

Cultural Impact Assessment

Pokuru 1B – Former Tokanui Hospital Campus



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CIA Wānanga attendees



DOCUMENT QUALITY ASSURANCE

This report was prepared by:	Kaawhia Te Muraahi <i>Project Consultant</i>	Kaawhia is of Ngāti Ngutu / Ngāti Manga / Ngāti Paretekawa / Ngāti Maniapoto descent. He has a long history in health planning and funding. He has a Post Graduate Diploma in Management and a Masters Degree in Business Administration from the Centre for Executive Education, Te Raupapa School of Management, Waikato University. Kaawhia was born and raised at Te Mawhai and lived most of his childhood until he was seventeen at Mangatoatoa Marae, just down the Road from Tokanui Hospital. Kaawhia specialises in organisational performance and transformational leadership. He is active in the Māori Heritage and provides strategic advice to several large Māori organisations.
	Maria Maniapoto <i>Researcher</i>	Maria is of Ngāti Paretekawa and Ngai Tūhoe descent. She has a Diploma of Māori Studies, Bachelor of Arts degree, and Masters of Education degree from Victoria University of Wellington. Maria is an independent researcher with research experience in Health and Māori Education. She has published in these fields including works published by Oxford Press. She has also contributed to several published research reports. Maria is currently pursuing a Ph.D. at the University of Waikato; her thesis will be focussed on her hapū Ngāti Paretekawa: A synthesis of historical and contemporary narratives.
Approved by TAR Block Ltd. (TAR)		
TAR Block Ltd. (Chair)	Robert Te Huia	
Project Manager:	John Halling	
Project Consultant:	Kaawhia Te Muraahi	
Researcher	Maria Maniapoto	
Approval date	15 December 2021	Amendments to Final Draft Endorsed by TAR
Final Report	19 December 2021	Lodged with LINZ 20/12/21

TOKANUI ACTION RŌPŪ

The Tokanui Action Rōpū (TAR) was formed in August 2019. TAR's purpose is to act as a strategic and advisory body for the claimants and landowners of WAI 440.

TAR Block Limited is the legal body of TAR and was incorporated on 1 September 2020. TAR BLOCK Ltd. was incorporated under the Companies Act. 1993. TAR BLOCK Ltd. The was formed so that it could enter into a contractual agreement with LINZ to prepare the CIA report.

Table 1 TAR Members

<i>Robert Te Huia</i>	<i>Chair (TAR), Director (TAR BLOCK Ltd.) - Kaumatua/Ngāti Paretekawa</i>
<i>John Halling</i>	Director (TAR BLOCK Ltd.), Project Manager (LINZ-TAR Contract), Kaiputēa (TAR)
<i>June Elliot</i>	Kaumatua/Ngāti Ngutu/Ngāti Paia
<i>Tuhiao Halling</i>	Ngāti Paretekawa/Administration Assistant
<i>Gordon Thomson</i>	Ngāti Paia
<i>Samuel Roa</i>	Ngāti Rahurahu
<i>Niketi Toataua</i>	Ngāti Rahurahu
<i>John Thomson</i>	Ngāti Paia
<i>Maria Maniapoto</i>	Ngāti Paretekawa
<i>Kelly Johnson</i>	Ngāti Paretekawa
<i>Kaye Te Huia-Crean</i>	Ngāti Paretekawa
<i>Barney Manaia</i>	Wharepūhanga/Paretekawa

USE AND RELIANCE

This CIA report has been prepared for the client Toitū te Whenua/Land Information New Zealand (LINZ) (the Client) by Kaawhia Te Muraani and Maria Maniapoto on behalf of TAR BLOCK Ltd. Any use or reliance by a third party is at that party's own risk. Where information has been supplied by the Client or obtained from other external sources, it has been assumed that it is accurate, without independent verification, unless otherwise indicated. No liability or responsibility is accepted by the authors for any errors or omissions to the extent that they arise from inaccurate information provided by the Client or any external source.

DISCLAIMER

This report is not an authoritative nor full nor complete historical narrative of tangata whenua of the Pokuru/Tokanui area. This disclaimer shall apply to any resource management applications.

ENDORSEMENT

This report was endorsed by way of a motion moved and seconded, accepted at a TAR hui held at 1840 Rewi Street, Te Awamutu on the 15th day of October 2021. A copy of the recorded minutes of the meeting is attached to Appendix 1. TAR Endorsement.

Table 2 Report Revision Schedule

REVISION NO.	SECTION	DESCRIPTION	REVEIWD BY	DATE APPROVED	Approved by TAR
V.1	1.0-5.0	First draft for client sections 1.0-5.0	TAR Exec.	13/10/21	✓
V.1	6.0-9.0	First draft for client sections 6.0-9.0	TAR Exec.	15/10/21	✓
V.1	All	Final draft for client	TAR Exec.	15/10/21	Amendments recommended
V.2	6.0	Amendments to section 6.0 made as requested by client.	TAR Exec.	15/10/21	✓
V.2	Final Draft V.2	Draft for TAR completeness check	TAR Exec.	15/10/21	✓
2	Final Draft V.2	Final draft V.2 submitted	TAR Exec.	15/10/21	✓
1	Final Report	CIA Amendments to Final Draft V.2 made as requested by client.	TAR Exec.	13/12/21	✓
		Final report submitted	TAR Exec.	17/12/21	✓

INTELLECTUAL PROPERTY.

The cultural information in this Cultural Impact Assessment report is the intellectual property of Ngāti Paia, Ngāti Ngutu and Ngāti Paretekawa whānui and the Tokanui Action Roopu (TAR BLOCK Ltd.). Cultural information in this report, therefore, is to be used only for the project design for the former Tokanui hospital site remediation and demolition project including all associated resource consent applications. Use of this report by the requiring authority or any other party in any other circumstances (e.g. subsequent resource consent applications for other projects) shall be with the written approval of TAR.

ACKNOWLEDGEMENTS

This report could not have been written without the whānau who attended the CIA wananga, who gave their time to share their narrative and give their endorsements on behalf of their whanau/hapū and marae. A special thanks to TAR BLOCK Ltd. Executives who shared their critical views about the site, the history of the whenua, and for the time they gave to review the draft reports. Finally, thanks to the support of co-writer and researcher Maria Maniapoto, who assisted in preparing this report. I would like to extend my appreciation for their valuable contributions.

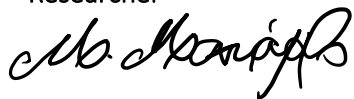
He mihi whakamutunga ki a tātou kaumatua, mō o rātou mātauranga o mua, me o rātou pūkenga hei ārahi i a tātou.

E te whanau, ka tuku te mihi atu ki a koutou.

Kaawhia Te Muraahi
Ngaati Ngutu - Ngaati Manga - Ngaati Paretekawa
Project Consultant



Maria Maniapoto
Ngāti Paretekawa/Ngai Tūhoe
Researcher



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1.0 EXECUTIVE SUMMARY

LINZ manages and maintains properties in the Treaty Settlements Landbank. One of the properties in the LINZ Landbank portfolio includes the former Tokanui Psychiatric Hospital (the Site), located approximately 14 kilometres southeast of Te Awamutu, Waikato. The Site is recognised in the Maniapoto Deed of Settlement as a deferred selection redress property. The Site requires significant remediation work to return it to a state where it can be purchased by Maniapoto through its Treaty Settlement.

This Cultural Impact Assessment (CIA) report has been prepared for Land Information New Zealand/ Toitū Te Whenua (LINZ) on behalf of the Tokanui Action Rōpū (TAR BLOCK Ltd.). This CIA report will inform LINZ decision-making as part of the remediation and demolition of the former Tokanui hospital, it is also required to support Resource Consent applications. As such, a key focus of the CIA is to capture and understand the cultural significance of the Site and to provide LINZ with mitigation measures for consideration to avoid and remedy any adverse effects to these cultural values and the impact of demolition and remediation activities from a holistic cultural perspective. Cabinet has approved a level of funding for the remediation of the Tokanui Hospital site to a rural residential land standard to enable the inclusion of this site as redress for settlement.

LINZ have presented several remediation options to Tangata Whenua to restore the land. The remediation options have been carefully considered by Tangata Whenua who are adamant that there is only one option that will meet both environmental and cultural standards. That is, Option 2: Complete Site Remediation to rural residential land use with waste disposed offsite.

Resource Consent requirements will need to be met in order to undertake remediation work on Site. As such, consideration must be given to Tangata Whenua who are accorded special recognition and rights under the Resource Management Act 1991 (RMA) and other environmental legislation.

Tangata Whenua have raised a number of concerns which could potentially impact on their cultural values with regard to remediation option 2. The key concerns have been raised in section 6.0 Cultural and Historical Narratives, with recommendations to mitigate potential risks in section 9.0 Tangata Whenua aspirations.

Tangata whenua are committed to ensuring that the remediation work complies with environmental and cultural standards as they firmly believe that their land should be returned to them cleared of hazardous harmful materials and waste. Tangata whenua are willing to work with Local Government, LINZ and other stakeholders to ensure that this happens. It has been highlighted throughout the Cultural impact assessment that there is a strong desire for the return of the whenua to the original owners.

Key findings include:

- The former Tokanui Hospital site is of high cultural significance to tangata whenua.
- Tangata Whenua does not refer to the interests of Iwi or Māori generally, but to an identifiable subset of hapū, those with traditional and customary authority over the former hospital site Pokuru 1B and the surrounding geographical area. These hapū include: Ngāti Ngutu, Ngāti Huiao, Ngāti Paia, and Ngāti Paretekawa.
- The effects of land loss (whenua raupatu) forced displacement on Tangata Whenua who became refugees on their own land.
- While the hospital was in operation, some whanau benefited from employment and access to social services however, these benefits were short lived and minimal compared to the overall detrimental effects on Tangata Whenua.

- Tangata Whenua clearly understand their position of authority to control and manage their traditional areas and resources in relation to their customary and cultural practices.
- Due to the pollution of the water ways from the former Tokanui hospital, flora, fauna and kai, Tangata Whenua were denied their spiritual, cultural and physical nourishment, this has had long-lasting negative effects.
- Tangata Whenua are committed to developing a plan to ensure the restoration of the whenua is achieved in an environmentally and cultural sustainable way. The plan will incorporate both Te Ao Māori and Te Ao Pakeha world views and key relevant environmental laws, local Government legislation, principles of the Treaty of Waitangi and Iwi Environmental Plans that pertain to the remediation and demolition of the site. The framework will set out minimum acceptable standards regarding remediation planning and demolition work.

Key recommendations

- Tangata Whenua rights to protect their taonga are guaranteed as stated under Article 2. of the Treaty of Waitangi.
- Protect waipuna/freshwater springs that may be discovered during remediation by employing appropriate measures to be considered in conjunction with Tangata Whenua.
- Prior to works commencing in the project area, Tangata Whenua shall identify those trees that will remain standing and those which will may be felled if required. Protocols be established for the removal of any Tūpuna trees and Rakau mauri.
- Regard be given to the specific provisions in the Heritage New Zealand Pouhere Taonga Act (2014) and the Protected Objects Act (2006) to protect waahi tapu, significant cultural sites and taonga.
- A robust Accidental Discovery Protocol (ADP) be developed and adopted for the duration of construction work. The ADP must be well understood by all stakeholders.
- Site management protocols be developed to ensure a precautionary approach to site works to manage the potential for waahi tapu and taonga tuku iho discovery.
- The adverse effects of resource use and activity operations are managed so as to appropriately protect areas and sites of significance.
- That LINZ work in good faith with Tangata Whenua and escalate the relationship to a formal partnership reflecting Te Tiriti o Waitangi principles as part of project preplanning phase, and to ensure Tangata Whenua are actively involved in key project planning, contracting and cultural monitoring roles and decision processes.
- Include Tangata Whenua in the implementation of the recommendations outlined in this report.
- Cultural Monitors/Kaitiaki be appointed for the project to manage and monitor cultural safety protocols¹

¹ The role of Cultural Managers and Monitors is to oversee any activities related to cultural impacts during demolition. These are advisory roles.

2.0 CULTURAL IMPACT ASSESSMENT

2.1 INTRODUCTION

This Cultural Impact Assessment documents the cultural values, interests and associations with the Pokuru 1B (and nearby Tokanui) whenua and the potential environmental and cultural impacts of any proposed activity on the whenua that will be undertaken as part of the remediation and demolition of the former Tokanui Hospital (Site).

The Site has been identified as being a potential parcel of land to be returned to local Iwi through the Treaty of Waitangi settlement process. For the purposes of this report, we have assumed the Site will be returned to Iwi in a state suitable for future rural residential purposes. In order to meet this land use requirement existing buildings and structures at the Site are required to be demolished and the land remediated as per the conditions set out in the Maniapoto Deed of Settlement Commercial Property redress.

2.2 REPORT SCOPE

Phase 1 – Preliminaries

- Discuss and reaffirm tangata whenua aspirations for whenua as prescribed by TAR to understand the alignment with the Ko Ta Maniapoto Mahere Taiao Environmental Management Plan;
- confirm the process of gathering information via three wānanga to capture and articulate the significance of the Site, including waterways, sites of significance and waahi taonga; and
- Where appropriate identifying environmental and cultural goals, aspirations and future vision, focused on the future potential for restoring the mauri of the Site/whenua and local environment for future use by tangata whenua as indicated/prescribed within the Treaty of Waitangi claim/process, Deed of Settlement as it relates to the three proposed remediation options outlined by LINZ.

Phase 2 – Cultural Research and Consultation

2.1 Wānanga Workshops

Three wānanga workshops will be organised with TAR (kaumatua/tangata whenua), facilitated by the Approved Sub-contractor, to document and record the spiritual, cultural and environmental significance of the Site and, where appropriate to assist LINZ in considering remediation options for the Site, identify potential future opportunities to restore, remediate, and protect the Site in a holistic manner for future use. For the avoidance of doubt, LINZ is not responsible for decisions or actions relating to future use but may take this into account this when considering remediation options.

The wānanga and subsequent research will focus on identifying specific significant cultural heritage values for the Site related to:

- Cultural sites to the north east of the site: CH12 (Urupā) and CH33 (Mangatoatoa Paa) and "Rewatu Urupā";
- Archaeological sites to the north east of the Site: S15/182 (Paa/ Urupā) and S15/248 (Pa); and
- Significant natural area, namely Te Mawhai Road willow wetland.

The wānanga will include conversations around:

- Seeking direction from tangata whenua on how to approach culturally significant considerations in a manner that aligns to their tikanga and kawa;

- Identification of private family manuscripts which could inform the mahi;
- Identification of possible/probable sections of the CIA; and
- Progress reporting methods.

2.2 Literature Review

This phase will also include a broad public and private literature review including interpreting technical & cultural information and assess their relevance against relevant guiding docs e.g. EMPs (Maniapoto, Waikato-Tainui etc), TOW (Past settlements, Current), RMA (Ancestral lands, Waters, Forests, Waahi Tapu, Significant sites, Historic heritage, Other taonga etc.), Kaitiakitanga, Kingitanga, Archaeology, Hydrology, 3 waters.

In addition to this, a technical review and assessment of feasibility and environmental effects on the following will also be undertaken:

- Tokanui Hospital Detailed Site Investigations;
- Tokanui Hospital site remediation onsite land disposal feasibility study prepared by AECOM New Zealand Limited;
- Tokanui Hospital site remediation detailed options assessment prepared by AECOM New Zealand Limited; and
- Asbestos Survey Site Data Collection.

Site visit(s) to help understand the extent of lands and areas impacted by the project remediation options, will be incorporated in the consultation programme.

Phase 3: Preparation of Cultural Impact Assessment Report

CIA development focussing on documenting the technical and cultural information gathered in the wānanga/consultation/research process (Phase 2), with the focus being to avoid, remedy and mitigate adverse cultural impacts as a result of demolition and remediation activities. This task will involve incorporating:

- Summary of background/research methodology;
- Summary of hui and wānanga;
- Technical review;
- Site assessment (maps); and
- Mana whenua cultural and environmental recommendations.

At the completion of this phase, a draft CIA report must be provided to LINZ.

Phase 4: Confirm CIA results with TAR

Draft CIA report presented by the Approved Sub-contractor at a hui with TAR to seek:

- Confirmation of findings;
- Confirm mana whenua recommendations for measure to avoid, remedy or mitigate adverse effects; and,
- Identify 'best fit' between the remediation options and the future use of whenua (the Site).

At the completion of this phase, a briefing paper is to be produced capturing TAR's response to the issues identified above and a separate document identifying the 'best fit'. The identification of the 'best fit' is to remain a separate document not within the final CIA.

Phase 5: Present final report to LINZ

Final CIA report presented to LINZ by the Approved Sub-contractor and TAR at a hui with the aim to:

- Clarify and discuss its resolutions, recommendations and mitigations; and
- Clarify and discuss their implications going forward.

2.3 PURPOSE

This CIA report has been commissioned by Land Information New Zealand (LINZ) to develop a Cultural Impact Assessment (CIA) capturing the Site. A key focus of the CIA is to capture and understand the cultural significance of the Site and to provide options to avoid, remedy, and/or mitigate the impact of demolition and remediation activities from a holistic cultural perspective. It is intended that this CIA will assist with the resource consent application process to meet statutory obligations in the following ways:

- Preparation of an Assessment of Environmental Effects (AEE) in accordance with s88(2)(b) and Schedule 4 of the Resource Management Act 1991 ('the RMA');
- Requests for further information under s92 of the RMA in order to assess the application
- Providing information to assist the council in determining notification status under ss95 to 95F of the RMA;
- Providing information to enable appropriate consideration of the relevant Part 2 matters when making a decision on an application for resource consent under s104 of the RMA;
- Consideration of appropriate conditions of resource consent under s108 of the RMA.

This cultural impact assessment report aims to:

- Identify Tangata Whenua² values, issues, and concerns regarding potential adverse impacts on cultural values relating to the three proposed remediation options as provided by the LINZ Tokanui Hospital Site Remediation and the effects that these options/activities may have on such values;
- Identify issues and opportunities to incorporate tangata whenua cultural values through an analysis of the statutory regulations and policies outlined in Iwi Environmental Management plans.
- Understand potential adverse effects on the cultural and environmental values in the application of future resource consent applications.
- Assist Tangata Whenua in developing recommendations for measures to avoid, remedy, or mitigate where practical, any adverse effects on Tangata Whenua values associated with the proposed three main remediation options proposed by LINZ at the Site.

2.4 REMEDIATION

LINZ are responsible for managing the work required to clear the Site. This CIA report is one part of the process that will assist resource consent applicants and local council to meet statutory obligations with any proposed remediation activities. LINZ will be required to complete works as detailed in the Maniapoto Deed of settlement, to enable a decision as to a deferred selection property. Remediation works are in order to get the land back to rural residential use standards which includes removing the buildings and remediating any contaminated land.

² For the purpose of this CIA report, the term Tangata Whenua refers to the hapū of Ngāti Ngutu, Ngāti Huiao, Ngāti Paia and Ngāti Paretakawa.

AECOM New Zealand Ltd. (AECOM) has been engaged by LINZ to provide remediation options reports. The first report³ was completed in October 2018, focussed on looking at site remediation options as part of a business case to understand the potential range of future costs associated with preparing the Site for a future Treaty settlement. The work was carried out through the review of existing site information and investigation work, and a site visit. The second report⁴ completed in April 2019, involved identifying if there were any areas onsite that would be suitable for the disposal of demolition waste materials. These reports will inform the planning and management of demolition activities to ensure that environmental laws, and other statutory regulations are adhered to.

Three primary options were developed to an appropriate level to describe the actions required to return the Site to rural residential land use. Variations to these options were also tested to further understand the cost implications of buildings, underground services and retaining existing dwellings. These options are:

1. Do-Minimum.

- a. Maintain the holdings on this land for an extended period of time.

2. Complete Site Remediation to rural residential land use with waste disposed offsite:

- a. This option involves removing all structures, services and contaminated material off the Site
- b. This option involves removing all vertical structures, and contaminated material off the Site but retaining some horizontal infrastructure.

3. Complete Site Remediation to rural residential land use with waste disposed onsite:

- a. Construction of a purpose-built disposal site at Tokanui Hospital to dispose of all structures, services and contaminated material
- b. Construction of a purpose-built disposal site at Tokanui Hospital to dispose of all structures, services and contaminated material but retaining some horizontal infrastructure⁵.

A significant component of this CIA is to identify Tangata Whenua values, issues and concerns regarding potential adverse impacts on cultural values relating to the three proposed remediation options outlined below. From Tangata Whenua perspective the ultimate goal is to remove all hazardous materials and waste from the site. The best fit remediation option to achieve this outcome is option 2. Options 1 and 3 were not considered appropriate at all. A separate briefing paper outlining the best fit option and why Tangata Whenua consider it to be the closest cultural and environmentally fit option has been submitted to LINZ as a separate document.

2.5 METHODOLOGY

A phased approach was applied in the preparation of this report.

Phase one began with a series of hui between TAR, LINZ, and the Project Consultant to identify and develop research protocols.

Phase two included:

- 1. Facilitating three CIA wananga, and

³ Tokanui Hospital Site Remediation; Options Description (2018)

⁴ Tokanui Hospital Site Remediation; Onsite Land Disposal Feasibility Study (2019)

⁵ Matthew Bradley, Toitū Te Whenua (LINZ), Presentation CIA Wananga, July 2021.

2. Conducting a qualitative literature review of:

- A technical review and assessment of feasibility and environmental effects on the site;
- Relevant legislation and statutory regulations;
- Review of whanau kōrero from Waitangi Tribunal reports and whanau manuscripts and gathering of authentic narratives from Tangata Whenua.

Three CIA wananga were held at the Te Awamutu Workingmen's Club on 29 May, 26 June, and 24 July 2021. Details of the wananga including advertisements and a list of wananga attendees is attached to Appendix 2 List of Wananga Attendees.

The wānanga were organised by the TAR and was facilitated by the Project Consultant. The purpose of these wananga was to:

- a. Document and record the spiritual, cultural, and environmental views of tangata whenua and the significance of these views to the Site and,
- b. Identify potential future opportunities to restore, remediate, and protect the Site in a holistic manner for future use.

The wananga included conversations about:

- Seeking direction from Tangata Whenua on how to approach culturally significant considerations in a manner that aligns to their tikanga and kawa;
- Identification of private family manuscripts which could inform the mahi; and
- Identification of possible/probable sections of the CIA.

Kōrero from the three wananga was collated and themed then added in descriptive form into various sections of the CIA report. A summary of each wananga is attached to Appendix 3 Summary of CIA Wananga 1-2.

Issues of significance to Tangata Whenua regarding the remediation and demolition of the Site will need to be addressed through formal relationships with LINZ, the local Council, Iwi, and other stakeholders. These issues are discussed further in Section 6.0: Cultural and Historical Narrative, of this report. The reader should be aware that despite efforts to include as many whanau in the wananga, several whanau were not able to attend as other Maniapoto deed of settlement ratification hui were also held at the same time.

A literature review was undertaken as part of the CIA. The purpose of the literature review was to review the relevant legislation, Iwi management plans and local council plans and policies and assess their relevance to matters consistent with the Tangata Whenua social and cultural values. It outlines the key statutory matters which are relevant to remedial activities on the site. Tangata Whenua responses to matters contained within the relevant legislation, Local Government and Iwi Environmental Management Plans and policies.

TAR Executive Peer reviewed and approved all sections and drafts of this report through a series of face to face (and zoom hui during lockdown). Their wisdom and local knowledge provided huge value to the CIA report. Table 1. Revision Schedule.

2.6 KAUPAPA MĀORI APPROACH

Consultation with Tangata Whenua for this CIA was guided by a Kaupapa Māori research approach which in the context of this report means that research was carried out directly with Māori people

about Māori people, their culture, their histories and their contemporary realities. A *kaupapa* Māori approach was adopted as it gives central place to Māori world views, beliefs and attitudes and allows for the use of culturally appropriate research tools. Careful consideration was given to ensure that any analysis and interpretation of *kōrero* did not lead to a focus on deficit aspects of Māori culture or on the inability of Māori to deal with environmental problems. Kaupapa Māori research carried out with Māori, is conducted within its own cultural frameworks and incorporates its own concepts, knowledge, skills experience, attitudes, processes, practices, customs, languages, values, ethics, and beliefs. This structure supports the view that research involving Māori knowledge and people needs to be conducted in culturally appropriate ways that fit Māori cultural preferences, practices and aspirations.

2.7 REPORT STRUCTURE

The following sections of the CIA report are based on the cultural narratives provided by tangata whenua at three CIA wananga, identifying key tangata cultural values from reports and whanau manuscripts and an assessment and evaluation of technical reports.

