA reported that the river channel works contributed to the reduction in the abundance of certain mahinga kai species in the river.<sup>174</sup> Hence the recreational merits and associated customary practices for tāngata whenua are slowly diminishing.

*"It's just a shame that the beautiful river that was given to us... it's gone all dirty and polluted."* – **Elaine Thomas**<sup>175</sup>



**Photograph 29 – Ohau Channel**<sup>176</sup>

<sup>173</sup> The information in this section was provided by Wairangi Whata.

<sup>174</sup> NIWA, Taonga and Mahinga Kai Species of the Te Arawa Lakes: A Review of Current Knowledge – Koura, NIWA Project TACF062, July 2007.

<sup>175</sup> Personal comment of Elaine Thomas during interview on 12 November 2015.

<sup>176</sup> Photo sourced from Bay of Plenty Regional Council, Rotorua Lakes Education Resource document, available at: <http://www.boprc.govt.nz/media/34201/teachers-090520-lakesresourcepart3historyandcultureactivities.pdf> and reproduced with the Council's permission.

### 6.2.1. Sedimentation

215. Increased sedimentation in the Ohau Channel has removed some of the recreational benefits enjoyed by the people of Ngāti Te Takinga. In addition it has added an element of risk especially for the younger generations.

*"...we looked after one another really and the bottom of the river back then wasn't silted... we'd all line up, we'd have rocks and we'd all be walking on the bottom of the Ohau from one bank to the other underwater, we're all looking at one another and it's a race... And my memory of that was how clean the river was, how the bottom of the river wasn't silted at all..." - Laurence Tamati<sup>177</sup>*

*"...everywhere was nice to swim but now you (have) got to pick and choose the places that are safe and it's not dirty or silted..." - Piki Thomas<sup>178</sup>*

### 6.2.2. Mahinga Kai

216. The river was a traditional mahinga kai for tāngata whenua. It provided ideal conditions for cultivating inanga and koura. These freshwater species were considered delicacies by the people of Ngāti Pikiao. Over the years there has been a rapid decline in koura and inanga populations.

*"The same with the koura. There's not a lot of koura down there at all either. The kids do go in there and... put their hands in the banks, but as I remember it what they get now compared to what we got back then it's not the same it's definitely not the same." - Laurence Tamati<sup>179</sup>*

*"I used to remember when my grandmother used to wash the clothes in the river... she used to put in her whitebait net... wash her clothes downstream and when... she finish(ed) washing her clothes she used to pull her net out. She'd have a half a bucket so she used to go home with about two buckets in the day when they were running and then she would bag them, put some away and then feed some out to some of the families... and that was around about the mid-1970s. Fast-forward to 2010, you can hardly get a half a pot... that's really sad." - Roland Kingi<sup>180</sup>*

<sup>177</sup> Personal comment of Laurence Tamati during interview on 4 November 2015.

<sup>178</sup> Personal comment of Piki Thomas during interview on 12 November 2015.

<sup>179</sup> Personal comment of Laurence Tamati during interview on 4 November 2015.

<sup>180</sup> Personal comment of Roland Kingi during interview on 9 November 2015.

### 6.3. Rakeiao Marae

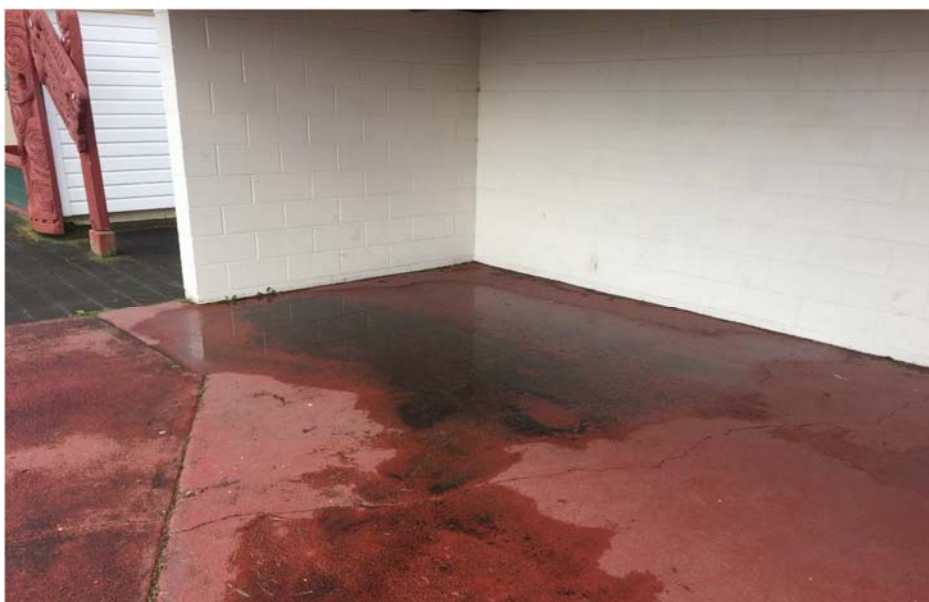
217. The high Lake level has created a constant struggle for whanau of Ngāti Rongomai who have exerted great effort to ensure the integrity of the marae is preserved and continues to exist for future generations. The main impact to the marae has been surface flooding. Throughout the last 20 years the whanau have tackled the issues flooding has inflicted on the marae.

*"So you know we're going over and above what a marae would normally do but for us it's about sustainability... when we're gone it will be sustainable... We've just had to deal with our problems and come up with a solution... And it's all about keeping it for the next generation and hopefully the next generation after that."* – **Horiana Curtis**<sup>181</sup>

#### 6.3.1. Structural Works

218. During heavy rain the marae grounds would be consumed by water which led to the frequent flooding of marae buildings and regular replacement of internal fittings. As a result in the late 1990s major structural works were undertaken to raise Rakeiao.

*"Yes our buildings were getting overtaken by the water and the water just sat there so we lifted our wharenui... 1996-1997 the wharenui was lifted and re-piled and I also remember the floor had to be done as well. They had to strengthen all the floor joists to take the new floor. ...all our new buildings, like the whare karakia, that was getting flooded regularly and all the other issues that go with it...we replaced carpets three or four times... (if) we couldn't afford it we just sort of opened the place and dried it out..."* – **Tewi Curtis**<sup>182</sup>



**Photograph 30 – Flooding at Rakeiao Marae**<sup>183</sup>

<sup>181</sup> Personal comment of Horiana Curtis during interview in February 2016.

<sup>182</sup> Personal comment of Tewi Curtis during interview in February 2016.

<sup>183</sup> Photograph supplied by Wairangi Whata in February 2016.



219. The raising of Rakeiao prevented internal saturation of the wharenuī however surface flooding continued to exist around the marae grounds. In 2006 the committee made the decision to install a drainage system to ease the excess water situation.

*"... the marae had to fork out big money to put in a drainage system... It was about... getting close to twenty grand to put in a drainage system..." – Tewi Curtis<sup>184</sup>*



**Photograph 31– Flooding of Rakeiao Marae grounds<sup>185</sup>**

220. Old and damaged toilets coupled with a high water table caused the leaching of sewerage from the septic tank. So in 2012 it was decided to build a new ablution block. This work was completed in 2013.<sup>186</sup>

#### 6.3.2. Financial Impact

221. Rakeiao Marae has suffered huge financial costs to alleviate the impacts of high Lake levels. In the early days they relied heavily on financial support from whānau and the success of Rotoiti Tours, a family operated tourism venture. In recent times the marae committee has used the support of charitable organisations.

*"In those days we had raffles, batons up and housie... Whatever it took, golf tournaments, whatever it took." – Tewi Curtis<sup>187</sup>*

<sup>184</sup> Personal comment of Tewi Curtis during interview in February 2016.

<sup>185</sup> Photograph supplied by Wairangi Whata in February 2016.

<sup>186</sup> Personal comment of Horiana Curtis during interview in February 2016.

*"Marae had to just get money together and pay for stuff... we hadn't actually used (charitable) funding until we had to get our toilets... so for all the (previous) work that's been carried out its been the money we've got from Rotoiti tours and everyone just making time to (do) fundraising. So it is sort of a little family effort" – **Horiana Curtis**<sup>188</sup>*

222. In spite of all the dedication and effort by the marae committee and whanau of Ngāti Rongomai they continue to suffer the effects of high lake levels at Rakeiao.

*"... it (still) floods around the whare ... we're on a grinder pump now for our new toilets... but that still happens. The church is concrete so it still sinks. ... It's a concrete slab so it will keep sinking... But even mowing the lawns... it was pretty easy. It was damp but it wasn't as wet as it is now." – **Horiana Curtis**<sup>189</sup>*



**Photograph 32 – Ablution block flooding, Rakeiao Marae**<sup>190</sup>

<sup>187</sup> Personal comment of Tewi Curtis during interview in February 2016.

<sup>188</sup> Personal comment of Horiana Curtis during interview in February 2016.

<sup>189</sup> Personal comment of Horiana Curtis during interview in February 2016.

<sup>190</sup> Photograph supplied by Wairangi Whata in February 2016.



**Photograph 33 – Ablution block flooding, Rakeiao Marae<sup>191</sup>**

223. The determination of Ngāti Rongomai to ensure the long term sustainability of their marae is driven by their responsibility as kaitiaki to continue the legacy left by their tūpuna for future generations. A sentiment that is echoed throughout Ngāti Pikiao.

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<sup>191</sup> Photograph supplied by Wairangi Whata in February 2016.



#### 6.4. Ruato Bay

224. This case study involves four properties which have been significantly affected by ponding of effluent. The four properties are shown in the photograph below:



*Photograph 34 – Ruato Bay properties affected by effluent<sup>192</sup>*

225. An investigation was carried out by wastewater treatment company Biolytix which found that two waste water treatment systems had failed with the one closest to the lake being most critical.

<sup>192</sup> Photograph included in email from Terry Long to Karl Geiseler 28 January 2016 at 3:30pm.



**Photograph 35 – Effluent ponding at Ruato Bay**<sup>193</sup>

226. While Biolytix did not express a view on the reason for the failure, a previous investigation of the managed Lake water level range by Oliver McMillan noted that:<sup>194</sup>
- "The inundation of septic tanks under the current regime suggests that the historic levels were much lower..."*
227. In terms of the significance of the effects Biolytix commented that the property was "bordering on [third] world conditions and is a health risk to everyone."<sup>195</sup>
228. To rectify the issue, the Council proposed a solution whereby a treatment and disposal system could be installed on property 1, which is the closest to the Lake.
229. However, it was noted that such a solution was unlikely to be effective so close to the Lake because of the high Lake levels (as well as the surcharging effect of the Highway and neighbouring property).<sup>196</sup>
230. This case study provides an example of the flow on impacts of the continuously maintained high lake levels which have resulted in inundation of septic tanks and constrained the ability of a property owner to address significant effluent ponding effects.

