

# Te Tahuanui: Ngāti Hikairo Heritage Management Plan 2010



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The citation of this work is:

Barton, P. & Thorne, F. (2010). *Te Tahuānui: Ngāti Hikairo Heritage Management Plan*.  
Kāwhia, NZ: Te Rūnanganui-ō-Ngāti Hikairo.

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ISBN: 978-0-473-17007-3

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## Mihi

Nō ngā kauwheke tāukiuki te ao e kaha nei tātou ki te whakangungu. Nāna te ūkaipō, te rohe me ōna tikanga i waihanga, nāna i whakarākau. Whoi anō ka mihi. Ko rūruhi, ko koroheke, ko whaea, ko mātua mā koutou e takakawe ana ki te hapahapai i tēnei kaupapa me te purutanga i tō tāua Hikairotanga, ka mihi katoatia. Nā te whakaarotahi, te mahitahi, me te nohotahi o Ngāti Hikairo i tutuki ai tēnei kaupapa. Ka tiakina, ka whakamahia, ka whakanuia ngā wāhi tūpuna e Ngāti Hikairo.

Anō nei he huahua maha kua whakatahuangia hai kai mō te iwi, kua tapaina te pukapuka nei ki te ingoa Te Tuhuanui. Ko te tihi o Tuhuanui he tihi tiketike kei runga o Pirongia. He kurupounamu nō te iwi o Ngāti Hikairo. He maunga kōrero, he maunga mauri, he pou rohe, he matataua e tiaki nei i te rohe, e kōkiri nei i ngā take mana motuhake, ā, e whakapāoho nei i to Ngāti Hikairo tino rangatiratanga. Nā Whakamarurangi nāna anō i whakatahua ngā huahua ki Tuhuanui kia mana ai te mana whenua o Ngāti Hikairo i te ao kōwhatu. Ōtia, e whaia ana taua tauira, e whakatahuangia ana nga kōrero nōnamata kia mana ai te mana whenua o Ngāti Hikairo onāiane. Whoi anō kua tapaina te pukapuka nei.

Mauriora ki a tātou katoa.



## Acknowledgements

Firstly we would like to acknowledge the support we have received throughout this project. Te Tini o Kāwhia Trustees, for their faith and support in the project.

Our greatest support has been from the various Koroheke and Rūruhi who have supported this project by giving us the time to talk about growing up in Kāwhia and their memories of our tūpuna. These interviews will be truly treasured by the future generations of Ngāti Hikairo and have laid the foundation for much of the work developed for this project.

Our whānau focus group, particularly Eileen Paulin, Lees Seymour, Lloyd and Hinga Whiu, Gareth Seymour, Tony Spelman and Huia Forbes for taking the time to review the multiple drafts and provide us with feedback. Also Gareth Seymour and Tiriata Thorne for the time and energy they put in to gathering the stories from our Kaumātua.

Our Koroheke Meto Hopa, for his support and guidance during this project, particularly during the archaeological field work and the consultation hui. Our Kuia, Moya Shaw, for her support and encouragement since the projects inception.

Also Te Rūnanganui-ō-Ngāti Hikairo for supporting this project through to completion and taking the time to review and discuss the contents of this plan and aspects of the overall project.

We especially would like to acknowledge the support we have received from Jenni Paul (Senior Policy Advisor) at Environment Waikato. Jenni was influential in encouraging and supporting us to get this project underway, she took time to review and edit parts of this plan, and helped to secure additional support for the development of our Heritage database. He mihi mahana tēnei ki a koe e Jenni.

Finally we would like to acknowledge the funding we have received from both Te Puni Kōkiri and the New Zealand Lottery Grants Board Environment and Heritage Fund. Without your support this project would never have got off the ground.



# Executive Summary

*Kia whakatupuria ngā ngāherehere kia hoki ai te waiora o te oneone  
me te tupu o te kai hai ora mō te tangata*

*This proposal to conserve the forests is a very proper one, so that  
the soil may retain its fertility and produce fruits for the sustenance  
of the person.<sup>P1</sup>*



Photo 1: Whakapaukōrero Pā, Kāwhia. (Te Rūnanganui-ō-Ngāti Hikairo)



## Introduction

This Iwi Heritage Management Plan is a document substantiating the mana motuhake, mana whenua and kaitiakitanga of Ngāti Hikairo in relation to the management and protection of heritage sites. It provides a basis for developing good working relationships with local government in identifying our sites of significance. It is an opportunity to implement key information and processes into the District and Regional Plans to ensure the kaitiakitanga of Ngāti Hikairo is recognised, and that we are consistently consulted. It will be an informative document assisting the communities within our rohe to better understand and appreciate the role and aspirations of Ngāti Hikairo as kaitiaki. It is also a long awaited chance for Ngāti Hikairo to have a proactive, recognised, iwi management plan reflecting our goals and aspirations for the long-term sustainability of our cultural and spiritual heritage areas within our rohe.

## Background

The Ngāti Hikairo Heritage Management project began to take shape as a result of our concerns about development and environmental sustainability within the Kāwhia Harbour catchments. Te Rūnanganui-ō-Ngāti Hikairo with the Kāwhia Harbour Protection Society commissioned a review of the Ōtorohanga District Plan in 2004. The subsequent report highlighted and reinforced our concerns. And as a result of the findings from the report, Te Rūnanganui-ō-Ngāti Hikairo hosted a meeting with the Parliamentary Commissioner for the Environment in August 2005. All local councils and Environment Waikato and other interested community groups attended. At the meeting a commitment was made to begin a collaborative approach around the management of Kāwhia Harbour and its environs. Since that time considerable resources have gone into addressing the environmental concerns of the area, but Ngāti Hikairo remained concerned that the historical and cultural values of the area were not being adequately addressed, particularly with meaningful Māori participation.

The project began to further develop following our experiences in an Environment Court hearing. It was the first time that we participated in such a legal procedure, and while we believed that our participation was important, we later realised, our concerns regarding the intangible values of the land had very little influence on the final outcome. As part of the Environment Court process our kaumātua had to describe and discuss sacred and tribally significant histories about the lands,

and as a result that information has now become public knowledge. When the hearings were completed, we began to think about how we could prevent ourselves from having to go through such a process again.

Other issues that lead to the development of this project include the inconsistent council processes when communicating with Ngāti Hikairo, particularly around heritage management. Staff turnover is high and the ability to maintain some consistency is difficult. We identified that despite our persistent and vigilant approach, our cultural heritage remained at risk. The only mechanism available to us to ensure advocacy for our heritage areas was the Historic Places Act, a process we were to discover was long and arduous, and did not necessarily guarantee the protection of our wāhi tūpuna and wāhi tapu.

## Seeking support

Once a proposal was developed, support was received from Ngāti Hikairo whānui, Te Rūnanganui-ō-Ngāti Hikairo, Waipapa Marae Trustees, Kaiewe Marae Trustees, Te Kauri Waikūkū Trust, Te Tini o Kāwhia Trust, Heritage Places Trust, Māori Womens Welfare League (Kāwhia branch) and Environment Waikato and the Shores Futures project team.

In 2006 the Resource Management Committee of Te Rūnanganui-ō-Ngāti Hikairo with Te Tini o Kāwhia Trust sent out the proposal to various funding agencies, seeking to secure funds to develop the project. The initial proposal sought to

1. Identify and record cultural heritage areas and wāhi tapu within Te Rohe o Ngāti Hikairo.
2. To develop iwi heritage policy and protocols for managing heritage and wāhi tapu knowledge.

An adequate amount of funding was secured for the entire project by the end of 2008.

## Māori participation in Heritage Management

Currently there is no established protocol for managing heritage within the Ōtorohanga District, Waipā District or Environment Waikato, but there is a movement towards establishing better processes. Following an extensive literature review, it became apparent that documentation of iwi participation in cultural heritage management was mostly confined to single site management plans done in collaboration with other interested parties, or more frequently, heritage management was found to be included as part of a larger iwi environmental resource management plan document. The 'nuts and bolts' of collaborative management from an iwi perspective was hard to

find. To begin documenting a ‘flax-roots’ approach to iwi cultural heritage management, we began with understanding the current perspectives and practices within the archaeological, planning and legal fraternities.

We decided that if we were to approach and document the practical aspects of cultural heritage management from an iwi perspective, it would require some creative and practical thinking on our behalf, taking into consideration the unique needs of our own people, our history that is within our landscape, our experiences of working with heritage areas through the resource consent process, as well as our experiences and knowledge of working with agencies responsible for heritage protection and management.

## Ngāti Hikairo Heritage Management Process

### Identifying the Sites

The process we followed included identifying what information we had, what information we needed, where we would get the information, how we would gather and collate the information.

When we discussed these issues with kaumātua it was clear that we would need to review documented information regarding the heritage sites. We would gather information from elders to complement the information. Finally we would go out to the sites and identify them, and in some cases GIS the sites.

### Literature review

We identified repositories that would have information about the sites. We determined what information was available at the Turnbull Library and the National Archives; we accessed Māori Land court records and additional publications. All information and references to historical sites were stored in a temporary Heritage Inventory; this information will eventually be entered into our Heritage Database.

### Oral History

The oral histories are an ongoing project, and we have gathered information from our kaumātua to help us to

- 1) confirm a site location
- 2) identify sites
- 3) establish the name and the history of sites.

The interviews will be collated and the information will be entered into the Heritage Inventory.

### Field work

Following the literature review we systematically mapped the sites and carried out field work. This involved going to various locations to identify and GPS map the sites. The priority was sites that were identified as being ‘at-risk’ (refer to Ch 5: Policy 12). Once we gather the GIS information, it is then prepared for entry into our Database. Eventually all the information relating to the site will be included in the GIS Database.