Table 3 Report Structure

SECTION	HEADING	DESCRIPTION
1.	Executive Summary	
2.	Cultural Impact Assessment	An overview of the key components of the CIA report.
3.	Tokanui Psychiatric Hospital.	A brief history of the former Tokanui Psychiatric Hospital site and a current overview of the site. It also captures the stories of Tangata Whenua and the impacts that the former hospital has had on their lives, the whenua, and environment.
4.	The Legislative Framework.	This section predominantly explores legislation – the Resource Management Act (RMA) 1991 and the Local Government Act (LGA) 2002 – and places these within the contexts relating to the remediation and demolition of the former Tokanui hospital site. It also includes an analysis of related Iwi Management Plans (IMPs).
5.	Tangata Whenua	This section includes an historical overview capturing key events, places and tūpuna demonstrating the long-established connection Tangata Whenua have with the site and in the Waipā - Pūniu area.
6.	Cultural and Historical Narratives	This section provides an overview of the key cultural impacts on Tangata Whenua values regarding the proposed remediation options.
7.	Planning for the future	This section outlines a proposed whenua restoration framework developed by Tangata Whenua. It outlines Tangata Whenua aspirations, visions, goals, values and tikanga with regard to the remediation and restoration of their whenua.
8.	Recommendations	Key recommendations for LINZ consideration.
9.	Tangata Whenua Aspirations	An overview of Tangata Whenua aspirations for their land.

3.0 TOKANUI PSYCHIATRIC HOSPITAL

3.1 BACKGROUND

Tokanui Psychiatric Hospital was opened in July, 1912, the hospital was established in a single building on the edge of the existing campus. The site is part of 1,194 hectares of Māori land taken under the Public Works Act in 1910 for the Tokanui Hospital. Over the next 70 years the hospital campus would occupy the 80-acre Tokanui hospital farm block adjacent. In 1970, the area of land that was used by the hospital as a farm was transferred to AgResearch as a Crown Research Institute.

In 1936 the Hospital Board built a village for staff and their families, an additional 61 acres of the Tokanui 1B, 2B and 3B was taken to build the village⁶.

During the mid-1950's there were over one thousand patients living at the hospital. In 1974, the government decided no more buildings were to be erected in the large psychiatric hospitals, and small psychiatric wards began to be opened attached to general hospitals in urban areas. The hospital was self-sufficient in its early days, with its own farm, bakery, laundry, a sewing room where patients clothes were made and later a swimming pool was built.

A shift during the 1980's-1990's saw a worldwide movement to deinstitutionalise mental health care and by the 1990's the Waikato Health Board had started to set up residential community services for both intellectually disabled and mentally ill patients.

This movement saw the demise of psychiatric institutions in New Zealand, a move that many found impossible to believe as the hospital had been a major employer in the rural area, and provided jobs for entire families over generations. Eventually, the hospital was closed in March 1998. The site was land banked by the Office for Treaty Settlements after its closure.

According to Wayne Taitoko (1998)

"The Tokanui block was part of an investigation of title into what was referred to as the Rohe Potae block. Encompassing over one million acres, the land was the traditional domain of a number of the major iwi and hapu groupings of the North Island, including, Waikato, Ngāti Raukawa, Ngāti Maniapoto Ngāti Tuwharetoa, Taranaki and Whanganui. Throughout the latter part of the nineteenth century many claims were made to and heard by the Native Land Court in respect of these lands. One such investigation was a 10,205-acre block called Tokanui"

The Pokuru 1B site was part of 1,194 hectares of Māori land taken under the Public Works Act in 1910 for the Tokanui Psychiatric Hospital. This was the largest public works taking in the Ngāti Maniapoto rohe and was strongly opposed by Tangata Whenua. The Crown has acknowledged that acquisition of the land was a Treaty breach.

⁶ (Maniapoto, H. 2013)

Photo source: Tokanui Mental Hospital. Whites Aviation Ltd: Photographs. Ref:WA-60034-F. Alexander Turnbull Library, Wellington, New Zealand.



3.2 CURRENT STATE OF THE SITE

The site is located at Te Mawhai Road, Tokanui and occupies approximately 80 hectares of undulating prime land. It currently contains approximately 74 buildings of various former uses which were used as the psychiatric hospital and include wards, dentist, pharmacy, workshops, a laundry, kitchen, fuel station and boiler house, as well as a water and a waste water treatment plant, a swimming pool, eight substations, a network of underground services and substantial roading infrastructure. Many of the buildings remain intact, although the Nurses Home, G Ward, and H Ward have been demolished. The condition of the buildings is poor with multiple hazards, and has 24/7 security.

Some areas of the site are leased for pastoral farming and sub-let for residential accommodation. In summary the site consists of the following:

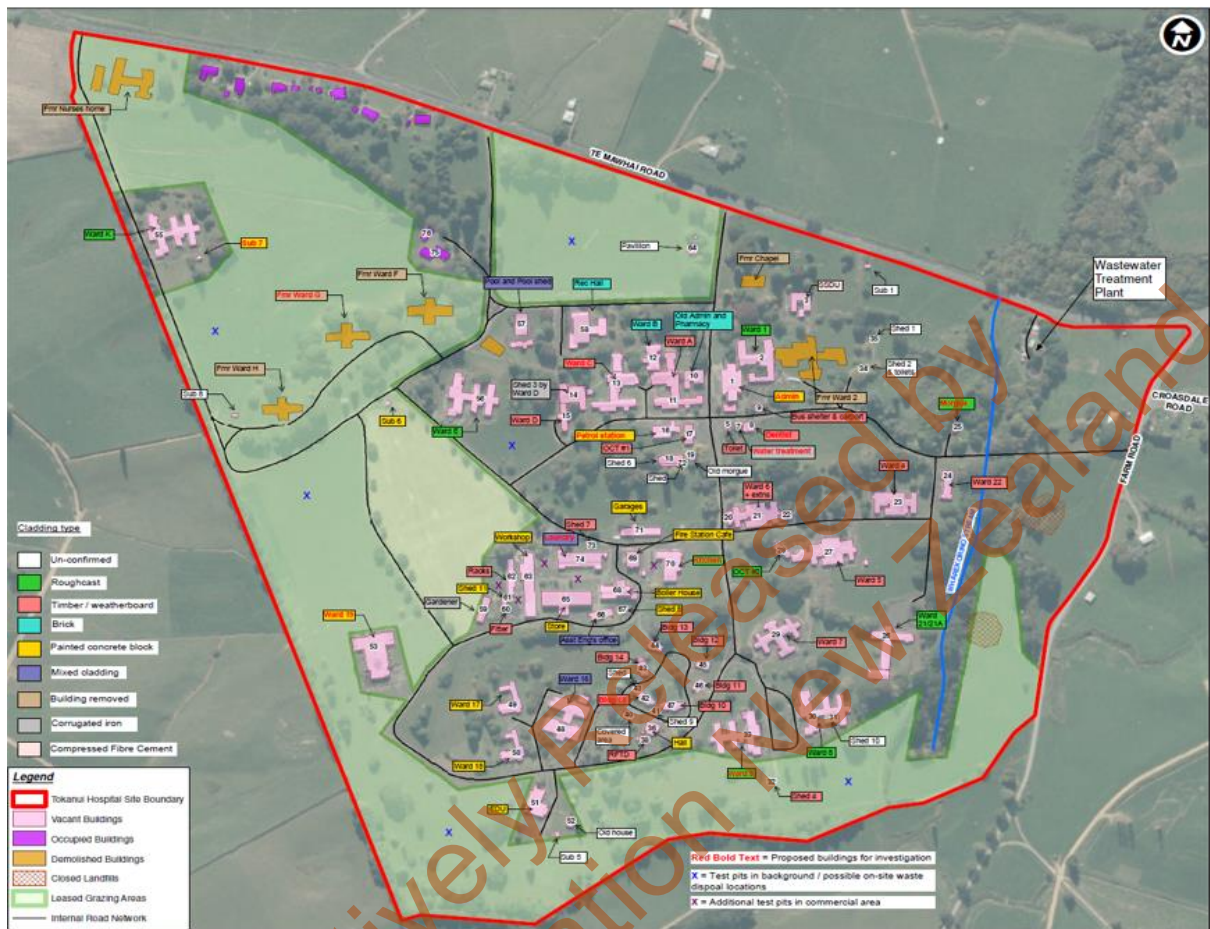
- 74 buildings – totalling 45,000m² / 4.5ha
- Eight substations
- A swimming pool
- Roading
- Underground utility networks
- A water and a wastewater treatment plant (WWTP).

The Wharekōrino Stream, located close to the eastern boundary flows though the site to the north to the Ruapahau Stream and into the Pūniu River which then flows into the Waipā River. Located 2.1 km to the north of the site is Mangatoatoa Paa. The Paa is located next to the convergence of the Pūniu River and Wharekōrino Stream and is accessed via a gravel road from Te Mawhai Road. AgResearch 'Tōkanui Dairy Research Farm' is located adjacent to the site and to the east is Farm Road, Tokanui hospital cemetery and memorial are also located within the Dairy Research Farm boundaries.

The wastewater treatment plant has undergone a significant upgrade to bring it up to modern standards to remove pollutants from domestic waste from the homes that are part of Tokanui village properties and industrial waste on site. The wastewater treatment program is also part of the hospital

remediation work. Map 1. Shows the location of buildings currently on site and the treatment plant showing the boundary line from Te Mawhai Road and the Wharekōrino Stream.

Map 1: Tokanui Hospital Site



Since its closure, the hospital site has remained mostly intact except some minor demolition of staff facilities. Over time the site has been subject to a range of unauthorised uses and anti-social activity including vandalism. Despite security measures there has been little maintenance and repairs on site, this has led to most of the existing structures damaged and dilapidated due to no longer being weather-tight.

A detailed site investigation conducted by AECOM in 2019, confirmed that the site has potential hazardous waste from building materials which remain on site, more test samples are required to confirm the presence of heavy metals in the soil (AECOM 2019).

3.3 THE RELATIONSHIP BETWEEN TOKANUI HOSPITAL AND TANGATA WHENUA

Participants at the CIA wananga shared their stories of growing up around the hospital and gaining employment as general staff or nurses aids, it was not until the late 1950's – early 1960's that Māori were employed as clinical staff. One kaumatua explained the 'state of *pohara*' amongst some of her whanau during the 1950's, and how they experienced great hardship (a consequence of *whenua raupatu* and colonisation). Employment at the hospital offered some reprieve to a few fortunate whānau, new houses were built for hospital and prison staff. Generally, life became a bit easier because of the hospital. There were testimonies from whanau who have no regrets about working at the hospital.

Several other participants mentioned fun stories of playing in and around the hospital, many whānau benefited materially from having whānau working at the hospital. These benefits included food, work contracts, etc., Ngāti Paretekawa kaumatua, Robert Te Huia (2018a) explained that:

Tokanui Hospital offered access to their farm properties for the purposes of seeking *kai* and *rongoa*. The social amenities were also made available. My daughter was married in the Hospital chapel. In a sense, after a while, the presence of the Hospital and the Prison became part of the landscape that we existed in. It was just part of our reality... As time went by our families would take jobs when vacancies became available (p. 52).

Another reality is that once the hospital closed all the special treatment ceased. The closure of the hospital signalled an end to an era. Changes meant that there would no longer be access to the land, people had to retrain and find other employment, the social benefits from the hospital such as access to the swimming pool, chapel and other services ceased.

The realisation that any wealth or benefits generated from employment at the hospital or other benefits received through association was short lived and about to end. Te Huia (2018b) explains:

With these changes the realisation by our people that the Crown never really respected our place in this area. It's a sad thing when you start to rely on something that exist as a result of your deprivation to the extent that you grieve its demise.

Although many whānau were employed by the hospital board, the wealth that they generated during that time only offered short term gains. Ultimately, whānau were paid from the proceeds of the loss of their land, *taonga*, rivers, food sources, tikanga, and much more. There were many stories during the CIA wananga about the positive impacts of the hospital. Such as, the store that sold the best lollies, the swimming pool, employment opportunities for non-clinical staff, careers in psychiatry, etc. But these stories masked another reality that those nice lollies probably caused tooth decay, children had to swim in the hospital pool because their river was polluted by the hospital, and after all the years since the hospital has closed, the land has still not returned to the original owners.

The following kōrero was provided by Ngāti Paia Kuia June Elliot:⁷

Mokoroa was the only name used from ancient times when referring to what is now known as Tokanui Hospital campus. There are not many who remember this name and its meaning other than some of the descendants of the original owners. This has been a "*Tino mamae rawa*" to Ngāti Paia. When a place-name is replaced, over time its history, importance, essence, memory is lost. In this case to be replaced by Tokanui Hospital "The place of the mad people, *waahi porangi*" where once it was "*waahi wairua*". Mokoroa was one of two swamps that were drained and filled to build the hospital, the name of the other swamp was Tarutuhi. Both of these swamps were located on the land where the hospital was built. The swamps were drained and filled to build the hospital.

Mokoroa is also another name for Taniwha. A kaitiaki in this case. It was and still is a very significant and special place for Ngāti Paia a place of healing, learning, reflection, *maara kai*. Kai from the swamps (tuna) and surrounding plants shrubs and trees, *rongoā*

"I still caught eels below the nurse's home at the hospital when the digger would come to clean the drains. They were plentiful and sweet and clean. I felt happy that I was catching tuna where my Tupuna

⁷ Extract from unpublished works, received September 2021. No content from this extract maybe published without permission from the author.

once had, but only a few tuna would be taken as was the tikanga to preserve *kai uri-tuna*, watercress was plentiful as well". My hope for the future is that Mokoroa is revived.

If the site is not remediated to a culturally and environmentally fit standard the impacts would be catastrophic for Tangata Whenua. The clean-up of the site would place a huge financial burden on Tangata Whenua which they are not in a position to manage on their own. Despite the deferred selection commercial redress property option there is no guarantee until the site is fully remediated that the whenua will be purchased and returned to its original owners. The intergenerational trauma of loss already experienced by Tangata whenua will be inherited by their mokopuna . Any potential residue which maybe hazardous contamination may continue to harm the environment rendering the whenua unable to sustain cultural life. The mauri of the whenua and the wai will not be restored unless the hazardous materials and waste are removed from the whenua. These are issues of great concern to Tangata whenua. The mauri of the whenua and the wai will not be restored unless the hazardous materials and waste are removed from the whenua.

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4.0 LITERATURE REVIEW

4.1 THE LEGISLATIVE FRAMEWORK

A literature review was conducted as part of the CIA report. The purpose of the literature review is to review the relevant legislation, Iwi management plans and local council plans and policies and assess their relevance to matters consistent with the Tangata Whenua social and cultural values. It outlines the key statutory matters which are relevant to remedial activities on the site. Tangata Whenua responses to matters contained within the relevant legislation, Local Government and Iwi Environmental Management Plans and policies is included in this report.

The process for preparing this literature review included:

1. A review of Treaty claims research and Waitangi Tribunal reports regarding the Pokuru 1B Block and Tokanui treaty claims.
2. A review of background information regarding the former Tokanui hospital.
3. A review of relevant environmental legislation and regulations.
4. A review of consultation reports and minutes.
5. A review of Iwi Environmental Management Plans.
6. A review of local council plans and environmental policies related to the RMA.
7. Hapū hui consultation with TAR members.

In a broader context, this literature review considers the historical and cultural context to provide a better understanding of the connections between cultural knowledge and local government plans, environmental plans and legislation such as te Tiriti o Waitanga and the Resource Management Act 1991 (RMA). In this way, it seeks to contextualise Tangata Whenua cultural knowledge and values against the ongoing issues of environmental resource management, governance, and the rights of Tangata Whenua rangatiratanga guaranteed to them under Article 2 of te Tiriti o Waitangi.

4.1.1 TE TIRITI O WAITANGI/ THE TREATY OF WAITANGI 1840

Tangata Whenua rights and responsibilities to protect their taonga is guaranteed under Article 2 of The Treaty of Waitangi:

“Ko te Kuini o Ingarani a wakarite ka wakaae ki nga Rangatira ki nga hapu ki nga tangata katoa o Nu Tirani te tino rangatiratanga o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona⁸.”

“Her majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their land and Estates Forests Fisheries and other properties which they may collectively or individually process so long as it is their wish and desire to maintain the same in their possession...”⁹”

⁸ (Ministry of Culture and Heritage, 2014)

⁹ (Ministry of Culture and Heritage, 2020)

Tangata Whenua hold kaitiaki responsibilities and obligations to ensure their taonga (and resources) are protected in accordance with their cultural standards. Tangata Whenua have never relinquished these rights and responsibilities.

The Treaty is the underlying foundation for the Crown and iwi/hapū relations with regard to resource management. The Treaty protects the values and interests of tangata whenua enabling them to exercise resource management under Article 2.

4.1.2 WAITANGI TRIBUNAL TREATY PRINCIPLES

Tangata Whenua are accorded special recognition and rights under the Resource Management Act 1991 (RMA) and other environmental legislation. Recently, there has been greater recognition for the need to engage with Māori values and concerns. Shaw (2021) recently states ‘the importance of the Treaty and the need to consider Treaty principles even where a statute makes no mention of the Treaty’, she goes on to say that most environmental statutes now include Treaty provisions.

In considering the appropriateness of any remedial or demolition activities, the Crown (or relevant decision makers) must consider if the activity is consistent with the principles of the Treaty and if not, how these activities have been considered.

The following principles have been discussed and agreed to by TAR. They cover the Crown's responsibilities for the active protection of Māori interests and partnership between Tangata Whenua and the Crown (including all its agencies) including participation in planning and decision making.

Principle 1: Recognitions and protection of tino rangatiratanga

This principle is guaranteed under Article 2 of Te Tiriti. It means that the right of Māori to organise in whatever way they choose – whānau, hapū, iwi or other form of organisation and to exercise autonomy and self-determination to the greatest extent must be recognised and protected.

Principle 2: Equity

Principle 2 is an Article 3 Treaty commitment. It ensures that Treaty partners act in good faith. The Tribunal approved the World Health Organisation's definition “Equity is the absence of avoidable or remediable differences among groups of people, whether those groups are defined socially, economically, demographically or geographically.”

Principle 3: Active protection

This principle is all about action and leadership. Devolution and permissive arrangements without Treaty leadership are not sufficient. Provision for equal opportunity or a “one-size fits all” approach also falls short.

Principle 4: Partnership

For the Crown to be a good governor it must recognise and respect the status and authority of Māori to be self-determining in relation to resources, people, language and culture (i.e. tino rangatiratanga). It must involve Māori at all levels of decision making. Both the Treaty parties must act reasonably and in good faith towards each other.

Principle 5: Options

This principle is about giving real and practical effect to the principles of tino rangatiratanga and equity; articles 2 and 3 of Te Tiriti. Where kaupapa Māori services exist, Māori should have the option of

accessing them as well as culturally appropriate mainstream services. They should not be disadvantaged by their choice. It is the Crown's responsibility to ensure each option is viable and sustainable by providing sufficient financial and logistical support, strong leadership and effective monitoring¹⁰.

The principles of the treaty cover responsibilities of the Crown for the active protection of Māori Interests, partnership between iwi and Crown entities, and participation in decision making. LINZ must not undertake to disregard these principles. All decision making regarding any proposed remediation or demolition activities must be consistent with the principles of the Treaty. This means that Tangata Whenua must be involved in remediation discussions and decision-making processes.

4.1.3 MANIAPOTO DEED OF SETTLEMENT

After land confiscations north of the Pūniu awa and public works takings south of the awa, Tangata Whenua lost their lands, access to their estates, the right to govern the use and protection of their natural resources, and their authority to protect their *tāonga*. Tangata Whenua have sought redress for these breaches through the Treaty of Waitangi claims settlement process.

However, Tangata Whenua of Pokuru 1B and other parts of Tokanui whenua have not yet reached a settlement with the Crown for their treaty claims. In addition, many Tangata Whenua who belong to the hapū of Ngāti Paia, Ngāti Ngutu, Ngāti Paretekawa and others, do not unanimously support the Maniapoto Deed of Settlement (DOS) which is currently in the ratification process. Furthermore, they do not believe that their treaty claims have been provided for in the Maniapoto Deed of Settlement. This is likely to remain an on-going issue although Tangata Whenua believe that this should not hinder the planning and implementation of the project or the development of relationship agreements with the Crown or local councils for the purposes of proceeding with remedial planning and activities. However, until a DOS is approved there is no statutory relationship between Tangata Whenua and the Crown nor are there any Statutory Acknowledgements that Tangata Whenua recognise.

Table 9. (page 90) provides a list of some of the key potential risks identified regarding Article 2 of the treaty, treaty principles and treaty settlement claims with a response from Tangata Whenua as to how these risks might be mitigated.

4.2 RESOURCE MANAGEMENT ACT 1991 (RMA)

The RMA was conceptualised during a period of increased awareness (by non-Māori) of the importance of environmental and resource management and the role of Tangata Whenua as kaitiaki. It is against the backdrop of the 1975 Bastion Point hikoi, the establishment of the Waitangi Tribunal; 1984 Hui Taumata (Māori Development Summit); and the 1992 Fisheries Settlement for Māori that the environmental legislative and policy changes incorporated Māori values, concepts and te reo Māori. Since 1991, the RMA has been the primary piece of legislation governing the management of the environment in New Zealand. The RMA is currently being reformed with the expectation that all three pieces of the new legislation will be passed by the end of 2022. Until then, the current Act applies.

Tangata Whenua relationships with the project area (the whenua) have legal standing in various sections of the Resource Management Act 1991. The following sections of the Act prescribe what all persons exercising functions and powers under the Resource Management Act need to consider in relation to managing the use development and protection of natural and physical resource.

¹⁰ (Berl, K., 2019)

Section 5.

The purpose of this Act is to promote the sustainable management of natural and physical resources. Sustainable management means managing the use development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social economic and cultural well-being and for their health and safety while:

- a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations, and
- b) safeguarding the life-supporting capacity of air water soil and ecosystems, and
- c) avoiding remedying or mitigating any adverse effects of activities on the environment¹¹.

Section 6.

*Matters of national importance*¹².

All persons exercising functions and powers under the Act are required to recognise and provide for seven matters of national importance set out in section 6. The following matters of national importance with regard to the project include:

- (e) The relationship of Māori (in this instance Tangata Whenua) and their culture and traditions with their ancestral lands, water, wāhi tapu and other taonga.
- (f) The protection of historic heritage from inappropriate subdivision use and development.
- (g) The protection of recognised customary activities.

Section 7.

Other matters.

Section 7 of the Resource Management Act sets out "other matters" which persons exercising functions and powers under the Act must "have particular regard to". In achieving the purpose of this Act all persons exercising functions and powers under it in relation to managing the use development and protection of natural and physical resources shall have particular regard to:

- (a) Kaitiakitanga:
- (aa) The ethic of stewardship:
- (b) The efficient use and development of natural and physical resources:
- (c) The maintenance and enhancement of amenity values:
- (f) Maintenance and enhancement of the quality of the environment:
- (g) Any finite characteristics of natural and physical resources¹³.

Section 7 is significant in terms of the special relationship that Tangata Whenua have to their traditional lands, tikanga, wai, waahi tapu and taonga. It is imperative that the Act. is used in the way it is truly

¹¹ www.environmentguide.org.nz/rma/purpose/

¹² See Appendix 4: RMA: Section 6 (E-F)

¹³ See Appendix 5: RMA Section 7(A) and Section 7 (AA)

intended to protect historical heritage including Tangata Whenua who have that special relationship and whakapapa to the whenua from inappropriate development on their whenua and to protect their customary activities.

Section 8.

Treaty of Waitangi/Te Tiriti o Waitangi

Section 8 requires that all persons exercising functions and powers under the Resource Management Act take into account the principles of the Treaty of Waitangi. In achieving the purpose of this Act all persons exercising functions and powers under it in relation to managing the use development and protection of natural and physical resources shall take into account the principles of the Treaty of Waitangi.¹⁴

The RMA legislation and the National Policies which align with it are often confusing and outdated, and they do not adequately provide for the rights of *ahikaa* who are often left to uphold the kaitiaki roles and responsibilities for the environment on behalf of whanau who no longer reside on or near their customary lands. An issue for Tangata Whenua is that they have neither the expertise, legal knowledge or the resources to understand the nuances of the legislation. This often means that resource consent applications are processed without any input or consideration for Māori cultural values.

Tangata Whenua must be involved in the assessment of resource consent applications or permits under the RMA to identify all effects of an activity regarding their whenua, taiao and wai. They must also feel satisfied that their cultural standards will not be breached, and that this mechanism (the RMA) will be satisfactory to *avoid, remedy or mitigate* any adverse effects.

4.2.1 NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT (TE MANA O TE WAI)

Under the RMA 1991, lies a series of National Policy documents including the New Zealand Coastal Policy Statement 2010 (CPS), the National Policy Statement for Freshwater 2014 (NPS-FW) and others. These also hold provision for iwi input to the management of freshwater management units.