<sup>193</sup> Photographs supplied by Dr Kepa Morgan on 6 February 2016.

<sup>194</sup> McMillan, O Investigation of Reduced Lake Water Level Range on Beach Erosion and Bank Formation, and Implications for the Okere Flood Gates at Rotoiti (Department of Civil Engineering, University of Auckland, 2013), section 1, page 2.

<sup>195</sup> Email from Karl Geiseler of Biolytix to Tait Wichman dated 28 January 2016, at 8:59am.

<sup>196</sup> Email from Dr Kepa Morgan to Terry Long and Karl Geiseler, dated 29 January 2016 at 10:41:12am.

## 7. OTHER INTERESTS

### 7.1. Recreational

231. There is high recreational use of the Lakes (during certain peak times e.g. for four weeks around the Christmas period) and a number of existing consented structures support that recreational use. This included (as at November 2010) around Lake Rotoiti - 270 jetties, 28 boat ramps, 69 boat sheds, and 10 slipways.<sup>197</sup>
232. Recreational uses include kayaking, rafting, boating and use by float planes.<sup>198</sup>
233. All structures on the Lake beds require consents and jetties are required to be open to the public. It is understood that these consents are due for renewal shortly and Te Arawa Lakes Trust is currently consulting on a couple of such applications.<sup>199</sup>

### 7.2. Navigational

234. Linked to the recreational boating and rafting uses noted in the previous section, there are also navigational interests to consider. In particular, the need for the lake levels to be such that safe navigation on the Lake is ensured.
235. The harbour master has advised that a return to more natural fluctuation levels could be accommodated by relocating navigational buoys.<sup>200</sup>

### 7.3. Ecological

236. There are also strong ecological interests in the lake given the lake provides habitat for a number of native and introduced fisheries.
237. Restoring the lakes to more natural fluctuation levels would have positive ecological benefits in terms of:
- (a) maintaining the fishery values of the Lakes:

<sup>197</sup> Statement of Evidence of Alistair Malcolm Muirhead, Principal Planner – Opus Consulting, 19 November 2010, at paragraph [4.6(c)].

<sup>198</sup> See for example: 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 6.1 on page 19; and Graeme O'Rourke – Principal Engineering Surveyor, Consent Holder Annual Report on Okere Gates (Consent 65979) and Ohau Weir (Consent 65980), Bay of Plenty Regional Council Operations Publication 2013/02, 1 June 2013, section 6.1, page 18.

<sup>199</sup> Email from Roku Mihinui dated 23 March 2016.

<sup>200</sup> Personal comment of Joe Tahana reporting on a meeting with the Harbourmaster in February 2016.

*"Lake levels set to maintain the ecological and fishery values of Lake Rotoiti need to be based as far as possible on the 'natural' range that has occurred over decades as this is the natural range to which the littoral fauna (and wetlands) will be best adapted to." – Dr David Rowe<sup>201</sup>*

- (b) the control of weeds within the Lakes and Lake beds.<sup>202</sup>

#### **7.4. Conflicts with Cultural Interest**

238. Both recreational and navigational uses have benefited substantially from the high/artificially controlled water levels. While it is acknowledged that these uses provide recreational benefits as well as some limited employment for people (including tāngata whenua) who live in the area; they have come at a significant cultural cost.
239. There is a direct conflict between the values and use of Lake Rotoiti for recreational and navigation purposes, and the cultural values, mana, mauri and relationship of tāngata whenua with the Lake Rotoiti. This conflict has been described by tāngata whenua as "a battle of recreational as opposed to a way of life."<sup>203</sup>
240. It is also relevant to note that there are adverse effects associated with the use of the jetties. Concerns raised by tāngata whenua include:<sup>204</sup>
- (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.
241. In determining the weight to be given to the various interests it is important to bear in mind that cultural values and relationships of tāngata whenua with their places of importance are matters of national importance under s 6 of the Resource Management Act 1991 (RMA) whereas recreational interests are not specifically protected.<sup>205</sup>

<sup>201</sup> Statement of Evidence of Dr David Kingston Rowe, Freshwater Ecologist, 6 December 2010 at paragraph [35].

<sup>202</sup> Personal comment made by Dr Kepa Morgan, at Ngāti Pikiao hui 4 December 2015.

<sup>203</sup> Personal comment made by Hakopa Paul, at Ngāti Pikiao hui 4 December 2015.

<sup>204</sup> Email from Roku Mihinui dated 23 March 2016.

<sup>205</sup> Further information on the legal context is set out in Part 9 below.

242. From discussions with Council it is understood that a return to natural fluctuation levels would:<sup>206</sup>
- (a) not compromise water quality;
  - (b) would have a less than minor effect on rafters as it is only when the flows are below 13 m<sup>3</sup> or above 30m<sup>3</sup> that rafting cannot be undertaken and the times that this occurs are very few.
243. To the extent that a return to more natural fluctuation levels has adverse effects on:
- (a) Recreational interests - tāngata whenua consider that such effects could be addressed through dredging and/or extension of the existing jetties. Tāngata whenua are willing to work in a collaborative manner to consider dredging and extension applications by jetty owners.
  - (b) Navigational interests – tāngata whenua are willing to work in a collaborative manner with the harbour master to ensure that safe navigation is maintained.
244. It is acknowledged that these measures will come at a cost to property (and in particular jetty) owners. However, as it currently stands, there are significant adverse effects and costs being experienced by Ngāti Pikiao. The relationship of Ngāti Pikiao with the Lake, loss of culture, mātauranga and identity, are all a direct result of the high Lake levels. This situation is not consistent with important requirements of the RMA.
245. Ngāti Pikiao is aware of the competing interests and is prepared to discuss measures with jetty owners in conjunction with the Te Arawa Lakes Trust.

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<sup>206</sup> 10 June 2016 meeting with Council, with comments made by Council officer Graeme O'Rourke, Principal Engineering Surveyor, and representative of the consent holder.



## **8. CMP – MITIGATION, MONITORING AND REVIEW**

247. This section summarises the measures that tāngata whenua consider should be taken in response to their concerns and the process by which they can be achieved.

### **8.1. Return to Natural Fluctuation Levels**

248. Tāngata whenua consider that their cultural concerns with the presence and operation of the Okere Gates and Ohau Weir can only be met by a return to the natural fluctuation levels. Their firm preference is therefore for the Gates and Weir consent conditions to be amended to enable fluctuations to accord with natural levels. The key objective for tāngata whenua is to see the Lake level returned to natural levels in order to avoid the major cultural and physical effects occurring and recognising that the fluctuating levels are an important part of their association and connection with the Lake.

### **8.2. Adoption of the Mauri Model**

249. Ngāti Pikiao seek that the mauri model be adopted to allow the incorporation of mātauranga Māori into the consenting, monitoring and review processes.

#### **8.2.1. Mauri Model**

250. The mauri model is a mechanism which allows tāngata whenua knowledge to be incorporated into the process.

251. In this context 'mauri' is the life supporting capacity and measure of the potential of air, water, and soil.

252. The mauri model evaluates impacts and factors within the four dimensions of mauri:

- (a) ecosystem mauri representing environmental well-being;
- (b) tāngata whenua mauri representing cultural well-being;
- (c) community mauri representing social well-being; and
- (d) whanau mauri representing economic well-being.

253. The way in which the Mauri Model works is described by Dr Kepa Morgan as follows:<sup>207</sup>

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<sup>207</sup> Statement of Evidence of Dr Kepa Morgan, in the matter of an application by the Astrolabe Community Trust to the Bay of Plenty Regional Council for resource consents in relation to the remains of the MV Rena, 13 July 2015, at paragraphs [40] to [47].

- “40. For each mauri dimension indicators are identified that reflect all of the attributes considered relevant by all stakeholders.
41. The impact on the mauri of each indicator is then determined using the mauri meter which uses clearly defined thresholds to quantify change. Before an evaluation is carried out, accurate thresholds are determined that identify 'no change', a 'fully restored mauri with maximum potential', and 'totally exhausted mauri'.
42. Once these thresholds have been defined, the impact upon the mauri of each indicator is determined using the following rationale:
- a. Within the no change threshold in mauri the result is zero;
  - b. If the result is not zero, the impact must be either enhancing (+) or diminishing (-) the mauri.
  - c. Whether enhancing or diminishing if the 'fully restored' or totally exhausted' threshold is reached the result is 2;
  - d. For all other changes in mauri that do not achieve the defined threshold the result is 1 reflecting a partial change in mauri that is either enhancing or diminishing the resilience and potential of the dimension being considered.
43. Although the scoring is coarse, the results are objective and repeatable provided the indicator thresholds are clearly defined and the same indicator set is used for all evaluations.
44. The indicator scores within each dimension can be averaged to reflect the impact occurring over time, or comparatively between decision options.
45. The four mauri dimension averages can be combined in different ways to reflect understandings of the overall changes occurring as perceived by different stakeholders simply by weighting the combination of the dimensions in a way that is aligned to the worldview of that particular stakeholder.
46. The averaged dimension scores can be plotted over time to reflect retrospective evaluations, to monitor current trends, or predict future impacts upon mauri.
47. The area confined by the mauri curve and the x-axis (time) can be calculated and reflects an understanding of the cumulative impact upon mauri over time.”
254. Ngāti Pikiao consider that provision should be made for mauri monitoring in the consent conditions. This monitoring would involve:
- (a) defining monitoring 'zones' and consulting tāngata whenua to confirm indicator sets;
  - (b) establishing databases with indicators (and clear definitions) for each dimension;
  - (c) confirming indicator thresholds with experts;

- (d) documenting evaluation procedures for current state/change/new state;
- (e) forecasting against consent conditions to verify timeframe assumptions;
- (f) establishing baselines drawing on previous research and final indicators;
- (g) commencing monitoring based on regular questionnaires/interviews of kaumātua advisers/wānanga/fisher people, kaikohi kaimoana, kaitiaki and divers. i.e. the moana specialists;
- (h) in terms of frequency of monitoring:
  - i. quarterly assessment – field visual/other, photographic, environmental data;
  - ii. six monthly assessment for the first three years – to look at trends (through wānanga), compare findings against targets, identify any actions required, and report back; and
  - iii. annual reporting – to review indicator sets, and provide a comprehensive published report which can be reviewed at bi-annual symposiums.

### **8.3. Amending Condition References to Tāngata Whenua**

255. Ngāti Pikiao consider that condition 9.1 of consent 65979 should be amended to delete references to other tāngata whenua groups as:
- (a) the Okere structure is not on the Te Arawa owned lake bed but the Okere River;
  - (b) there are no other relevant tāngata whenua within this area;
  - (c) other tāngata whenua are already accommodated through the Rotorua Te Arawa Operational Liaison Group and the Okere ki Kaituna Kaitiaki Group; and
  - (d) other tāngata whenua have recognised that Ngāti Pikiao is the only group that need to be consulted on Okere related matters.<sup>208</sup>
256. No objection has been raised by the other groups to this amendment through the Plan development process.
257. It is suggested that an acknowledgement is also sought from the Okere ki Kaituna Kaitiaki Group members to this suggested amendment.