### Database

Finding and developing a database to suit our needs was a significant part of the project. Issues that arose included the use of our intellectual property, the storage and access to our information (often within systems and accessed over the internet) and the ongoing cost of storage and access to the information. We were advised that the database would be too large for an average home computer system and that the information would need to be stored and access monitored at the source, which would require ongoing costs for our iwi.

The database that was eventually developed for Ngāti Hikairo was a system that was not dependent on external storage, allowing for the retention of intellectual property. When it is necessary to update the system we will return to the developer to upgrade it. We can only advise other iwi/hapū and kaitiaki groups to be cautious about the location and storage of intellectual knowledge, particularly when storing the information well into the future.

## Ngāti Hikairo Heritage Management Plan

The purpose of this Heritage Management Plan is:

1. To provide information about how Ngāti Hikairo intend to work with councils, other government agencies and landowners, to better manage areas of cultural and historical significance within our tribal area
2. To inform Ngāti Hikairo of how we intend to monitor and manage our wāhi tūpuna and wāhi tapu.
3. To educate our communities and government agencies about our cultural and historical heritage.

This plan is a living document and we anticipate that it will be periodically reviewed and updated so that the information remains relevant and useful.



## Aims of this plan

1. To provide information about who we are and our relationship to the land
2. To identify the various legislation that impacts on Māori heritage management
3. To define our cultural heritage
4. To develop policy and strategies for managing Ngāti Hikairo cultural and historical heritage

We anticipate that this plan will complement the database also to be developed as part of the project. Information from the database will be available to the council and property owners as required and as appropriate, sensitive information will be retained by Ngāti Hikairo. The information within the database will be managed and maintained by the Resource Management Committee (RMC) of Te Rūnanganui-ō-Ngāti Hikairo.

## Plan Overview

The Ngāti Hikairo Heritage Management Plan will consist of five chapters. Each of the chapters will focus on a key kaupapa and identify issues related to the discussion.

### *Chapter 1: Te Kaupapa – Cultural Heritage*

This chapter defines cultural heritage and explores crown and tribal frameworks that drive the way we work. It also discusses key issues around working together and outlines the need to change aspects of current practice so as to be more effective into the future.

### *Chapter 2: Mana whenua - Ngāti Hikairo*

This chapter discusses Ngāti Hikairo history, defines our rohe and begins by describing the establishment of Ngāti Hikairo as an independent iwi, our relationship with the land and environment in the Kāwhia, Ōpārau, Pirongia and Waipā areas, and our history and relationship

with neighboring iwi. The chapter then describes the background and rationale for the establishment of the Rūnanganui and the RMC, and our submissions before the Waitangi Tribunal.

### *Chapter 3: Te Ture - The Law relating to Māori Heritage Management*

This chapter investigates the various legislation that affects the protection and preservation of Māori Heritage areas. It covers the Resource Management Act 1991 and Historic Places Act 1993. It also discusses the influence of relevant planning documents such as the ā District Plan and Waipā District Plan, the Waikato Regional Plan and Regional Coastal Plan, and the Waikato Regional Policy Statement. Other relevant documents such as the Coastal Policy Statement (1994) and non-statutory plan Shores Futures Preferred Futures Report are also discussed. The challenge of change to existing practice is discussed.

### *Chapter 4: Ngā Wāhi o Ngā Tūpuna - The Places of our Tūpuna*

This chapter describes the traditions related to wāhi tūpuna, the mātauranga Māori and associated tikanga. It includes a list of the types of sites and their definitions. Historic sites within Ngāti Hikairo rohe that are currently registered with Historic Places Trust are also discussed. A map developed by the New Zealand Archaeological Association (NZAA) identifying archaeological sites within the Kāwhia catchment is included.

### *Chapter 5: Ngāti Hikairo Heritage Management - Policies, Protocols and Processes*

This chapter collates the issues identified in previous chapters relating to the management of cultural heritage within the Ngāti Hikairo rohe. It includes goals and methods of implementation to address the issues identified and finally the policy and protocols for managing our cultural heritage areas.



Ahi kā	Keeping ones home fires alight/use/ occupation	Take tuku	Rights derived from customary gift
Ahurewa	Ceremonial alter	Take Tūpuna	Rights derived from ancestral connection
Ana	Cave	Taonga	Highly prized property/treasures
Aroha	Love/compassion	Tapu	Sacred
Hapū	Sub tribe	Taua	War party
Hikairotanga	Ngāti Hikairo culture	Te Tiriti o Waitangi	The Treaty of Waitangi
Iwi	Tribe	Te Ohaaki Tapu o Te Rohe Pōtae	Te Rohe Pōtae Sacred Compact
Kaitiaki	Guardian	Te Rūnanganui-ō-Ngāti Hikairo	Tribal Authority of Ngāti Hikairo
Kaitiakitanga	Guardianship/Stewardship		
Karakia	Prayer	Tino Rangatiratanga	Absolute sovereignty
Kaumātua	Elders	Tikanga	Custom/rules
Kaupapa	Plan/Scheme/Proposal	Tūahu	Ceremonial alter
Koroheke	Elderly man	Tūpuna	Ancestors
Māharahara	Angst	Ture	Laws
Mahinga kai	Place where food is gathered	Ūkaipō	Land from which you derive your tribal connection
Mana Whenua	Authority over the land	Urupā	Burial Ground
Mana Moana	Authority over the sea	Wāhanga	Section/part
Mana Whakahaere	Absolute authority	Wāhi	Place/site
Mana Motuhake	Independence	Waiata	Song
Mātauranga Māori	Māori knowledge	Wairua	Spirit
Mauri	Life force	Whakapapa	Geneaology
Moana	Sea/harbour	Whānau	Family
Moemoeā	Dream	Whare Tūpuna	Meeting house
Ngā kōrero tuku iho	Oral traditions	Wawata	Vision/desire/yearning
Pā	Fortified Village	Whenua	Land
Rohe	Territory/Tribalarea		
Rūnanganui	Iwi authority		
Rūruhi	Elderly women		
Tainui Waka	Ancestral voyaging vessel of Tainui people		
Take ātete	Rights derived from resistance		
Take raupatu	Rights derived from conquest		

Wāhi Tūpuna	Historic, Heritage, significant site/area/landscape, can include sacred sites
Wāhi Tapu	Sacred site
Cultural site	any site/area/landscape that is valuable to Māori



# Te Rohe o Ngāti Hikairo

## The tribal lands of Ngāti Hikairo





# Te Kaupapa – Cultural Heritage

*Ehara i te whenua te hē, engari nā te tangata. E whakatupu ana te Atua i  
ngā hua o te whenua kia tupu hei oranga mō te tangata, e whakahēngia  
ana e te tangata.*

*There is nothing evil in the land itself, but humanity has brought evil  
upon it. God causes the fruits of the earth to spring up and grow for the  
benefit of people, and through people they are marred and destroyed.<sup>P2</sup>*



Photo 2: Te Papa-ō-Kārewa, Kāwhia 1884. (From the E R Williams Collection; Alexander Turnbull Library, Wellington, N.Z)



# 1. INTRODUCTION

*“ Cultural heritage is irreplaceable. Once it is altered or lost it cannot be returned to its original state or be replaced. Heritage is reflected in the relationship of Māori and their culture and traditions with ancestral lands, water, sites, wāhi tapu, and other taonga. The conservation of heritage places associated with our ancestors, cultures, or past allows people to experience in a small way a taste of how past generations lived and to develop a greater understanding of our history and identity.”<sup>4</sup>*

Our history is carved into our landscape. It is the landscape that defines who we are and what makes us unique. We are of the whenua, the whenua is of us. Our tūpuna have lived, fought and died on this land, the land is in our whakapapa, it is in our history, it is carved into the walls of our whare tūpuna, it is in our waiata and in our karakia. When we look at the landscape, we see our past and our future. The significance of a landscape is not defined by its monetary value; the significance of a landscape is defined by its history and its connection to whānau, hapū and Iwi.

## 1.1.1 Te Tiriti/Treaty Relationship

The Treaty of Waitangi guarantees us the right to participate in decision-making regarding the conservation and protection of historic places, archaeological sites and wāhi tapu. It states that:

### Article II

*Ko te Kuini o Ingarangi ka wakarite ka wakaee ki nga Rangatira ki nga hapū ki nga tangata katoa o Nu Tirani te tino Rangatiratanga o o ratou whenua o o ratou kāinga me o o ratou taonga katoa..... [The Queen of England agrees to protect the Chiefs, the sub-tribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures].<sup>5</sup>*

### Article III

*Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini. Ka tiakina e te Kuini o Ingarangi nga tangata Māori katoa o Nu Tirani. Ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.....[For this agreed arrangement therefore, concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand and will give them the same rights and duties of citizenship as the people of England].<sup>6</sup>*

As mana whenua within our rohe, we reserve the right to exercise our tino Rangatiratanga in relation to

our responsibilities for land, the environment and for the wellbeing of our people. The Treaty of Waitangi guarantees us the right also to participate in decision-making regarding the conservation and protection of historic places, archaeological sites and wāhi tapu.

We believe that through the relationship framework provided by Te Tiriti/Treaty of Waitangi we are able to work cooperatively and collaboratively with the Crown and its agencies as a Tiriti/Treaty partner. This is a relationship of equals not one where we are subordinate to the Crown.



Figure 1. Ngāti Hikairo Treaty Relationship<sup>7</sup>

We anticipate that through working in partnership with local and regional councils, relationships will be improved and policy and processes will be developed that will provide direction and guidance for both iwi and councils so that there are effective and consistent processes for the management and protection of historical and cultural sites and landscapes.