The National Policy Statement for Freshwater Management 2020 (**NPS-FM 2020**) is part of the Essential Freshwater package. It provides national direction which regional councils translate into action on the ground through their regional policy statement and regional plans and city and district councils through their district plans. It replaces the NPS-FM 2017.

Te Mana o te Wai refers to the vital importance of water. When managing freshwater, it ensures the health and well-being of the water is protected and human health needs are provided for before enabling other uses of water. It expresses the special connection all New Zealanders have with freshwater. By protecting the health and well-being of our freshwater we protect the health and well-communities, and Tangata Whenua will determine how Te Mana o te Wai is applied locally in freshwater management¹⁵.

Te Mana o te Wai imposes a hierarchy of obligations including (and in order of priority):

1. The health and wellbeing of the water;
2. The health needs of people (such as drinking water) and
3. The ability of people and communities to provide for social, economic and cultural well-being.

¹⁴ (Environment Guide, 2021)

¹⁵ Te Mana o te Wai factsheet

There are six principles of Te Mana o te Wai that inform the implementation of the NPS.

1. Mana whakahaere
2. Kaitiakitanga
3. Manaakitanga
4. Governance
5. Stewardship
6. Care and respect

Regional councils must give effect to Te Mana o te Wai by applying the 3 priorities and six principles. This means that they must actively involve tāngata whenua in freshwater management (including decision-making processes, and monitoring and preparation of policy statements and plans). Regional councils must investigate the use of tools in the Resource Management Act 1991 (RMA) such as joint management arrangements, Mana Whakahono ā Rohe, and transfer of powers – as a way of involving Tangata Whenua.

In the context of waterways/waterbodies and freshwater ecosystems located on and connected to the Site, this means that Tangata Whenua will need to work with LINZ and regional council to develop a plan to identify both how Te Mana o te Wai will be applied locally (and specifically to the site) and the outcomes that Tangata Whenua want for relevant waterbodies in the future. The plan will also have to include how Mātauranga Māori will be applied to freshwater care and monitoring. This plan must be developed before the commencement of any demolition work.

4.2.2 THREE WATERS PROGRAMME

As with the RMA, the Three Waters Programme (TWP) is also being reformed. The reforms will make significant changes towards recognising and providing for Iwi/Hapū – Māori rights and interests. In June 2021, Hon Nanaia Mahuta released a cabinet paper (Paper Three)¹⁶. It is proposed that Iwi/Māori will have a greater role in the new Three Waters system, including pathways for enhanced participation by whānau and hapū as these services relate to their Treaty rights and interests¹⁷. These are significant reforms which will have an impact on remedial planning and engagement with Tangata Whenua for the Tokanui project. The Department of Internal Affairs provides a summary outlining the key opportunities for Iwi/Māori in the Three Waters Reform Program. Of particular interest to Tangata Whenua are design features 1-4. Table 8¹⁸. Summarises the key opportunities for Iwi/Māori in the reform.

Some of the key matters identified by Tangata Whenua in the RMA, Three Waters Programme and Te Mana o te Wai legislation were discussed at the three CIA wananga. These discussions were mostly focussed on Tangata Whenua experiences with the Resource Consent process and the lack of engagement by authorities with whānau and hapū and the potential discharge of any contaminants into the water bodies.

Table 9. provides a list of some of the key potential risks identified with a response from Tangata Whenua as to how these risks might be mitigated.

¹⁶ Cabinet Paper (2021)

¹⁷ Te Tari Taiwhenua | Department Internal Affairs, 2019.

¹⁸ See Table 8 P.87

4.3 WAAHI TAPU/TAONGA PROTECTION

4.3.1 HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014

The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT) is the legislation that provides for the identification protection preservation and conservation of the historical and cultural heritage of New Zealand. It requires that modification or destruction of an archaeological site needs an archaeological authority and sets out penalties for the unauthorised modification or destruction of archaeological Sites.¹⁹

Part 3 of the Act sets out how heritage Sites are to be protected and the methodology for obtaining an authority to modify or destroy an archaeological Site. Whether the site has been previously identified or not does not bear weight on the requirement to obtain an authority²⁰.

In 2019 AECOM New Zealand Limited (AECOM)²¹ was engaged by Land Information New Zealand (LINZ) to complete an onsite land disposal feasibility study in support of the proposed demolition of the former Tokanui Hospital. The Report did not identify any archaeological Sites in the immediate vicinity of the hospital area. However it did identify other areas of importance to Tangata Whenua including:

- Cultural Sites have been identified to the north east of the Site: CH12 (Urupa) and CH33 (Mangatoatoa Pa).
- Archaeological Sites have been identified to the north east of the Site: S15/182 (Pa/ Urupa) and S15/248 (Pa).
- Significant natural areas include the Te Mawhai Road willow wetland (WP330 unprotected) and forest patch 250 m east of Wharekino stream Tokanui Township (WP333 unprotected) –
- Designation D37 applies to State Highway 3 located to the east of the Site.

Although no heritage Sites in the immediate area of the Site were identified there remains the issue of the unidentified urupā which Raureti Te Huia wrote to the Government about in 1923 with concerns that the urupā had not been protected and cared for by the Government as promised. One of these urupā is sited within the grounds of the former hospital its location is unknown. Actions must be taken to identify the location of this urupā to mitigate the risk of disturbance during demolition. Section 6.3.1 of this CIA discusses some of the concerns raised by Tangata Whenua with regard to *waahi tapu* and sites of cultural significance.

4.3.2 PROTECTED OBJECTS ACT 2006

On 1 November 2006 the Protected Objects Act came into force and superseded the Antiquities Act 1975. The Ministry for Culture and Heritage (the Ministry) has developed guidelines for taonga tūturu which explains this process in more detail.

There are nine categories of protected New Zealand objects²². The categories that Tangata Whenua are concerned with relate to categories:

- 1: Archaeological ethnographic and historical objects of non-New Zealand origin relating to New Zealand,
- 4: Nga taonga tūturu and

¹⁹ (Coffin, Cultural Impact Assessment of the Proposed Waikeria Prison expansion, 2016)

²⁰ (Te Runanga o Ngāti Kuia Environment/Te Taio Unit, Unknown)

²¹ (McLellan, 2019)

²² (Protected Objects Act, 1975)

6: New Zealand archaeological objects.

Tangata Whenua do not have a Taonga Tūturu Protocol Agreement with the Ministry. The Ministry should be contacted if a taonga tūturu is found²³.

4.4 LOCAL GOVERNMENT

Tangata Whenua acknowledge that Treaty settlement partnerships provide a platform for iwi growth. However, this does not relinquish the Crowns requirements to engage with whanau and individuals regarding the protection of their taonga. Local government as a Treaty Partner have not always recognised the cultural impacts on tāngata whenua regarding resource consent applications. For example, the application made by LINZ to discharge treated municipal wastewater to the Wharekino Stream, Tokanui. The Applicant did not undertake consultation with Iwi prior to lodging their application nor did the Applicant undertake direct consultation with neighbouring property owners and other affected parties. When potentially affected parties were identified they were only given limited notice as provided for by section 95B of the RMA. Tangata Whenua were concerned that:

1. The proposal may cause further adverse effects on the receiving environment and detrimentally affect customary values and customary fisheries of the Wharekorino Stream;
2. The proposal has the potential to further degrade the mauri of the Wharekorino Stream;
3. Any actions which may have a detrimental effect on the lands should be considered with respect to the treaty breach concessions.

In this case, the RMA did not require the Applicant to undertake consultation, instead the Applicant requested that Iwi be Limited Notified in Accordance with s95E of the RMA as the effects on Iwi would be minor. If one considers that most of the iwi do not live in the vicinity of the Wharekino Stream and then the effects on Iwi would be minor (if anything) therefore 'Iwi' are not affected in anyway to the proposed changes. However, this conclusion totally overlooks and disregards the potential adverse effects to the environment for the ahikaa.

This case highlights the need to address early and on-going engagement with Tangata Whenua in relation to any proposed activities to address cultural issues and recognise ahikaa who hold Tangata Whenua rangatiratanga over their traditional lands, waters and resources.

The former Tokanui Hospital demolition project will require local authorities and Tangata Whenua to engage strategically on matters regarding environmental issues resource consent processes etc. It is prudent that the authorities engage with Tangata Whenua so that Local Government can make informed decisions regarding Tangata Whenua cultural values. The Local Government (Amendment) Act 2002 (LGA) and local council plans and policies provide ways for Tangata Whenua to provide input into decision making and environmental resource planning regarding the project.

The Local Government Act 2002²⁴ contains several provisions that relate specifically to the participation of Māori in local government and its processes including sections 4 81 and 82(2)²⁵.

There are specific requirements for consultation with iwi authorities²⁶. A local authority is required under the LGA to have in place processes for consulting with Māori in accordance with the principles

²³ (Coffin, Cultural Impact Assessment of the Proposed Waikeria Prison expansion, 2016)

²⁴ Local Government Act 2002

²⁵ See Appendix 6: Local Government Act in regard to Tangata Whenua

²⁶ Clauses 3B of Schedule 1 Resource Management Act

of the Act. and consider any relevant planning documents recognised by an iwi authority when preparing a policy statement or plan²⁷.

To assist with consultation local authorities are required to maintain for each iwi and hapu within its region or district a record of the contact details for each iwi authority the planning documents recognised by each iwi authority and the area over which iwi or hapu exercise kaitiakitanga²⁸. Tangata Whenua are aware of the challenges that local authorities face when trying to co-ordinate and integrate work with different Māori groups which is why it is important to establish engagement and consultation processes with Tangata Whenua early in the development of the project.

4.4.1 WAIPA DISTRICT COUNCIL

The Waipa District Council are the local authority responsible for protecting buildings natural features and Sites of significance within the project area (Site).

The AECOM report (2019) noted that there are no other planning overlays in the Waipa District Plan that apply to the Site. The Site is zoned Rural, but a number of different zonings and overlays apply to the surrounding area. There are potential Resource Consent requirements summarised in Appendix D. of the AECOM report which will require Tangata Whenua input. These include (but are not limited to):

- Prohibited activities,
- Noise levels,
- Vibrations,
- The operation of onsite land disposal locations and
- Earthworks.

4.4.2 WAIKATO REGIONAL PLAN

The Waikato Regional Plan (WRP) has been developed by the Waikato Regional Council under the Resource Management Act 1991. It provides direction regarding the use development and protection of natural and physical resources in the Waikato Region. Modular 2 of the plan covers matters of significance to Māori including water river and lake beds land and soil air and geothermal resources. The plan ensures that Māori perspectives and values which are specific to their particular tribal group are considered as part of the Councils resource management policy and decision making processes.

The plan represents the views of Iwi in the Waikato Region including Ngāti Maniapoto and addresses resource management issues which Māori in the region have identified as being of concern. Some of the key concerns raised by Ngāti Maniapoto listed in module 2 of the WRP are consistent with Tangata Whenua values these include:

- a) Water Quality,
- c) Waahi Tapu,
- e) Wetlands,
- g) Consultation on Resource Consents,
- h) Regional Council Process and
- i) Kaitiaki²⁹.

²⁷ Sections 61(2A)(a), 66(2A)(a), and 74(2A) Resource Management Act

²⁸ [Māori and the RMA • Environment Guide](#)

²⁹ (Waikato Regional Plan, 2012)

There are potential Resource Consent requirements summarised in Appendix E. of the AECOM report which will require Tangata Whenua input. These include (but are not limited to):

Rule 5.1.4.13 – Soil disturbance roading and tracking and vegetation clearance are a discretionary activity.

Rule 5.2.7.1 – The discharge of contaminants into or onto land and any subsequent discharge of contaminants into water or air as part of the operation of a landfill is a discretionary activity. Overall resource consent will be required as a discretionary activity³⁰.

4.4.3 OTOROHANGA DISTRICT PLAN

The Otorohanga District Plan covers a wide range of issues objectives and policies concerning the effects on Natural Environment, Physical Environment, Land Use etc. Although there are no known recorded or scheduled heritage items within the project area

The ODP recognises other Iwi Management Plans including He Mahere Taiao – Maniapoto Iwi Management Plan³¹. Issue 7 of the plan makes provision for the protection of a range of heritage areas including traditional and sacred places. These are important to Tangata Whenua as they have a long-recorded history of settlement and activity in the area. Earthworks rubbish disposal (hazardous waste) pollution degradation of waterways and similar activities all pose adverse threats to the heritage of the area. Waahi tapu and/or taonga may be retrieved from the site which may be regulated by the Protected Objects Act. Tangata Whenua believe that a discrete project should be conducted to record a schedule of heritage items to record and protect waahi tapu and taonga. This project would include research engagement with hapū whanau and Iwi site visits cultural mapping of the site and of significant areas within the project area.

4.5 IWI ENVIRONMENTAL MANAGEMENT PLANS

Iwi Environmental Management Plans (IEMP's) are important documents as they provide a mechanism for councils (and their processes) to consider Iwi cultural environmental values. There are specific legislative requirements which place a duty on councils and their staff to take these plans into consideration.

Four IEMP's were reviewed and deemed relevant to the project. An analysis of these plans was undertaken to identify matters of cultural and environmental importance and relevance to the project. While none of the IEMP's are specific to the project area the plans do cover areas of similar interest and matters which are consistent with Tangata Whenua views. The following IEMP's were reviewed:

- a) Ko tā Maniapoto Mahere Taiao | Maniapoto Environmental Management Plan
- b) Waipā River Act and Maniapoto Priorities for the Restoration of the Waipā River Catchment (2014)
- c) Raukawa Iwi Management Plan
- d) Waikato-Tainui Iwi Environmental Plan

³⁰ (Mclellan, 2019)

³¹ (Otorohanga District Plan, 2014)

4.5.1 KO TĀ MANIAPOTO MAHERE TAIAO / MANIAPOTO ENVIRONMENTAL MANAGEMENT PLAN

Although the Maniapoto Trust Board are the Iwi authority for Maniapoto this plan pertains to their authority for the purposes of the RMA. Ngāti Ngutu, Ngāti Paia, and Ngāti Paretekawa are listed in the plan as hapū who are entitled to exercise kaitiakitanga within their section of Maniapoto.

There are several sections of the Maniapoto Environmental Management Plan that Tangata Whenua agree with in principle and deem to be relevant to the project. These include:

Section B: regarding engagement with Tangata Whenua, Managing effects of activities on the environment and Relationships with National and Local Government.

Section C: regarding Cultural Matters, Kaitiakitanga, Rangatiratanga, Customary activities and Cultural Heritage.

Section D: regarding the protection of the Natural Environment including:

- Air quality,
- Fresh Water and Waterways,
- Water quality,
- The mauri of wetlands,
- Land soil conservation and agriculture activities, and
- The protection of natural heritage and biodiversity indigenous species and their habitats and ecosystems.

Section E. regarding hazardous waste and the effects of solid and hazardous waste and the risk of harm to natural flora and fauna.

4.5.2 WAIPĀ RIVER ACT AND MANIAPOTO PRIORITIES FOR THE RESTORATION OF THE WAIPĀ RIVER CATCHMENT

The Ngā Wai o Maniapoto (Waipā River) Act was enacted in 2012. The purpose of the Act is to:

... restore and maintain the quality and integrity of the waters that flow into and form part of the Waipā River for present and future generations³².

The Waipā River flows from Pekepeke to the Waikato River. This includes its waters banks bed streams waterways tributaries lakes fisheries vegetation floodplains wetlands islands springs geothermal springs water column and airspace as well as its metaphysical elements with its own mauri (Nga Wai o Maniapoto (Waipa River) Act 2012). The Puniu river is a tributary of the Waipa River and at 57kms long it is one of the longest second tributaries in New Zealand³³. In this sense Tangata Whenua believe that the Waipā River and the Puniu share whakapapa. They also believe that the principles in the Waipā River Act³⁴ are consistent with their cultural views.

4.5.3 RAUKAWA IWI MANAGEMENT PLAN

Although Ngāti Raukawa do not have exclusive or predominant interests in the project area their environmental management plan includes several matters of relevance to Tangata Whenua and the project. As with other Iwi plans Tangata Whenua share the same beliefs and world views regarding te

³² (Nga Wai o Maniapoto (Waipa River) Act 2012)

³³ (Tipa, et al., 2014, p. 10)

³⁴ (Nga Wai o Maniapoto (Waipa River) Act 2012, p. 8)

taio (the environment). The Raukawa Iwi Management Plan (RIMP) takes a holistic view towards best practice environmental management which includes three domains:

- Mana atua (spiritual),
- Mana whenua (physical/natural), and
- Mana tāngata (human).

Tangata Whenua have strongly expressed the importance of these domains as the core foundations of their cultural beliefs. To give authenticity to their voices, in view of their status as indigenous people, it would be helpful for non-Māori State agency, Local Government employees and Contractors to understand these beliefs, how they are intricately connected and how they can be incorporated into planning and decision making in order to meet statutory obligations.

4.5.4 WAIKATO-TAINUI IWI ENVIRONMENTAL PLAN

The relationship between Tangata Whenua and Waikato-Tainui stem from the waka Tainui. Tangata Whenua have a shared history with Waikato-Tainui since time immemorial and whakapapa that intertwines. It is obvious then that Tangata Whenua share the sentiments and values as described in the Waikato-Tainui Iwi Environmental Plan - Tai Tumu, Tai Pari, Tai Ao.

Several matters were identified in the plan that correspond with Tangata Whenua cultural values, particularly in Section C: Chapter 14 – Customary Activities. The following matters are also of relevance to Tangata Whenua:

- Recognising customary activities including fishing and hunting
- Enhancing biodiversity particularly restoration of wetlands
- Identifying and protecting Sites of significance including wāhi tapu
- Managing the accidental discovery of taonga koiwi and Sites of significance
- Apply cultural and environmental principles to design.

In many respects, IEMP's share the same cultural values and similar environmental outcomes sought by whānau and hapū. Tangata Whenua support these IEMP's (in principle) and the policies contained within them as they meet similar cultural standards. However, Tangata Whenua are not signatories to, nor have the formally adopted or endorsed any IEMP's.

As mentioned in section two of this report, Tangata Whenua will develop their own Rautaki Mahere Taiao, which will no doubt either align with or contain similar policies, objectives and goals to those contained within the Iwi Environmental Plans.

Several potential risks were identified as part of this review which could pose threats or risks to achieving successful outcomes for the remediation and demolition project. It is outside the scope of this report to provide a through analysis of the IEMP's and more time is required for Tangata Whenua to meet and discuss these issues or risks and mitigation actions. This will be part of the process of developing the Tangata Whenua Rautaki Mahere.

4.6 SUMMARY

This CIA has reviewed the following legislation, IEMP plans and policies:

- Te Tiriti o Waitangi
- Principles of the treaty
- Resource Management Act (1991)

- National Policy Statement for Freshwater Management (Te Mana o te Wai)
- Heritage New Zealand Pouhere Taonga Act (2014)
- Protected Objects Act (2006)
- Waipa District Council plan
- Waikato Regional Plan
- Otorohanga District Plan
- Ka tā Maniapoto Mahere Taiao
- Waipā River Act
- Raukawa Iwi Management Plan
- Waikato-Tainui Iwi Environmental Plan

Tangata Whenua have a long-established history with the Site/Pokuru 1B and the Tokanui lands. After the Public Works takings of their traditional lands, Tangata Whenua faced immeasurable loss and hardship. The Crown acknowledge that the Public Works takings of Tokanui and Pokuru lands was excessive and a breach of Crown obligations to the Treaty of Waitangi. Tangata Whenua have been involved in a long process to redress Crown breaches of the treaty and seek redress for their loss. They believe that the claims process has caused damage to their relationships with Iwi and they lay blame for this squarely on the Crown's treaty settlements process. Several potential issues were identified which if not addressed early in the project will risk further alienating Tangata Whenua from the project.

The proposed reforms to the RMA suggest that there will be 'a real focus' on strengthening the recognition of the principles of Te Tiriti o Waitangi (and te ao Māori generally); and providing for a stronger role for Māori in decision making³⁵. A key to the legislation then is that Māori are 'partners' who expect to be involved in decision making in the management of natural resources. The RMA is a critical legislative tool which is useful to frame discussions on the effects of proposed environmental activities and resource applications on Tangata Whenua. From a Tangata Whenua perspective, the effects of any activity must be congruent with their visions and objectives for environmental management.

Protocols must be developed to ensure the protection and safety of Tangata Whenua taonga and waahi tapu. A full scope project needs to be developed prior to works on the site to ensure that all measures possible are taken to ensure that the site is clear before earthworks begin. Tangata Whenua are keen to work with LINZ and Maniapoto on a collaborative project to find and record all cultural significant sites and taonga on the site and the immediate surrounding area.

It is crucial when engaging in such a large project that project advisors, management, contractors etc. understanding iwi and hapū past grievances as this exhibits a willingness to understand the position of mana whenua in their present context. At the very least, it is important to research and be aware of the grievances which have ongoing implications for hapū and relevance for the project. Acknowledging these grievances from the very beginning sets an honest and accountable platform upon which the project can progress.

While Tangata Whenua acknowledge that they share similar cultural values and environmental goals contained within the IEMP's they wish to maintain their own mana Motuhake (right to govern and manage) their roles and responsibilities as Kaitiaki of their whenua. Tangata Whenua have their own cultural values and perspectives which are specific to their hapū groups which need to be considered as part of resource management and decision-making. This provision is outlined in the RMA which gives

³⁵ Chancery Green

special status to Māori and sets out the principles and mechanisms through which whānau and hapū interests are provided for.

This literature review is not exhaustive, it does not breakdown every policy contained within each plan or each piece of legislation. The intention of the review was to assess relevant sections, plans and policies within the statutory framework and highlight issues that may pose a risk to successful project outcomes. More importantly, to assess the relevant sections according to Tangata Whenua cultural standards and values. A summary of the key identified issues and recommended mitigations are provided in Table 9 - Page. 90 of this report also expanding on some of the relevant issues raised by Tangata Whenua within the context of cultural narrative.

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5.0 TANGATA WHENUA

This section includes an historical overview capturing key events, places and *tūpuna* demonstrating the long-established connection Tangata Whenua have had in the Waipa - Pūniu area. This is not a complete and full historical account as that is beyond the scope of this report.

5.1 TE HEKENG MAI O TAINUI

According to Pei Te Hurunui Jones, the Tainui waka captained by Hoturoa arrived on the Kāwhia moana coast approximately 700 to 800 years ago (Jones 2004). Over time the descendants of Hoturoa and others who arrived on the waka Tainui dispersed and settled inland across the Waikato, Maniapoto and Hauraki regions. Most iwi and hapū who settled in the Waipa region descend from the Tainui waka. The region of the Waikato people is described in the following *pepeha*:

Mōkau ki runga
Tāmaki ki raro
Mangatoatoa ki waenganui

Mōkau is above
Tāmaki is below
Mangatoatoa is between³⁶

The Mangatoatoa referred to above is the original place of Mangatoatoa paa, this was a defensive paa located on the Pūniu awa near Pīrongia. This is this paa that is attributed to the pepeha not the paa currently located on Te Mawhai Road.

Tainui iwi first settled in the Waipa area in the early 14th century. A number of paa were established around the Kakepuku and Te Kawa area, extending to Pīrongia in the north to Ngāroto and the other lakes near Ōhaupo, south to Ōtorohanga, and east to Te Awamutu. Several of these paa were established along the Pūniu river including one at Tokanui.

Map 2: South - Looking map of the Waipa delta, circa 1864



³⁶ The writer refers to the original pepeha which did not include Pare Hauraki, Pare Waikato, Te Kaokaoroa-o-Pātetere, these rohe were added later.

5.2 EARLY SETTLEMENT

There is an abundance of kōrero regarding settlement in the Waipa region after the arrival of the Tainui waka. Several historians and ethnographers including Pei Te Hurunui Jones, James Cowan, W.E. Gudgeon to mention a few, have recorded the various settlement patterns in and around the region. In addition, several Waitangi Tribunal reports (Te Rohe Pōtae) have also covered the topic in detail with some reference to Pokuru 1B³⁷. This literature is a body of knowledge and an accumulation of hundreds of years of history.

This report does not provide a detailed synthesis of the literature regarding settlement of the Waipa region in general. Suffice to say, the published works of historians and contemporary writers have provided a rich source of material covering the traditions and settlement patterns in the region. Of particular reference to Pokuru 1B, are the following narratives from a hapū perspective that were shared in person during the CIA wananga³⁸.

5.2.1 NGĀTI KAHUPUNGAPUNGA.

The early history of Pokuru begins with Ngāti Kahupungapunga. It is said that they occupied much of the valley of the Waikato, from the Pūniu river southwards to Te Whakamaru on the borders of the Taupo region.

Ngāti Kahupungapunga occupied a Pa called Te Horanga on the northern side of the Pūniu river at the end of St Ledgers Road. The chief of this pa was Te Maruhuoko. A high mound of soil, of this pa can still be seen today. This is directly across the Pūniu river from Pitoritori an old Ngati Paia settlement that was used right up until 1960. The ancient *urupā* of the same name is also there. Another site close by is the old eel paa Te Tiepa which protected Whakamate Tuna. Earlier it was a place of refuge as water surrounded most of it. Ngāti Kahupungapunga occupation remained undisturbed in this region for perhaps 300 years until the days of the tūpuna Whaita.