<sup>208</sup> Joe Tahana advised that this acknowledgement was provided orally at the inaugural meeting of Ohau ki Rotoiti Kaitiaki Group, on 7 August 2012.

#### 8.4. Other Measures

258. Tāngata whenua request that the Council agree to the following mitigation measures.

##### 8.4.1. Restore the Beaches

259. Tāngata whenua would like to see improved beach exposure (wider beaches) and access at a number of locations around Lake Rotoiti, particularly towards the eastern end.<sup>209</sup> As noted above, tāngata whenua consider that this can best be achieved through allowing a more natural fluctuation in Lake levels. Tāngata whenua also note that some assistance may be required to restore the beaches such as sand replenishment and if that is the case tāngata whenua would work with the Council on appropriate options for that replenishment.

260. While tāngata whenua also agree that removal of encroaching grass and exotic weeds will assist in beach restoration it will not be sufficient in itself. Tāngata whenua do not support the proposal by the Council to remove such grasses and weeds through the use of herbicide.<sup>210</sup>

##### 8.4.2. Remove Exotic Weeds and Replant Beaches and Lake Edges

261. Tāngata whenua request that the Council undertake to:

- (a) work collaboratively with them to develop a plan to:
  - i. remove the exotic weeds and grasses around the edge of Lake Rotoiti which does not involve the application of herbicide – but instead favours more environmentally friendly measures;
  - ii. replant the Lake edges with appropriate native plants;
- (b) provide resourcing for the development of the plans as well as the carrying out of the removal and replanting work; and
- (c) give tāngata whenua first option to provide all or any part of the services and/or to be involved in the service provision.

##### 8.4.3. Rebuild/Replenish Native Fisheries

262. Tāngata whenua request that Council work with them to develop and implement a plan to rebuild/replenish native fisheries, habitat, and mahinga kai areas.

<sup>209</sup> It is noted that Te Arawa Lakes Trust supported the use of herbicide at the 2010 hearings, refer: Statement of Evidence of Roku Mihinuī, Chief Executive Officer of Te Arawa Lakes Trust, 19 November 2010, at paragraph [20].

<sup>210</sup> Statement of Evidence of Roku Mihinuī, Chief Executive Officer of Te Arawa Lakes Trust, 19 November 2010, at paragraph [23].

#### 8.4.4. Better Protect from Flooding

263. Tāngata whenua request that Council work with them and provide funding to develop and implement a plan to mitigate flooding issues for lands owned by tāngata whenua and culturally significant sites located around the edge of the Lake and River.

#### 8.4.5. Better Protect from Erosion

264. Tāngata whenua request that Council work with them and provide funding to develop and implement a plan to mitigate erosion issues for lands owned by tāngata whenua and culturally significant sites located around the edge of the Lake and River. This would include the costs associated with installing, maintaining and replacing retaining walls where required.

#### 8.4.6. Protect and Ensure Access to Wāhi Tapu

265. Tāngata whenua request that Council provide resourcing to enable the continued protection and access to all its wāhi tapu sites around Lake Rotoiti and the Okere River.

#### 8.4.7. Build Footpaths

266. Tāngata whenua request that the Council proceed with the establishment of footpaths around the Lake edge to ensure there is a safe place for walking – separate from the road - and to improve accessibility to Lake Rotoiti and safe passage for children.<sup>211</sup>

#### 8.4.8. Jetty Consenting and Commercial Returns

267. Tāngata whenua request that the jetty consent reviews which fall due in 2017 be undertaken in close collaboration with them and that in particular:
- (a) an annual licence fee be imposed which enables a commercial return on the consents to go to Te Arawa Lakes Trust provided this is not prohibited by the Te Arawa Lakes Settlement legislation.<sup>212</sup> At present no such fee is paid despite Te Arawa owning the bed of the Lake.
  - (b) consent terms are imposed which reflect the need to regularly review the effects of such uses on the Lake.

#### 8.4.9. Control of Gates

268. Tāngata whenua understand that the Gates are currently controlled remotely from a location in Whakatane. Tāngata whenua request that the

<sup>211</sup> Suggestion made at Ngāti Pikiao hui 4 December 2015.

<sup>212</sup> Refer section 33 of that Act.

control of the Gates be returned to the local area and that the Council provide opportunities for iwi to become involved in controlling the Gates.<sup>213</sup>

#### 8.4.10. Offset Consideration

269. Where any of the above matters cannot be achieved, there should be robust discussions on offset measures to address effects.
270. There should also be consideration of compensation provided for the actual costs incurred by tāngata whenua as a result of the maintained Lake levels – such as repayment of the tāngata whenua contribution to the cost of constructing and maintaining retaining walls and other remediation actions taken by tāngata whenua.

### 8.5. **Cultural Monitoring**

271. In addition to the monitoring that the Council is currently required to undertake under the consents, and to the mauri monitoring outlined above, tāngata whenua request that the Council agree to fund and resource the following additional cultural monitoring:

(a) a flooding monitoring plan which:

- i. establishes which tāngata whenua owned or culturally significant sites are currently affected by flooding and what effects that flooding is having on those sites;
- ii. measures the effects on those sites from the changes to the operation regime and the replanting regime;
- iii. proposes and requires the implementation of additional measures to address any significant flooding issues which remain for these properties.

(b) a planting monitoring plan which:

- i. includes a baseline plan of current levels of weed infestation and remaining areas of native vegetation around the Lake shores;
- ii. monitors the effectiveness of the steps taken to remove the weeds and replant the lake edges;

(c) a native fisheries monitoring plan which:

- i. includes a baseline plan of current levels; and

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<sup>213</sup> Suggestion made at Ngāti Pikiao hui 4 December 2015.

- ii. monitors the effectiveness of the steps taken to rebuild/replenish the native fisheries.
- 272. Tāngata whenua also request that these monitoring plans and reporting be informed by a Māori perspective as is now required for all environmental reporting in accordance with section 5 of the Environmental Reporting Act 2015.

## 9. LEGAL SUPPORT FOR CHANGE

### 9.1. Consents

273. As noted earlier, the Council holds resource consents (65979 and 65980) authorising the operation and management of the Okere Gates and Ohau Weir for 35 years from 10 April 2012.<sup>214</sup>

274. The consents are a renewal of earlier consents (1996) and were granted after a settlement was reached with tāngata whenua for mechanisms to address cultural concerns. These mechanisms included:

- (a) conditions requiring the establishment of kaitiaki groups (Ohau ki Rotoiti and Okere ki Kaituna);<sup>215</sup>
- (b) conditions providing for the preparation (and five yearly review) of a cultural management plan;<sup>216</sup>
- (c) a settlement agreement providing resourcing for the preparation of this cultural management plan;<sup>217</sup>
- (d) conditions providing for the kaitiaki group to meet with Council to discuss the cultural management plan recommendations and determine whether any of the recommendations can be implemented without changing the existing conditions;<sup>218</sup> and
- (e) conditions providing that the Council:
  - i. may undertake a review of conditions for the purposes of dealing with any adverse effects on the environment identified in the Plan, and in order to implement any of the Plan's recommendations;<sup>219</sup>
  - ii. must have particular regard to the recommendations in the Plan when deciding whether or not to exercise its discretion to review the conditions.<sup>220</sup>

275. There are a couple of legal issues which warrant noting as part of the context. These relate to:

- (a) validity of cultural beliefs;

<sup>214</sup> This is 15 working days after the grant of the consent order to allow the appeal period to expire.

<sup>215</sup> Conditions 9 and 10 of consents 65979 and 65980 respectively.

<sup>216</sup> Conditions 9.9 and 9.13 of consent 65979.

<sup>217</sup> Ngāti Pikiao Environmental Society on behalf of the Kaitiaki Group (to be established) and Bay of Plenty Regional Council, Settlement Agreement, 1 December 2011.

<sup>218</sup> Condition 9.12 of consent 65979.

<sup>219</sup> Condition 17.3 of consent 65979.

<sup>220</sup> Condition 17.4 of consent 65979.





- (b) the lack of consideration of cultural impacts in previous processes;
- (c) the nature of a renewal process and the relevance of the existing environment; and
- (d) mechanisms for review.

## 9.2. Validity of Cultural Beliefs

276. The RMA is clear that intangible or metaphysical values are relevant matters to consider under section 6(e).<sup>221</sup>
277. The environment includes people and the cultural conditions that affect them. Small changes can still have serious impacts where cultural values are relevant. For example, the Environment Court has stated:<sup>222</sup>

*"[304] The Act does not dismiss relationships or metaphysical issues ... The Act manages natural and physical resources to enable people and communities to achieve, to the fullest extent possible when balanced with other factors, their social, economic and cultural well-being. Social and cultural well-being may, in a particular case, involve relationships and metaphysical factors, particularly under provisions such as Section 6(e) of the Act.*

*[305] ... Small physical changes may have more serious consequential effects on historic, traditional and spiritual aspects of the relationship Māori have with their lands, waters, wāhi tapu and other tāonga."*

## 9.3. Lack of Consideration of Cultural Impacts Previously

278. At the time that the Okere Gates and Ohau Weir were originally constructed a very different legislative scheme was in place<sup>223</sup> which did not require specific assessment of the effects on tāngata whenua. Even when the legislative regime changed and consents were renewed in 1996, a full assessment and consideration of cultural impacts was not undertaken.<sup>224</sup>
279. Some consideration occurred in the recent (2010) applications to obtain new consents for the same activity but that consideration was significantly restricted because:
- (a) the assessment of cultural effects assumed that the Lake level regime authorised by the old consents formed part of the existing environment and effects which were considered to be part of this 'environment' were therefore not assessed;

<sup>221</sup> *Friends and Community of Ngawha Incorporated v Minister of Corrections* [2002] NZRMA 401.

<sup>222</sup> *Te Runanga o Ngai Te Rangi Iwi Trust v Bay of Plenty Regional Council* [2011] NZEnvC 402 at paragraphs [304] and [305].

<sup>223</sup> The Water and Soil Conservation Act 1967 and the Town and Country Planning Act 1977.

<sup>224</sup> *Statement of Evidence of Roku Mihiniui*, Chief Executive Officer of Te Arawa Lakes Trust, 19 November 2010, at paragraph [10].