*“ We have had situations where decisions directly affecting our wāhi tapu were being made by archaeologists or bureaucrats, who in most cases had no direct intimate knowledge of local situations. There has been no accountability to tangata whenua for decisions and actions taken. We have questioned whether the existing [Historic Places Act 1980 and trust] afford any real protection of our wāhi tapu or whether they merely serve the vested interests of professionals who occupy administrative or scientific positions in glass towers far removed from the real world.”<sup>8</sup>*

<sup>4</sup> Historic Places Trust. (2004). *Heritage Management Guidelines for Resource Management Practitioners*. Wellington: NZHPT (p.2)

<sup>5,6</sup> The Treaty of Waitangi: Māori version (1840) <http://www.waitangi.com/colenso/colversn.html>

<sup>7</sup> Te Rūnanganui-ō-Ngāti Hikairo: *Strategic Plan 2005-2010*

<sup>8</sup> Nathan, A. (1991) *Wāhi tapu protection and management: Case study*, pp50-51, as cited in Carmichael, D. et al (Eds) (1994). *Sacred sites, Sacred Places*. London: Butler & Tanner

## 1.1.2 What is Heritage Management?

*“Heritage Management is an attempt to work collaboratively to protect the culture, history and “identity, distinctiveness and diversity” of a community, landscape and district.”<sup>9</sup>*

The Historic Places Trust suggest that historical and cultural sites are most at risk when they are unidentified, or their location or significance is not widely known.<sup>10</sup> To better manage the effects of activities on sites of significance they suggest that it is best if local and regional councils identify them in planning documents, such as a district plan, so that sites can be appropriately recognised, managed and protected subject to the rules in the plan.

It is well established that not only is there a lack of national consistency with regard to listed places and areas of significance to Māori in district plans,<sup>11 12</sup> but Māori believe that there is inadequate provision for protecting cultural landscapes in district plans and that they have not been set up to incorporate Māori values. This is further compounded by the belief councils do not know how to translate cultural information into the district planning process meaningfully.<sup>13</sup> Meaningful Māori participation in identifying and managing historical and cultural sites and landscapes is still a relatively new practice amongst local and regional government in Aotearoa/New Zealand.<sup>14</sup>

*“The protection of Māori heritage presently involves relationships at four levels; Māori with the Crown, with local government, with the general community, and, finally, with other Māori.”<sup>15</sup>*

Engagement and participation in council processes has frequently been initiated and then maintained through our own efforts. Our attempts to advocate for the protection and preservation of areas of cultural and historical significance over the last 10 years have often been reactive, and have led to our being perceived as trouble makers or Māori radicals. This plan is our attempt to change the dynamic, to be proactive.

## 1.2 CULTURAL LANDSCAPES

A cultural landscape has been defined by the World Heritage Committee as a ‘combined work of nature and man’ that is ‘illustrative of the evolution of human society and settlement over time’.<sup>16</sup> In recent years, culturally significant landscapes, particularly in the coastal environment, have been under increasing pressure from development.<sup>17</sup> Development pressures can lead not only to the destruction of the physical

landscape but also the loss of history and cultural values associated with the landscape.<sup>18</sup> We believe that an archaeological, historical or wāhi tapu site does not sit randomly alone within a setting but provides evidence of interconnection within the historical context of the landscape. The protection of our cultural landscapes, and the history they provide, are imperative for our future generations.

*“The cultural landscape of one society is not always visible to members of another society due to differing perceptions, values and political interests. Perceptually, a cultural landscape only becomes visible as you move within the landscape under the guidance of people who are intimately aware of the forms, functions and processes of a specific landscape.”<sup>19</sup>*

## 1.3 MĀORI HERITAGE

Māori have until recent times been reluctant to identify historical and culturally significant sites to non-Māori. This reluctance has come about through the experiences of the past. Of particular note the Austrian naturalist Andreas Reischek who travelled through Te Rohe Pōtae (the King Country) in 1881 under the protection of King Tāwhiao. Following the Waikato wars, Te Rohe Pōtae was an area off limits to Pākehā, a stronghold of the kingites, supporters of the King movement and Māori dispossessed as a result of land confiscations in the Waikato plains.

<sup>9</sup> Historic Places Trust. (2004). *Heritage Management Guidelines for Resource Management Practitioners*. Wellington: NZHPT

<sup>10</sup> Ibid

<sup>11</sup> McClean, R. & Robson, D. (2009). *Iwi management plans for cultural and historical heritage*. Presentation to NZPI conference. Auckland: NZHPT Pouhere Taonga.

<sup>12</sup> Allen, H. (2002). *Protecting Māori land-based Heritage*. In Kāwharu, M. (Ed), *Whenua: Managing our resources* (p.252-271). Auckland: Reed

<sup>13</sup> Sims, M., & Thompson-Fawcett, M. (2002). *Planning for the cultural landscape*. In Kāwharu, M. (Ed), *Whenua: Managing our resources* (p.252-271). Auckland: Reed

<sup>14</sup> McClean, R., & Robson, D. (2009). *Iwi management plans for cultural and historical heritage*. Presentation to NZPI conference. Auckland: NZHPT Pouhere Taonga.

<sup>15</sup> Allen, H. (1998) *Protecting historic places in New Zealand. Research in anthropology and linguistics*. (p.51) Auckland: The University of Auckland.

<sup>16</sup> <http://whc.unesco.org/en/culturallandscape#1>

<sup>17</sup> Peart, R. (2004) *A place to stand: The protection of New Zealand’s natural and cultural landscapes*. Auckland: Environmental Defence Society

<sup>18</sup> Sims, M., & Thompson-Fawcett, M. (2002). *Planning for the cultural landscape*. In Kāwharu, M. (Ed), *Whenua: Managing our resources* (p.252-271). Auckland: Reed

<sup>19</sup> Davidson-Hunt, I. (2003) *Indigenous Lands Management, Cultural Landscapes and Anishinaabe People of Shoal Lake*. Northwestern Ontario, Canada. *Environments: A Journal of interdisciplinary studies*, Vol 31 (1).





Photo 3: *Ōtahinga Pā, Kāwhia. (Te Rūnanganui-ō-Ngāti Hikairo)*

Andreas Reischek had gained the confidence of King Tāwhiao and was given permission to enter into Te Rohe Pōtae to hunt for birds. Pākehā who had ventured into this area were often killed or forced out by Māori, but following King Tāwhiao's endorsement, Reischek was accorded the hospitality of the people. Reischek had other intentions which he did however not make known to his generous hosts. He had heard that burial grounds located in Kāwhia contained Māori artefacts that were highly sought after in Europe. Eventually Reischek located the burial grounds and stole the remains of the dead, which he later sold to the Museum Fur Volkekunde in Vienna.<sup>20</sup> Many of these stolen items sit in museums around the world to this day.<sup>21</sup>

The actions of Reischek remain in the memory of local iwi to this day, and local apprehension and reluctance to later engage with archaeologists and anthropologists were deemed to be as a direct result of the betrayal of trust experienced by iwi. The attempts to repatriate our sacred artefacts and relics are a constant reminder to not trust Pākehā with sensitive Māori information. Situations such as the robbing of urupā and ana were not the only ways that we were to experience loss of heritage and control of our wāhi tapu.

As a consequence of land confiscations and land legislation, Māori were to lose control over much of

the land that was considered sacred and significant. They witnessed sacred sites being desecrated through development and the movement of Pākehā settlers to live on and around these sacred areas. As a consequence, our tūpuna were no longer able to freely use, visit and protect those areas that were considered sacred or significant. With the introduction of legislation such as the Tohunga Suppression Act 1907,<sup>22</sup> and the pressure to assimilate into the European culture, much of the history, knowledge and traditions relating to those places were no longer commonly discussed or practised; this was to have a considerable impact on tribal knowledge systems and tikanga well into the 21st century.

Māori have remained reluctant to engage with government agencies and organisations such as the Historic Places Trust. Some believe that giving information to such organisations opens up the possibility of sensitive information being abused, or used without consent, and also places that information in the public arena.<sup>23</sup>

<sup>20</sup> King, Michael. (1981). *The Collector. A biography of Andreas Reischek.* Auckland: Hodder & Stoughton

<sup>21</sup> Hole, Brian. (2007) *Playthings for the Foe: The Repatriation of Human Remains in New Zealand.* *Public Archaeology*, 6(1), 5-27.

<sup>22</sup> <http://www.austlii.edu.au/nz/journals/VUWLR/2001/17.html#Heading146>

<sup>23</sup> Nathan, A. (1991) *Waahi tapu protection and management: Case study, as cited in Carmichael, D. et al (Eds) (1994). Sacred sites, Sacred Places.* London: Butler & Tanner



Others acknowledge that the legislative mechanisms put in place to protect historic heritage, such as the Resource Management Act 1991 and the Historic Places Act 1993, in reality provide very little legislative protection for heritage areas identified as significant by Māori.<sup>24 25</sup> (This will be further discussed in Chapter 3: *Te Ture - The Law Relating to Māori Heritage Management*).

Recent pressure of development on coastal and rural land has seen an increased interest by Māori to find ways of protecting our culturally significant areas. We are placed in the position of having to utilise the mechanisms available to achieve the best possible outcomes for protecting our wāhi tūpuna and wāhi tapu, until such time that the agencies empowered to do so will recognise and provide more effective measures for the protection of Māori heritage.

At the time of publication, despite an extensive literature search, Māori initiated and developed literature relating to heritage management is very limited. Although many iwi management planning documents make reference to the protection and oversight of historically significant sites, most fail to provide the specific details

of how to manage places of historical and cultural significance in a collaborative way with local and regional government.