5.2.2 WHAITA ME NGĀ URI WHAKAHEKE

Whaita was the son of Wharere and Kurawari. Whaita had two sons, Huiao and the much younger Ngutu. Huiao and Ngutu would continue the legacy of Whaita around the Te Awamutu, Kihikihi, Pokuru area. Huiao occupying Te Rua o Huiao at times and other places. Te Rua o Huiao is on Pokuru 3 Block, next to Ngati Paia lands the Wipaia Manu Block and Tokanui Hospital. The ancient *urupā* of Kohipo and Ngarara are also close by. Within the Wipaia Manu Block directly across from Tokanui Hospital, is the site of the old Te Poutokomanawa Papakainga of Heperea Te Haate. It sat on the Poutokomanawa hill which is near Te Rua o Huiao. The foundation of soil and depression where this whare stood is still evident today.

³⁷ Jones, P. Te H. and B. Biggs. Ngā Iwi o Tainui: The Traditional History of the Tainui People; Ngā Koorero Tuku Iho a ngā Tuupuna. Auckland: Auckland University Press; Tainui Māori Trust Board, 1995 (republished in 2004); Cowan, James. 1922. *The Old Frontier*. The Waipa Post Printing and Publishing Company, Ltd, Te Awamutu.; Volume 2 1893 > Volume 2, No.4, December 1893 > The tangata whenua; or, aboriginal people of the central districts of the North Island of New Zealand, by W. E. Gudgeon, p203-210.; Te Mana Whatu Ahuru, *Report on Te Rohe Pōtae Claims*, WAI 898, Waitangi Tribunal Report, 2018.

³⁸ Elliot, J. (2021) Personal material received 2021. No content contained in Sections 4.2.1, 4.2.4 and 4.3 maybe published elsewhere without written permission from the author.

Directly on the east side of the Wharekorino stream is Rewatu now known as Mangatoatoa. This was once occupied by a people known as Te Waiohua. Piraunui was their eeling pa there. These people were defeated by Paia and Ngutu.

5.2.3 NGĀTI NGUTU AND NGĀTI PAIA

After Huiao's death Ngutu would take over from his brother and those of Huiao then came under the protection of Ngutu. He was then the man of note throughout the area. Many are the stories of his prowess as a warrior, Whariki Rauponga- Turangatahi. His main pa was Tupapakunui in Te Awamutu on the Mangapiko stream. From there he would maintain order in his territory.

Ngutu's mantle would pass down to his great grandson Paia. Mahuripounamu - Daughter of Ngutu and Grandmother of Paia. She married Horotakere. HIKAMOEAWA - Daughter of Mahuripounamu and Horotakere and mother of Paia. She married Tamatatai. Paia The ancestor and origin of Ngāti Paia. Such was his prowess that he is shrouded in mystery. Paia was a chief schooled in spiritual teachings and a skilled warrior and diplomat. During his tenure it was said to be a relatively settled time in Pokuru and surrounding areas. He lived within Pokuru close to Kohipo, Te Rua o Huiao and Tiepa and other places Turangatahi Pa being one at Hairini near Rau Huruhuru/Rangiaohia. This pa belonged to Paeahi husband of Paia's younger sister Paretaheke. Their relationship was a close one and they often supported each other in times of need. Paia was to hand down his mantle and spiritual knowledge to Manutapuware his son.

5.2.4 HAEREAWATEA AND MANGATOATO

Manutapuware continued to reside in Pokuru at Pitoritori and other places. He was also an accomplished warrior and travelled widely throughout the rohe. He would be succeeded by his son Ngenengene. Ngenengene was involved in the rebuilding of Haereawatea and Mangatoatoa pa's by Ngāti Paia, Ngāti Ngutu, Ngāti Rangi, Ngāti Paretekawa and others. He also led Ngāti Paia in the defence of these pa.

Each hapū had their own chief and was responsible for the defence of their section of these pa. He was also present when Waikato came to tana Haereawatea. He was buried at an ancient urupā called Te Kawaunui as was his son Te Haate. Te Waro succeeded Ngenengene. He was present when Ngāpuhi sacked Te Arawa at Mokoia island on Lake Rotorua and fought alongside Manga at Taranaki and Orakau, where Manga went Ngāti Paia went. He had a premonition that he would not return from Orakau so handed the chieftainship to Te Haate his younger brother before he left. He was killed at Orakau and was buried there. Te Haate (Heperea 1) Heperea asked Tāwhiao once "How close am I to you?" Tāwhiao replied "You are as close to me as the shirt on my back." Heperea then became Te Haate. Te Haate based himself on the Poutokomanawa hill where he built his *papakāinga*. His influence throughout Pokuru was substantial and he was well known as a healer "Māori Doctor". He would be succeeded by Wipaia Manu. Wipaia Manu was steeped in the traditional knowledge and spirituality of old as were those before him. He was also educated. His brother Matengaro also possessed the same and was known throughout the motu for his skill in these areas as well as his whakapapa.

5.3 THE NATIVE LAND COURT

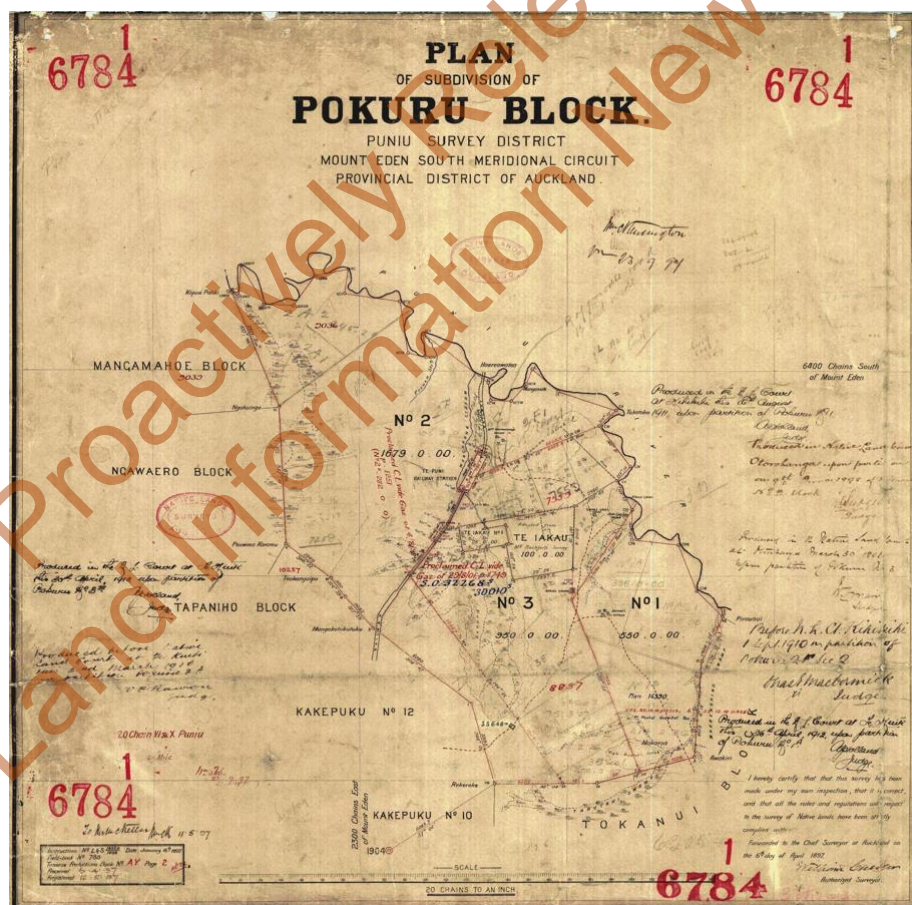
Wipaia with his brother Matengaro would become involved in the land title court cases of Pokuru, Tokanui, Mangamahoe and Wharepuhunga blocks and would retain part of Ngāti Paia lands as a result, particularly Pokuru 1 block of 550 acres. This would be split in two by the Public Works Takings 1908-1910, creating Pokuru 1A and Pokuru 1B. The latter which would be taken for the Tokanui Mental Hospital campus. Pokuru 1B would be vested in Matengaro Te Haate and 21 others, descendants of Ngutu, gazetted in 1911. Matengaro had a dwelling and gardens in Pokuru 1B, Matengaro and his brother Wipaia Manu would protest at the taking of land for the hospital writing letters and petitioning government officials until shortly before their deaths in 1925 and 1926 consecutively.

In 1889, the Native Land Court determined ownership to 10,205 acres of land known as the Tokanui Block. Over the next 109 years the block was sub-divided, portioned, parts were sold, parts were taken under the Public Works Act, some of it was retained by the owners. In total, 2948 acres of the original 10,205 acres of the Tokanui Block was taken for the hospital. This land was later transferred to the Ministry of Agriculture and Fisheries in 1970. The hospital campus itself was established on the Pokuru 1B block comprising 215 acres.

Why an additional 215 acres was taken for the hospital campus when only 799 acres of the original 4931 acres was ever used has been the subject of the WAI 440 Treaty claim. The WAI 440 claimants represent the hapū Ngāti Paia, Ngāti Ngutu and Ngāti Paretekawa.

According to Taitoko (1992), when Health Waikato announced the closure of the former Tokanui hospital in 1993, aware that the hospital was located on their land, a number of descendants of the original owners began researching the history of the land. A report was commissioned by the Waitangi Tribunal to research the block history of those lands subject to the claim Wai 440. The claim was lodged with the Tribunal in 1994 by the Manga Maniapoto Committee on behalf of the descendants of the original owners of the land³⁹. Wai 440 was made on behalf of the descendants of the original owners who affiliate to Ngāti Ngutu, Ngāti Huiao, Ngāti Paia and Ngāti Paretekawa. The claim area includes Pokuru 1B which was part of the original Pokuru Block awarded to the descendants of Huiao and Ngutu 1889.⁴⁰

Map 3: Shows the location of Pokuru Blocks 1-3 as there were subdivided in 1889.



³⁹ 10,025 acres comprising Tokanui and Pokuru land blocks

⁴⁰ Reference: Minute book no 6. Judgement Kakepuku Pokuru case, Kakepuku 10, page 323, 1889.

In regard to the hospital campus, the mana ultimately rests with the decedents of the original owners of Pokuru 1B. To be an owner in Pokuru 1B you must descend from the tūpuna Ngutu and the hapū Ngutu and Ngāti Paia. Those of Huiao would be under Ngutu when Huiao went south and never returned. The hospital campus area was known in earlier times as Mokoroa and is a significant site for Ngāti Paia.

5.4 TANGATA WHENUA TODAY

In the context of resource management and related environmental issues, the use of the term Tangata Whenua refers to those who have the authority to act on behalf of the hapū, it does not refer to any Iwi (Ngāti Maniapoto or Waikato-Tainui) or any Māori Trust Board nor does it refer to the interests of Iwi or Māori generally, but to the identifiable subset of hapū (namely, Ngāti Ngutu, Ngāti Huiao, Ngāti Paia, Ngāti Paretekawa and others) who hold traditional and customary authority over Pokuru and parts of Tokanui land.

None of the above named hapū have approved any mandate to any authority to make decisions on their behalf concerning any remedial work on the hospital site. In fact, the Treaty settlement claimants of these hapū have consistently opposed the Maniapoto Māori Trust Board (MMTB) as the mandated entity to negotiate their historical claims. In addition, Ngāti Paia are a self-governing and self-determining people in their own right because they sit under the mana of Whaita. They have a whakapapa distinct from Maniapoto, they are not listed as a constituent hapū of Maniapoto and they do not have a marae listed with them. Ngāti Paia did not sign the Maniapoto *Kawenata* drafted in 1904, to become a recognised hapū of Ngāti Maniapoto. Their connection to Maniapoto is with Manga Maniapoto not Maniapoto the Iwi.

It is common for hapū to organise themselves collectively in pursuit of common goals. The formation of the regional hapū Treaty settlement model (Te Kawanu Mārō), is a recent example of a collaboration between Ngāti Paia and Ngāti Paretekawa. Not only is this a working relationship model it highlights the close connections through *whakapapa* and common *kaupapa* that these hapū share. For the purposes of seeking redress for the wrongful takings of their lands these hapū have collectively sought redress through the treaty claims process. That it is not to say that they always agree with each other on matters, in fact the right to disagree is how they maintain their own *tino rangatiratanga*, *mana motuhake* and unique identities. Collectively, these hapū in varying degrees, are the Tangata Whenua who share mana whenua over the lands of Tokanui and Pokuru 1B lands that were taken to build the hospital.

6.0 CULTURAL AND HISTORICAL NARRATIVES

6.1 THE CULTURAL NARRATIVE

This CIA is not limited to the cultural impacts with regard to remediation on its own. Identifying the cultural impacts of activities associated with the proposed remediation and demolition of the former Tokanui hospital site is not a straight forward process. Furthermore, understanding the implications of the project on cultural values will require a comprehensive analysis of the framework of knowledge which underpins these values otherwise known as Mātauranga Māori.

This section demonstrates how inextricably linked tangata whenua are to their cultural heritage and in assessing the effects of the proposed demolition program, the LINZ project team must understand how the intricacies of this cultural landscape forms part of a network of interconnected sites that piece together the settlement history and traditions of Tangata Whenua.

The narratives that whanau have shared for this CIA regarding the cultural impacts on their whenua are bound in a worldview that is often in conflict with a Pakeha worldview. Māori do not consider the future of their whenua, wai, environment, etc. as a distinct planning activity without considering the whakapapa of the whenua. Through whakapapa, Tangata Whenua position themselves, and their place within their environmental context. To dismiss these narratives as irrelevant for the resource consent process, for site remediation purposes or in terms of resource management in general invalidates the right of Tangata Whenua to protect their taonga, a right that was guaranteed to them under Article Two of the Treaty. For this reason, the voices of Tangata Whenua have been included in this report to provide authenticity to the historical context and cultural narratives.

6.2 THE HISTORICAL NARRATIVE

Kia whakatōmuri te haere whakamua: 'I walk backwards into the future with my eyes fixed on my past'. This *whakataukī* or 'proverb' refers to a Māori perspective of time, where the past, the present and the future are viewed as interconnected, and life is a continuous cosmic process. Within this continuous cosmic movement, time is both past and present. The past is central to and shapes both present and future identity.

6.2.1 WHENUA RAUPATU

The following statements were gathered at the three CIA wananga and from Tangata Whenua interviews. These are a snippet of the views of tangata whenua regarding their whenua, *taiao*, whakapapa, etc. Whānau talked about landlessness, homelessness, loss of identity, inter-generational trauma and much more. These are their stories; their shared experiences and this is the content to a cultural impact assessment.

"There is no doubt our tūpuna suffered heavily both economically and spiritually when the Crown took these lands".

"The loss was intergenerational, when the land was taken so too was our ancestor's ability to live with the land and to seek sustenance from its bounty, conversely to be able to manaaki visitors was something they took pride in and when the land was gone so too was their ability to adequately manaaki manuhiri"

"When the land went so did our ability to speak te reo, the land, the people the language were an inseparable one; that cohesion and undone by the Crown and our people have suffered ever since".

“The Crown used the law and their Parliament to dispossess, marginalise and impoverish our people, it took the Crown less than a generation to completely dispossess us and it will take ten generations to undo the intergenerational damage caused by their handy work”.

“What was done to our ancestors by the Crown was done by Crown servants, premeditated, with malice and who were clearly intent on enacting their program of ethnocide upon us”.

“The taking of the land, the dispossession of the traditional kaitiaki meant the land would over time become less fertile, its mauri would wane, and it would lose its integrity and ability to maintain its natural balance- equilibrium, the land must be healed so the people can be healed – we are so deeply connected each affects the other”.

There was a lot of kōrero during the CIA wananga about the impacts of whenua raupatu and Public Works takings. Tangata whenua views are positioned in relation to whenua raupatu because they are inextricably linked to their whakapapa and the history of their land, this is why the dominating theme throughout the first two wananga was about land loss. When considering the views of Tangata Whenua in relation to their ancestral lands it is necessary to understand that there is a whakapapa to the whenua, it has its own history, its own identity and so do the people connected to it. In this respect, conversations about remediation must be understood within the wider context surrounding land confiscation and whakapapa of relationships.

6.2.2 REFUGEES ON THEIR OWN LAND

The impacts of land loss on Tangata Whenua do not exist separately, from other events, lands or people and must be understood within the wider context of land dispossession. Between 1840 and 1900, the Crown confiscated land north of the Pūniu river under the New Zealand Settlements Act 1863. This included all the land from the hapū who lived where the towns of Kihikihi and Te Awamutu are currently located.

In 2013, several Tangata Whenua representing the hapū of Ngāti Ngutu, Ngāti Paia, Ngāti Paretekawa and others were amongst those who presented their evidence in the matter of their treaty claims to the Waitangi Tribunal. Representing Ngāti Paretekawa, Thomas Maniapoto (2013) talked about feeling like a refugee:

“Our people became refugees on other people’s lands. We went wherever we could. Even our most generous relatives found it difficult to house us on their own meagre, and ever dwindling, land base. In later generations they are asking us “Why don’t you go back to where you came from?” We knew they were right, but we had nowhere to go. This is not a nice feeling to have with your relations (p.10)”.

6.2.3 LAND TAKINGS FOR TOKANUI HOSPITAL

The pressure was exacerbated when more land was taken under the Public Works Act (1908) to build a mental hospital and reformatory farm on lands located south of the Pūniu river. In addition, through legislative amendments more land was compulsorily acquired to create two large holdings. The combination of these two land takings on the one contiguous site was a huge loss for the hapū of Tokanui and Pokuru. As a result, by 1910, many of the whānau living on the south side of the river were now landless and homeless and for the hapū whose lands were taken north of the river, the last of their landholdings south of the river were now gone (Belgrave, me ētahi atu, 2013).

Representing Ngāti Paia, Gordon Thompson (2013) who has lived at Pokuru most of his life, expressed the insatiable hunger that the Crown had for Māori land:

“The more the Crown took, the bigger it became and the more it wanted, so the more it would take. Setting family against family, hapū against hapū as each tried desperately to hold onto what their tūpuna had left them (p.2)”.

6.2.4 LOSS OF DIGNITY, PRIDE AND WHAKAPAPA TIES

An important belief for Māori is that whakapapa is inextricably linked to the whenua, when your links to your land are severed so too are the links that bind your whakapapa. The intergenerational transfer of whakapapa knowledge was severed for many whānau because of whenua raupatu, this has had a devastating impact on whānau, Hari Rapata (2012) explains:

“Not only did we lose our lands as a result of raupatu, but it also divided and separated the people. The raupatu made strangers of relations so that only the blessed few are now aware of the whakapapa connections that ties us together (p. 2)”.

The effects of whenua raupatu are devastating. The loss of Māori land through confiscation following the 1860s wars, Crown purchases, the Native Land Court and Public Works takings have all led to the displacement of large numbers of Māori. Deprived of their land, hapū were in many instances reduced to poverty, with no option but to live in overcrowded and unhygienic conditions.

Once people were dispossessed of their land, they were dispossessed of their lore and culture (everything). Close kin relationships broke down, they lost their dignity, their pride, and their essence of life. As Thomas Maniapoto (2013) said there were no words to fully express the loss:

“I cannot explain this feeling of disconnection from our lands. You feel like a tourist on your own customary lands. Land is the essence of Māori, so i feel we have lost our essence. I can live without my parents, without my worldly goods but the land is my essence of life (P. 19”).

6.2.5 SOCIAL, CULTURAL AND ECONOMIC ALIENATION

During the first CIA wananga, Ngāti Paia Kuia, June Elliot talked about the issue of cultural alienation. She explained that cultural, social and economic alienation due to the loss of the Pokuru lands is like a balance sheet, on one side is Tangata Whenua and the other side is the government.

To summarise the term, it refers to how when the government colonises and uses means by hook or by crook the very taking of the land itself becomes the catalyst for more devastating and long-term harm to Tangata Whenua.

On one hand the government gains land upon which to undertake its planned activities whilst on the other side of the ledger Tangata Whenua losses are subjected to a negative multiplier effect. To summarise, the government takes one thing – land; however, the nett effect of taking that one thing, has multiple negative and intergenerational impact across many areas for Tangata Whenua, leaving them impoverished and marginalised spiritually, economically, culturally and socially.

Diagram 1. represents this notion in terms of the losses that Tangata Whenua have experienced versus what the government gained. This message was underpinned by the term used by her brother Bob Elliott in 1986 “transcultural fertilisation of the land”.

Table 4 Trans-Cultural Fertilisation

LAND-WHENUA POKURU 1B – 214 Acres	
Tangata Whenua	Government
LOSS	GAINS
Tikanga-a-Iwi	Laws & Policies
Te Reo	Hospital
Whanau, Hapu	Public Roads
Papakainga	Infrastructure
Hapu Rangatiratanga	Infrastructure - Water - Sewage - Phone - Electricity
Nga Here me nga Rakau	Signage
Nga Wai	
Mara Kai	
... 'TRANS-CULTURAL FERTILISATION OF THE LAND'...Bob Elliot, 1986	

6.2.6 IMPACTS ON HEALTH

Aunty June also shared the following kōrero about the impacts on the health of her people due largely to the living conditions that they were forced to live in after their lands were confiscated.

Much detail has already been recorded on the effects of land loss in this report. I don't propose to repeat what has already been stated rather, add to those korero. For Ngāti Paia, the major effect was the deaths that occurred after 1912 when the land was gone. The 1918 Spanish flu period was particularly devastating. Substandard housing and cramped living conditions and poor nutrition would add to the devastation. Our people were living in one room shacks with sugar bag windows or in a huge drafty old barn. Crammed in like pigs as they used to say.

In our urupā there is a long 20-yard strip with no markers. This is where the stillborn and miscarriage babies were buried. These are the lost generations of Ngāti Paia. A direct consequence of the conditions our people were forced to live under. The effects were to become generational and inter-tribal. It was not until 1960 that the Māori affairs built five houses on the Poutokomanawa papakainga site. From this time on the living conditions for some of our people improved but not for all as many had already left. There are other effects subtle but evident. Many of our people moved away to look for work and the hope of a better lifestyle. As a consequence, very few Ngāti Paia knew until recently who they were or their family history. They have no connection to their turangawaewae and now are just beginning to seek their history and their hapū. Hopefully this continues so Ngāti Paia can continue to develop as a people with our own marae and our own initiatives for the future. The return of our land within the Tokanui Hospital campus would allow us to start this process of regrowth⁴¹.

6.2.7 LOSS OF LANGUAGE

CIA wananga participant Connie, recalls a memory that when she was a little girl, Tokanui Hospital had a majestic effect on her, and sadly her whanau had to move away because of the confiscation of their beautiful whenua, she also remembers her whanau being scattered, living in poverty, she saw all of this as a child, she is now a grown adult in her late 50s and still feels the pain and sorrow today. Because the Whenua was taken by the Public Works Act, her whanau were forced to leave their papakainga (home) leaving behind their whanau, Kaumatua, turangawaewae, which has been a very deep mamae

⁴¹ Elliot. J., 2021, Personal communication.

for Connie and her whanau for many years. For a very long time, she is hurt because she missed out on learning her very own native language.

Kelly Johnson attended the CIA wananga, he spoke only for a short time but she spoke with strong convictions about the intergenerational effects that land loss has had on te reo Māori. Today, only 20 percent of his whanau speak te reo Māori and this leaves only two in his whanau to uphold the traditional cultural values and beliefs and fulfil the cultural obligations and practices of his whanau. Kelly believes that it was not right that he had to pay to learn his own language.

“We not only lost our land but our language, we were discouraged to go back to our land (that pakeha own) whenua raupatu. Mums’ generation were employed in the late 70’s at Tokanui, my parents both worked at the hospital, mum was a cleaner, dad was an orderly. Then we came along, only 2 of us are in the whanau community. During my upbringing i sat with our kaumatua and started learning our history, not so much with Napinapi but Tokanui and through what they seen in the past they encouraged me to learn te reo, another impact I had to pay to learn my language⁴²”.

The above testimonies are those of tangata whenua/the descendants of the original owners of the Pokuru and Tokanui whenua. They are the stories and lived experiences of those who have been impacted directly by whenua raupatu and the Public Works Act 1908. Tangata whenua kōrero clearly highlights what other intentions were behind the Public Works Act of 1908. The Act was used to dispossess tangata whenua of 214 acres of land to build a Psychiatric Hospital, but the cultural impacts associated with that dispossession suggest that the intent was to destroy the Māori people through firstly taking land which sustains life, then the waterways which provides many sources of nourishment, then destroy the culture through the suppression of language and cultural activities.