- (b) no cultural impact assessment was commissioned from tāngata whenua to determine the full scope of cultural associations and impacts;
  - (c) the conclusions on cultural effects were based on comparing the cultural impacts of the proposed renewal (as identified by the applicant) against the status quo rather than the effects pre establishment.<sup>225</sup>
280. In relation to (a), this is significant as the approach taken by the consent authority to the existing environment prevented it from considering those effects. If it is found that the incorrect legal approach was taken, then this would provide grounds for review of the consent.
281. The Environment Court has indicated its view that a failure to consider cultural impacts, particularly by local authorities, will not be tolerated and that simply accepting past conditions is not an appropriate position:<sup>226</sup>

*"[134] In our view the benefits lessen in significance when compared to the affront to Maori by the continued desecration of Te Wairo-Uri. The desecration occurred at a time when the non-Maori world did not acknowledge the importance of the Maori culture to the Maori people. Economic expediency prevailed over the integrity of Maori culture. Today Maori culture is acknowledged — to the relevant extent that it is the subject of statutory prescriptions in the Resource Management Act. Those statutory prescriptions are mirrored by extensive and clear words in the relevant statutory instruments. Words of acknowledgement are in themselves not enough. They need to be given effect to. **Where desecration has occurred in the past, and continues unabated, those now responsible are required by the statutory prescriptions to a commitment, where reasonably practicable, to put an end to that desecration.***

....

*[140] **There comes a time when those who are adversely affecting Maori by their activities need to "bite the bullet" if there are viable alternatives, especially when the activities were instigated without acknowledging Maori culture. It is even more so when that person is a local authority, which has statutory responsibilities that require the application of the principles that reflect Part 2 of the Act.** As we have said, reflecting those principles in the relevant statutory instruments is not of itself sufficient. They need to be given effect to."* (emphasis added)

#### 9.4. Renewal and Existing Environment

282. As noted above the current consents were a renewal of the 1996 consents for the Okere Gates and Ohau Weir.

<sup>225</sup> Refer for example to: Statement of Evidence of Alistair Malcolm Muirhead, Principal Planner – Opus Consulting, 19 November 2010, at paragraph [4.44].

<sup>226</sup> *Te Maru o Ngāti Rangiwewehi v Bay of Plenty Regional Council* (2008) ELRNZ 331 at paragraphs [134] and [140].

283. Legally, a 'renewal' of consent is regarded as a fresh application for consent. However the existing/old consent is relevant in so far as:
- (a) there is a legal right for the consent holder to continue with the consented activity pending determination of the new consent (s124);
  - (b) the decision maker is required to have regard to the value of investment by the existing consent holder (s104(2A)); and
  - (c) efficient use considerations arise.
284. The old consents are not however relevant to consider in terms of the scale of effects. The old consents do not form part of the existing environment in a renewal process and nor do they form part of the permitted baseline. This is because:
- (a) while the existing environment includes other consented activities (which have been or are likely to be given effect to),<sup>227</sup> it does not include the old consent since it expires prior to the date of implementing the new consent; and
  - (b) the permitted baseline is limited to activities which may be lawfully undertaken without consent.<sup>228</sup>
285. Notwithstanding this legal position, the consent authority took the old consents into account when it granted the current consents and it assessed the scale of effects for variations from the old consent rather than from the pre-Gates and Weir position or an environment without the operation of the consents.
286. This issue (and the lack of consideration of cultural concerns) were raised during the appeals process and it was agreed that this position was reserved and these issues would be part of the Cultural Management Plan and review process provisions.

## 9.5. Mechanisms for Review

287. The consent conditions provide an opportunity for tāngata whenua to engage directly with the consent holder in the first instance to see whether changes to the consent can be agreed rather than imposed through a review process. While an agreed process is the preferred outcome it is

<sup>227</sup> The existing environment includes current as well as unimplemented consents for the purposes of s104(10(a) if the decision maker is satisfied that the consents are likely to be given effect to *Far North District Council v Te Rūnanga-ā-Iwi O Ngāti Kahu* [2013] NZCA 221 at paragraphs [93] to [95]. Note that leave to appeal to the Supreme Court including on this point was granted, but no decision has been released: *Te Rūnanga-ā-Iwi O Ngāti Kahu v Far North District Council* [2013] NZSC 134.

<sup>228</sup> S104(2) of the RMA states "When forming an opinion for the purposes of subsection (1)(a), a consent authority **may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.**" (emphasis added)

important to recognise that there are valid grounds for a review if the direct engagement process does not result in agreement.

288. Section 128 of the RMA provides the Council with the power to review a resource consent as follows:

*"128 Circumstances when consent conditions can be reviewed*

*(1) A consent authority may, in accordance with section 129, serve notice on a consent holder of its intention to review the conditions of a resource consent—*

*(a) at any time or times specified for that purpose in the consent for any of the following purposes:*

*(i) to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or*

*(ii) to require a holder of a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or 15B to adopt the best practicable option to remove or reduce any adverse effect on the environment; or*

*(iii) for any other purpose specified in the consent; or*

*(b) in the case of a coastal, water, or discharge permit, when a regional plan has been made operative which sets rules relating to maximum or minimum levels or flows or rates of use of water, or minimum standards of water quality or air quality, or ranges of temperature or pressure of geothermal water, and in the regional council's opinion it is appropriate to review the conditions of the permit in order to enable the levels, flows, rates, or standards set by the rule to be met; or*

*(ba) in the case of a coastal, water, or discharge permit, when relevant national environmental standards have been made; or*

*(c) if the information made available to the consent authority by the applicant for the consent for the purposes of the application contained inaccuracies which materially influenced the decision made on the application and the effects of the exercise of the consent are such that it is necessary to apply more appropriate conditions."*  
(emphasis added)

289. Here cultural effects are required to be considered by virtue of:

- (a) s 128(1)(a)(i) as there was agreement during the appeals process that cultural effects could be most appropriately dealt with following completion of the cultural management plan process; and
- (b) s 128(1)(a)(iii) as the Okere Gates consent contains a provision (condition 17.3) which enables a review to be undertaken:
  - i. after receipt of the cultural management plan; and/or

ii. at the request of the Ohau ki Rotoiti Kaitiaki Group,

in order to deal with any adverse environmental or cultural effects identified in that plan.

- (c) s 128(1)(c) as the Council approach in considering the old consents as part of the existing environment led to a material inaccuracy in the information which formed part of the application and the resulting assessments and materially influenced the grant of consent. Cultural impacts were assessed as being only a minor change from the old consent and more appropriate conditions are therefore required.

## **9.6. Preferred Process**

290. If the Council agrees to return management of Lake Rotoiti to natural fluctuation levels then Ngāti Pikiao considers that this can best be effected by the Council agreeing to:
- (a) amend the consent conditions to expand the range of fluctuations to reflect natural fluctuation levels;
  - (b) include the cultural monitoring and other recommendations outlined above; and
  - (c) include use of the mauri model for monitoring.
291. Any such change should be undertaken in close collaboration with tāngata whenua to ensure that the fluctuation range, cultural monitoring and mauri model measures proposed in this Cultural Management Plan are accurately and adequately captured in conditions.
292. Tāngata whenua acknowledge that after an agreement has been reached with the consent holder, there may also be a need to consult with other interested parties (such as recreational groups and jetty owners) on the changes. The form and content of such consultation processes are outside the scope of this Plan so are not commented on further here.
293. If agreement cannot be reached on the necessity for, or scope of, the change, then Council can be formally requested to review the conditions in line with the review provisions in the consent and in line with the above recommendations.
294. Whichever process is adopted close collaboration with tāngata whenua is suggested.

## **10. CONCLUSIONS AND RECOMMENDATIONS**

295. The presence and operation of the Okere Gates and Ohau Weir have significant cultural impacts which can only be fully avoided or remedied through the restoration of natural lake fluctuation levels. Such levels should be restored through a change of the resource consent conditions to increase the range of permitted fluctuations.
296. In addition, changes should also be made to the consent conditions to provide for the mauri model, mitigation measures and other changes outlined in the previous section.
297. Tāngata whenua have also suffered direct and actual losses as a result of the operation of the consents that should be investigated and remedied.



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## 12. GLOSSARY

298. This glossary includes brief definitions for many (but not all) of the commonly used Maori terms in this cultural management plan. These definitions are provided to assist with understanding the content of this Plan and are not (and nor are they intended to be) comprehensive definitions for the terms.
299. Some of the terms included in this glossary are more fully defined in the cultural management plan itself and reference should be made to those sections for a more detailed description of meaning.
300. For any terms not included in this glossary or for further guidance on the meaning of any Maori terms please refer to a Maori to English dictionary such as Te Aka Māori-English Dictionary noted in the references section of this Plan.

Maori Term	English Term
Ana	Cave
Aruhe	Fern root
Atua	God or supernatural being
Hakari	Entertainment or feast
Hapū	Sub-tribe of an iwi
Harakeke	Flax
Hineahuone	First woman
Hinetitama (Hine-nui-te-po)	Child of Tāne and Hineahuone
Hui	Meeting
Inanga	Whitebait
Iwi	Māori Tribe, usually containing a number of hapu with a common ancestor
Kai	Food, consume, eat
Kaikohi kaimoana	Seafood collectors
Kainga	Home
Kaitiaki/Kaitiakitanga	Guardian/guardianship, intergenerational responsibility inherited through whakapapa and whanaungatanga at birth to care for the environment
Kakahi	Freshwater mussels
Kaumātua	Adult, old man or woman
Kawa	Practices (in Pikiatanga)
Kokopu	Freshwater fish
Koropungapunga	Pumice stone
Koura	Freshwater crayfish
Mana (whenua/moana)	Authority, control, influence, prestige (over the land/sea)
Mahinga kai	Areas where food is collected

Maori Term	English Term
Maioro	Fortifications
Manakitanga	Hospitality
Manuhiri	Visitor or guest
Mara kumara	Kumara cultivation
Marae	Community meeting place or surrounds
Mātauranga Māori	A Maori worldview/knowledge
Maunga	Mountain
Mauri	Life force/essence of living things
Mihi	Greet, acknowledge, thank
Moana	Sea
Muru	Plunder/confiscate
Ngahere	Forests
Ngawha	Geothermal resources
Pa	Fortified village
Papakāinga	Village
Papatūānuku	Earth mother
Pataka	Food storehouse
Pepeha	Set form of words, figure of speech, formal utterance
Rama koura	Crayfish gathering
Ranginui	Sky father
Rangatiratanga	Political sovereignty, chieftainship, leadership, self-determination, self-management
Raupo	Bulrush
Rohe	Tribal boundary
Tāne (mahuta)	God of the forests
Tāngata whenua	People of the land
Tangi (hanga)	Funeral
Taonga	Treasures or property which is highly prized
Tapu	Sacred, subject to restriction
Te Tiriti (o Waitangi)	The Treaty of Waitangi
Tikanga	Protocols (in Pīkiaotanga)
Tino Rangatiratanga	Self-determination, sovereignty, autonomy, self-government, domination, rule, control, power
Tupuna	Ancestor, grandparent
Tuwatawata	Fences
Urupa	Burial ground
Wāhi tapu	Sacred place/site
Wai Māori	Lakes and Waterways
Waiariki	Hot springs

Maori Term	English Term
Waiata	Māori song
Waka	Canoe, descendants of a particular canoe
Wānanga	Seminar, forum, educational forum, to meet and discuss, deliberate, consider
Whakapapa	Genealogy of all things
Whakatauki	Proverb
Whānau	Extended family, birth
Whanaungatanga	Relationship, kinship
Whare	House
Whenua	Land

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## 14. APPENDICES



#### **14.1. Appendix 1 – Copy of Resource Consents 65979 and 65980**



ANNEXURE B

**BAY OF PLENTY REGIONAL COUNCIL**

**Resource Consent 65979**

**Consent Holder:** Bay of Plenty Regional Council (Rivers and Drainage Group)

**Address:** PO Box 364  
Whakatane

**Resource consent to:**

- (i) Use and maintain a control structure, being the Okere Control Gates, at the outlet of Lake Rotoiti; and
- (ii) Dam the outlet of Lake Rotoiti, being at or about map reference NZMS 260 U15039485; and
- (iii) Artificially control the water levels in Lake Rotoiti; and
- (iv) Discharge water from Lake Rotoiti to the Kaituna River through the Okere Control Gates.