## 1.4 INDIGENOUS HERITAGE

The management, protection and preservation of tangible and intangible cultural heritage have become growing concerns for indigenous people internationally, particularly the indigenous people of colonised countries such as Australia, Canada and the USA. Like Māori, they have endured considerable distress over the centuries as a result of being dispossessed of lands that contained sacred and historically significant places, witnessing their destruction and desecration. As a result, they have to bear the long lasting detrimental effects on many aspects of their indigenous culture.<sup>26</sup>

<sup>24</sup> Allen, H. (2002). *Protecting Māori land-based Heritage*. In Kawharu, M. (Ed), *Whenua: Managing our resources* (p.252-271). Auckland: Reed

<sup>25</sup> Sole, T. & Woods, K. (1996) *Protection of indigenous sacred sites: The New Zealand experience*. New Zealand: Ministry of Māori Affairs

<sup>26</sup> Carmicheal, D. et al (Eds) (1994). *Sacred sites, Sacred Places*. London: Butler & Tanner



Photo 4: *Taihoa, Kāwhia Township*. (James Cowan Collection; Alexander Turnbull Library, Wellington, N.Z.)

Indigenous experiences of loss of cultural heritage have been acknowledged through the inclusion of references to cultural heritage in the United Nations Declaration on the Rights of Indigenous Peoples. Article 11 of the Declaration specifically refers to the rights of indigenous people to practise and revitalise their cultural traditions and customs and also includes the “right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature”,<sup>27</sup> though it is necessary to note that New Zealand was one of four countries that initially refused to sign the Declaration in 2007,<sup>28</sup> along with the USA, Canada and Australia. In April 2010, New Zealand finally signed the Declaration.

## 1.5 NGĀTI HIKAIRO HERITAGE

There is a significant lack of literature documenting Ngāti Hikairo history in the Waikato and Te Rohe Pōtae. The lack of documentation has contributed to much of the current confusion and misinformation about who the Ngāti Hikairo people are and from where they originate. This plan will address this issue and provide information to local government and the public about Ngāti Hikairo and our cultural and historical heritage (Chapter2: *Mana Whenua - Ngāti Hikairo*).

Fundamental to the social, historical, and cultural identity of Ngāti Hikairo as an iwi is the identification and protection of our wāhi tūpuna and wāhi tapu. The Resource Management Committee of Te Rūnanganui-ō-Ngāti Hikairo have endeavoured for more than a decade to develop strategies and tools to better identify and protect our heritage sites. We have attended meetings with the various councils; have written numerous letters and consistently advocated the need for a systematic process for the identification, protection and preservation of heritage areas. Through the resource consent process we have at times felt our voices were not heard, and have also experienced the expensive and time consuming processes of taking a case through the Environment Court.<sup>29</sup>

There have been various publications and projects identifying individual sites of significance within the rohe of Ngāti Hikairo. However, these have often proven to be piece-meal, lacking in validity, historically incorrect, and often detrimental to the kaitiakitanga of Ngāti Hikairo. More recently identification of predominantly Ngāti Hikairo archaeological sites, with little or no Ngāti Hikairo authorised input, have been

further incentive to develop a comprehensive iwi-driven heritage management process, with support and endorsement from local and regional councils.

*“The spiritual aspects of what I’m going to explain .... a great saying of a boxer is that, ‘The punch that you see you can remain standing, you can avoid falling over, but it’s the one that you don’t see is the one that’s going to put you down there’. ..... Māori artefacts and the mauri, you can’t see it. They could just blow your lights out like this, that’s what Māori believe, the same thing. This is what I’m trying to explain, this is what mauri is. And there are many that have been put into the Kāwhia Harbour as protections.”<sup>30</sup>*

## 1.6 ISSUES RELATING TO CULTURAL HERITAGE

### 1.6.1 How the past influences the present- iwi participation

Due to experiences of the past, Māori have been reluctant to divulge sensitive tribal information to non-Māori. Fear that the information will be used inappropriately and without our consent, or that sites will potentially be desecrated or damaged as a result of their identification remains a genuine concern for kaumātua. Concern at passing on our tribal knowledge to agencies such as councils and the Historic Places Trust has caused much māharahara, the issue being the protection of our sensitive tribal information versus the need to identify and protect the site.

### 1.6.2 Inadequacies of existing processes

We believe that council processes regarding Māori cultural heritage management are flawed and inconsistent. Communication and consultation are poor and councils have great difficulty incorporating Māori cultural information into the district planning process meaningfully. This will be discussed further in subsequent chapters.

<sup>27</sup> UN General Assembly. (2007). 61/295- United Nations Declaration on the Rights of indigenous People. retrieved 7 August 2009, from <http://www.un-documents.net/a61r295.htm>

<sup>28</sup> <http://www.iwgia.org/sw248.asp>

<sup>29</sup> *Macpherson v Ōtorohanga District Council W25/2007*

<sup>30</sup> *Hopa, M. (2005). Evidence given in Environment court for Macpherson v Ōtorohanga District Council W25/2007*



# MANA WHENUA - NGĀTI HIKAIRO

*Haramai ki Pirongia he tuwhera nga mata a Parekūkū hei whakatau iho i a  
koe me hoake ki Pukekohe ki Te Kauri noho ai*

*Come to Pirongia the eyes of Parekuku receive you,  
go to Pukekohe and Te Kauri to live<sup>p3</sup>*



Photo 5: Whatiwhatihoe, Pirongia, 1884. (E R Williams Collection; Alexander Turnbull Library, Wellington, N.Z)



## 2.1 NGĀTI HIKAIRO

This chapter focuses on mana, particularly mana whenua, which in turn enables the mana whakahaere and kaitiakitanga of Ngāti Hikairo. What this entails will be the basis upon which Ngāti Hikairo claim tangata whenua and kaitiaki status within our rohe. While brief, it effectively captures the traditional and modern-day application of the mana whenua, mana moana, and mana tangata of Ngāti Hikairo.

### 2.1.1. Te Rohe o Ngāti Hikairo - The Tribal Lands of Ngāti Hikairo

The rohe of Ngāti Hikairo begins in the north-west at Kārewa (Gannet Island) in the Tasman Sea it comes ashore at Raukūmara, then east to Pukeatua, then Tūrangatapu wae, then Tirohanga-Kaipuke, then north-east to the source of the Mangahoanga Stream, then north-east to Tahunui (a northern peak of Pirongia), then north-east to Harapepe, then directly east across the Waipā River to the mouth of Manga-ō-Tama Stream, east to Ōhaupō, then follows the ridge south until just north of Te Awamutu, then south-west to Mangapiko Stream, then south west to the south of Frontier Road, then from the Mangapōuri Swamp, to its outlet on the Waipā River, crossing the Waipā and going south along the west bank of the Waipā to a point known as Te Arataura, then west taking a line just north of Te Tahi Road to the peak, Te Tihitoetoe, then south west to the junction of Rauāmoa Road and Pirongia West Road, following Rauāmoa Road to its junction with State Highway 31, then following the highway south-west to its junction with Kāwhia Harbour Road, then south west to the Te Kauri Stream along its north bank to Tiritirimatangi then across the Kāwhia Harbour to Paringātai, then west to just south of Te Puia (hot-water springs on Ocean Beach) then a direct line out into the Tasman Sea.<sup>31</sup> (Refer to Map 1: *Ngāti Hikairo Rohe*)

Ngā hapū o Ngāti Hikairo – Ngāti Hikairo Hapū:

Ngāti Hineue	Ngāti Horotakere
Ngāti Ngāti	Ngāti Pare
Ngāti Parehinga	Ngāti Paretaikō
Ngāti Pōkaia	Ngāti Puhiaawe
Ngāti Purapura	Ngāti Rāhui
Ngāti Rahopupuwai	Ngāti Te Mihinga
Ngāti Te Uru	Ngā-Uri-ō-Te Makaho
Ngāti Wai	Ngāti Whatitiri

Te Matewai                      Te Whānau Pani  
All of the above hapū affiliate to the marae of  
**Ngāti Hikairo:**

Waipapa<sup>32</sup>

Kaiewe<sup>33</sup>

Mōkai Kāinga<sup>34</sup>

Pūrekireki<sup>35</sup>

There have been at least three attempts to establish other marae in the rohe of Ngāti Hikairo, at Tōrea, Kawaroa, and Motukōtuku, however, government agencies at the time prevented the development of further marae. The common theme was that Ngāti Hikairo, already having marae, would not need anymore, and that the establishment of any further marae would stretch resources and lead to the fragmentation and demise of Ngāti Hikairo. Such an argument led to the withdrawal of a long standing marae reservation in the 1970's without consent or consultation with Ngāti Hikairo.

### 2.1.2. Mana Whenua

According to Māori Marsden mana is essentially authority. That authority he identifies as *'lawful permission delegated by the gods to their human agent to act on their behalf and in accordance with their revealed will.'*<sup>36</sup> Te Ahukaramū Charles Royal explains that, *"Mana is a special and non-ordinary presence or essence that can flow in the world, in persons, in places and in events"* and furthermore a *"traditional concept that is variously translated as power, authority, prestige and charisma and it is central to the traditional Māori worldview."*<sup>37</sup> Royal, however explains *"I encourage our people out of the view that mana means 'the power to hold accountable' to one in which mana is expressed as creativity. This view of mana is derived primarily through an interpretation of mana whenua."* He further states *"the evidence for the presence of mana in a person*

<sup>31</sup> The rohe includes the waterbodies (ocean, harbour, lakes, rivers, streams, swamps and wetlands) within the boundaries, and the towns and settlements of Kāwhia, Mōkai Kāinga, Ōpārau, Te Tahi, Mangauika Road, Pirongia, Harapepe, Te Rōre, Pāterangi, Ōhaupō, Te Rahu, Ngāroto, and Mangapiko.