Tangata whenua believe that the whenua is unsettled and it has been this way for over a century because people have abused it, polluted it and discarded it like an unrequired chattel. The whenua will not settle until its kaitiaki return and Tangata Whenua will not give up fighting for their land until it is returned to them. A key focus for Tangata Whenua now is to stop future generations inheriting the effects of land loss.

6.2.8 IMPACT ON WATER/WATERWAYS

Tangata Whenua quickly became aware of the negative effects on the quality of their waterways once Tokanui hospital opened. A common theme that emerged from the Te Rohe Pōtae Inquiry hearings was that the rivers were pristine up until the time the effluent from the hospital, Waikeria prison and farming was discharged directly into the Wharekōrino and Pūniu rivers. Tangata whenua did not need scientific reports to see that the life of the river was gradually degrading. Ngāti Paretekawa kuia, Rovina Te Kawenata Maniapoto (2012), who is now 85 years old, recalls her childhood and the relationship her whānau had to the waterways:

“For us and our family, the Pūniu was the place where we went to stock our food supplies with eels. We had boiled eels...roasted eels, we had dried eels... we swam literally from dawn to dusk but it was our adventure playground. At the time the water was so clear that one could almost use it as a mirror. And then the river began to change...we saw the river slowly change colour. This was due to the effluent that came from Waikeria Prison and further down ... from the Tokanui Mental Hospital (p. 739)”.

Gordon Thompson (2013) swam in the rivers and played on the farms when he was young, but the river was polluted by then:

⁴² Johnson, K., 2021, Personal communication.

"I never felt the pebbles under my feet in the river. For me it was always mud. The pebbles have always been covered in green sludge. When I was young, the Pūniu was over my head. Now it doesn't even come up to my chest (p. 4)".

Until restricted by the degradation of the awa, the waterways had provided resources to sustain life including kai (food), rongoā (medicine), building materials and drinking water. The Pūniu river, the streams and tributaries attached to it were significant for the survival of whānau and hapū. Harold Maniapoto (2013) explained that:

"The (Wharekōrino) stream especially was a significant source of customary sustenance of our tūpuna but since the loss of Mauri caused by the environmental degradation of direct discharge into the waterway it no longer provides for any customary purpose whatsoever (p.8)".

The taking of the Tokanui and Pokuru blocks further deprived the local people of access to their rich Pūniu River resource. Former owners found themselves unable to participate in providing for important cultural events and reliant on the goodwill of neighbouring landowners for such resources. Robert Te Huia (2018) described the situation:

"We were no longer able to access the swamps and rivers as of right so we needed to cultivate these relationships with our new neighbours if we were to survive. Up until the 1960s, we were able to access the properties of Pakeha leaseholders and owners to get kai out of the swamps, to catch rabbits and harvest food like puha (p. 225)".

6.2.9 FLORA AND FAUNA

The relationship of Tangata Whenua to their flora and fauna, and all living organisms is inextricably linked to whakapapa and whenua. The remediation is simple, return the whenua to the original owners in a state so that the indigenous flora and fauna can be replanted. The pollution of the waterways has had a similar impact on the whenua. Prior to land confiscations the whenua surrounding the hospital had an abundance of trees for building *whare* (houses) and fertile soil for plants, harakeke for weaving and maara kai (gardens) were abundant. Lands on the hospital site and immediately adjacent were initially turned into huge gardens to produce kai to feed the patients.

Before the hospital was built, wetlands covered much of the area. Overtime these wetlands were drained and filled to make way for buildings, agriculture and horticulture. The loss of indigenous biodiversity within these wetlands included harakeke, pūkeko and other bird species, and eels. All of these natural resources provided sustenance and materials for Tangata Whenua to support their physical and spiritual wellbeing, the produces also provided an income through trade. Another important feature the ecosystem offered was protection from flooding as these wetlands provided a natural storage and filtering system.

6.2.10 WAAHI TAPU AND SITES OF SIGNIFICANCE

What is important to Tangata Whenua are the stories and events that relate to the landscape and the associated tūpuna. There were many tūpuna names and historical events mentioned during the CIA wananga, despite years of disassociation and displacement with their whenua people still understand how important the stories of their tūpuna are. Significance to waahi tapu are reflected in names of mountain, streams, rivers and places where food was gathered, stories of *taniwha*, *patupaiarehe*, *pakanga whenua*, *pūrākāu kōrero*, and much more.

These stories hold more value and importance than the landscape features alone. One such story speaks about Poneke who was an expert in weaponry and said to have been one of Rewi Maniapoto(s)

protectors. Poneke and his son Niketi were slain at the battle of Orakau. According to Thomas Maniapoto the body of Poneke was left in the Pūniu river:

"We lived on the banks of the Pūniu awa. It is a huge source of eels, and a source of water for bathing and drinking. It brings me great pain to think of the body of one of my ancestors in the awa. He gave his life trying to protect our lands for the generations to come. He died trying to hold fast to our ways...The history books mention little of such ancestors who stood up to the Pākehā and died for us. I am pained to my soul when I think of them (Maniapoto T. , 2013, p. p.16.)."

This story and many like it are memorialised in the hearts and minds of Tangata Whenua hence the river will always be a place of significance, a waahi tapu by the blood of significant tūpuna. Stories that associate events with places are important because these are the landscapes which identify Tangata Whenua. They may not be tangible landscapes, but they are associated with whakapapa which is intangible. Furthermore, these stories are relevant to Tangata Whenua therefore they become environmentally protected areas.

Other significant landscapes are associated with urupā (burial grounds) and pakanga whenua because people are interred there. Harold Maniapoto gave evidence to the Waitangi Tribunal about the significant burial sites that were around the hospital before it was built:

"In 1923, Raureti Te Huia wrote to the Government with new concerns; the two burial sites it had been recommended and agreed would be protected and cared for in what were the hospital grounds were already in a state of neglect. Te Huia wanted them properly fenced and trustees appointed to care for them. As a result, the hospital agreed to fence off one of the burial sites that was still evident. However, neither Raureti Te Huia nor hospital staff could locate where the second urupā was sited within the grounds (Maniapoto H. , 2013, p. p.22.)."

According to his testimony, due to the failure of the Government, waahi tapu were not protected on the former hospital site. Harold Maniapoto states that:

"The Crown could never have been in any doubt, from either the protests of owners, or the inquiry recommendation the Crown accepted, that Māori owners were concerned about the urupā of their tūpuna. However, within a decade they had fallen into disrepair and remained unfenced, and one had been completely obliterated (Maniapoto H. , 2013)."

Kaumatua Robert Te Huia described the failure as a 'broken promise' on the part of the Crown (Te Huia, 2018, p. p.225.). Wayne Taitoko identified a number of waahi tapu; burial sites significant to Tangata Whenua. One of these sites is the Pukekawakawa burial reserve which sits near the hospital grounds. According to Raureti Te Huia the second site sits within the hospital grounds somewhere, but its location was lost at least in part due to the construction of the hospital buildings and grounds. At the time there was no protection for waahi tapu, which resulted in reckless construction work with no consideration given to the Tangata Whenua with regard to protecting their taonga (Taitoko, 1998).

In old times, whanau members were assigned different jobs to take care of loved ones when they passed away. Some were responsible for preparing the *tupāpaku* for their journey, some were responsible for preparing the resting places and others were responsible for retaining the knowledge of where they were interred. All of these jobs were important and tapu each in their own right and there were good reasons why the burial locations were kept secret for fear of them being disturbed. If the location of the urupā that Raureti refers to is discovered, the aim would be to protect the area from earthworks, it will be up to the whanau of the ancestors to decide if the urupā is left where it is or relocated to a safe location.

6.3 CONCERNS REGARDING PROPOSED BEST FIT REMEDIATION OPTION ON CULTURAL VALUES

The aim of section 6.3 is to identify any issues and concerns with regard to remediation Option 2. and the impacts these may have on the cultural values of Tangata Whenua. It also offers options to mitigate potential risk. The hope is to provide a better understanding for resource consent applicants of the potential adverse effects on the cultural values of Tangata Whenua for future resource consent applications.

The proposed best fit remediation option is Option 2:

2. Complete Site Remediation to rural residential land use with waste disposed offsite:

- b. This option involves removing all structures, services and contaminated material off the Site
- a. This option involves removing all vertical structures, and contaminated material off the Site but retaining some horizontal infrastructure.

Several cultural impacts were identified throughout the engagement process with Tangata Whenua. Table 5. Provides a list of the key cultural impacts and risks to Tangata Whenua cultural values:

Table 5 Cultural Impacts

	IMPACTS	RISKS
WHENUA	Waahi Tapu Waahi Taonga Archaeology Natural heritage	Earthworks disrupt waahi tapu. Hazardous waste materials Changes to the landscape Ground disturbance impacts cultural sites of significance and destroy taonga
TE TAI AO	Ecology Bio-diversity Air quality	Pollution to waterways Dust effects bad for environment and people Destruction of wetlands Damage to ecology and bio-diversity Air pollution Loss of natural habitats (native flora and fauna) Noise pollution (traffic from construction activities)
WAAHI TAPU	Taonga and Artifacts Urupā Sites of historical significance	Disruption of culturally significant sites. Lack of protocols to deal with accidental archaeological discoveries Ground disturbance. Disturbance of koiwi tangata (human remains)
WAI	Water/Waterways Wetlands	Loss of freshwater habitats Pollutants entering water system
TANGATA	Kaitiakitanga Mana Motuhake Wairua Tino Rangatiratanga Manaakitanga Whanaungatanga Treaty Settlements	No partnership relationship agreements give Tangata Whenua no authority to make decisions No consultation or engagement with Tangata Whenua disregards tikanga and treaty obligations to engage with Tangata Whenua Lack of consideration to kaitiaki and cultural obligations Wrong people are consulted

6.3.1 WHENUA – WAAHI TAPU AND SITES OF CULTURAL SIGNIFICANCE

The most obvious concern for Tangata Whenua is the potential destruction of the land and wider cultural landscape due to earthworks activity. There are sites of cultural significance located on and near the Site as the land was occupied for hundreds of years prior to the establishment of the hospital.

Sites of cultural significance to Tangata Whenua are not national historic landmarks nor are they listed with the NZ Archaeological Association. The key difference between archaeological sites and cultural sites are the methods that are used to identify and categorise sites and places of significance using scientific methods versus Mātauranga Māori. One is based on collecting and analysing empirical data and the other on its historical relationship to whanau, hapū and iwi. These sites do not belong to iwi or the nation but they are of national importance because they are part of the heritage of New Zealand.

The culturally significant sites identified by Tangata Whenua in this CIA belong to the hapū and Tangata Whenua do not intend to register them. These sites are significant to Tangata Whenua because they are a part of their history and their cultural identity. They are reminders of their significant tūpuna and Rangatira and the whakapapa that binds them to the whenua. They are markers of significant events such as pakanga whenua and places where tūpuna would gather for hui and significant other important events. These sites include urupā, and places where kai was gathered (paa tuna) which were critical to the survival of the hapū. They are places where tūpuna lived such as Mokoroa hill - located within the hospital campus where Matengaro Te Haate's whare was, he lived there at the time land was taken, he witnessed the desecration of his whare and the building of the hospital, this site is significant to Ngāti Paia.

From 1910 through to the mid 1970's, land was constantly disturbed and cleared to make way for buildings and infrastructure and many significant sites were inevitably destroyed.

Of all wāhi tapu the urupā are the most significant. They are important because these areas contain the bones of ancestors. Tangata Whenua are very protective of their tūpuna resting places and will not disturb or move them unless it is absolutely necessary. By protecting the urupā, the mana of the ancestors and their descendants is also remembered. Urupā are a sensitive issue and they should be left alone and not disturbed.

Other significant sites are places where whenua (placenta) or pito (umbilical cords) were buried, these sites are important because they mark the identity of individuals and their relationship to the whenua. They are also valuable sources of whakapapa knowledge.

The stripping of topsoil using either diggers or motor scrapers may reveal previously unrecorded pre-historic archaeological sites related to occupation. Ground disturbances associated with earthworks can also reveal taonga and other artifacts, as such there is an associated risk of accidental discovery of unrecorded archaeological sites.

It is important to Tangata Whenua that all care is taken to ensure that culturally significant sites are protected from potentially damaging earthworks. Tūpuna knew where all these sites were and they were promised by the Government of the early 1900's that they would be protected but they were not. There are significant sites where locations are known, each of these sites will need to be assessed to measure the level of potential risk of damage from earthworks and other remediation activities. Table 6. Lists some of the sites that were identified by Tangata Whenua.

Table 6 Sites of Cultural Significance

Site Type	Location
Eel Weirs/Paa Tuna	- Piraunui; Kaiuri; Raupomanu; Puniu; Waipa; Whatataura; Wharekino; Taratutahi; Te Kawa; Kooura; Morehana.
Ancient Paa Sites	- Mangatoatoa paa occupied by Ngāti Paia, Ngāti Paretekawa and Ngāti Ngutu; Haereawatea – originally invested by Wharerere, Whaita’s father; - Whakapirimata – originally invested by Whaita; Pane o Whaita – close to Whakapirimata at Pūniu; Rewatu Paa (Paatuwatawata); Pokuru; Te Kopua; Otawhao; Te Horanga; Tokatoka; Pukahu; Takapau Kura; Whenuahou a) Pukerimu; b) Tokanui; c) Whiti Te Marama; Taratutahi
Papakainga	- Te Poutokomanawa (in between Pitoritori and Mokoroa hill) is the kāinga of Heperea Te Haate; Mokoroa hill; Wipaia Manu block – Ngāti Paia tribal papakainga; Pokuru; Kohipo; Te Iakau; Makino; Arahaupapa; Te Kumi; Te Poutoko Manawa; Pitoritori; Te Tiepa; Hauhine; Pukekawakawa; Waiwherowhero; Hui Te Rangiora; Te Awakere; Hokokura; Te Whakarurunga
Urupā	- Rewatu urupā which sits at the confluence of the Wharekino stream and the Pūniu river. - Kohepo kainga and urupā, many tūpuna are buried there. - Te Rua o Huiao, Pokuru 3. This is the burial place of Huiao and Ngutu. Next to Te Rua o Huiao is.
Awa	- Pūniu, Waipa, Wharekōrino
Maunga	- Pukekawakawa, Kakepuku, Pirongia, Te Kawa
Mauri Stones	- Locations withheld

6.3.2 WHENUA: NATURAL LANDSCAPES

The Waipa district is known for its rich soil and fertile land which has been toiled since the early 19th Century for, agricultural, farming and urban development. Land was also excavated to accommodate two large public works facilities in the area, namely Waikeria Prison and the former Tokanui Psychiatric Hospital. These developments have significantly altered the natural environment and landscapes in the region. These changes have a significant impact on iwi as they alter the aesthetic values and detract

from the important cultural features and landmarks in the landscape. A story shared by Ngāti Paretekawa kaumatua, Thomas Maniapoto shared kōrero with his daughter which encapsulates the essence of the importance of cultural landscapes:

"I recall one day my dad and I were walking around the hospital, we climbed a little hill, I asked my father "Dad where were our lands before the Pakeha stole them?", he said, "Look all around you son for as far as your eyes can see".

The little hill that Mr Maniapoto referred to was located near the hospital campus, that hill no longer exists, that reference point was a cultural land marker that was removed to make way for hospital buildings. It is a calamity that Mr Maniapoto's mokopuna can no longer include that reference point in their *pepeha*.

Overall, changes to the landscape have erased points of reference, sites of activity and other natural resources of importance to Tangata Whenua. Demolition activities have the potential to impact adversely on the cultural landscape, including view shafts to sites of cultural significance. Earthworks will temporarily expose large areas of the Project area and alter the natural contours. Any loss of indigenous vegetation will also alter the natural values of the area.

6.3.3 WATER

All water including lakes, rivers, underground springs (puna), seawater, etc. are considered a treasure – *he taonga te wai*. Water management can affect the mauri of awa and the species that inhabit them. The most culturally significant quality of the waterways is its mauri. The *mauri* binds all cultural and customary practices related to the waterways, these are physical, spiritual and traditional elements. The health of the mauri o te wai can be measured in terms of water quality and levels of pollution. The absence of pollution is one indicator that the mauri is healthy, the presence of native growth, native fish species and other invertebrates, the presence of kai, etc. are also key indicators of good health.

Key aspects of the remediation option which have the potential to affect the mauri of the Wharekōrino and Pūniu awa and taonga species that inhabit this location relate to water quality. Water quality is already affected by the accumulation of naturally occurring heavy metals. However, waste discharges and other pollutants could potentially emerge during earthworks activities.

The mauri of the river must be restored so that mokopuna can once again swim freely without fear of catching diseases, so that whānau can once again gather kai in and around the waterways without getting sick and so that the awa can regain its mauri. The cultural health indicators of how Tangata Whenua measure the status of mauri include the presence of healthy kai as described by Robert Te Huia above, the presence of indigenous flora and fauna, the presence of resources fit for cultural use, and the aesthetic qualities of resources and taonga as visual markers.

Measures must be taken to minimise any harmful effects from discharges of waste to water that might compromise the purity or the mauri of the waters.

Tangata Whenua have had the opportunity to be engaged with the Pūniu River Care program which aims to restore the mauri of the awa through the native plantation program. However, there is a risk of adverse effects to the natural resource through remediation works. This risk could compromise Tangata Whenua ability to manage the restoration of the awa and it also undermines their *kaitakitanga*.

Tangata Whenua are the kaitiaki of a variety of water taonga species and resources which were formerly abundant in and near the Pūniu awa and its tributaries. Tangata whenua hold the kaitiaki responsibilities for the wai itself, the riverbanks, and all living things in and around the riverbanks and so great importance rests on the ability of Tangata Whenua to carry out their kaitiaki customary practices in and around the location of the waterways. If Tangata Whenua are not able to perform their kaitiaki obligations, with full access to the awa and waterways and water sources on site, with full

authority to cease any site works if any risks are identified then this would breach their cultural standards.

6.3.4 FLORA, FAUNA AND MAHINGA KAI

All native plants, trees and shrubs fall under the domain of Tane (Te Wao nui o Tane) Tane provides the *kakahu* for *Papatuānuku*, without clothing the whenua is bare. The native trees and shrubs provide Rongoa (medicine) and are imbued with their own mauri, they are used for all sorts of purposes. Species that are significant to Tangata Whenua include: *Puha*, *Harakeke*, *Koromiko*, *Toitoi*, *Raupo*, *Kanuka*, *Manuka*, *Waatakirihī*, *Parakipere*, *Tohetaka*, *Pohata*, *Kawakawa*. As Kaitiaki, Tangata Whenua also have a duty to protect and care for native fauna species such as *manu*, fish, *ngārara* (insects), *pekapeka* (bats), etc.

Due to the close location of the hospital to the Kakepuku reserve, a number of fauna such as the long-tailed bat and the goldstripe gecko would no doubt have been common visitors to the area. He uri o Ngāti Paretekawa, Maria Maniapoto, recalls seeing letters of her great-grandfather's (Raureti Te Huia) from a Professor at Otago University asking Raureti to supply information about the native bird species in the Waipa region, the Professor was particularly interested in the short-tail bat, a local native. John Thompson, a local of Ngāti Paia hapū, recalls some of the species that were gathered for kai:

"The little koura crayfish we used to catch and eat after getting nipped by their claw, found in the hollow snags in Pūniu my koro used to see them in a shallow pool with sandy bottom and throw a bundle of rahurahu fern in the water then i was told to throw a stick in the water. This caused them to shoot into the fern then he would reel it in. Clever".

"Also a type of piharau (a type of eel) he would spear and trap by Te Tiepa paa tuna they had bumps in their mouths rather than teeth. still there today. The mullet-kopuwai/hohopu came from up the Pūniu to the back of home farm Wipaia Manu block still there today, nice smoked but very wary fish. I guess the Koi carp in the Pūniu need a mention, introduced pest that eat everything, a big impact on the river see them all the time, kill them when we can. Something interesting, we used to see ducks nesting in hollows in the willows and we would take some of the eggs (Pukeko eggs as well) and boil or fry them up".

According to (Britta Deichmann & Gerry Kessels, 2013), In 1840, the Waipa Ecological District (ED) was almost entirely covered in indigenous vegetation. About 15% was forest, 80% indigenous scrub and 5% was wetland habitat. By 1995, only 1% of indigenous forest remained, less than 1% of scrub and only 0.5% of wetlands now cover the Waipa ED. *Taonga tuku iho* includes all living things such as *harakeke*, *ti kouka*, *kereru*, *tui*, *pukeko*, *ngarara*, etc. Prior to 1910, all of these species could be found in the Waipa Ecological District.

Tangata Whenua have a responsibility as Kaitiaki to protect and nurture all the children of Tane ensuring that their habitats are not subjected to adverse effects. Earthworks and land excavation activities could potentially compromise the integrity of or access to food resources (*mahinga kai*) and food gathering areas, wetlands, rivers and tributaries etc. Any activities that disturb indigenous flora and fauna, such as the clearance of bush, trees and buildings could also increase biosecurity risks.

Tangata Whenua are concerned about how any potential impact of removing any contaminated flora which may cause more harm due to earthworks, air pollution and exposing contaminants to flora and fauna will be managed. As with the waterways, the potential adverse effects on the cultural values of Tangata Whenua and their environment have already occurred because when Tangata Whenua lost their ability to maintain and look after the area they could not fulfil their kaitiaki roles. The aim is to do minimal harm to the environment during the remediation and demolition process. This will require

constant monitoring to ensure that environmental and cultural standards are being met. As kaitiaki, Tangata Whenua play a pivotal role in this process.

6.3.5 AIR QUALITY

The mauri of air, as it is with water, can also be compromised through mistreatment and contamination. Air pollution can have a significant impact on the health of people, as inhalation of toxins, and other noxious discharges can adversely affect the elderly and people suffering from respiratory illnesses. Tangata Whenua have expressed concerns about whether there is the potential for higher concentrations of exhaust emissions as a result of the Project as well as in relation to the potential for noise pollution from vehicle use. Construction activities near marae or *kainga* (settlement) heavy traffic and moving waste offsite are all potential threats to the quality of the air, they also impact on the ability to perform various customary practices and rituals.

6.3.6 TANGATA WHENUA AND THEIR RELATIONSHIP WITH PAPATUĀNUKU

The way that Tangata Whenua view their relationship with the land is culturally unique. Through their ancestral connections and spiritual relationship, they have a duty to their tūpuna and their future generations to take care of and protect the whenua, wai and the environment – a duty demonstrated in practice through their kaitiaki roles. Tangata Whenua relationship with the whenua is of utmost importance especially in terms of maintaining customs and traditions.

A number of inappropriate activities were identified that could potentially have an adverse impact on the cultural and customary values and beliefs of Tangata Whenua. These impacts do not necessarily relate directly to operational activities but rather Government and Local Council policies and processes.

Colonial ideals, modernism, capitalism and Government assimilation policies were some of the mechanisms responsible for the breakdown of the physical and spiritual relationships between Tangata Whenua and Papatuānuku. Despite that there have been great efforts recently to improve working relationships with Māori in the environmental resource management space, some Local Councils and Government Policies still do not value the cultural capital of Tangata Whenua paying only lip service to their Treaty obligations. For example, in the resource consents process Māori are often considered as 'key stakeholders. Tangata Whenua maintain that they are partners who expect to be able to exercise rangatiratanga or authority in decision-making in the management of natural resources.

A huge risk to a successful outcome for the remediation project rests on the establishment of a partnership agreement between Tangata Whenua, the project management team and key stakeholders. Without this agreement, Tangata Whenua have no power or authority over the project essentially rendering their ability to perform their Kaitakitanga duties limited outside of the scope of the project.

It is important that Tangata Whenua are sufficiently resourced to build their capacity to enable them to engage with local government processes. Initiatives will require financial investment but the benefits will greatly improve Tangata Whenua capabilities and engagement. Inadequate resourcing by Government and local authorities can be interpreted as a lack of commitment to Tangata Whenua.

Other impacts that sit outside of operational activities but are still relevant to the project as a whole include:

- Not allowing kaumatua access to the site to perform tikanga/cultural or customary practices, this includes performing karakia, when it is safe to do so. A notification process will need to be developed with tangata whenua on an agreed approach to site access;
- Not consulting or engaging with Tangata Whenua in planning and decision making;

- Not giving Tangata Whenua the ability to fully undertake kaitiaki roles and responsibilities effectively undermining the ability to practice tikanga;
- Degrading, damaging or modifying cultural heritage, as a result of remediation option;
- Not understanding and/or respecting cultural heritage values and aspirations of Tangata Whenua.
- Not recognising the value of Tangata Whenua aspiration and vision plans for the restoration and protection of the environment.

Tangata Whenua have made several recommendations and remediation options with the view that the content and recommendations contained in this report will be received and considered by LINZ.

Recommended measures to avoid, remedy or mitigate potential adverse effects for consideration by Tangata Whenua should resource consents be granted are outlined in Table 9: The Legislative Framework Potential identified issues and Mitigations.