**Conditions attaching to Resource Consent 65979**

**1. PROCEED IN ACCORDANCE WITH APPLICATION, EXCEPT AS MODIFIED BY CONDITIONS**

The Proposal shall proceed in accordance with the Application, including:

- i. The Resource Consent Application and Assessment of Environmental Effects for the Okere Gates and Ohau Channel Weir prepared by Opus international Consultants Limited, referenced as 289030.07, dated September 2010, including all appendices attached to the Application.
- ii. The further information entitled *Resource Consents 65979 and 65980: Consent Structures and Operating Levels for Lake Rotorua and Rotoiti – Response to s92 Request dated 23 September 2010*, prepared by the Project Manager, Okere Gates and Ohau Weir Consent Project dated 22 October 2010, including all appendices.

except as modified by the conditions set out in this consent.



133915-229-1-V3:mhh

## **2. PURPOSE**

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.

## **3. LOCATION**

The structure shall be located at the outlet to Lake Rotoiti as shown in BOPRC plan numbers RC65979/1 (BOPCC K 4294 sheet number 1/22), RC65979/2 (BOPCC K 4294 sheet number 6/22), RC65979/3 (BOPCC K 4294 sheet number 7/22), RC65979/4 (BOPCC K 4294 sheet number 9/22), RC65979/5 (BOPCC K 4294 sheet number 16/22) and RC65979/6 (BOPCC K 4294 sheet number 18/22).

## **4. MAP REFERENCE**

The structure shall be located at or about map reference NZMS 260 U15 039 485.

## **5. OKERE GATES CONTROL STRUCTURE**

The existing control structure shall be retained. It shall consist of:

5.1 A concrete dam structure incorporating three radial control gates.

5.2 Gate opening sill level 277.526 m above Moturiki Datum.

All levels shall be relative to the Rotorua Fundamental Benchmark Survey 1997.

## **6. STRUCTURE AND MAINTENANCE**

6.1 The Consent holder shall maintain the control structure in accordance with the requirements of the Rivers and Drainage Group Asset Management Plan (AMP). The Consent holder shall monitor the control structure for erosion and structural damage on a regular basis, maintain a record of such inspections and repair actions and make that record available for inspection by the Chief Executive of the Bay of Plenty Regional Council or delegate within 24 hours of a written request being made to review it.

6.2 The consent holder shall repair any structural or erosion damage to the Okere Arm lake edges or Kaituna River banks within 30 metres of the Okere Gates caused by the exercise of this consent. The repair shall be undertaken within 10 working days of the consent holder becoming aware of any damage or repair required.



## 7. LAKE ROTOITI LEVEL MANAGEMENT

### Operational Management Plan

- 7.1 Within one month of the commencement of this consent, the consent holder shall submit an Operational Management Plan to the Chief Executive of the Bay of Plenty Regional Council or delegate.
- 7.2 The Operational Management Plan shall contain details of the procedures that shall be implemented for the operation of the Okere Gates in accordance with the conditions of this resource consent, and as a minimum, shall address the following matters:
- a) A description of how the structure operates;
  - b) The methods and guidelines for achieving the following:
    - i the distribution of lake levels contained in the Lake Rotoiti Operational Strategy as set out in Condition 7.4 of this consent;
    - ii the Okere Gates settings required to manage the levels of Lake Rotoiti for each month of the year; and
    - iii. any relevant other methods and/or guidelines for achieving compliance with the target lake level ranges set out in Condition 7.4 of this consent.
  - c) Procedures for 'flushing' of the Ohau Channel, including details of service of notice to the community regarding the timing and duration of 'flushing';
  - d) Plans of the Okere Gates control structure;
  - e) A description of routine inspection and maintenance procedures to be undertaken with respect to the Okere Gates;
  - f) A description of monitoring, including location of water level monitoring devices and record keeping of all monitoring;
  - g) A description of methods to address potential public and site personnel safety issues associated with the operation of the Okere Gates, including subsequent changes in levels for Lake Rotoiti and flows in the Kaituna River (which may include use of signage, electronic media and establishing and maintaining a text messaging database).
  - h) A description of procedures for reporting on the operation of the Okere Gates, with particular regard to the requirements of this consent and the target lake level ranges and flows to the Bay of Plenty Regional Council and key stakeholder groups;
  - i) A description of how any difficulties or unforeseen circumstances affecting the successful operation of the Okere Gates and lakes levels will



be reported to the Bay of Plenty Regional Council and key stakeholder groups, and how such difficulties or circumstances will be addressed.

- 7.3 The Operational Management Plan may be reviewed and updated by the consent holder from time to time. The consent holder shall provide a copy of the reviewed and updated Operational Management Plan to the Chief Executive of the Bay of Plenty Regional Council or delegate.

### Operational limits

- 7.4 The control structure shall be operated in accordance with an Operational Management Plan as provided in Condition 7.1 above, subject to the following restrictions:
- a. The Okere Gates control structure shall be operated so that the minimum lake level is no less than RL279.00m (to Moturiki Datum) and the maximum lake level is no greater than RL 279.40m (to Moturiki Datum).
  - b. Subject to Condition 7.4(h), the water level of Lake Rotoiti shall be maintained within the following target ranges for the specified percentages of the year:
    - i. RL 279.05m to 279.25m (to Moturiki Datum) for at least 91% of the time for each calendar year, and distributed as follows:
      - (a) RL 279.00m to RL 279.10m (to Moturiki Datum) for between 10% and 15% of the time for each calendar year and shall only occur between 1 May and 30 September with a minimum level that is limited by a straight line from RL 279.10m on 1 May to RL 279.00m on 1 July and from RL 279.00m on 1 September to RL279.10m on 30 September as shown on the schematic of the *Lake Rotoiti Operational Envelope* referenced as BOPRC Plan Number 65979/7.
      - (b) RL279.10m to RL279.20m (to Moturiki Datum) for between 70% and 85% of the time for each calendar year; and
      - (c) RL 279.20m to RL 279.25m (to Moturiki Datum) for between 5% and 10% of the time for each calendar year, subject to Condition 7.4(d) below.
  - c. The water level of the lake may be above 279.25 for up to 5% of the time for each calendar year and only as a result of extreme rainfall events.
  - d. After 12 months of the exercise of this consent, the consent holder may undertake a decremental variation of the time spent above RL 279.20m to between 0% and 5% of the time for each calendar year, if that is considered by the consent holder to be an appropriate mitigation measure to address groundwater issues at Hinehopu as provided for in condition 14 of this consent.



- e. If, as a result of extreme weather, the target range set out in Condition 7.4(b) cannot be achieved, the lake level shall be controlled within the minimum and maximum levels set out in Condition 7.4(a) of this consent.
- f. Except in the circumstances described in 7.4(g), flow rates from the Okere Gates shall not drop below:
  - i. A 6 hourly average flow of  $7.9\text{m}^3/\text{s}$ ; and
  - ii. A seven-day rolling average flow of  $9.84\text{m}^3/\text{s}$ .
- g. Flows may only drop below the flow rates specified in 7.4(f) in extreme droughts or when the Okere Gates are closed as a result of an emergency.
- h. Maintaining minimum flows specified in Condition 7.4(f) shall take precedence over maintaining minimum lake levels set out in Condition 7.4(b).
- i. During the operation of the Okere Gates, the 6 hourly average outflow of water through the gates must be equal to, or greater than the 6 hourly average inflow of water from the Ohau Channel.
- j. When operating the Okere Gates, ramping rates for opening and closing the gates shall be as follows, except when the flow rate falls below  $15\text{m}^3/\text{s}$  as specified in condition 7.4(k):
  - i. when opening the gates (i.e. increasing flows), a maximum flow increment of  $10\text{m}^3/\text{s}$  in any one hour period; and
  - ii. when closing the gates (i.e. decreasing flows):
    - (a) a maximum flow decrement of  $5\text{m}^3/\text{s}$  in any one hour period when operating the Okere Gates below  $30\text{m}^3/\text{s}$ ; and
    - (b) a maximum flow decrement of  $10\text{m}^3/\text{s}$  in any one hour when operating the Okere Gates at or above  $30\text{m}^3/\text{s}$ .
- k. Except in the circumstances described in condition 7.4(g), the maximum ramping rates for the Okere Gates when the flow rate falls below  $15\text{m}^3/\text{s}$  shall be a maximum increment or decrement of  $4\text{m}^3/\text{s}$  in any 6 hour period.
- l. Subject to compliance with conditions 7.4 (a) to 7.4(k), the consent holder shall operate the Okere Gates so as to provide recreational flows for rafting and kayaking in the Kaituna River. The magnitude and duration of the recreational flows shall be determined by the consent holder following consultation with the RTALOLG established under condition 11.1 of this consent.



## 8. LAKE LEVEL MONITORING

- 8.1 For the purpose of this condition "lake level" shall mean lake level as recorded by eliminating the effect of wave action.
- 8.2 The consent holder shall monitor the lake level of Lake Rotoiti to an accuracy of +/- 10mm at the Bay of Plenty Regional Council's Okawa Bay level gauge. Levels shall be relative to Moturiki Datum and the Rotorua Fundamental survey benchmark.
- 8.3 The consent holder shall maintain a continuous record of lake level readings with any changes to data annotated and available on request by the Chief Executive of the Bay of Plenty Regional Council, or delegate, for consent monitoring purposes.