<sup>32</sup> Considered to be the marae matua of Ngāti Hikairo.

<sup>33</sup> Crown surplus land returned to Ngāti Hikairo as a marae Reservation in 1995

<sup>34</sup> Has affiliations with Ngāti Hikairo and Ngāti Maniapoto

<sup>35</sup> Has affiliations with Ngāti Hikairo and Ngāti Maniapoto

<sup>36</sup> Marsden, M. (2003). *The woven universe: Selected writings of Rev. Māori Marsden. Otaki: Te Wānanga o Raukawa.* (p.4)

<sup>37</sup> Royal, Te Ahukaramū Charles (2006). *A modern view of Mana.* (p.4)

is their creativity, their ability to bring forth new ideas, knowledge and insight to which their skills and talents are directed". This definition of mana sits well within the Ngāti Hikairo world view.

Ngāti Hikairo is an independent iwi, descending from the Tainui Waka. The founding tūpuna of Ngāti Hikairo and it's hapū descend from Apakura and Whatihua, whose descendants are generally known as Ngāti Apakura. Hikairo was from Ngāti Apakura and held influence in the Waipā, specifically in Ōhaupō, Te Rore, Ngāroto and Mangapiko. The establishment of the iwi of Ngāti Hikairo, our mana whenua and kaitiakitanga over our rohe is attributed to our tūpuna Whakamarurangi, the son of Hikairo.

*"Hikairo belonged to Ngāti Apakura, they belonged to Ngāroto east of Pirongia. Whakamarurangi was Ngāti Hikairo. In his time they had removed the name of Apakura. Te Whareiaia belonged to Kāwhia, to Ngāti Te Uru and Ngāti Te Ariari, the chief tribe of Kāwhia."<sup>38</sup>*

*When Whakamarurangi was old enough he obtained mana in the district. The other Kāwhia chiefs and people about Pirongia gave him their support. There was at that time a tōhunga named Tūheia at Kāwhia. He said to Te Whareiaia "Your mokopuna will come of great note." But Te Whareiaia had already planned as regards to Whakamarurangi. He said to him "would you be able to retain in your own hands the game from Pirongia to Kāwhia?" Whakamarurangi bore this in mind during the bird preserving season. The game taken on this side of Pirongia was presented to the Kāwhia people at that time. Whilst they were on the way to Kāwhia, Whakamarurangi met the party and destroyed the game. This took place at a spot called Tahuahinu to this day. The bearers at once sped to Kāwhia and informed Te Whareiaia and the other chiefs of what had occurred. Whakamarurangi arrived soon after then and Te Whareiaia said to him "You have thus fulfilled your promise to hold the game and I therefore hand over to you the mana over the country between Pirongia and Kāwhia." Thus he obtained control of the district."<sup>39</sup>*

*Te Whānau Pani are the descendants of Whakamarurangi. Whakamarurangi was an orphan hence his descendants are Te Whānau Pani.<sup>40</sup> Te Whānau Pani is the pure*

*Ngāti Hikairo, it first embraced Horotakere and Puhiaawe descendants in the time of Whakamarurangi's children. Hikairo, Whakamarurangi's father gave the name to Ngāti Hikairo."<sup>41</sup>*

By 1820 Ngāti Hikairo was firmly established as an iwi in the Waipā with it's base at Mātakitaki, with other settlements at Whatiwhatihoe, Te Pae-ō-Ruahinerua, Ōkehu, Māngaio-ā-Te Tuki, Waiari, Tauwhare, Tūpāpakunui and Kaipaka on the Mangapiko, at Ngāroto, Te Rore and Manga-ō-Tama. The evacuation of Te Rauparaha and allies from Kāwhia saw Ngāti Hikairo expand further west and take control over Kāwhia and the Ōpārau Valley. This settlement became more intensive after the fall of Mātakitaki, when the various hapū of Ngāti Hikairo, and other iwi of Waikato moved into Kāwhia to avoid the threat of invasion from Ngā Puhī.

For Ngāti Hikairo, mana whenua, mana moana, and mana tangata is the lawful permission to manage the land and its resources, the sea and its resources and the people and all their potential. The authority descends from the atua, to the tūpuna, to the current generation. This authority is an inherited responsibility of the individual in their role within the greater collective. Ngāti Hikairo are responsible as individuals and the collective to best effectively exercise the permission and authority to manage the land, the sea and the people. Te Rūnanganui-ō-Ngāti Hikairo aspires to promote and enhance the creative potential to ensure the health and well-being of Ngāti Hikairo.

### 2.1.3 Ngāti Hikairo and the Waikato wars

By the 1830s many of Ngāti Hikairo's hapū returned to Waipā and resettled at Mangauika, Pirongia, Te Rore, Ngāroto, and Mangapiko. Ngāti Hikairo made contact with Europeans in the 1820s and very rapidly developed relationships, establishing a school, a church, and robust trade, including flour mills and the

<sup>38</sup> Native Land Court, Ōtorohanga Book 12, 1892, p.247.

<sup>39</sup> Native Land Court, Ōtorohanga Book 1, 1886, p. 334.

<sup>40</sup> Native Land Court, Ōtorohanga Book 23, 1894, p.110.

<sup>41</sup> Native Land Court, Ōtorohanga Book 23, 1894, p.107



In 1860 as a result of rūnanga being established by the Grey Government, Ngāti Hikairo eagerly set about establishing its own rūnanga. Ngāti Hikairo took on this government supported structure to achieve its ambitions and goals. In 1865 the Ngāti Hikairo Rūnanga claimed land blocks identified as Te Rōre, Mātakitaki, Pirongia, Mangauika, Mangapakiaka and Aratokau, all are in the vicinity of Pirongia Township. These blocks made up a small percentage of the Ngāti Hikairo lands confiscated in the invasion of Waikato by government forces. The claims were a result of Ngāti Hikairo having heard of plans to survey for a military township at Pirongia. Approximately 5,000 acres were eventually returned as crown grants. The Crown's activities in relation to these lands after the crown grants are now subject to a Waitangi Tribunal Non-Raupatu Claim north of the Rohe Pōtae Boundary.<sup>42</sup>





## 2.2 NGĀTI HIKAIRO WITHIN TE ROHE PŌTAE

In the year 1883 Wahanui Huatare and other members of Ngāti Maniapoto made a petition to the Government to lay down boundaries of Te Rohe Pōtae. This boundary came down the Ōpārau Valley, splitting Ngāti Hikairo's territory in half. It was obvious to Ngāti Hikairo that its position, authority, and mana whenua was being questioned and could potentially be usurped by Ngāti Maniapoto. Ngāti Hikairo had discussions with the parties involved and made a further petition. The boundaries were readjusted to include Ngāti Hikairo's entire King Country rohe, and also to recognise our independence. The year 1884 saw the inclusion of Ngāti Hikairo as one of the five iwi of Te Rohe Pōtae. These five iwi were to eventually sign various agreements with the Crown, to become known as Te Ōhaakī Tapu o Te Rohe Pōtae (The Rohe Pōtae Sacred Compact). This was in fact not a single document but a series of agreements between the respective iwi and the Government of the time. It guaranteed recognition of each iwi and their independence to operate within Te Rohe Pōtae. In return it guaranteed the establishment of the railway line and the opening up of Te Rohe Pōtae.

The very same year, and perhaps as a direct result of the petition, Ngāti Hikairo took a pro-active role in the management and administration of iwi affairs in the Kāwhia District by participating in the establishment and membership of the Kāwhia Native Committee.<sup>43</sup> This committee was very active and influential for a decade or so and then appears to have diminished in influence and then ceased to exist.

In 1886 the Native Land Court entered the King Country and an investigation was held for the Rohe Pōtae District. An important result of this inquiry was that the Court recognised Ngāti Hikairo as an iwi separate from Waikato and Ngāti Maniapoto, and identified the territory of Ngāti Hikairo within the Rohe Pōtae.

“This block, estimated to contain 1,636,000 acres, is the largest and most important that has ever been brought before the Native Land Court. It is claimed by five tribes or sections of tribes – that is to say by Ngāti Maniapoto, Ngāti Hikairo, Ngāti Whakatere, Ngāti Takihiku, the last two being hapū of Ngāti Raukawa, Ngāti

*Tūwharetoa and Ngāti Rangatahi, a section of Whanganui. An order for all the balance of the Rohe Pōtae Block, with the islands of Kārewa and Te Motu, excluding such portions as are held under Crown Grant, or have been purchased by the Crown issue in favour of the five tribes.*<sup>44</sup> ”

### 2.2.1 The Māori Land Council

In the 1890's an Ngāti Hikairo Tribal Committee was established. This group it appears dealt with the management decisions and issues that faced Ngāti Hikairo on an iwi level both internally and externally. At a later date the affairs of the iwi were managed by the Ngāti Hikairo Marae Committee.

Under the Māori Lands Administration Act 1900, Ngāti Hikairo was clustered together with Ngāti Maniapoto and Ngāti Tūwharetoa for the formation of the Hikairo-Tūwharetoa-Maniapoto District Māori Land Council in 1902. The following year Hōne Kaora of Ngāti Hikairo with 92 others submitted a petition objecting to their lands being included within the boundaries of the Maniapoto-Tūwharetoa District.