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7.0 PLANNING FOR THE FUTURE

Tangata Whenua have considered options for the future use including a proposal for residential development. Tangata Whenua are excited to think about future opportunities once their whenua has been returned to a state that is safe for future generations to live on. However, the key priority for Tangata Whenua over the next 5 to 10 years is to restore Papatuānuku me ōna wai me te taiao, this is the Kaitiaki responsibility of Tangata Whenua and this must take precedence before any site development planning occurs.

Planning for the future within the context of dispossession, displacement and alienation is an important restorative process. Kia Mahu Whenua, Kia Mahu tātou is a Kaupapa Māori environment restorative framework. It was presented at the third CIA wananga as an option for Tangata Whenua to consider how the whenua, wai and environment can be restored in a culturally appropriate manner. The plan encapsulates Te Ao Māori/Mātauranga Māori in a way that honours the ancestors who fought to retain their lands for their future generations. It ensures that the cultural narratives of the past are valued, it acknowledges whakapapa and assigns the right people whose kaitiaki obligations are to restore and protect the environment. The framework represents a step towards seeking retribution for the injustices suffered by Tangata Whenua as a result of Crown actions and whenua raupatu. It also provides a framework to rebuild Tangata Whenua tino rangatiratanga.

The aim through this plan is to identify environmental goals, aspirations and future vision to restore the mauri of the whenua, taiao me te wai. It is to be prepared for future planning and to work with LINZ, local authorities and contract workers with a plan that meets Tangata Whenua cultural standards.

Kia Mahu Whenua, Kia Mahu Tātou considers land, water and environmental rehabilitation options that lie within the values, principles and beliefs which underpin and give substance to understanding the world view and beliefs of Tangata Whenua in relation to the taiao (environment). In the context of this report te taiao refers to animate and inanimate life under the land, on the land and above the land.

The framework is based on a set of holistic principles drawn from Te Ao Māori. The key elements (Pou Whenua) of the plan are interrelated, each with its own whakapapa, these pou represent the dreams and aspirations of Tangata Whenua. The framework should be used as a guide to inform planning and decision making for the remediation and demolition of the former Tokanui Hospital (the Project). It must be referred to throughout all planning, design and operational documents. The framework incorporates both Te Ao Māori (LORE) and Te Ao Pakeha worldviews (LAW).

To give full effect to the framework, it must be implemented by representatives of Tangata Whenua. These representatives need to sit on the governance board for the project. Tangata Whenua are responsible for implementing the framework in the design and planning of the project, cultural monitoring, reviewing resource consents, maintaining a presence on site once work begins, working collaboratively with project management, LINZ, local authorities, etc. At least two representatives need to be elected by Tangata Whenua to carry out these responsibilities. Remuneration for these positions need to be factored into the costs of remediation.

The plan is in draft and will be further developed with Tangata Whenua to ensure that their cultural values and beliefs are clearly represented in the plan. The draft plan has been endorsed by TAR with further work to produce a final draft in 2022. It was recommended by TAR on October 13 2021 that once completed, the final Kia Mahu Whenua, Kia Mahu tātou framework be incorporated into the remediation plan. A copy of the draft framework is included in Appendix 4: Wananga 3.

SECTION 8.0 RECOMMENDATIONS

The following recommendations have been approved by TAR, they represent the collective of views, concerns and solutions proposed by Tangata Whenua during the engagement process.

8.1 WHENUA

- 8.1.1 Tangata Whenua rights to protect their taonga are guaranteed as stated under Article 2. of the Treaty of Waitangi.

8.2 WAI

- 8.2.1 As part of any consent conditions, Tangata Whenua expect to receive (at minimum) 6 monthly water reports to monitor ground water and surface water quality to ensure that exposure and further contaminant risks to the waterways due to earthworks and other demolition activities on Site is kept to a minimum.⁴³
- 8.2.2 Tangata whenua must be included in their role as kaitiaki, in the development of a Remedial Action Plan to ensure that the most effective and practicable measures will be taken to minimise or mitigate potential risks arising from the migration of leachate to the ground surface due to earthworks and other demolition activities.
- 8.2.3 Protect waipuna/freshwater springs that may be discovered during remediation by employing appropriate measures to be considered in conjunction with Tangata Whenua.

8.3 FLORA AND FAUNA

- 8.3.1 Continue to monitor excess nitrate levels to mitigate risk of water logging on pastures.
- 8.3.2 Prior to works commencing in the project area, Tangata Whenua shall identify those trees that will remain standing and those which will may be felled if required. Protocols be established for the removal of any Tūpuna trees and Rakau mauri.

8.4 WAAHI TAPU & SITES OF CULTURAL SIGNIFICANCE

- 8.4.1 Regard be given to the specific provisions in the Heritage New Zealand Pouhere Taonga Act (2014) and the Protected Objects Act (2006) to protect waahi tapu, significant cultural sites and taonga.
- 8.4.2 A robust Accidental Discovery Protocol (ADP) be developed and adopted for the duration of construction work. The ADP must be well understood by all stakeholders.
- 8.4.3 Site management protocols be developed to ensure a precautionary approach to site works to manage the potential for waahi tapu and taonga tuku iho discovery.
- 8.4.4 Avoidance of areas identified by iwi.
- 8.4.5 The adverse effects of resource use and activity operations are managed so as to appropriately protect areas and sites of significance.

⁴³ This would be the responsibility of the tangata whenua working group (See Kia Mahu Whenua, Kia Mahu Tātou environment framework)

8.5 GOVERNANCE

- 8.5.1 That LINZ work in good faith with Tangata Whenua and escalate the relationship to a formal partnership reflecting Te Tiriti o Waitangi principles as part of project preplanning phase, and to ensure Tangata Whenua are actively involved in key project planning, contracting and cultural monitoring roles and decision processes.
- 8.5.2 Include Tangata Whenua in the implementation of the recommendations outlined in this report.
- 8.5.3 Cultural Monitors/Kaitiaki be appointed for the project to manage and monitor cultural safety protocols⁴⁴.

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⁴⁴ The role of Cultural Managers and Monitors is to oversee any activities related to cultural impacts during demolition. These are advisory roles.

SECTION 9: TANGATA WHENUA ASPIRATIONS

Tangata Whenua have had a long time to consider how to restore their whenua and environment so that it is able sustain life and living once again. While not an exhaustive list, Section 9. outlines some of the minimal aspirations and actions that Tangata Whenua deem to be necessary to restore the whenua to a liveable standard according to their cultural mores. The following aspirations are not specific recommendations for LINZ and there is no intention to hold LINZ responsible for acting on these aspirations. However, Tangata Whenua will continue to work alongside key stakeholders, Government agencies, local council and others to address the key aspirations listed below.

Whenua

- A Memorandum of Understanding should be signed between the PSGE and Tangata whenua/the descendants of the original owners guaranteeing that their land will be returned to them once remediation work is complete.
- Regard must be given to specific provisions in legislation and local council and government policies to protect Tangata Whenua culture and traditions with their ancestral lands, waters, waahi tapu and other taonga.
- A landscape management plan will be developed by Tangata Whenua for reference and use by relevant contractors and/or council planners to reflect the interests of Tangata Whenua and their relationship with the whenua.

Wai

- Best practice storm water management methods will be followed including:
 - *Treating storm water and run off close to source, using stands of native plant species in riparian planting spaces;*
 - *Ongoing monitoring and maintenance of storm water treatment and control according to regulatory requirements.*
- Water sensitive designs are included within the development to mimic natural systems including riparian restoration of the natural stream that flows through the site.

Flora and Fauna

- Areas must be observed regularly to ensure that vegetation is not struggling to grow.
- Any exotic forestry and pasture be replaced with appropriate native trees and shrubs.
- That focused protection, re-instatement and/or enhancement of indigenous biodiversity is a key element of the entire rehabilitation process.
- Develop and implement an Environmental Cultural Monitoring Plan (CMP). Tangata Whenua will identify taonga species to be included in the CMP. This includes birds, lizards and fish species.
- Develop a biodiversity and rongoa restoration plan in partnership.
- Develop a mahinga kai harvest and maintenance plan.

Waahi Tapu & Sites of Cultural Significance

- A cultural mapping project be undertaken as a collaborative project with LINZ and Iwi (Maniapoto and Waikato-Tainui) with Tangata Whenua leading to identify and record places of cultural significance including paa sites, urupā, eel weirs and traditional fishing areas, etc.
- Cultural markers such as storyboards, pou whenua, koowhatu etc are erected to identify culturally significant sites.

Governance

- That LINZ work in good faith with Tangata Whenua and escalate the relationship to a formal partnership reflecting Te Tiriti o Waitangi principle's as part of project preplanning phase, and to ensure Tangata Whenua are actively involved in key project planning, budget decisions, social procurement, contracting and cultural monitoring roles and decision processes.
- Capacity building of kaitiaki to undertake monitoring, cultural surveying and other lead and support roles.
- Include Tangata Whenua in the implementation of the recommendations outlined in this report.
- Cultural Managers/Cultural Monitors (Kaitiaki whenua) be appointed for the project to manage and monitor cultural safety protocols.
- Wananga should be conducted for project leaders, contractors, demolition workers, council members, etc. on the marae to introduce to the basic kawa of how to appropriately engage with Tangata Whenua.
- Managers and leadership need to allow for Māori processes to take greater preference – not limiting engagement within timeframes and money constraints.
- Tangata Whenua must be resourced to build their capacity to enable them to engage with local government processes.
- Tangata Whenua will develop a quality implementation and outcomes planning framework to assess the efficacy of the implementation of the RMA provisions.
- Tangata Whenua will develop a close working relationship agreement with Maniapoto for riparian planting and restoration.
- Tangata Whenua will identify their own cultural heritage values, environmental management plan, goals and objectives. This plan will align with Ko tā Maniapoto Mahere Taiao where appropriate.

CONCLUSION

It is imperative that LINZ adopt the principal of 'do no more harm' regarding the remediation and demolition of the former Tokanui Mental Hospital site.

Considering the relationship that Tangata Whenua have with their ancestral lands this means taking a step back to understand the impact of land confiscations in the Waikato and the compulsory acquisition of land to build Tokanui Hospital.

The key principle means recognizing the mana that Tangata Whenua hold over their lands, to acknowledge their grief and suffering, and appropriately mandating their representatives to engage during the remediation and demolition project.

The Resource Management Act (1991) emphasises the need to consult with Māori therefore, LINZ must develop an appropriate consultation process that recognises the customary interest of those with whakapapa connections to the land (Pokuru 1B) and include them in any decision-making process regarding the remediation and demolition of the site.

The responsibility rests with LINZ as the Crown agency to accept responsibility for the direct and/or indirect adverse impacts on the waterways of contaminants from the hospital. Considering the relationship of tangata whenua with their waterways, this means that the demolition and remediation program must include a meaningful plan of engagement with the hapū of Pokuru 1B. The plan must include strategies to support the regeneration of environmental and cultural standards regarding the damage that was caused by discharge from the hospital.

As with the waterways, Tangata Whenua must be present in decision making around any demolition work to ensure that there is no further damage to biodiversity and the ecology of the landscape than is necessary during the process. A full environmental and ecological assessment must be implemented to understand the needs of the whenua to ensure the future health and wellbeing of the ecosystem.

Tangata Whenua understand the unique position they are in to ensure that the CIA report recognises and provides for their relationship with respect to ancestral lands, waters, forests, waahi tapu and other taonga. They understand their position of authority to control and manage their traditional areas and resources in relation to their customary and cultural practices.

This authority is obtained through whakapapa and relationships to the whenua. Tangata Whenua who attended the series of wananga maintain that only "the hapū" have this relationship with the Project area. Furthermore, Tangata Whenua are not a Crown appointed entity or a Māori Trust Board and they have not passed on their customary rights to any post-settlement Crown entity.

Tangata Whenua are aware that not all cultural beliefs and practices are relevant to relevant legislation, local Council plans and policies. However, recent engagements with LINZ have seen a shift in attitude towards a better understanding of the value of cultural perspectives. Tangata whenua are willing to work with LINZ to help them formulate relevant assessment tools based on kaupapa Māori methodology so that LINZ project managers, local authorities, landscape architects, etc. can engage with Tangata Whenua in planning and decision making.

GLOSSARY

<i>Ahikaa:</i>	Refers to tangata whenua who have maintained their connections to the whenua through continuous occupation
<i>He taonga te wai:</i>	The water is precious
<i>Kakahu:</i>	Providing shelter/clothing
<i>Kaitiaki:</i>	Protector, caregiver, guardian
<i>Kaitiakitanga:</i>	Guardianship
<i>Kawa:</i>	Protocols, customs
<i>Kāwanatanga:</i>	Governorship, authority
<i>Kawenata:</i>	Covenant
<i>Kai uri tuna:</i>	Eel weirs
<i>Kaupapa:</i>	In this text Kaupapa refers to common Interests
<i>Mahinga kai:</i>	Place of food gathering/collection
<i>Manaaki:</i>	Acts of hospitality, kindness, generosity, host
<i>Mana:</i>	Influence, prestige, power, authority
<i>Mana Motuhake:</i>	Autonomy, self determination
<i>Mana whakahaere:</i>	Governance, authority, jurisdiction, management, mandate, power
<i>Mana whenua:</i>	Territorial rights, power from the land, authority over land or territory, jurisdiction over land or territory – power associated with possession and occupation of tribal land
<i>Manuhiri:</i>	Visitors
<i>Maara kai:</i>	Garden
<i>Mātauranga Māori:</i>	Knowledge/knowledge systems from Te Ao Māori
<i>Mauri:</i>	The life essence or spiritual force in every entity, animate and inanimate
<i>Mokopuna:</i>	Descendant, grandchild
<i>Papakāinga:</i>	Home
<i>Pakanga Whenua:</i>	Battle grounds
<i>Papatūānuku:</i>	Mother earth
<i>Patupaiarehe:</i>	Fairy folk
<i>Pepeha:</i>	Tribal sayings
<i>Pohara:</i>	To be poverty stricken, poor
<i>Pūrakau kōrero:</i>	Legends
<i>Rangatiratanga:</i>	Right to exercise authority, self-determination
<i>Rohe:</i>	Iwi/hapū territory
<i>Rongoa:</i>	Traditional medicine
<i>Taniwha:</i>	Water creatures
<i>Tangata whenua:</i>	Indigenous, people born of the whenua (land)
<i>Taiao:</i>	Environment
<i>Taonga:</i>	Anything valued – culturally or socially. Includes tangible and intangible treasures
<i>Taonga tuku iho:</i>	Treasures handed down by ancestors
<i>Te Ao Māori:</i>	The Māori world and/or a Māori worldview

<i>Tino mamae rawa:</i>	Great pain
<i>Tūpuna:</i>	Ancestor/s
<i>Tupāpaku:</i>	Deceased persons
<i>Urupā:</i>	Place of interment
<i>Waahi porangi:</i>	A place such as a psychiatric hospital
<i>Waahi tapu:</i>	Site of cultural and sacred significance
<i>Waahi wairua:</i>	A spiritual place
<i>Wai:</i>	Water (refers also to source)
<i>Whakapapa:</i>	Through common descent
<i>Whenua raupatu:</i>	Confiscated land, land taken by force
<i>Piharau:</i>	Eel like fish, highly valued food for Māori

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Appendices

APPENDIX 1: TAR ENDORSEMENTS

TAR HUI - FRIDAY, 15 OCTOBER 2021

KARAKIA: 3.09pm R. Te Huia

EXECUTIVE QUORUM

PRESENT: J. Halling, G. Thomson, T. Halling

ZOOM: J. Thomson, R. Te Huia, M. Maniapoto, K. Tai, Oriana J Elliott.

In conjunction with reviewing the entire CIA report, on largely addressing Section 6 of the CIA Report; it was necessary in this hui, to re-visit & review this Section to add further specific details to each of the following subjects as listed below;

- Flora & Fauna & Others
- Sites of Significance/ SOS
- Natural Landscape Impacts
- Key Cultural Values
- Kaitiakitanga

With the inclusion of these detailed changes, the CIA Report was duly tabled by Oriana June Elliott & Robert Te Huia, accepted, & carried, where the CIA document was signed off for the final CIA Document to be forwarded to LINZ.

SIGNED BY:

TAR Tiamana: Robert Te Huia

CIA Contractor: Kaawhia Tai

CIA Project Manager: John Halling

WHAKAMUTUNGA KARAKIA (4pm) Kaawhia Tai

APPENDIX 2: LIST OF WANANGA ATTENDEES

Table 7 List of Wananga Attendees

FIRST NAME	LAST NAME	FIRST NAME	LAST NAME
Alicia	IORANGI	Oriana	ELLIOT
Ana	DAVID	Philomena	ROBERTS
Barbara	BAUCKE	Robert	TE HUIA
Casey	IORANGI	Robert	CAMPBELL
Connie	DAVIS	Rovina	MANIAPOTO-ANDERSON
Daphne	TE HAATE	Ruby	DAVIS
Dion Tiare	ANDERSON	Samuel	ROA
Elijah	ROBERTS	Shakira	ROBERTS
Ernie	WALKER-TEHUIA	Susan	TAPARA
Frances	DEANE	Tania	TAPARA
Frances	DEAN	Tukaiaora	HEPI
Gordon	THOMSON	Tuhiao	WILLIAMS-HALLING
Hone	HUGHES	Wai-Te-Ahoaho	TE RUKI
Jacqueline	TAI		
Jacqui	ROBERTS		
Janice	FERGUSON		
John	THOMSON		
John	HALLING		
Joseph	TAI		
Josephine	MAURIOHOOHO		
June	ROBERTS		
June	ELLIOT		
Kaye	Te Huia-Crean		
Kelly	JOHNSON		
Kevin	TE HAATE		
Lavina	HUME		
Lynsey	DAVIS		
Maia	MURAAHI		
Makere	ROA		
Maria	MANIAPOTO		
Matthew	IORANGI		
Menolly	SIBLEY		
Mike	BARTON		
Misty	IORANGI		
Moana	JOHNSON		
Niketi	TOATAUA		

**NAU MAI HAERE MAI!
E HONO MAI E TE IWI NEI!**

**THE TOKANUI ACTIVE ROOPU (TAR) of
TAR Block Ltd**

INVITE

ALL KAUMATUA & TANGATA WHENUA,
MO OU HAAPU MAHA
With the Descendant's of Ngutu who
have an interest claim to:

**Pokuru 1B, Tokanui Hospital Campus
Taken by the Public Works Act (1908)**

**WE NEED YOUR INVOLVEMENT &
PARTICIPATION** to attend 3 Waananga
Workshops facilitated by Paul Kaawhia Te
Muraahi in compiling a Cultural Impact
Assessment, regarding **YOUR WHENUA**.

**The 3 Waananga Workshops will be held
over three months, with the first Workshop
Waananga commencing on:**

TERA	Saturday, 29 May 2021
TE WAA	10am to 4pm
I HEA	Waipa Workingmen's Club Inc, 139 Albert Park Drive, Te Awamutu

On arrival, accordingly,
please register your name
& contact details.

RSVP: TAR Admin Support
tarblktd@hotmail.com

POKURU 1B, TOKANUI HOSPITAL CAMPUS

CIA - WAANANGA TUA RUA.

Nau Mai, Haere Mai! e Hoki Mai e te iwi nei!

The Tokanui Action Roopu (TAR) of TAR Block Ltd

Invite:

All Kaumatua, Tangata Whenua mo ou Haapu Maha to attend our **Second Waananga (Workshop)** facilitated by Paul Kaawhia Te Muaraahi who is now compiling a Cultural Impact Assessment, regarding, **YOUR WHENUA (*taken under the Public Works Act (1908)*)**.

Te Waananga Tua Rua will be Held:

TE RA Saturday 26 June 2021

TE WAA 10am to 4pm

I HEA Waipa Workingmen's Club
Inc, 139 Albert Park Drive,
Te Awamutu 3800

On arrival, kindly register your name & contact details

It would also be appreciated if attendees could arrive half an hour before we commence.

Kia Ora Tatou

RSVP: TAR Admin Support

tarblktd@hotmail.com

POKURU 1B, TOKANUI HOSPITAL CAMPUS 2021

CIA - WAANANGA TUATORU.

Nau Mai, Haere Mai! e Hoki Mai e te iwi nei!

The Tokanui Action Roopu (TAR) of TAR Block Ltd

Invite:

All Kaumatua, Tangata Whenua mo ou Haapu Maha to attend our **Third Waananga (Workshop)** facilitated by Paul Kaawhia Te Muaraahi, who is compiling a Cultural Impact Assessment, regarding, **YOUR WHENUA (*taken under the Public Works Act (1908)*)**

Te Waananga Tuatoru Will Be Held:

TE RA Saturday 24 July 2021

TE WAA 10am to 4pm

I HEA Waipa Workingmen's Club

Inc, 139 Albert Park Drive,

Te Awamutu 3800

On arrival, kindly register your name & contact details

*It would also be appreciated if attendees could arrive half an hour before we commence. **Kia Ora Tatou***

RSVP: TAR Admin Support

tarblktd@hotmail.com

APPENDIX 4: SUMMARY OF CIA WANANGA 1-3

Outline for Wānanga

- Introduction Who are we – our whānau / where are we located / who our tūpuna is connected to the lands at Pokuru 1B. Our connection to the lands
- Outline any history known to your whānau as it is related to the lands concerned. Tūpuna and whakapapa / korero tuku iho / historical events and people.
- Our connection to local whānau / hapuu? Outline what your whanau ties or connection are to other local whānau and hapuu?
- Discuss how your tūpuna were living on the land.
- Discuss how they were living on the land prior to the lands being taken / during and what happened after?
- Note their relationships with the natural world, kai, manākitanga, and whanaugatanga etc, what were the key values they held important?
- What happened to your tūpuna when the lands were taken by the Crown?
- Outline what happened to your tūpuna, their lifestyle their connection and relationships during and after the takings?
- What has been the impact of the takings for your tūpuna and whanau?
- Discuss what overall and specific impact these takings have had on your whanau and what feelings to do have as a result?
- Moving forward what are your thoughts on remediation of the site?
- Share with us any thoughts and issues or concerns you may have about remediation of the lands and site?
- Summarise key points or key messages. At the end highlight key messages you would like to emphasise and leave behind as you close your kōrero off.

The first wānanga was held at the Waipa Workingmen's Club meeting rooms in Te Awamutu on Saturday 29 May 2021 commencing at 10.00am The hui started with a mihi whakatau by Niketi Toataua and was followed by an opening karakia by Hone Hughes. The Chairman of TAR followed with a brief summary of the purpose of the hui and a short background. The Chairman then performed administrative and safety briefings after which he introduced Kaawhia as the facilitator for the three wānanga and the writer of the CIA report. Kaawhia thanked the Chair as well as Niketi and Hone and reinforced the mihi to everyone in attendance for taking the time to show up and to contribute to the korero and mahi ahead. An opportunity was given to everyone to introduce themselves before morning tea was served. Those present took turns standing to introduce themselves to the hui. Copy of attendance register attached. Matt Bradley arrived late but in time for this part of the hui and introduced himself.

Kaawhia thanked everyone and then adjourned the hui for morning tea advising that after the break we would commence the conversation part of the proceedings which will be led by a Kōrero by Matt Bradley from LINZ followed by Q and A. After morning tea Kaawhia reconvened he hui on the lower floor and introduced Matt Bradley. Matt delivered a clear and useful presentation about the site itself, CIA process and decision making moving forward. A number of speakers asked questions which matt replied to clearly. Sam Roa asked Matt how LINZ viewed TAR from a relationship point of view, Matt noted that LINZ recognised TAR as the tangata whenua group for the Tokanui Hospital Camps lands (Pokuru 1B) hence the contract to undertake the CIA report. After a handful of other questions Kaawhia adjourned the hui for lunch (a copy of this presentation will be emailed to all attendees). Following lunch Kaawhia reconvened the hui and gave brief as to the rules for the session. He emphasised that the speakers will give their own koorero based upon their own research and reality. The hui was not to question their koorero nor seek to interrogate the speakers, but to receive the koorero with the respect in which it was delivered. He then introduced the first of our local speakers for the wānanga series Ngāti

Paea Kuia June Thompson. June gave a beautiful koorero which touched on a range of issues concerning the original takings of the lands, how Ngāti Paea connected with the whenua and area, the key place of the tūpuna Nqutu and their story and read paragraphs from two petitions written by local tūpuna concerning the public works takings and their view of the takings. (A copy of this kooreo will be emailed to all attendees). June gave a very impactful presentation and it was a pleasure to receive her insights. The audience applauded her taking the time to prepare and deliver her koorero. Kaawhia thanked June and proceeded to outline some key points which he is expecting speakers at the next wānanga will cover off on (this template will be emailed to all attendees).