## 9. OHAU KI ROTOITI KAITIAKI GROUP

- 9.1 Within three months of the commencement of this consent, the consent holder shall facilitate the establishment of the Ohau ki Rotoiti Kaitiaki Group by invitation to each of the following (or their successors):
  - a. Ngati Pikiao;
  - b. Te Arawa Lakes Trust; and
  - c. Other relevant Tangata Whenua having an interest in the Ohau Channel and Lake Rotoiti for the purposes of s.6(e) of the Resource Management Act 1991 and listed in Schedule 1 to this consent.
- 9.2 The purpose of the Ohau ki Rotoiti Kaitiaki Group is to:
  - a. Facilitate discussion and free flow of information between the consent holder and the kaitiaki of Lake Rotoiti, Lake Rotorua, and the Ohau Channel on the environmental and cultural effects of the activities authorised by this consent;
  - b. Facilitate discussion and free flow of information with the Okere ki Kaituna Kaitiaki Group;
  - c. To develop a Rotoiti Cultural Management Plan;
  - d. To receive and discuss monitoring reports that the consent holder is required to produce under the conditions of this consent;
  - e. To provide recommendations to the consent holder and the Regional Council on the environmental and Maori cultural effects of the activities authorised by this consent;
  - f. To discuss any other relevant matters that may be agreed by the Ohau ki Rotoiti Kaitiaki Group; and





- g. To enable monitoring, by Tangata Whenua, of the environmental and cultural effects of the activities authorised by this consent as identified in the Rotoiti Cultural Management Plan.
- 9.3 Notwithstanding any other condition in this consent, the consent holder shall, at least once per calendar year, convene a meeting with representatives of the Bay of Plenty Regional Council and Tangata Whenua parties identified in Condition 9.1 to discuss any matter relating to the exercise and monitoring of this consent.
- 9.4 The consent holder shall provide a written invitation to the members of the Ohau ki Rotoiti Kaitiaki Group at least 10 working days before the proposed meeting is to be held.
- 9.5 The meeting required by Condition 9.3 need not occur if the Ohau ki Rotoiti Kaitiaki Group, or all of the Tangata Whenua parties listed in Condition 9.1, advise the Bay of Plenty Regional Council that the meeting is not required.
- 9.6 The consent holder shall keep minutes of the meetings held in accordance with Condition 9.3 and shall forward them to all attendees and to the Regional Council.
- 9.7 The meetings required by condition 9.3 shall be held at a convenient location as agreed by the Ohau ki Rotoiti Kaitiaki Group. The meetings shall as far as practicable take place on the same day and at the same venue as the meetings held by the Okere ki Kaituna Kaitiaki Group under condition 10 of this consent and the Liaison Group under condition 11 of this consent. The costs of the meeting (not including costs relating to attendees) shall be borne by the consent holder.
- 9.8 The meetings shall discuss any recommendations in the Rotoiti Cultural Management Plan and matters relevant to the purpose of the Ohau ki Rotoiti Kaitiaki Group.

#### **Rotoiti Cultural Management Plan**

- 9.9. Subject to the formation of the Ohau ki Rotoiti Kaitiaki Group, the consent holder will facilitate the development of a Rotoiti Cultural Management Plan to enable it to be produced by the Ohau ki Rotoiti Kaitiaki Group within three years of the commencement of this consent. The Rotoiti Cultural Management Plan may include, but shall not be limited to, the following objectives:
- a. Identifying historical cultural practices which occurred along the Ohau Channel and Lake Rotoiti based on historic data and oral history, prior to the introduction of the Okere Control Gates and Ohau Weir.
  - b. Identifying the environmental and cultural impacts on tangata whenua resulting from the operation of the Okere Control Gates and Ohau Weir, including for example any impacts on the health and well being of the Ohau Channel and Lake Rotoiti, impacts on kai resources or access to



waahi tapu resulting from the operation of the Okere Control Gates and Ohau Weir;

- c. Identifying improvements, including by way of lake management options or environmental restoration programmes, to address the environmental and cultural impacts and/or enable cultural practices to continue, where they have been affected by the operation of the Okere Control Gates and Ohau Weir;
  - d. Identifying areas for members of the Tangata Whenua groups listed in Condition 9.1 to undertake or be involved in any environmental monitoring or research to be undertaken in accordance with any conditions of this resource consent;
  - e. Provide recommendations to the consent holder in relation to the above matters and in relation to:
    - (i) Access to waahi tapu;
    - (ii) Lakeshore beach restoration;
    - (iii) Additional monitoring of beach erosion or native fishery resources;
    - (iv) The results of any surveys undertaken by Tangata Whenua on kai resources in Lake Rotoiti; and
    - (v) Any maps, data or other information regarding cultural or archaeological sites that the Ohau ki Rotoiti Kaitiaki Group considers appropriate to provide to the consent holder.
- 9.10 The consent holder shall if requested provide technical assistance where appropriate and all relevant information held by the consent holder to the Ohau ki Rotoiti Kaitiaki Group as necessary to enable the Ohau ki Rotoiti Kaitiaki Group to develop and produce the Rotoiti Cultural Management Plan.
- 9.11 Once developed, a copy of the Rotoiti Cultural Management Plan shall be provided to the consent holder, the Chief Executive of the Bay of Plenty Regional Council or delegate and the Rotorua Te Arawa Lakes Operational Liaison Group.
- 9.12 Once developed, the Ohau ki Rotoiti Kaitiaki Group and the consent holder shall meet to discuss and consider the recommendations in the Rotoiti Cultural Management Plan. In the event that any of the recommendations in the Rotoiti Cultural Management Plan can be implemented without the need for a review of this resource consent, the consent holder shall give genuine consideration to implementing those recommendations to the extent practicable.
- 9.13 The consent holder shall facilitate a review by the Ohau ki Rotoiti Kaitiaki Group of the Rotoiti Cultural Management Plan every fifth year after the completion of the initial Rotoiti Cultural Management Plan, if considered



appropriate by the Ohau ki Rotoiti Kaitiaki Group. Conditions 9.9 to 9.12 shall apply to a review of the Rotoiti Cultural Management Plan.

- 9.14 The Ohau ki Rotoiti Kaitiaki Group referred to in this consent constitutes the same Kaitiaki Group referred to in Bay of Plenty Regional Council Resource Consent No. RC65980 and all meetings and actions arising out of conditions of this consent with respect the Ohau ki Rotoiti Kaitiaki Group and those in Bay of Plenty Regional Council Consent No. RC65980 are to be carried out together and as part of the same process.

## **10. OKERE KI KAITUNA KAITIAKI GROUP**

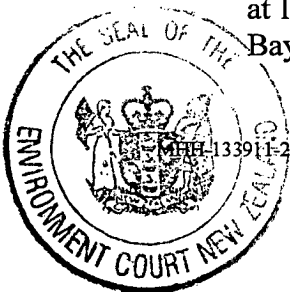
- 10.1 Within three months of the commencement of this consent, the consent holder shall facilitate the establishment of the Okere ki Kaituna Kaitiaki Group by invitation to each of the following (or their successors):

- a. Tapuika;
- b. Te Arawa Lakes Trust; and
- c. Other relevant Tangata Whenua having an interest in the Kaituna River for the purposes of s.6(e) of the Resource Management Act 1991 and listed in Schedule 1 to this consent.

- 10.2 The purpose of the Okere ki Kaituna Kaitiaki Group is to:

- a. Facilitate discussion and free flow of information between the consent holder and the kaitiaki of the Kaituna River on the environmental and cultural effects of the activities authorised by this consent;
- b. Facilitate discussion and free flow of information with the Ohau ki Rotoiti Kaitiaki Group;
- c. To develop a Kaituna Cultural Management Plan;
- d. To receive and discuss monitoring reports that the consent holder is required to produce under the conditions of this consent;
- e. To provide recommendations to the consent holder and the Regional Council on the environmental and Maori cultural effects on the Kaituna River of the activities authorised by this consent;
- f. To discuss any other relevant matters that may be agreed by the Okere ki Kaituna Kaitiaki Group; and
- g. To enable monitoring, by Tangata Whenua, of the environmental and cultural effects of the activities authorised by this consent as identified in the Kaituna Cultural Management Plan.

- 10.3 Notwithstanding any other condition in this consent, the consent holder shall, at least once per calendar year, convene a meeting with representatives of the Bay of Plenty Regional Council and Tangata Whenua parties identified in



Condition 10.1 to discuss any matter relating to the exercise and monitoring of this consent.

- 10.4 The consent holder shall provide a written invitation to the members of the Okere ki Kaituna Kaitiaki Group at least 10 working days before the proposed meeting is to be held.
- 10.5 The meeting required by Condition 10.3 need not occur if the Okere ki Kaituna Kaitiaki Group, or all of the Tangata Whenua parties listed in Condition 10.1, advise the Bay of Plenty Regional Council that the meeting is not required.
- 10.6 The consent holder shall keep minutes of the meetings held in accordance with Condition 10.3 and shall forward them to all attendees and to the Regional Council.
- 10.7 The meetings required by condition 10.3 shall be held at a convenient location as agreed by the Okere ki Kaituna Kaitiaki Group. The meetings shall as far as practicable take place on the same day and at the same venue as the meetings held by the Ohau ki Rotoiti Kaitiaki Group under condition 9 of this consent and the Liaison Group under condition 11 of this consent. The costs of the meeting (not including costs relating to attendees) shall be borne by the consent holder.
- 10.8 The meetings shall discuss any recommendations in the Kaituna Cultural Management Plan and matters relevant to the purpose of the Okere ki Kaituna Kaitiaki Group.