## 2.3 NGĀTI HIKAIRO WITHIN WAIKATO

In 1946 the Government recognized the need to redress confiscation and compensation. Through negotiations with those iwi affected by the 1860s confiscations, the Tainui Māori Trust Board was established. This was seen to be a pan-tribal entity that would be representative of all iwi to have suffered from the Waikato confiscations. There was a settlement payment, and the board's role was to administer the affairs of those iwi and to represent them in discussions with the Crown. There was division within Ngāti Hikairo over the role and the objectives of the settlement after the Trust Board accepted a cash settlement as compensation for the land losses. Members of Ngāti Hikairo were divided over the issue. Some saw it as means to an ends, and also as a result, which otherwise would not be achieved

<sup>42</sup> Wai Claim 1112

<sup>43</sup> Kāwhia Native Committee Minute Book 1884

<sup>44</sup> Ōtorohanga Minute Book 2, p.69

had the settlement not been accepted. Others saw it as “blood money” and preferred that no settlement be made with the Crown until the land was returned. A pepeha was coined to reflect this sentiment “*Ko te rironga whenua atu, ko te hokinga whenua mai*” (Since land was taken, land should be given back).<sup>45</sup>

There has been ongoing debate within the iwi over the role and function of Tainui Māori Trust Board, although there has also been continued membership of Ngāti Hikairo on the executive of the Trust Board. There has continued to be an understanding that the Tainui Māori Trust Board was not a tribal authority and that Ngāti Hikairo was not a hapū of an iwi known as Tainui, but rather the board was a representative body for iwi affected by confiscation to negotiate with the crown and distribute funds to the various iwi. (To highlight this point, hapū of both Ngāti Maniapoto and Ngāti Raukawa were represented on the Trust Board, both being recognized as neighboring iwi).

Serious issues of representation and mandate to represent Ngāti Hikairo came to the fore when the Tainui Māori Trust Board negotiated a Deed Settlement with the Crown in 1995.

*“In response to the Sim Commission’s findings and recommendations, compensation was granted pursuant to The Waikato-Maniapoto Māori Claims Settlement Act 1946 by the payment of an annual sum of money into the Tainui Māori Trust Fund, to be administered by the Tainui Māori Trust Board for the benefit of those members of the Māori tribes in the Waikato District whose lands had been confiscated.”*<sup>46</sup>

The Settlement itself was a full and final settlement between the Crown and those affected by the Waikato confiscations. It was at this point that the then Government redefined the people concerned, placing them all under the umbrella of ‘Waikato-Tainui’, effectively cutting off any possibility of any further claims in relation to confiscation in Waikato. The Waikato Raupatu Trustee Company Limited (WRTCL), which succeeded the Tainui Māori Trust Board in 1999, is the trustee of the Waikato Raupatu Lands Trust. All shares in WRTCL are held by the Waikato-Tainui parliament, Te Kauhanganui, as the body which represents the people of ‘Waikato-Tainui’.

*“Waikato means the Waikato descendants of the Tainui Waka who suffered or were affected by the confiscation of their lands by the New Zealand government under the New Zealand Settlements Act 1863.....”*<sup>47</sup>

Ngāti Hikairo and Ngāti Puhiaawe (a hapū of Ngāti Hikairo) were included in the list of 33 hapū identified as hapū of Waikato.

Ngāti Hikairo’s capacity to identify as an iwi who administer and control its affairs in its rohe was seriously affected by the signing of the 1995 Deed of Settlement. The 1995 legislation creates uncertainty over who has jurisdiction over local heritage sites, our rivers and streams, our lakes, our mountain and forests and the towns and settlements within our rohe. Our connection to Kāwhia means we are often completely overlooked as tangata whenua within the Waipā District, in which our rohe lies. Waikato Raupatu, despite being authorized to deal with the raupatu area and its settlement, now actively seeks to represent Ngāti Hikairo and other groups within the Rohe Pōtae. By default Government agencies turn to Waikato-Raupatu for consultation in and around Kāwhia Harbour. This plan will ensure that Te Rūnanganui-ō-Ngāti Hikairo will assert our rangatiratanga in order to ensure that the day to day functioning of our mana whenua and kaitiakitanga can be practised, upheld and acknowledged.

## 2.4 TE RŪNANGANUI-Ō-NGĀTI HIKAIRO 1995

On 13 February 1995, Te Rūnanganui-ō-Ngāti Hikairo was incorporated under the Incorporated Societies Act 1908. The Rūnanganui intended to provide the Iwi with an umbrella organisation by which decisions could be made regarding land, sea and natural resources in the interests of Ngāti Hikairo.

The need for a rūnanganui was occasioned by the number of past and current issues that have arisen over the lands, sea, the natural resources and the question of the mana whenua and kaitiakitanga moana over

<sup>45</sup> This saying is attributed to the Ngāti Hikairo koroheke, Marae Erueti, then an advisor to King Koroki and committee member of Tainui Māori Trust Board.

<sup>46</sup> Waikato Raupatu Claims Settlement Act 1995

<sup>47</sup> Waikato Raupatu Claims Settlement Act 1995





Photo 6: *Ngātōkākairiri, Kāwhia. (Te Rūnanganui-ō-Ngāti Hikairo)*

this area of the Rohe Pōtae and Waikato. The Rūnanganui provides a voice for tangata whenua so that confusion over responsibility and direction concerning such matters can be resolved.

The Rūnanganui charged itself with three tasks:

- Establishing lines of communication to all parts of Ngāti Hikairo on iwi matters in a way that iwi recognise as acceptable and effective.
- Creating a forum where all members of the iwi can discuss with kaumātua, policies for future development and then pass them on to the appropriate management committee for action.
- Developing appropriate structures that meet iwi requirements for spiritual guidance, social and business development.

### **Vision**

Te Te Rūnanganui-ō-Ngāti Hikairo's vision statement reflects the dream it has for its people and the iwi as a whole.

The desired future for Ngāti Hikairo will be achieved when the majority of our iwi, through their own endeavours are able to enjoy a quality of life where:

- Our mauri is strong and vibrant

- We have fully developed our intellectual, emotional and physical wellbeing
- We are conversant, secure and proactive in all facets of social, cultural, economic and political life
- The Whānau, hapū, iwi and the marae have become the basis for our collective social and economic development as it was traditionally
- We are comfortable and competent in both Māori and Pākehā societies
- We are well educated to realise our full potential in the rapidly changing modern society
- Our whanaungatanga has been rejuvenated and developed to the extent that Whānau has become the focus and the major family unit
- We are fully employed; our resources are properly utilised and managed; we are financially secure
- Our Hikairo identity, culture and values are widely understood and respected by all New Zealanders
- The Treaty of Waitangi is properly honoured as a covenant between Māori and Pākehā and other New Zealanders
- We are able to live with dignity and harmonious content with all people in the cultural social and physical environment we all share.<sup>48</sup>

### Values Statement

The values of an organisation reflect the beliefs that underpin its strategic, management and operational decisions. Te Rūnanganui-ō-Ngāti Hikairo adheres to the inspirational creative potential summed up in the tradition of ‘Te Tuku a Whareiaia ki a Whakamarurangi’. We believe this tradition encapsulates the following principles. Te Rūnanganui-ō-Ngāti Hikairo holds fast to these principles as we endeavour to emulate the examples of leadership set by our tūpuna:<sup>49</sup>

### Tikanga Māori Leadership Principles adhered to by Te Rūnanganui-ō-Ngāti Hikairo.

1. Mana	1. Selfless actions for the betterment of the collective, credibility, integrity and solution driven
2. Rangatiratanga	2. Decisive thinking and determination
3. Whanaungatanga	3. Fostering and nurturing young leaders and the ability to unite the people
4. Manaakitanga	4. Uphold and praise our peers
5. Kotahitanga	5. Commitment
6. Wairuatanga	6. Foresight
7. Kaitiakitanga	
8. Whakapapa	

## 2.5 TE RŪNANGANUI-Ō-NGĀTI HIKAIRO – RESOURCE MANAGEMENT COMMITTEE

Te Rūnanganui-ō-Ngāti Hikairo Resource Management Committee was initially established in 2001 as a result of a hui held at Waipapa Marae following concerns raised about poor council consultation and environmental issues. Since that time the rūpu has been through many changes, but its function and priorities have remained the same. Te Rūnanganui-ō-Ngāti Hikairo Resource Management Committee continues to represent Ngāti Hikairo’s interests relating to kaitiakitanga. The RMC meets regularly to discuss current issues and concerns relating to the environment or other kaitiaki matters. The RMC chairperson is a member of the Rūnanganui Executive and updates the Rūnanganui at executive committee meetings. Issues of significance are discussed and decisions are made.

Te Rūnanganui-ō-Ngāti Hikairo represents all Ngāti Hikairo marae within our rohe. Our vision for the environment is:

### He Wawata

The vision of Ngāti Hikairo whānui is to continue the spiritual and physical presence of tangata whenua within the Kāwhia and Waipā regions.

“*Ka mimiti te wai o te Puna-ō-Rona, ka pērā hoki te mana ki te whenua*

*If the waters of Te Puna-ō-Rona were to dry up, so too would the entitlement of mana whenua* <sup>P4</sup>”

### Mission Statement

As Kaitiaki our goals are:

- To protect and preserve all wāhi tapu, wāhi tūpuna and other sites of spiritual, historical and environmental significance ki Ngā uri katoa o Tainui Waka (All the descendants of the Tainui Waka).
- To oppose any developments within Ngāti Hikairo rohe that may have an actual or potential adverse effect on area’s identified as spiritually, historically and environmentally significant.
- To direct development within Ngāti Hikairo rohe in ways that promote the protection and preservation of areas identified as spiritually, historically and environmentally significant.
- To consider the preservation of all Taonga (resources) for the present and future generations of Ngāti Hikairo.
- To actively participate in and encourage the tikanga related to traditional resource management practices.
- To collectively participate in resource management, with other iwi, hapū and affected agencies, particularly in relation to Kāwhia moana waterways and tributaries.
- To develop effective communication with other iwi, hapū and affected agencies .