Rovina Maniapoto'Anderson requested a short few minutes to koorero. Kaawhia allowed this and Rovina showed a short video taken on the Waikato river during the funeral of Te Arikinui Dane Te Atairangikaahu. Kaawhia thanked Rovina and noted to all the next wānanga date. He also confirmed with the agreement from the hui that the venue will remain as it is, the Workingmen's club. Kaawhia then thanked the TAR support team of John Halling, Tuihana and Kay. He then asked Hone Hughes to close the hui with a karakia.

Hui closed at 3.00pm with a karakia by Hone Hughes.

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BRIEFING PAPER - SECOND WĀNANGA

The second wānanga was held at the Waipa Workingmen's Club meeting rooms in Te Awamutu on Saturday 26 June 2021, many of the attendees arrived as early and the meeting commenced at 10.00am. Mihi whakatau - Niketi Toataua: Mihi and greetings offered by Niketi Toataua. Noona te mana ki te tuku mihi ki o taatou kaumaatua kuia, koroua, ngaa kanohi ora o raatou maa kua wehe atu ki te poo, nga waitangaiho e pupuru tonu te Mauri o te Mana Māori Motuhake, me te whaanau whaanui, me te hunga rangatahi, o teena Marae , o teena haapu i tae mai ki te tautoko, ki te hapai taatou kia taatou mo too taatou Kaupapa tiino whakahirahira, ko too taatou whenua te take. Mauri ora! Kaumaatua Robert Te Huia: Ko ia te Kai Karakia, naana i tuwherahia too taatou hui i roto wairuatanga, mo ngaa manaakitanga ki runga i a maatou katoa e hui nei mo ngaa kaupapa e paa ana ki too taatou whenua. Noreira e kore e mutu ngaa mihi aroha ki a koe e koro Our Kaumaatua Koro Robert then proceeded with updating everyone as to where we are now: - Whats happening with our Whenua - Whats happening with Farm and how everyone's contribution is vital and important towards the CIA report. He also introduced the Executive Committee of TAR to the Whaanau for at anytime they have Patai about anything the members are available and approachable to have a korero with them, and they are:

- Sam Roa
- John Hallings
- Gordon Thompson
- June Elliot
- Robert Te Huia
- Kawhia Muraahi
- Niketi Toataua
- Kelly Johnson
- Tuhiao Hallings

John Hallings: Was our next Kai korero and he explained to everyone how important it was for the CIA report to share your stories, your memories, your connections to the Whenua, your expressions, your pouritanga, your riri, your passion, your Aroha and your Tangi. What is not included in the CIA report is the OWNERSHIP, this is vital and needs to be included! as this is our right. We need to take a protective stance, our contributions is very important.

Kawhia Te Muraahi: Extends his mihi Aroha to Niketi for his welcoming Mihi to all the descendants an our Kaumaatua Robert Taohua Te Huia for his opening prayer, two very important traditions, rituals that we do when conducting our hui, acknowledgements are made in its respective manner. He also introduces our 1st Kai korero our Kaumaatua Robert Taohua to take the floor to share his life story and his relationship, his bond to the Whenua Briefly summarizing his Submission, full copy is also attached Koro Taohua recalls the year he was born in 1943 Mangatoatoa known to everyone as the Paa, Te Kainga, whee he was brought up, where he learnt his life skills b yhis Parents and all his elders that also helped and raised him, he mentions as he was growing up, Tokanui Hospitals was a no go place to go to, but the more that was said to him, the more he was curious, and little did he know at that time, was that the whenua that the Tokanui Hospital was built on belonged to all his Tuupuna, then later on in life finding out why his connection and bond to the whenua was so strong. He remembers about how important the farm was, and how it was worked upon all the time, creating mahi for the hapuu, a life source that catered for the multitudes of whaanau at the time, through the whenua it kept the hapuu sustained and alive, there was an abundance and plentiful of Kai gardens, Rongoa Māori was available of all kinds for all medicinal purposes, Puniu Awa was full with all our Māori delacies that nourished the hapuu and Iwi. Also the importance of our maunga whakahii Kahuwera and Pukekawakawa, strong

significants for our Hapuu with all that they provided for our people we continue to pay homage to them for we are truly grateful. As Kaumaatua Taohua was present and a witness at the Waitangi Tribunal court proceedings and heard the breaching of their legal responsibilities that protects the rights of the owners who challenged them at the time, still today anxiously awaits for the outcomes. Hearing our Kaumaatua share his Submission, you cant help but feel the Aroha, the mamae, the pouri, the riri, the tangi in his voice, he also has to pause and take a breather as he requires a simple but precious glass of water that his provided to him by his whaanau, and the expression of gratefulness on his face to them so that he is able to continue reading his submission which he is passionately and determined to complete at no matter how long it takes him to read it, as I continue on to listen to our Kaumaatua, I personally take into consideration of the his own time that it has taken to do, time taken away from his own whaanau and responsibilities in general, but the utmost importance that his korero is shared and express in the respective manner for all of those of our loved ones whom have passed on and gone behind the veil, he struggles in Koroheketanga and health issues, but he must do what he has to do, now for his uri whakatupuranga.

June Elliot:

Our next Kai korero to contribute for today, whom represents her hapuu of Ngati Paea. she begins her korero apologising to the people from the first hui as she did not say who she was and where she from she stands proud today and formally shares with everyone Ko wai ia. again i cant help but feel all the mamae the is shown on her kanohi before she even speaks, like our Koroua very passionate and determined to be heard even though her waewae are mamae too.

She clearly mentions significant Names of Papakainga before the Hospital was built and hence the very strong whaanau connection to the whenu Pokuru 1B Tokanui Hospital Campus, Mokoroa one of the names given, Papakainga that was where the Swimming pool was situated belonging to the Descendants of Ngaati Ngutu and Ngaati Huiapo. Te Awakere, the Gully by wards 4 & 6, two sites of great importance to these Hapuu. In her korero she is very vocal, as she wants her korero to be heard and her eye contact is to everyone who is present in the room. Our Kuia June talks about the options that had been given to the hapuu in regards to the whenua at the Hospital.

Option 1: Leave all Paru as is?!, this has been like this for the last 24 years, whenua has not being used, she feels very saddened and depressed.

Option 2: Remove onsite waste, absolutely! needs further discussion with whaanau and hapuu.

Option 3: Bury the paru back in to whenua, land will become tapu, No go!! and then becomes unusable not under Kuia Junes watch will she let that happen!. which leaves these Patai:

What is the Importance of all these Options and Patai, do we see and feel Aroha in all of the above? If definetly has a whaanau impact when discussing these matters regarding the whenua, we have had personal discussions and we get angry at each other, it affects us very much, all the mamae our Tuupuna felt it has continued through the generations. Whenua was lost back as far as 1864 and then again 1908, 1909 -1912.

Our Kuia completes her korero and expresses her utmost thanks to all of the people that came to the Hui today and who was all present and listened to her Korero, Noreira ki a koe e Kui, kaa nui te aroha i whakapau werawera, i whakapau roimata ki te whakaoti pai too ripoata herangi mi koha atu mo te Ripoata nui mo too taatou whenua, noho ora mai ra i roto i te aroha me te rangimaarie o ngaa Tuupuna Maatua, me te Kaihanga (Kuia Junes Submission is attached) Philomena Roberts: Teenei Wahine humarie he uri no Ngaati Ngutu, oona whaanau Tautoko ko oona Whaea Ko Jackie Roberts, June Roberts raatou ko toona Tamaiti a Elijah Roberts. Today she is representing her Whaanau and her

Tuupuna. 1864 when her whaanau were all settled on their whenua Pokuru 1B, Philomena shares her Whakapapa, Proudly and confidently via Slide Show.

Philomena Roberts:

Teenei Wahine humaaie he uri no Ngaati Ngutu, oona whaanau Tautoko ko oona Whaea Ko Jackie Roberts, June Roberts raatou ko toona Tamaiti a Elijah Roberts. Today she is representing her Whaanau and her Tuupuna. 1864 when her whaanau were all settled on their whenua Pokuru 1B, Philomena shares her Whakapapa, Proudly and confidently via Slide Show

She mentions Colonisation weakened our Māori Identity. She also shares of the loyalty of her great grandmother Heke i te rangi Warren to her father Takirau, through the heavy mamae in the past she refused to teach her children te reo me oona tikanga. another huge Mamae, but today it is being learnt and strong through the mokopuna, this has been Intergenerational trauma. Although through discussions and disagreements, raruraru of the past in her Tuupuna time, which unfortunately the whaanau at the time was uplifted and moved to Cambridge to make this their new home, but knowing where their kainga Tuutuuu is today , where once the whaanau thought they were a lost tribe to now knowing confidently that no they are not a lost tribe. Her Auntie Jackie also got up to speak and to support her nieces korero, and also shares about her identity, and recalls when she use to work at the Tokanui Hospital, not knowing that a lot of her whanaunga, elders also worked there too, she was amazed of the how closely related they were through whakapapa, and how it made her feel to have this close connection to all her whanaunga and then also the whenua she worked on which rightfully belonged to her too, she expressed Riri in her korero which was definitely felt by all whanau were present in the room, she still carries the mamae of the Tuupuna today, their korero was supported by a beautiful hau kainga waiata.

Matt Bradley:

Matt was introduced and gave a very detailed presentation focussing on the CIA program and the role of LINZ. It was very informative. Kaawhia thanked Matt and invited Tuhiao to speak on admin matters. Tuhiao Hallings: Had an opportunity to thank everyone for attending todays hui, but also wanted to extended her mihi aroha to our Rangatahi that were in attendance and encouraged them to get up and speak a d share their they whakaaro of how they see things and how the feel about the waananga that they have attended regarding their whenua, not surprisingly they didn't felt the mamae when the different kai korero spoke, one key positive word that they wanted to see happen for the future was CHANGE and how rightfully so, and you could see the enthusiasm in these young rangatahi and their commitment to their whenua, they are our future they are TE REO O TE APOOPOO the voices of the future, what a beautiful way to complete our hui with their whakaaro. Hui was Closed with Karakia Whakamutunga by Kawhia Muraahi @ 1.40pm, next hui Te Waananga Tuatoru 24 o ngaa ra o Hongongoi 2021 @ The Waipa Workingmens Club Te Awamutu.

CIA Wananga #3

24 July 2021

Mihimihi - Welcome performed by Kaawhia.

Karakia - Performed by Robert Te Huia.

The CIA report has given us an opportunity to revisit some of the kōrero nehera e paa ana ki te whenua raupatu.

John H: Agenda

This is the 3rd and last wananga then Paul will put together the CIA report, which will be reviewed by TAR then the final draft goes to LINZ. The report is running a bit behind schedule, the final draft should be completed by September.

We open the floor for whanau to share their kōrero.

Kaawhia:

There are a number of hura kohatu on this weekend so a lot of whanau could not attend the wananga today.

John will send you a copy of the Literature review (which is part of the CIA report)

We will also have one-one interviews following today to capture more in depth kōrero.

Objectives: Clarify the CIA report, what LINZ will do with it. What outcomes we want.

In the early 1990s we had a hui about - What should happen with the site? One of the things that came out of that hui – a message clearly delivered by Hore Muraahi was to take all the pakeha rubbish away and what we are hearing today is further confirmation of that.

Sam Roa: Te Muraahi Whanau

Carver by trade, been involved in carving for 35 years, 25 meeting houses to date so story telling on carvings is my forte. I have talked to a lot of kaumatua and heard a lot of stories about our tupuna.

My korero today is from a collective of different stories from elders and research that i have been involved in over many years.

There are different versions of my korero today but this is the one that was told to me about Pokuru 1B.

See Power Point.

Whakapapa coming down from Te Akanui the older brother of Peehi Tukorehu.

Timeline

Manga's grandfather – Te Akanui

Key impacts:

Maatakitaki massacre Introduction of muskets

Mangatoatoa was burnt down

Move to Haere Awatea paa, Te Wherowhero had affair with Paiaka this caused Waikato to bring war to Haere Awatea, Te Akanui called out to close the gates he wanted to go to war, Peehi Tukorehu said open the gates. This was an act of muru for the affair.... Significance of this event, Te Akanui decided to leave after this, he talked to the other hapū and convinced them to leave as well, a lot followed Te Akanui, Ngāti Paia, Paiaka, and other hapū left with Te Akanui leaving Peehi Tukorehu behind (this is the Ngāti Paretekawa here). Te Akanui's Paretekawa went down to Piopio.

Whenua gifted to Ngāti Te Rahurahu

Poneke stayed on the Pokuru block,

Some of our tupuna moved and some stayed

Orakau, Poneke and Niketi (father and son) died at Orakau, Remi Te Muraahi was about 5 - 10 years old. Not having your father and grandfather growing up has a lot of impact on the transfer of knowledge and whakapapa.

Remi ended up turning to religion, this may have been an impact of losing his father and grandfather.

Kawhia (Te Ngohi) signed the Treaty of Waitangi.

Highlighted names are owners on the Pokuru 1B

Public Works Act

Impact on my whanau

Muraahi are a big whanau, descendants are many, they don't come up here, and that is a result of whenua raupatu, my cousins don't even know what's going on up here it doesn't interest them, yet we still have to fight for the scraps, the remedies, the plasters, the Crown don't want to address any of that. Band aids don't help us in the long run.

Hore Muraahi my grandfather wanted everything removed from the land, what is on top and what is underneath, we still believe this.

Kelly Johnson

Ko te reo Māori he tino "impact" ki a mātou

Rewatu, i hoki mai a Mangu, Tikiwhenua, Wahirangi (maa) hei tū he papakainga ma rātou.

I mahi rātou i te paamu pakeha natemea nana te whenua.

I taua waa, Thomas rāua ko Ani, i te waa i kuraina rāua ka katia te paa, i heke te reo Māori e korero ana, following generations do not speak our language, a major impact on our whanau, we not only lost our land but our language, we were discouraged to go back to our land (that pakeha own) whenua raupatu. Mums generation were employed in the late 70's at Tokanui, my parents both worked at the hospital, mum was a cleaner, dad was an orderly. Then we came along, only 2 of us are in the whanau

community. During my upbringing i sat with our kaumatua and started learning our history, not so much with Napinapi but Tokanui and through what they seen in the past they encouraged me to learn te reo, another impact i had to pay to learn my language.

Only 20% of my whanau speak te reo, the reliance is on two of us to perform our cultural obligations, to attend hui, etc. and that is a huge impact on pressure on us.

Nui te utu mo te ako i te reo Māori.

E mahi ana ahau ki Agresearch i ngā tau kua pahure. He kaimahi ahau o te karauna, he awangawanga ki ahau. He maha ngā kararehe kei runga i te whenua e takahia ana.

Tokonui was great while my whanau were employed but as soon as it stopped ka wehe atu rātou.

Kei haere au aku tamariki ki te kura kaupapa Māori, ko ngā moemoea ka hoki rātou ki a rātou whenua noho ana, mahi ana, etc.

Connie Davis of Ngaati Paia

Ko Ruby Davis toons Maamaa

Ko Peno Te Haate toona Tuupuna Koroua

Because the Whenua was taken by the Public works act, her Whaanau was forced to leave their Papa Kainga leaving behind their Whaanau, Kaumaatua, Turangawaewae, which has a been a very deep Mamae for Connie and her Whaanau for many years as she shares her koorero with all whom was in attendance For a very long time, she is hurt because she missed out being brought up in her hapuu missed out on learning her very own native language, by her very Whaanau Whaanui, she speaks of her and her brother joined Ngaati Tumataunga

She recalls a memory that when she was a little girl Tokanui Hospital had a Majestic affect on her, and sadly had move away because of the confiscation of their beautiful Whenua, she also remembers her Whaanau being scattered living in Poverty, she saw all of this as a child, she is now a grown Adult in her late 50s and still feels Mamae today, Aue Taukiri e ko te Whenua Tuupuna te Take!!

Kawhia Muraahi - Open Koorero

Where to from here?

Future whaakaaro for our Whenua?

What do we want to shape the future?

For Enviromental, Social, Cultural, Spiritua- Wairuatanga, all ideas will guide Te Komiti Whakahaere

What is clear from today and previous wānanga that the cultural impact on the people of the land – tangata whenua was significant and it continues. After the lands were taken our people lost their language, their connection to each other, their means of feeding their own family, their ability to manaaki, to live of the land. The consequences were significant, measurable and intergenerational.

John Thompson: Waahi Whakaora Tangata, what use to be there, but upgraded and how we want to operate our mahi. Rongoa.

Gordon Thompson: Healing Facilities.

Philomena Roberts: Maara Kai mo ngaa Hapuu o Maniapoto

Whatever we do must be environmentally responsible and sustainable.

Kawhia Muraahi: He mihi whakamutunga ki ngaa whaanau, i tae mai ki te Waananga Tuatoru, he rawe ngaa whakawhiti koorero, ngaa whakaaro, te wairua pai i roto i too taatou hui.

Kaumaatua Robert Taohua Te huia: I tono ia Kia Barney, maana te Karakia Whakamutunga

Barney Manaia: Karakia Whakamutunga

Himene: Whakaria mai

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Wananga #3 Tangata Whenua Presentation (Maria Maniapoto)

1. Introduction

- 1.1 This report has been prepared to supplement the Cultural Impact Assessment (CIA) report currently being undertaken for the remediation and demolition of the former Tokanui Hospital site.
- 1.2 This report has been written independently and as such the views, opinions and statements contained within belong to the author.
- 1.3 The CIA report focuses on the cultural values and importance of the whenua Pokuru 1B (the former hospital site) in relation to the proposed remediation options (as provided by LINZ).
- 1.4 The CIA report which will be used by LINZ to assist them to meet their statutory obligations (including their Treaty obligations). In other words, LINZ operate within a legal framework and as such they must adhere to certain legislations or Acts. Such as:

The Resource Management Act (RMA)

The Heritage New Zealand Pouhere Taonga Act 2014;

The Protected Objects Act;

LINZ must also work with Council District Plans, Environmental Management Plans, etc. etc.

- 1.5 We are in a unique position to ensure that this assessment (the CIA) recognises and provides for the relationship of mana whenua with respect to ancestral lands, waters, forests, waahi tapu and other taonga.

2. Whenua Raupatu

- 2.1 Much of the kōrero at these wananga, have been about the impacts of whenua raupatu or land takings in relation to Tokanui, Pokuru and other whenua north of the Puniu. The impacts of whenua raupatu are immeasurable, we have heard whanau talk about landlessness, homelessness, loss of identity, inter-generational trauma and much more. These are our stories; our shared experiences and this is the context and the backstory to a cultural assessment.

- 2.2 When we talk about remediation and demolition, we are positioning that kōrero in relation to whenua raupatu because it is inextricably linked to the history of our land. There are few points i would like to make about this:

You cannot have a conversation about the remediation of one section of whenua without understanding the wider context surrounding land confiscation and mana whenua.

You cannot separate a portion of the whenua and talk about cultural values and importance as if it only applies to that section or a particular block of land because the cultural values relate equally to all the whenua that was confiscated under the Public Works Act and unlawfully or unwillingly sold.

To isolate a section of land and expect us to talk about our cultural values in relation to that one section in my view, minimises the degree of importance and value that we place on all our whenua.

While this project maybe about the Tokanui site, we do not isolate sections of our whenua in relation to how we apply our cultural lens.

When we are asked to be part of a process that is not our tikanga we end up having to reshape our worldviews to fit the Pakeha model.

3. Mana Whenua

3.1 In contrast to the statutory framework (Law) which LINZ operates under, Mana whenua operate within a cultural framework or Lore which is governed by tikanga and not Acts of Parliament. Our tikanga is not bound by legislation, or district bylaws.

3.2 The concept of mana whenua is important in terms of understanding our kaitiaki responsibilities. The Resource Management Act 1991 defines mana whenua as:

“the customary authority exercised by an iwi an identified area”

3.3 Mana whenua is our authority to control and manage our traditional areas and resources in relation to our customary and cultural practices. This authority is obtained through our whakapapa and our relationship to the whenua. Our collective hapū have maintained our position as mana whenua over the Tokanui whenua (and other whenua) for hundreds of years and only we “the hapū” have this relationship with the Project area. We as hapū and mana whenua, are not a Crown appointed entity or a Māori Trust Board and we have not passed on our customary rights to any post-settlement Crown entity.

3.4 We (not the PSGE) have both a mana whenua right and a kaitiaki obligation to ensure that by whatever means the Crown takes to remediate the site that we play an equal role in decision making and that we are present ourselves to oversee and approve any activities undertaken in planning, management, and repair of the site.

3.5 We have never alienated our kaitiaki responsibilities to the whenua despite changes in rangatiratanga overtime. We never sold our land, and we never transferred our responsibilities to anyone. Furthermore, we will enforce kaitiakitanga through our own tikanga practices.

3.6 The CIA report must explicitly reflect the importance to us of our kaitiaki obligations and mana whenua rights and that we will not delegate our custodial (kaitiakitanga) responsibilities to any outside organisation, contractors, or Crown appointed entity without our expressed approval.

4. Take Whenua

4.1 There are two competing ideologies in relation to ‘ownership’ and ‘mana whenua’ which i wanted to expand on because i think we can get caught up in debates about owners and ownership which in my opinion is a Pakeha discourse.

4.2 My name may not be on the list of owners of Pokuru 1B block and to me that doesn’t really matter because i refute the pakeha notion of land ownership. My tupuna names are on that list, more importantly their names are in our waiata, their images are on our whaikairo, their legacies are in our stories and that is where my sense of belonging comes from therefore i whakapapa to the whenua. Furthermore, my kaitiaki responsibilities exist through my whakapapa.

- 4.3 Our rights to occupy our whenua were extinguished through the Native Land Court since 1865, we were then removed from our whenua through the Public Works Act and i refuse to be alienated once again by ascribing to Pakeha notions of ownership.
- 4.4 I also want to add that Mana whenua was often transferred to different Rangatira either through conquest, whakapapa or leading Rangitira who could bestow rights of others to occupy and settle, under their protection, but at the same time you didn't get to stay rent free, you had to take on kaitiaki responsibilities for that whenua that you had taken or were given the right to occupy. Either way, even if our lands were conquered by another Iwi, those Iwi would still apply the same kaitaki obligations even after re-settlement. This notion of kaitaikitanga was transferred regardless of whether you took the land in battle or you were given a license to occupy.
- 4.5 The whenua does not belong to us, we belong to the whenua, we will never own the whenua, we are merely kaitiaki. We have a shared responsibility in this respect to ensure that we do what we are obliged to do despite any differences of opinion that we may have about 'ownership'.
- 4.5 In contrast, the Pakeha term 'ownership' is the state or fact of exclusive rights and control over property, which may be any asset, including an object, land or real estate, intellectual property, or until the nineteenth century, human beings. Ownership is a very different concept to mana whenua and kaitaikitanga.
5. Whakaoraora a Papatuanuku – Whakaoraora te tangata
- 5.1 When we think about remediation, we are not just talking about actions to remedy environmental damage we are also talking about the remediation of our taha wairua, taha tinana, taha hinengaro, taha whanau, taha whenua me te taio.
- 5.2 The pain and grief that whanau have been talking about not just at the last two wananga but throughout the entire treaty settlement process are scars that will remain in our hearts and minds immemorial. But now we must turn our attention on resetting history so that our future generations do not inherit the traumas of our past. We will never forget, and we will never stop sharing our stories with our children and mokopuna so that they too will not forget but they don't have to live with that mamae. They can be part of a restorative process.
- 5.3 We cannot heal the whenua if we do not heal ourselves. I see the remediation and demolition process as a pathway to healing, a way for us to start healing ourselves as well as the whenua and our natural environment. We need to start developing pathways for restoring our Mauri whenua and our Mauri tāngata.
- 5.4 We need to develop our own restorative process with key objectives that focus not only on the whenua but also the whanau.
- 5.5 A restorative framework: See PPT Page 93.

APPENDIX 5: RMA: SECTION 6(E-F)

THE RELATIONSHIP OF MĀORI AND THEIR CULTURE AND TRADITIONS WITH THEIR ANCESTRAL LAND WATER SITES WĀHI TAPU AND OTHER TAONGA.

Sections 6(e) 7(a) and 8 of the Resource Management Act provide the basis for the protection of Māori interests in resource management. Lord Cooke of Thorndon considered the effect of section 6(e) and observed that:

These are strong directions to be borne in mind at every stage of the planning process. The Treaty of Waitangi guaranteed Māori the full exclusive and undisturbed possession of their lands and estates forests fisheries and other properties which they desired to retain. While as already mentioned this cannot exclude compulsory acquisition (with proper compensation) for necessary public purposes it and the other statutory provisions quoted do mean that special regard to Māori interests and values is required in such policy decisions as determining the routes of roads.

What is ‘ancestral land water Sites’?

The High Court has accepted that “ancestral land” is land that has been “owned” by ancestors (i.e., it need not remain in Māori ownership today).

However, it is important to note that the traditional Māori relationship with land is different to “ownership” in the western sense. It encompasses a connection between the culture and traditions of the people and the land in question.