#### **Kaituna Cultural Management Plan**

- 10.9 Subject to the formation of the Okere ki Kaituna Kaitiaki Group, the consent holder will facilitate the development of a Kaituna Cultural Management Plan to enable it to be produced by the Okere ki Kaituna Kaitiaki Group within three years of the commencement of this consent. The Kaituna Cultural Management Plan may include, but shall not be limited to, the following objectives:
  - a. Identifying historical cultural practices which occurred along the Kaituna River based on historic data and oral history, prior to the introduction of the Okere Control Gates.
  - b. Identifying the environmental and cultural impacts on tangata whenua resulting from the operation of the Okere Control Gates, including for example any impacts on the health and well being of the Kaituna River, impacts on kai resources or access to waahi tapu resulting from the operation of the Okere Control Gates;
  - c. Identifying improvements, including by way of gate management options or environmental restoration programmes, to address the environmental and cultural impacts and/or enable cultural practices to continue, where they have been affected by the operation of the Okere Control Gates;



- d. Identifying areas for members of the Tangata Whenua groups listed in Condition 10.1 to undertake or be involved in any environmental monitoring on the Kaituna River or research to be undertaken in respect of the Kaituna River in accordance with any conditions of this resource consent;
  - e. Provide recommendations to the consent holder in relation to the above matters and in relation to:
    - (i) Access to waahi tapu;
    - (ii) Kaituna River restoration;
    - (iii) The results of any surveys undertaken by Tangata Whenua on kai resources in Kaituna River; and
    - (iv) Any maps, data or other information regarding cultural or archaeological sites that the Okere ki Kaituna Kaitiaki Group considers appropriate to provide to the consent holder.
- 10.10 The consent holder shall if requested provide technical assistance where appropriate and all relevant information held by the consent holder to the Okere ki Kaituna Kaitiaki Group as necessary to enable the Okere ki Kaituna Kaitiaki Group to develop and produce the Kaituna Cultural Management Plan.
- 10.11 Once developed, a copy of the Kaituna Cultural Management Plan shall be provided to the consent holder, the Chief Executive of the Bay of Plenty Regional Council or delegate and the Rotorua Te Arawa Lakes Operational Liaison Group.
- 10.12 Once developed, the Okere ki Kaituna Kaitiaki Group and the consent holder shall meet to discuss and consider the recommendations in the Kaituna Cultural Management Plan. In the event that any of the recommendations in the Kaituna Cultural Management Plan can be implemented without the need for a review of this resource consent, the consent holder shall give genuine consideration to implementing those recommendations to the extent practicable.
- 10.13 The consent holder shall facilitate a review by the Okere ki Kaituna Kaitiaki Group of the Kaituna Cultural Management Plan every fifth year after the completion of the initial Kaituna Cultural Management Plan, if considered appropriate by the Okere ki Kaituna Kaitiaki Group. Conditions 10.9 to 10.12 shall apply to a review of the Kaituna Cultural Management Plan.
- 11. ROTORUA TE ARAWA LAKES OPERATIONAL LIAISON GROUP**
- 11.1 Within three months of the commencement of this consent the consent holder shall facilitate the establishment of a Rotorua Te Arawa Lakes Operational Liaison Group ("RTALOLG") for the purpose of:



- a. Facilitating discussion and free flow of information between the consent holder and the community on the operations and environmental effects of the activities authorised by this consent;
  - b. Providing feedback on the effects of the implementation of the Operational Management Plan; and
  - c. Providing a forum to seek community input into resolving any difficulties in achieving the target lake level ranges set out in this consent and the Operational Management Plan referred to in Condition 7.1 of this consent.
- 11.2 Within six months of the commencement of this consent, and following the establishment of the RTALOLG, the consent holder shall submit to the Chief Executive of the Bay of Plenty Regional Council, or delegate, a Rotorua Te Arawa Lakes Operational Liaison Group terms of reference (TOR). The TOR shall be developed in consultation with the RTALOLG.
- 11.3 The RTALOLG TOR shall detail the procedures for the establishment and ongoing involvement of the RTALOLG and shall, as a minimum, address the following matters:
- a. The location and frequency of meetings of the RTALOLG (to take place in Rotorua at least annually in the first three years of the commencement of the consent and thereafter at least every third year);
  - b. The parties to be invited to participate in the RTALOLG, including but not limited to at least one representative of the following (or their successors, if appropriate):
    - Te Arawa Lakes Trust;
    - Ngati Pikiao;
    - Tapuika;
    - Other relevant Tangata Whenua;
    - Kaituna Catchment Control Scheme;
    - Rotorua District Council;
    - Lake Rotoiti Community Association Incorporated;
    - Rotorua Lakes Community Board;
    - Department of Conservation;
    - Tamatea Street Ratepayers Association;
    - Fish and Game;
    - The commercial rafting/kayaking community; and
  - c. Meeting procedures, including arrangements for election of a chair and definition of procedures;



- d. The nature of information to be provided to the RTALOLG including copies and summaries of the reports and complaints register required in accordance with conditions of this resource consent; and
  - e. Procedures for reporting the outcomes of RTALOLG to the consent holder and the Chief Executive of the Bay of Plenty Regional Council or delegate.
- 11.4 Any changes to the RTALOLG terms of reference that occur as a result of consultation with the RTALOLG shall be provided in writing by the consent holder to the Chief Executive of the Bay of Plenty Regional Council or delegate.
- 11.5 The Rotorua Te Arawa Lakes Operational Liaison Group referred to in this consent may constitute the same group referred to in Bay of Plenty Regional Council Resource Consent No. RC65980 and all meetings and actions arising out of conditions of this consent with respect the Rotorua Te Arawa Lakes Operational Liaison Group and those in Bay of Plenty Regional Council Consent No. RC65980 may be carried out together and as part of the same process.

## 12. MITIGATION WORKS

- 12.1 Within 6 months of the commencement of this consent, the consent holder shall, subject to obtaining the written approval of the Rotorua District Council, install a flapgate on the outlet of stormwater culvert that discharges to the Ohau Channel, subject to the design of the flapgate being approved by the Chief Executive of the Bay of Plenty Regional Council, or delegate. The flapgate is to be designed to prevent water from the Ohau Channel entering the stormwater culvert. Once installed the flapgate shall be maintained by the consent holder in good working order.
- 12.2 Within 12 months of the commencement of this consent, the consent holder shall, subject to obtaining the written consent of the affected landowner/s, construct earth bunding at low lying properties located adjacent to the Ohau Channel in accordance with the Application and as updated in Memorandum dated 25 November 2010 from Robbin Britton. Where the bund crosses existing open drains, flapgates shall be installed to prevent water from the Ohau Channel entering the drains. Once installed the flapgates shall be maintained by the consent holder in good working order.
- 12.3 Within 6 months of the commencement of this consent, the consent holder shall, subject to obtaining the written consent of the landowner, apply herbicide for a maximum width of 2.0m to the landward side of beaches at Hinehopu and Ruato Bay with the objective of widening the beaches. There shall be no direct discharge of herbicide to Lake Rotoiti and the consent holder shall remove any dead vegetation resulting from the application of the



herbicide. The application of herbicide shall occur at least annually thereafter, for the duration of this consent.

### **13. FLUSHING – OHAU CHANNEL**

- 13.1 Subject to condition 13.5, flushing of the Ohau Channel shall be carried out once a year between 1 May and 30 September as provided for and subject to the distribution in condition 7.4(b)(i)(a) and subject to condition 7.4(i). Flushing shall be undertaken by controlling Lake Rotoiti levels to fall to a level of RL 279.00m and be held at that level until rainfall allows a return to RL 279.10m.
- 13.2 The consent holder shall arrange monitoring, at appropriate location and intervals (to be determined following consultation with Fish and Game New Zealand and the consent authority), of the flow velocity in the Ohau Channel between 1 May and 30 June and again between 1 October and 30 November for each year for the duration of this consent. The purpose of this monitoring is to determine any effects of the flush on the velocities within the Ohau Channel.
- 13.3 The consent holder shall provide the results of the monitoring required by condition 13.2 to the consent authority, Fish and Game New Zealand and the Ohau ki Rotoiti Kaitiaki Group by 31 October each year for the duration of this consent.
- 13.4 Prior to carrying out any flushing of the Ohau Channel, the consent holder shall give a minimum of 48 hours' notice to the public of their intention to carry out the flushing, the expected duration of the flush and the anticipated levels of Lake Rotoiti during the flush. Such notice shall be given in accordance with the methods set out in the Operational Management Plan referred to in Condition 7.1 of this consent.
- 13.5 Flushing shall not occur if a warning has been issued by the Medical Officer of Health in relation to cyanobacteria levels for Lake Rotorua, Lake Rotoiti or the Kaituna River in accordance with the Ministry for the Environment Interim New Zealand Guidelines for Cyanobacteria in Recreational Fresh Waters.

### **14. HINEHOPU INVESTIGATION**

- 14.1 Within 3 months of the commencement of this consent, groundwater monitoring shall be undertaken in Tamatea Street, Hinehopu. Groundwater monitoring shall:
  - a. Be carried out for a minimum period of 12 months. Following this period of groundwater monitoring, the monitoring results shall be analysed by the consent holder and submitted to the Chief Executive of the Bay of Plenty Regional Council, or delegate. If it is determined by the Chief Executive





of the Bay of Plenty Regional Council, or delegate, that the results do not represent typical years in terms of regional climate and the range of recorded lake levels, then monitoring shall continue for a further year.

- b. Groundwater monitoring shall be carried out using 15-minute interval automatic groundwater recorders at 48 Tamatea Street, Hinehopu as specified in Section 5.7 of the '*Preliminary Groundwater Study of Tamatea Street, Hinehopu, Lake Rotoiti*' prepared by Robbin Britton and dated November 2010.
  - c. The consent holder shall monitor the groundwater levels to an accuracy of +/- 20mm. Levels shall be relative to Moturiki datum and the Rotorua Fundamental Benchmark.
- 14.2 The consent holder shall prepare a report on the results of the groundwater monitoring by a suitably qualified and independent expert in the field of groundwater analysis. The report shall, at a minimum, include the following information:
- a. A map showing the locations of groundwater monitoring;
  - b. A record of the groundwater levels and relative lake levels;
  - c. An analysis of the correlation between the lake levels and groundwater.
- 14.3 If the report concludes that there is a correlation between the levels of the lake and the groundwater levels at Hinehopu, then within six months of the completion of the report the consent holder shall develop a recommended programme of works designed to mitigate any adverse effects of the elevated lake levels on the use and enjoyment of the dwellings in Tamatea Street, Hinehopu. The recommended programme of mitigation works shall be developed in consultation with the RTALOG, the Ohau ki Rotoiti Kaitiaki Group and affected landowners. The recommended programme of mitigation works shall be submitted to the Chief Executive of the Bay of Plenty Regional Council, or delegate.
- 14.4 The consent holder shall thereafter implement the recommended programme of mitigation works, subject only to the need to gain any necessary further resource consents for the works and any timing constraints occasioned by Local Government Act funding obligations.

## 15. ANNUAL REPORTING

- 15.1 By 31 August each year for the term of this consent the consent holder shall provide a report to the Chief Executive of the Bay of Plenty Regional Council or delegate, the Rotorua Te Arawa Lakes Operational Liaison Group and the Ohau ki Rotoiti Kaitiaki Group setting out:



- a. the actual distribution of lake levels compared to the target distribution;
- b. the actual flows rates of the Okere Gates compared to the minimum flow rates;
- c. any difficulties experienced by the consent holder in achieving the target lake level ranges and minimum Okere Gate flow rates;
- d. a summary of any consultation undertaken with stakeholders in accordance with Conditions 9, 10, 11 and 14 of this consent;
- e. a summary of any investigations undertaken as a result of complaints about the adverse effects of lake levels;
- f. methods for how any difficulties in achieving target lake level ranges and Okere Gate minimum flows have and will be resolved and how any complaints about the adverse effects of lake levels have been responded to; and
- g. methods proposed to resolve any issues that may have arisen including operational difficulties, water quality, and extreme weather events, and any changes required to the Operation Management Plan

## **16. ACCESS**

- 16.1 The consent holder shall maintain foot access across the Okere Gates control structure.