“*Ko te tini o Kāwhia, ko te mano o Waikato*

*The myriads of Kawhia, the thousands of Waikato* <sup>P5</sup>”

<sup>48</sup> Te Rūnanganui-ō-Ngāti Hikairo Constitution (1995)

<sup>49</sup> Te Rūnanganui-ō-Ngāti Hikairo Strategic Plan 2005-2010



## 2.6 WAITANGI TRIBUNAL CLAIMS

Te Rūnanganui-ō-Ngāti Hikairo has two claims before the Waitangi Tribunal. They are currently broad in their description; however they have the potential to incorporate a great volume of grievances both historical and contemporary in the Rohe Pōtae. The claims also extend into the Waikato to include non-raupatu land claims. Fundamental to our claims are:

1. WAI 1112	Kāwhia Harbour Rivers and Lakes Claim
Named Claimant	Manihera Watson Forbes and Mere Gilmore for and on behalf of themselves and Ngāti Hikairo with the support of the Executive members of Te Rūnanganui-ō-Ngāti Hikairo
Dated	16 August 2002
Locality	Kāwhia
Rangahaua District	King Country (8)
Legal representation and clustering	Dominic Wilson, Wackrow, Williams & Davies, PO Box 461 Auckland. Ngāti Hikairo cluster.

2. WAI 1113	Te Rohe Pōtae Land Alienation Claim
Named Claimant	Manihera Watson Forbes and Mere Gilmore for and on behalf of themselves and Ngāti Hikairo with the support of the Executive members of Te Rūnanganui-ō-Ngāti Hikairo
Dated	16 August 2002
Locality	Kāwhia
Rangahaua District	King Country (8)
Legal representation and clustering	Dominic Wilson, Wackrow, Williams & Davies, PO Box 461 Auckland. Ngāti Hikairo cluster.

## 2.7 ISSUES RELATING TO MANA WHENUA

### 2.7.1 Land development

Like many other iwi, Ngāti Hikairo have experienced extensive alienation from our traditional lands and wāhi tūpuna. This has occurred through various means over 169 years. All alienations have created a sense of loss for the iwi and its Hikairotanga, including physical disconnection. Furthermore it has created a vacuum of knowledge pertaining to the history and culture of many significant sites. Despite this disconnection we continue to uphold our mana whenua and kaitiakitanga for the entire rohe and all the resources and sites therein. Since the initial settlement of Kāwhia Township in the early 1800's, and possibly due to the remote location, Ngāti Hikairo had been relatively excluded from large scale development within our rohe. As a consequence issues relating to heritage protection and conservation have not been so immediate.

However, since the turn of the century there has been a new demand for land. Increasingly rural lifestyle blocks, subdivisions and intensified urban development poses issues for Ngāti Hikairo that haven't been experienced before. The issues we now have to confront include questions such as, what is the potential for this threat to increase, and how do we manage it? How do we continue to be represented as the tangata whenua authority within our rohe? What mechanisms should we develop to have input and participation in to decision-making relating to the management of development and progress in our rohe? How do we allow for progress, yet protect and preserve our environmental and cultural heritage for future generations?

### 2.7.2 Local and regional government

A challenge for Te Rūnanganui-ō-Ngāti Hikairo is the exercise of mana whenua and kaitiakitanga over a rohe that includes heritage areas that are now in private ownership. We highly value consultation with land owners, even though at times they are not very sympathetic to the objectives of kaitiakitanga. We understand the importance of carrying out our kaitiaki responsibilities within our rohe by building and maintaining relationships with local and regional

government. This presents several challenges in regards to consultation, communication etc.

### **2.7.3 Government endorsement of Iwi status**

We also believe that our authority is further compromised when iwi authorities such as Waikato-Raupatu have statutory roles over parts of our rohe. Similarly our interests in Kāwhia and Te Rohe Pōtae have recently been challenged by legislation relating to Ngāti Maniapoto. Often when seeking to work directly with councils, agencies and organisations in regards to kaitiaki issues we are advised to seek the support or permission from government endorsed iwi groups. This has severely hampered our ability to practise mana whenua kaitiakitanga within our rohe.

### **2.7.4 Local government endorsed Māori consultation groups**

The operation of Ngā Iwi Tōpū-ō-Waipā, a Waipā District Council structured iwi consultation

body, presents ongoing issues for Ngāti Hikairo in regards to consultation and recognition in our Waipā rohe. Marae representatives, not hapū or iwi, sit on a panel to discuss and decide upon resource consents, consultation and issues within the Waipā District. The collective is the first port of call for the council, and have the final say in regards to kaitiakitanga issues. We believe that this enables the council to by-pass consultation, and relationship-building with individual iwi. The process does not acknowledge the rangatiratanga, kaitiakitanga and mana whenua of each iwi.

The decision-making regarding the kaitiakitanga of Ngāti Hikairo should be made by Ngāti Hikairo and Ngāti Hikairo alone. Despite having had participation in the establishment and operation of this body, Ngāti Hikairo is of the opinion that the current operation of Ngā Iwi Tōpū-ō-Waipā contradicts the aspirations of Ngāti Hikairo in regards to kaitiakitanga. There is a need to correct these anomalies in any further development of the work of Ngā Iwi Tōpū-ō-Waipā.



# Te Ture - The Law Relative to Māori Heritage Management

*Kei Mangauika te tuna, kei Mangamaire te mohina. E hine te maunga  
tihi nui nui kehokeho, ka kana nei rewharewha*

*The Ōhaakī (dying words) of Te Autehe sung to his daughter Te Ngako  
(wife of Te Kamonga-o-te rangi) referring to the need to protect the  
resources of Mangauika<sup>p6</sup>*



Photo 7: Te Kauri Stream (left) and Matakōkoromiko Stream (right)  
from Matakōkoromiko Stream (Te Rūnanganui-ō-Ngāti Hikairo)

## 3.1 PROTECTING OUR HERITAGE

In the past our tūpuna called upon the spiritual realm to provide the protection for areas that were considered sacred. The application of rāhui and the tikanga associated with it was often considered enough security to ensure that areas of spiritual significance were protected from desecration. Today spiritual protection is often not respected and alone will not prevent damage to and destruction of our wāhi tūpuna and wāhi tapu. It is now necessary for us to use other methods that will ensure the ongoing protection of our wāhi tūpuna, including the use of legal mechanisms.

This chapter examines the processes that guide councils and other government agencies to consider the protection of wāhi tūpuna. The following discussion is a brief overview of the legislation; it provides a description of how each piece of legislation is supposed to be used to protect our wāhi tūpuna and wāhi tapu. It is not intended to be a comprehensive description of every piece of legislation relating to heritage. For further information, refer to the original Act or check out the government legislation website.<sup>51</sup>

It is necessary to understand that Māori heritage does not have automatic protection under the law in this country. Automatic protection is awarded to archaeological sites which are protected whether they are known or unknown, or on private or public lands. Within the legislation there exists no automatic protection to sites that are NOT archaeological sites.<sup>52</sup> Of course we can argue that the majority of archaeological sites in this country will no doubt be Māori cultural sites, none the less the priority within legislation is simply archaeology. This issue will be further discussed later in this chapter.

It is also necessary to understand that legislative processes to protecting our wāhi tūpuna are complicated. As illustrated in Figure 3.2 one piece of legislation promotes protection through providing identification and assessment of historic places (the Historic Places Act 1993), but another piece of legislation provides the actual protection of historic places (the Resource Management Act 1991). The division of the promotion and identification of historic sites from the statutory ability to protect sites needs to be examined and thoroughly understood when considering the future management of our wāhi tūpuna and wāhi tapu.

Figure 3.2 provides insight into of the purpose of key legislative processes for protecting cultural and historic heritage in Aotearoa. (Pg 30)

## 3.3 RESOURCE MANAGEMENT ACT 1991

### Purpose

The purpose of the Resource Management Act (RMA) is to “promote the sustainable management of natural and physical resources”. Amendments to the RMA in 2003 elevated historic heritage to a matter of national importance (Section 6), which agencies are required to recognise and provide for when carrying out their RMA functions. When the legislation relating to heritage protection is examined, the Resource Management Act is the only regulatory provision by which cultural heritage (that is not archaeological) can be protected. Responsibility for the management of historic heritage under the RMA rests with local authorities, who develop policy and rules within district and regional plans.

### 3.3.1 District/Regional Plans And Heritage

The RMA establishes a hierarchy of planning documents from national policy statements and national environmental standards, through to regional policy statements, regional plans, and district plans. The purpose of district and regional plans are to assist the councils to carry out their functions under the RMA. Both regional and district plans must give effect to a regional policy statement. A new Waikato Regional Policy Statement (RPS) is due to be notified in 2010 – this will set the direction for RMA planning in the region for the next decade or more. A key role of the RPS is setting out district and regional council responsibilities for resource management, including heritage management.

Local authorities have a statutory responsibility to recognize and provide for the protection of historic heritage from inappropriate subdivision, use and development in the context of sustainable management. The responsibilities for managing adverse effects on heritage arise as part of policy and plan preparation and the resource consent process.<sup>53</sup>

<sup>51</sup> <http://www.legislation.govt.nz/act/searchquick.aspx>

<sup>52</sup> Allen, H. (2002). *Protecting Māori Land-based heritage*. In Kāwharu, M. (Ed), *Whenua: Managing our resources* (p. 341-358). Auckland: Reed.