What is wāhi tapu?

The expression ‘wāhi tapu’ is defined in the Heritage New Zealand Pouhere Taonga Act 2014 as meaning *a place sacred to Māori in the traditional spiritual religious ritual or mythological sense*. The Environment Court has observed that wāhi tapu areas are generally small areas as *to accord large areas of land wāhi tapu status would have been too restrictive in daily life given the very severe cultural restrictions that applied to such places*.

In the resource management context, the question of whether or not a Site is wāhi tapu is a question of fact to be made on an objective consideration of evidence.

How can the relationship of Māori and their ancestral land water Sites wāhi tapu and other taonga be provided for?

In each case it is necessary to identify whether there is a relationship between Māori and the affected lands water Sites wāhi tapu and other taonga. There must be a nexus between the two. In that regard the Environment Court has observed that the traditional Māori holistic view of the environment does not warrant treating section 6(e) as if it extended to diffuse relationships with whole districts.

Once a relationship of Māori with one of the listed matters is recognised the decision maker must consider how to provide for that relationship. Generally, consultation with Tangata Whenua will be imperative.

Where an activity may have an adverse effect on an identified relationship with one of the listed matters alternatives Sites or methods will often be preferred even though such alternatives may not be optimal. Where a development will meet the purpose of sustainable management the fact that it may adversely impact on the relationship between Māori and the affected lands water Sites wāhi tapu and

other taonga is not necessarily fatal. As with other section 6 matters section 6(e) does not establish a power of veto.

RMA:SECTION 6(F)

THE PROTECTION OF HISTORIC HERITAGE FROM INAPPROPRIATE SUBDIVISION USE AND DEVELOPMENT

In the context of considering a proposal to demolish an earthquake-prone heritage building the High Court held that section 6(f) does not require alternatives to be “exhaustively and convincingly excluded” and rather the consent authority must ensure its consideration is founded upon an assessment of whether or not destruction of historic heritage is a balanced response and a fair appropriate and reasonable outcome.

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The primary means by which protection of historic heritage is provided for is by scheduling items or areas in the district plan. However even if an item or area is not scheduled section 6(f) may still apply in favour of protection⁴⁵.

RMA: SECTION 6(G)

THE PROTECTION OF PROTECTED CUSTOMARY RIGHTS

The Marine and Coastal Area (Takutai Moana) Act 2011 defines 'protected customary right' as an activity use or practice established under the Act and recognised by a protected customary rights order or an agreement.

Protected customary rights orders can be granted over a specified part of the common marine and coastal area. Such orders recognise a particular activity use or practice which has been exercised since 1840.

The recognition of a protected customary right has a number of implications for RMA processes. For example a plan or proposed plan must not include a rule that permits an activity if that activity is likely to have a more than minor adverse effect on a protected customary right and a protected customary rights group will be considered an affected party in relation to a resource consent application if the activity may have an adverse effect on the protected customary right and the group has not given written approval for the activity.

⁴⁵ (Environment Guide, 2021)

APPENDIX 6: RMA: SECTION 7(A) AND SECTION 7 (AA)

KAITIAKITANGA AND THE ETHIC OF STEWARDSHIP

The Resource Management Act defines kaitiakitanga as the exercise of guardianship by the Tangata Whenua of an area in accordance with tikanga Māori in relation to natural and physical resources and includes the ethic of stewardship.

It is distinguishable from "the ethic of stewardship" in that it applies only to the exercise of guardianship by the Tangata Whenua of an area.

The role of kaitiaki has evolved to accommodate contemporary resource management processes. Under the Resource Management Act the duties associated with kaitiakitanga include:

- Restoring and rehabilitating degraded mahinga kai Sites
- Assessing the cultural implications of proposed developments including through the preparation of cultural impact assessments
- Lodging submissions and presenting evidence on plan development processes and resource consent applications
- Forming constructive relationships with environmental agencies such as councils the Department of Conservation and Fish and Game

The outcomes of kaitiakitanga are likely to include avoiding the discharge of waste (particularly human waste) into rivers and lakes the management of natural resources in a way that maintains mahinga kai values and ensuring that all natural resources are available for future generations in as good or better quality than they currently exist.

To give effect to the concept of kaitiakitanga it is important to consult with the appropriate people. The Crown has a duty to consult with Tangata Whenua which arises out of the relationship of Treaty "partners".

While other persons are not under any obligation to do so it is best practice to give consideration to the potential need for consultation with Tangata Whenua at an early stage for any proposed activity. Consultation in this context involves an obligation to hear and understand the views of Tangata Whenua on the exercise of kaitiakitanga and to let those views influence the decision-making.

Section 7(a) provides recognition that kaitiaki need to be provided with the opportunity to exercise guardianship of the natural and physical resources within their area of influence in accordance with tikanga Māori. For example in *Carter Holt Harvey Ltd v Te Runanga o Tuwharetoa ki Kawerau* [2003] 2 NZLR 349 the High Court recognised the role of Tuwharetoa as kaitiaki of the Tarawera River and upheld a condition on a long-term discharge consent for the paper mill at Kawerau which required Carter Holt Harvey Ltd to consult with Tuwharetoa if any issues arose during the 21-year term of the consent ⁴⁶.

⁴⁶ (Environment Guide, 2021)

APPENDIX 7: LOCAL GOVERNMENT ACT IN REGARD TO TANGATA WHENUA

CONSULTATION ON POLICY STATEMENTS AND PLANS

Section 4. Treaty of Waitangi

In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes. Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.

Section 81. Contributions to decision-making processes by Māori

(1) A local authority must—

(a) establish and maintain processes to provide opportunities for Māori to

contribute to the decision-making processes of the local authority, and (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority, and (c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).

Section 82. Principles of consultation

(2) A local authority must ensure that it has in place processes for consulting with Māori in accordance with subsection (1)⁴⁷.

⁴⁷ (Local Government Act 2002, 2021)

Design Feature	Description	Opportunity for Iwi/Māori
1. Statutory Recognition of the Treaty of Waitangi	Rights & Interests of Iwi/Māori will be recognised and provided for in service-delivery arrangements for the new Three Waters system	Uphold existing Treaty Settlement arrangements, including through transition and the standing-up of new entities
2. Statutory Recognition of Te Mana o Te Wai	Te Mana o Te Wai will be recognised and provided for in service-delivery arrangements for the new Three Waters system	Each entity will be required to give effect to Te Mana o Te Wai both in legislation and as articulated by mana whenua over a defined waterbody
3. Creation of Mana Whenua Groups for each Entity	A Mana Whenua Group for each of the four entities will be established to guide strategic performance expectations alongside local government	Each Mana Whenua Group will have equal voting rights to local government and the new entities will have statutory obligations to fund and ensure Mana Whenua participation
4. Te Mana o Te Wai statements	Legislation will broadly describe Te Mana o Te Wai, however the emphasis is that mana whenua define what Te Mana o Te Wai means to their specific location. Operationally, a statement can take the form of an Iwi Management Plan, Cultural Impact Statement or the like	Provides an instrument for mana whenua to prioritise their capacity and capability to participate in the new system and recognises the role of whānau and hapū in providing kaitiakitanga activities
5. Collective Board Competencies	The Independent Selection Panel will be responsible for appointing entity board governors based on key competencies	Each entity board will be required to have collective competencies in Treaty of Waitangi, mātauranga Māori, tikanga Māori and te ao Māori
6. Specific Board Expertise	The Independent Selection Panel will be required to appoint to the entity boards, one or more individuals with specific expertise	An individual or a number of individuals will be required to have expertise in the exercise of kaitiakitanga, tikanga & mātauranga Māori relating to delivering water services
7. Support for Capability and Capacity	Mana whenua will have an increasing role in both submitting and providing advice on the new entities will be guided in interpreting these statements by mana whenua	Entities will fund and support capability and capacity for mana whenua to participate

Table 8 Te Mana o te Wai

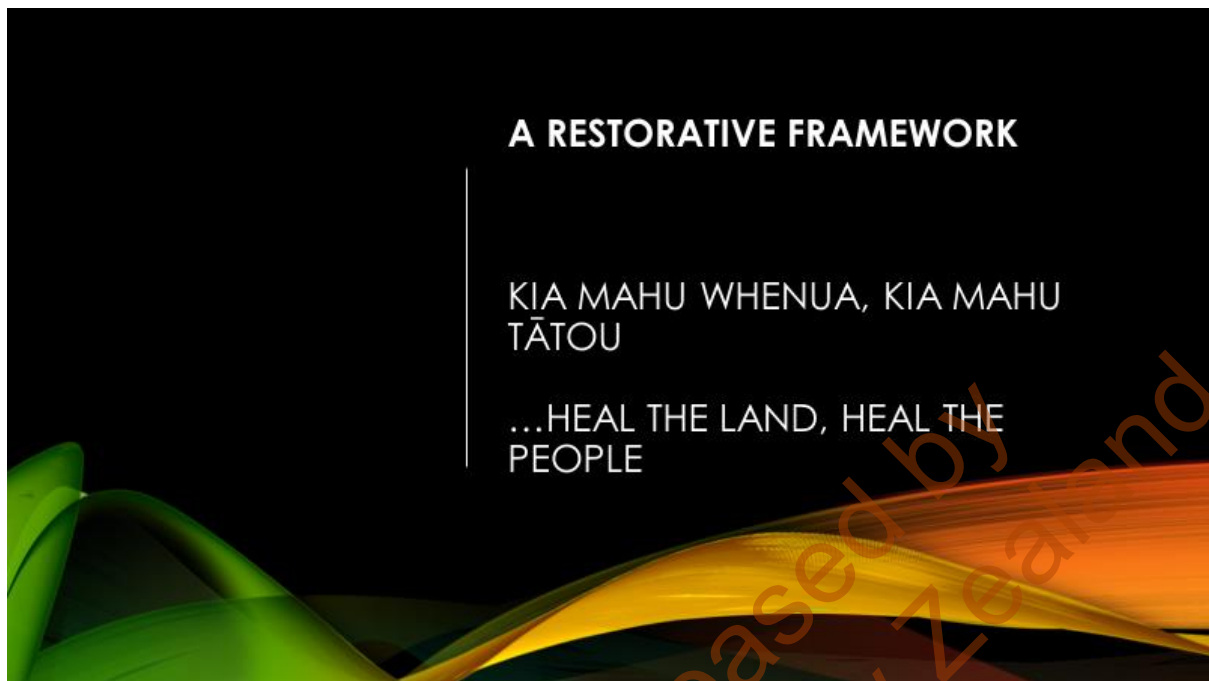
Table 9 The Legislative Framework: Potential Identified Issues and Mitigations

Section	Issues	Mitigations
Treaty of Waitangi	- Tangata Whenua find that, in resource management planning processes, the principles of the Treaty are often ignored. - Alienation of Tangata Whenua from their traditional taonga. - Further alienation of Tangata Whenua from their traditional lands. - Inappropriate management of natural and physical resources. - Principles of the Treaty are not seriously adopted or considered by decision makers leading to a lack of willingness of Tangata Whenua to engage. - The Crown does not protect whānau and hapū authority to protect their authority as mana whenua in relation to lands, forests, fisheries, waahi tapu, paa and other significant sites so that they can fulfil their Kaitiaki responsibilities. Instead, defaulting to Iwi plans and authority.	- Tangata Whenua rights and responsibilities to protect their taonga which were guaranteed under Article 2 of the Treaty must be incorporated into remedial and demolition decision making processes and planning. - Tangata Whenua must be included in any decision making and planning where it concerns their rights to exercise Kaitiakitanga and mana of their whenua. - A Tangata Whenua reference group be established; their role will include auditing all decision making and planning documents for the Tokanui hospital remediation and demolition project to ensure that they adequately adhere to the principles of the treaty. -
Deeds of Settlement	- A consequence of the treaty claims process is that Tangata Whenua have grown suspicious and sceptical of any form of cooperation with crown agencies. - Once the Maniapoto Treaty settlement is signed, Tangata Whenua will expect full and undisturbed governance (tino rangatiranga) and hapū control (mana motuhake) of all lands under WAI440 Claim including Pokuru 1B.	- The provisions relating to Treaty settlements must recognise Tangata Whenua as Kaitiaki with mana over their whenua. - Tangata Whenua Reference Group to work with PSGE to establish a working relationship in which trust with Tangata whenua can be rebuilt and developed to allow for effective engagement.
RMA	- Applicants for resource consent do not address the relationship that Tangata Whenua have with their environment. - Government agencies do not allow sufficient consultation time. - Tāngata Whenua are under resourced to fully participate in resource management planning.	- Tangata Whenua must be included as equal partners in resource management and planning. - As part of their Mahere Rautaki Taiao, Tangata Whenua will develop a quality implementation and outcomes planning framework to assess the efficacy of the implementation of the RMA provisions.

	- Local government does not recognise and provide for the relationship of Tangata Whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. - Constraints within the RMA and the general environmental policy environment does not give true effect to allow Tangata Whenua to fulfil Kaitiaki responsibilities. - Discharge of demolition waste contaminants into water potentially impacting on the health of the freshwater ecosystem(s) subsequently affecting mahinga kai, including watercress and tuna and other facets of the environment pose a serious risk to the environment and is a huge concern for Tangata Whenua.	- The resource consent process must follow a clear pathway including who is responsible for gathering and disseminating information at each stage of the project. - Tangata Whenua promote the revival of customary knowledge and practice and manage the sustainable use of the wai through whānau/hapū education programs and wananga. - Tangata Whenua will develop guidelines to ensure that the natural functioning and life supporting capacity of ecosystems is not disrupted by discharges into the awa. - Demolition works must avoid direct or indirect discharge of contaminants into freshwater.
Waahi Tapu	- Earthworks destroy taonga due to lack of protocols set in place during planning of demolition work. - Culturally significant sites and waahi tapu are not registered on archaeology register or historic heritage sites register, leading project planners to believe that no waahi tapu exist on site.	- Accidental Discovery Protocol (ADP) be developed and adopted for the duration of construction work. ADP will be robust and well understood by all stakeholders. - An archaeological assessment report be prepared by LINZ and Tangata Whenua. - A cultural mapping project be undertaken as a collaborative project with LINZ and Iwi (Maniapoto and Waikato-Tainui) with Tangata Whenua leading to identify and record places of cultural significance including paa sites, urupā, eel weirs and traditional fishing areas, etc.
Local Government	The main issues with District Councils and their plans are that: - Councils are not always willing to work collaboratively with Tangata Whenua; - Council planners and decision makers do not understand Māori cultural perspectives. - Māori engaging in council processes feel as though they and the mātauranga that they share, is not valued and Council Leadership are not intentional about incorporating mātauranga Māori into all aspects of their planning, operations and policy to enact a transformational shift for Tangata Whenua.	- Project advisors – government and district council, and key stakeholders need to understand basic tikanga when engaging with Tangata Whenua. Wananga should be conducted for project leaders, contractors, demolition workers, council members, etc. on the marae to introduce to the basic kawa of how to appropriately engage with Tangata Whenua. These competencies can be developed by using principles outlined in the proposed Mahere Rautaki Taiao.

	Hence, Tangata Whenua are often reluctant to engage with council – <i>he mōumou taima (a waste of time)</i>. - Western frameworks that displace and alienate Māori from council processes and engagement.	- Managers and leadership need to allow for Māori processes to take greater preference – not limiting engagement within timeframes and money constraints. - Tangata Whenua must be resourced to build their capacity to enable them to engage with local government processes.
IEMP's	- Confusion over who Tangata Whenua are. - Risk of not engaging with the right people. - Tangata Whenua disengaged, not consulted regarding the management of activities. - Alignment of cultural matters maybe inconsistent with Maniapoto aspirations, direction, activities, and management processes. - Resource consent applications may not include appropriate Tangata Whenua input. - Tangata Whenua input into decision making regarding their cultural heritage is not given priority.	- Tangata Whenua will work with Maniapoto and seek advice when and where required to consider the nature of effects on Maniapoto whānui. - Tangata Whenua will consider all remedial and demolition activities to ensure that there are no serious effects or impacts on Maniapoto values and interests. - Tangata Whenua will develop a close working relationship agreement with Maniapoto for riparian planting and restoration. - Tangata Whenua will identify their own cultural heritage values, environmental management plan, goals and objectives. This plan will align with Ko tā Maniapoto Mahere Taiao where appropriate.

Slide 1. A Restorative Framework: Kia Mahu Whenua, Kia Mahu Tātou



Slide 2. He Pou Whenua



Healing Papatūānuku	
Waahi Tapu	
Wai Ora	
Mahinga Kai	
Wairuatanga	
Mauri	
Mahi tahi	

HEALING PAPATŪĀNUKU

- If we don't heal the whenua the whenua will not heal us

Starts with removing toxic materials seeping into Papatūānuku

Exercise our tino rangatiratanga by being involved in every step of the way in our lifetime so that our maraunga inherit their beauty

Exercise our mana whenua obligations to help her on her way to healing

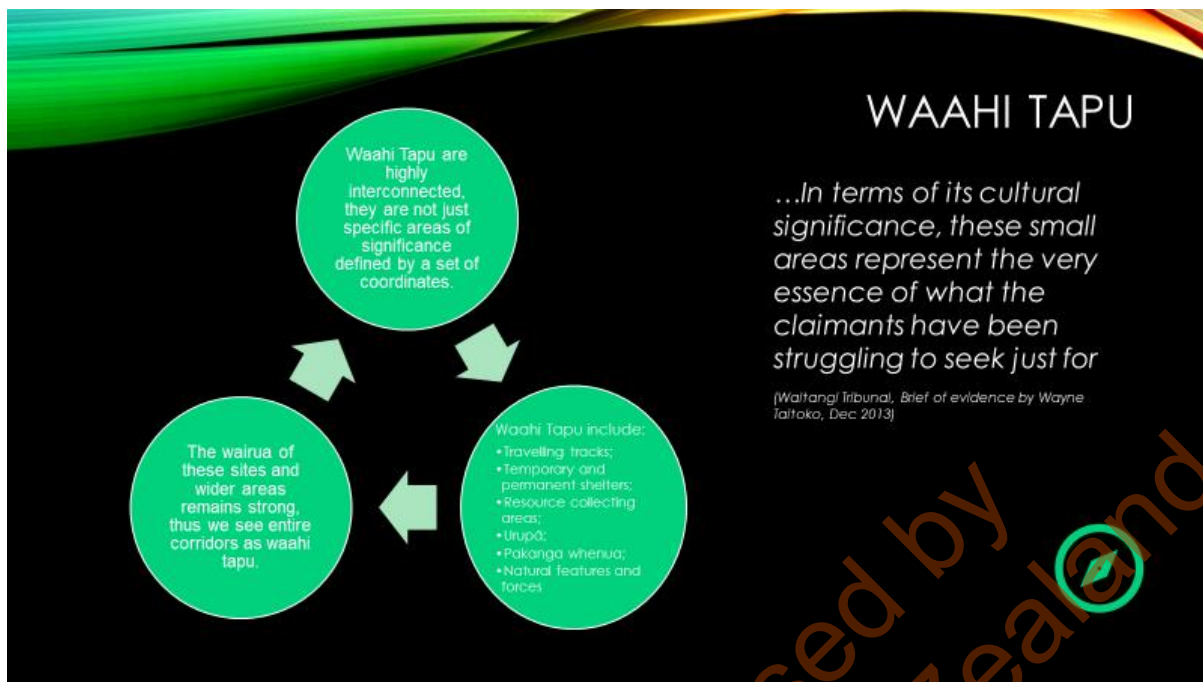
HEALING PAPATŪĀNUKU

TANGATA WHENUA REFERENCE GROUP

Recommendation A: We establish a Tangata Whenua Reference Group to work in good faith with LINZ to co-design a Tangata Whenua cultural framework for the remediation and demolition of the former Tokanui Hospital site.

Recommendation B: The Tangata Whenua Reference Group be made up of: Members of the hapū and original owners.

Recommendation C: The Tangata Whenua Reference Group continue to work in good faith and in partnership with LINZ to co-manage the project for the duration of its lifetime.



WAAHI TAPU

RECOMMENDATIONS

Waahi Tapu: #1
Through the remediation process we reaffirm 'whakapapa' through our traditional cultural narratives to support the significance of our waahi tapu that were lost and/or destroyed when the land was taken to build Tokanui hospital.
Waahi Tapu: #2
Develop a Cultural Mapping Project, using the latest Geographical Information System (GIS) technology to record and map our Hapū stories, place names, waahi tapu, etc. onto a virtual landscape for future generations. https://www.kahurumanu.co.nz/
Waahi Tapu: #3
Ensure that tangata whenua oversee all earthworks, and that they are given authority through accidental discovery protocols (DCP) to stop earthworks immediately in the event of the discovery of archeological materials.
Waahi Tapu: #4
All earthworks' contractors complete an appropriate cultural health and safety induction program by a designated Mana whenua representative.



Water is the sustenance for all life, it is a Taonga tuku iho of special significance. In its natural state, it holds the Mauri and life-giving provisions which provided benefits to our tipuna who established their kāinga along the riverbanks of the Puniu awa.

The restoration of our water sources including our awa, all tributaries including intermittent streams where contamination has occurred as a result of leachgate and effluent discharge into our water systems both above and underground.



Waioara:1

Water sensitive designs should be developed to mimic natural systems including riparian restoration of any natural streams that flow through and around the site

Waioara: 2

Protect waipuna/freshwater springs that may be discovered during demolition by employing appropriate measures to be considered in conjunction with TWWG

Waioara: 3

Further consideration be given to the possibility of including rainwater tanks, greywater systems, vegetated swales, rain gardens, wetlands and/or reduced impervious surfaces within the development and within street and reserve design.

Waioara:4

That a subdivision design guideline be developed to require and/or encourage the incorporation of innovative low impact housing design by future development, including rainwater collection, landscaping, low energy/water fittings, insulation and solar or alternative energy sources/systems, as well as solar hot water systems.

MAHINGA KAI – CUSTOMARY FOOD AND RESOURCE SPECIES AND BIODIVERSITY



KAI IS MY SPIRITUAL
NOURISHMENT



KAI IS MY RONGOA



KAI CONNECTS ME
TO MY WHAKAPAPA

- People working in the gardens everybody from the paa went down there and helped weed. If you did an acre weeding, that was your koha, your manaakitanga to the whanau or to the wider whanau at the paa. Whenever there was a do on at the marae they never brought in kai, the kai was supplied from around the different gardens, from around the different marae and they would bring it that was their koha, there was no money, no money touched the marae atea, the only thing that touched it was kai. They just turned and they never said "oh here's my pig", nah, they just dropped it and took off. You turned around and there was pigs, mutton, eels, crayfish and so our kaupapa here on this side of the world was about manaakitanga if we can't communicate manaakitanga to our people they die. [Respondent: Hawkes Bay Focus Group #1]



Recommendations

- That focused protection, re-instatement and/or enhancement of our biodiversity be an outcome of the demolition project.
- That a Native Landscape Plan is developed in conjunction with TWWG to include valued food gathering species or those that support habitat for mahinga kai species for both reserves and roads/streets. Consideration should be given to wider biodiversity gains for native birds, bats, insects and also lizards by providing specific habitat for these species including:
 - Eco-sourcing of plants from Pōtiki River Care and ensuring species that reflect history of the area
 - Revegetation and re-establishment of riparian margins with native plants for land cover and the creation of indigenous habitat
 - Development of reserve areas, integrated storm water ponds, green corridors and open space to provide buffer zones between the development and the commercial and residential areas
 - Develop and restore native riparian, grassland and wetland habitats
 - Support cultural harvest and long-term utilisation of natural resources.

Slide 12-13 Wairuatanga



THE TWWG WILL SUPPORT THE WAIRUA OF THE PROJECT AREA BY:

- Undertaking karakia during early planning stages of the Project, prior to new excavation works and prior to removal of any living forces, for example soils and vegetation.
- Assisting archaeological site investigations and provisioning for cultural monitors to oversee earthworks.



Slide 14-15 Mauri

MAURI

Mauri is the life force of all living and non-living things. It is the essential quality and vitality of a being or entity. Mauri is used in assessing ecosystems subject to human change; any damage, alteration or contamination to the environment will affect the mauri that it possesses.

Mauri is protected throughout the Project:

Sediment runoff from the Project will need to be monitored and managed to a high standard and reduced as much as practicable and using guidelines for assessing the effects of deposited sediment or any solid residual material which is out of natural place whose dual effect is to deplete the land and prevent its recovery.

Clean water will be kept clean by diverting natural waters away from storm water within the Project footprint.

All roadway and SUP contaminants will be treated through constructed wetlands as a long-term mitigation option.

MAHI TAHI

Working collaboratively with all hapū and wi who have identified their interests in the Project.

We acknowledged that the Crown has committed funding to the Project. The MWWG further recommend that:

One FTE Kaiarahi and two .5 FTE Kaumatua are employed to oversee the cultural protocols and tikanga of the project.



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