## **17. REVIEW**

- 17.1 The Bay of Plenty Regional Council may, annually in the month of September, serve notice of its intention to review any conditions of this consent under s.128 of the Resource Management Act 1991 for purposes of dealing with any adverse effect on the environment which may arise from the exercise of the consent and which is appropriate to deal with at a later stage.

- 17.2 The purposes of this review may include, but are not be limited to:

- a. To modify the lake level regime or minimum flows specified in condition 7.4 of this consent;
- b. To modify any required monitoring/reporting and/or specify additional monitoring/reporting and/or change the monitoring/reporting frequency required to address any identified adverse effects;
- c. To assess, and if necessary to resolve, any identified adverse effects arising as a result of the exercise of this consent.



### **Cultural Management Plan review**

- 17.3 The Bay of Plenty Regional Council may, within 3 months of receiving the Rotoiti Cultural Management Plan in accordance with Conditions 9.11 or 9.13 or the Kaituna Cultural Management Plan in accordance with Conditions 10.11 or 10.13 or receiving a written request from the Ohau ki Rotoiti Kaitiaki Group or the Okere ki Kaituna Kaitiaki Group, serve notice of its intention to review any conditions of this consent under s.128 of the Resource Management Act 1991 for the purposes of dealing with any adverse environmental or cultural effects on the environment identified in the Rotoiti Cultural Management Plan or Kaituna Cultural Management Plan.
- 17.4 In deciding whether to exercise its discretion under condition 17.3 the Bay of Plenty Regional Council shall have particular regard to the recommendations contained in the Rotoiti Cultural Management Plan and / or the Kaituna Cultural Management Plan as the case may be.
- 17.5 The purposes of any review under condition 17.3, which may be the same or separate reviews at the consent authority's discretion, may include, but are not limited to:
- a. Implementing any of the recommendations contained in the Rotoiti Cultural Management Plan and / or the Kaituna Cultural Management Plan;
  - b. The matters listed in Condition 16.2 (a)-(c).
- 17.6 For the avoidance of doubt, any review pursuant to Condition 16.3 may impose further or additional review conditions for the purpose of ensuring the adequacy of the conditions in avoiding, remedying or mitigating the cultural and spiritual effects of the activities authorised by this consent and to amend the conditions or add further conditions if necessary.

### **18. TERM OF CONSENT**

- 18.1 This consent shall expire 35 years from the date this consent was granted.

#### Advice Notes

1. *The Chief Executive of the Regional Council or delegate as referred to in this consent is the person responsible for monitoring and enforcing compliance with the conditions of this consent.*
2. *Any notification or reporting required to be made to the Chief Executive of the Regional Council or delegate under this consent shall be e-mailed to [notify@envbop.govt.nz](mailto:notify@envbop.govt.nz).*
3. *This consent does not authorise the holder to modify or disturb any archaeological or historic sites within the area affected by this consent.*



*Should any artifacts, bones or any other sites of archaeological or cultural significance be discovered within the area affected by this operation, written authorisation should be obtained from the Historic Places Trust before any damage, modification or destruction is undertaken.*

- 4. The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*
- 5. The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.*
- 6. The works described in Condition 12.2 shall be undertaken in accordance with the consent holder's existing streamcare consent 64684.*
- 7. The works described in Condition 12.3 shall be undertaken as a permitted activity in accordance with Rules 21(e) and (f) of the Bay of Plenty Regional Water and Land Plan.*
- 8. Tapuika Iwi Authority, which has the right to representation on the Okere ki Kaituna Kaitiaki Group and Operational Liaison Groups referred to in conditions 10 and 11, is in negotiations with the Crown in relation to its Treaty of Waitangi Claim concerning interests in the Kaituna River. Any outcome of those negotiations may contain provisions which affect this consent.*



## SCHEDULE 1

### Kaitiaki Groups

<b><i>Ohau Ki Rotoiti Kaitiaki Group</i></b>	<b><i>Okere Ki Kaituna Kaitiaki Group</i></b>
<p>Structure: Okere Gates (Consent 65979 – refer condition 9) Ohau Weir (Consent 65980 – refer condition 10)</p> <p>Related water bodies: Lake Rotoiti, Lake Rotorua and the Ōhau Channel</p> <p>Membership:</p> <ol style="list-style-type: none"> <li>a. Ngāti Pikiao</li> <li>b. Te Arawa Lakes Trust; and</li> <li>c. Other relevant Tangata Whenua having an interest in Lake Rotoiti, Lake Rotorua and the Ōhau Channel for the purposes of s.6(e) of the Resource Management Act 1991 with respect to this consent.</li> </ol>	<p>Structure: Okere Gates (Consent 65979 – refer condition 10)</p> <p>Related water bodies: Kaituna River</p> <p>Membership:</p> <ol style="list-style-type: none"> <li>a. Tapuika</li> <li>b. Te Arawa Lakes Trust; and</li> <li>d. Other relevant Tangata Whenua having an interest in the Kaituna River for the purposes of s.6(e) of the Resource Management Act 1991 with respect to this consent.</li> </ol>

In addition to the iwi groups specified for each Kaitiaki Group above, other relevant Tangata Whenua membership for each separate Kaitiaki Group will come from the following list of iwi groups that may have an interest in the area of the consent structure and related water bodies.

The composition of each Kaitiaki Group will be determined by the iwi groups based on their interest in the area of the consent structure and related water bodies within the respective rohe.

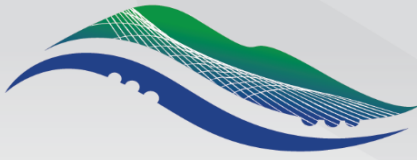
### Other Tangata Whenua Groups that may have an interest in relation to each of the above Kaitiaki groups:

- Ngāti Rangiwewehi
- Ngāti Rangiteaorere
- Ngāti Uenukukopako
- Tūhourangi
- Waitaha a Hei
- Ngāti Whakaue (including Maketū)
- Ngāti Mākino
- Ngāti Whakahemo
- Te Pumautanga o Te Arawa



**14.2. Appendix 2 – Letters Received From Other Iwi/Hapu Groups**

- Te Arawa Lakes Trust
- Ngati Makino
- Ngati Whakaue
- Te Pamautanga o Te Arawa Trust
- Ngati Tunohopu



07 June 2016

To: Joseph Tahana via [ngatipikiao.taiao@gmail.com](mailto:ngatipikiao.taiao@gmail.com)

Tēnā koe,

The Ngāti Pikiao Cultural Management Plan has been circulated amongst the Board members and whilst our primary objective is to negotiate a Treaty Settlement with the Crown, we are often sought after for advice and feedback on other matters such as this.

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 Ngāti Whakaue ki Tai.

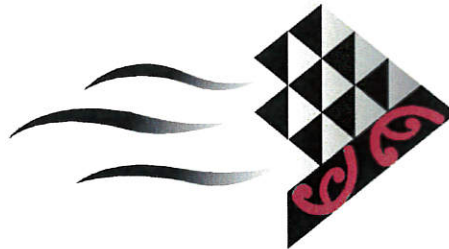
That said, I trust Ngāti Pikiao will ensure every endeavour will be made to ensure there is no negative impacts for Ngāti Whakaue ki Tai and dialogue will be opened to them should your engagement with Regional Council progress. You can contact Manu Pene or Maria Horne at Te Runanga o Ngāti Whakaue ki Maketu [runanga@actrix.co.nz](mailto:runanga@actrix.co.nz) for communications.

We hope this provides constructive feedback for your kaupapa.

Noho ora mai ra,

Nga mihi

Pauline Tangohau  
Chair  
Te Komiti Nui o Ngāti Whakaue



10 June 2016

Vicki Morrison-Shaw

Senior Associate

Atkins Holmes Majurey Ltd

PO Box 1585

AUCKLAND 1140

## TE ARAWA LAKES TRUST

Tenā koe Vicki

### CULTURAL MANAGEMENT PLAN – OKERE GATES AND OHAU WEIR

Thank you for providing us with a copy of the cultural management plan that the Ohau ki Rotoiti Kaitiaki Forum commissioned for the Okere Gates and Ohau Weir resource consents.

We are writing to confirm that we:

- Have reviewed the cultural management plan;
- Understand that Ngāti Pikiao have lost beaches and access to wāhi tapu, experienced erosion and flooding, and suffered other impacts to their cultural and spiritual well-being as a result of the installation and operation of the Okere Gates and Ohau Weir;
- Acknowledge that Ngāti Pikiao has sought the return of natural fluctuating lake levels for Lake Rotoiti;
- Tautoko and endorse the cultural management plan and the recommendations sought in that plan including the return to natural fluctuation levels.

While we note that there are on-going discussions with some Iwi/Hapu regarding possible mana whenua interests, we confirm that we agree with the request in section 8.3 of the plan to amend the conditions to remove reference to other tāngata whenua groups in relation to Okere.

Naku noa, na

Roku Mihinui  
Tumu Rautaki Taiao  
Te Arawa Lakes Trust



8 June 2016

Ngati Pikiao Environmental Society Incorporated  
9 Tudor Place  
Koutu  
**ROTORUA 3010**

Attention: Fred Whata Senior

Tena koe Fred

**RE: CULTURAL MANAGEMENT PLAN – OKERE GATES AND OHAU WEIR**

Thank you for providing a copy of the above plan.

With the greatest respect the purposes of Te Pumautanga o Te Arawa Trust is to give effect to Affiliate Te Arawa Iwi & Hapu Settlement Act, that provides administration and holding of the Trust Fund and strategic governance over the Corporate Entities so as to manage prudently the affairs, business activities, assets and liabilities of Te Pumautanga o Te Arawa Trust.

Te Pumautanga o Te Arawa Trust Deed does not empower the trustees to take on a representational role for the Affiliates in respect of matters which do not arise out of the settlement redress and the implementation of that settlement.

We have therefore provided copies of documentation to all eleven Te Pumautanga Affiliates/hapu for their consideration.

Yours sincerely



Wally Tangohau  
General Manager

Maru Tapsell, on behalf of Ngati Tunohopu Iwi Claimants  
465 Matapihi Rd  
Matapihi RD 5  
TAURANGA  
Phone: (07) 5770112

21.06.2016

Ngati Pikiaro Environmental Society  
Rotorua.  
Attention Mr Joe Tahana.

Tena koe Joe.

**Ref: Cultural Management Plan – Okere Gates and Ohau Weir**

Ngati Tunohopu are WAI claimants with interests in Rotorua and Maketu and Ongatoro Maketu Estuary.

I can confirm Ngati Tunohopu's support for the above plan. We wish to be kept informed of its progress.

Naku noa,

Maru Tapsell.