## 3.2 LEGISLATION- HOW THE LAW WORKS

### PROMOTE

#### Historic Places Act 1993

An Act—

- (a) To promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand; and
  - (b) To continue the New Zealand Historic Places Trust and the New Zealand Historic Places Board of Trustees with the functions and powers necessary for the full and proper attainment of the objectives of this Act; and
  - (c) To establish the Maori Heritage Council; and
  - (d) To amend and consolidate the Historic Places Act 1980
4. Purpose and principles---
- (1) The purpose of this Act is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand.
  - (2) In achieving the purpose of this Act, all persons exercising functions and powers under it shall recognise---
    - (a) The principle that historic places have lasting value in their own right and provide evidence of the origins of New Zealand's distinct society; and
    - (b) The principle that the identification, protection, preservation, and conservation of New Zealand's historical and cultural heritage should---
      - (i) Take account of all relevant cultural values, knowledge, and disciplines; and
      - (ii) Take account of material of cultural heritage value and involve the least possible alteration or loss of it; and
      - (iii) Safeguard the options of present and future generations; and
      - (iv) Be fully researched, documented, and recorded, where culturally appropriate; and
    - (c) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.
10. Archaeological sites not to be destroyed, damaged, or modified
- (1) Except pursuant to an authority granted under section 14 of this Act, it shall not be lawful for any person to destroy, damage, or modify, or cause to be destroyed, damaged, or modified, the whole or any part of any archaeological site, knowing or having reasonable cause to suspect that it is an archaeological site.
  - (2) Except as provided in section 15 or in section 18 of this Act, it shall not be lawful for any person to carry out any archaeological investigation that may destroy, damage, or modify any archaeological site.

WĀHI TŪPUNA  
WĀHI TAPU

### PROTECT

#### Resource Management Act 1991

An Act-

to restate and reform the law relating to the use of land, air, and water

5. Purpose and principles---
- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
  - (2) In this Act, "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 wellbeing 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 environment.
6. Matters of national importance---
- 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 recognise and provide for the following matters of national importance:
- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
  - (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
  - (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
  - (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;
  - (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga;
  - (f) the protection of historic heritage from inappropriate subdivision, use, and development;
  - (g) the protection of recognised customary activities.
7. Other Matters
- 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 kaitiakitanga:...

#### Box 1

##### Definition of historic heritage –

- (a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:
  - (i) archaeological;
  - (ii) architectural;
  - (iii) cultural;
  - (iv) historic;
  - (v) scientific;
  - (vi) technological; and
- (b) includes –
  - (i) historic sites, structures, places, and areas; and
  - (ii) archaeological sites; and
  - (iii) sites of significance to Māori, including wāhi tapu; and
  - (iv) surroundings associated with the natural and physical resources

(Resource Management Act 1991)

“The operative plan provides for protection of registered archaeological and historic sites through the scheduling of known sites and these are identified on planning maps. Rules are applied to both land-use activities and subdivision activities that require recognition and protection of the scheduled sites and wāhi tapu and taonga sites.”<sup>54</sup>

The New Zealand Historic Places Trust (NZHPT) recommends that within district plans, rules are designed to acknowledge the varied status of historic heritage. The following NZHPT recommendations suggest the type of provisions that should be used for the protection of heritage, of note, is the separation of ‘listed historic sites’ from ‘place or area of significance to Māori’:

- *Disturbance of listed historic sites is a **discretionary activity**, or for higher ranked items – **non-complying activity**.*
- *Damage and destruction of listed historic sites is a **non-complying or prohibited activity**.*
- *Disturbance of a place and area of significance to Māori is a **non-complying activity**.*
- *Destruction of a place or area of significance to Māori is a **non-complying or prohibited activity**.*<sup>55</sup>

In relation to the NZHPT’s recommendations, in a recent review of heritage provisions within 75 district plans across New Zealand, 13 had no specific rules relating to the destruction and damage of listed historic sites of significance to Māori. Only nine district plans regulated such activities as non-complying or prohibited, while 53 regulated the damage and destruction of listed historic areas of significance to Māori as a discretionary activity.<sup>56</sup> Despite the NZHPT

recommendations, it appears that in most cases, when a landowner is applying to carry out an activity that will cause damage or potentially destroy a historical site, wāhi tūpuna or wāhi tapu, the activity will be classified as a discretionary activity - this requires the landowner to apply for resource consent, which can be either granted or declined at the discretion of the council (refer to Box 2).

### 3.3.2 District And Regional Plans Within Ngāti Hikairo Rohe

District and city councils must align heritage management policy with the relevant regional council’s; therefore the Ōtorohanga District Plan and Waipā District Plan must reflect the heritage management intentions of Environment Waikato’s Regional Plan, Regional Policy Statement and Regional Coastal Plan. The Waikato Regional Policy Statement includes a chapter on heritage with an objective that seeks the protection of regionally significant heritage resources, and it includes criteria for determining the significance of cultural heritage resources, which include “the importance of the place to tangata whenua”. It does not, however, provide useful direction for

<sup>53</sup> Historic Places Trust. (2004). *Heritage management guidelines for resource management practitioners*. (p.8) Wellington: NZHPT

<sup>54</sup> Ōtorohanga District Council (2009). *District Plan Review discussion paper: Subdivision* (p 9.3)

<sup>55</sup> New Zealand Historic Places Trust. (2007). *Sustainable Management of Historic Heritage Guidance Series, Guide No.3: District Plans* (pg 33-37). Wellington: NZHPT

<sup>56</sup> McClean, R., Phipps, G. (2009). *Historic Heritage Research paper no 2: National assessment of District Plan Heritage provisions*. Wellington: New Zealand Historic Places Trust.

#### Box 2

##### Classification of land use activities:

- **Permitted activities**- which do not require a resource consent if they meet the standards or conditions in the plan.
- **Controlled activities**- which must be granted consent but on which conditions can be imposed.
- **Restricted discretionary activities**- for which consent can be declined but only in respect of matter for which discretion has been reserved (s104(c)).
- **Discretionary activities**- for which consent can be granted or declined.
- **Non-complying activities**- for which consent can only be granted if the adverse effects on the environment will be minor and the activity is not contrary to the objectives and policies of the relevant plan (s104(d)).
- **Prohibited activities**- for which consent cannot be granted and for which a plan change must be secured before the activity can proceed.

Peart, R. (2004) A place to stand: *The protection of New Zealand’s natural and cultural landscapes*. Auckland: Environmental Defence Society



how to apply the criteria. It directs territorial authorities through district plans to “identify and provide for the protection of significant natural and cultural heritage resources”. This chapter also includes a specific section on “Māori Heritage”, with the objective of protecting “heritage resources of significance to Māori”. As previously noted, the operative RPS is currently under review.

The Waikato Regional Plan does not address heritage resources directly. The Waikato Regional Coastal Plan includes a policy about working with tangata whenua to protect sites in the coastal marine area (i.e. below mean high water – roughly the line of high tide) identified as having cultural and spiritual significance, “including ancestral lands, water, sites, wāhi tapu and other taonga” (Policy 2.4.2). It does not, however, include any rules to implement this policy, rather relying on non-regulatory methods.

The Waipā District Operative Plan promotes the protection of ‘archaeological sites and cultural heritage sites’ in its Heritage Rules (11.4), and states that ‘no alteration shall be made to landform, trees, bush or any physical feature or structure on any heritage sites included in its schedules or any urupā or wāhi tapu and other taonga sites identified in any consultative process’. Activities that do not comply with the rule will be considered a ‘discretionary activity’ and are subject to an assessment criteria outlined as follows:

**1. RULE –discretionary activity  
assessment criteria**

*Council shall have regard to the following matters in respect of any application relating to a heritage resource listed in appendices 11 and 12:*

- *The category in which the resource is listed and the reason why it has been listed*
- *The nature, form and extent of the proposed development the effect of these factors on the character of the listed feature*
- *Any conservation plan or assessment of environmental effects submitted with the application*
- *Whether the application is in accordance with the relevant iwi management plan*
- *Whether the consent of the Historic Places Trust has been obtained; and*
- *The written consent, where necessary, of the relevant Heritage Protection Authority where the feature is the subject of a heritage order.*

- *An applicant for resource consent should have regard to the ‘ICOMOS New Zealand charter for the conservation of cultural heritage value 1993.’<sup>57</sup>*

The Ōtorohanga District Plan has the most relevance in relation to the protection of heritage within our rohe because it includes the areas of Kāwhia, the Ōpārau Valley and Pirongia. The operative district plan, which is currently being reviewed, outlines its legal obligations to preserve and protect archaeological sites. Any proposed land use activity within 100m of a “wāhi tapu or taonga site identified by iwi or tangata whenua”, to which iwi have not given their written consent, will be classed as a restricted discretionary activity (Rule 16.2). Where the council determines the proposed land use “involves only minor works and does not involve or contribute to the modification or alteration of any wāhi tapu or taonga site”, the activity may be carried out as a ‘permitted activity’.

Because archaeological sites are protected under the Historic Places Act 1993, most district plans include a schedule and a map identifying the approximate location of archaeological sites recorded by the New Zealand Archaeology Association. The schedule can be used as a guide for planners and landowners. It is usually acknowledged that a schedule is not a complete list of sites in the area and that unrecorded sites are also protected. There is no obligation for councils to schedule Māori cultural sites and areas, although of note, Waipā District Council does include a list of cultural heritage sites, which are mainly urupā and marae reserves. But Māori are often reluctant to provide such information for public knowledge.

When preparing or reviewing a district plan, a territorial authority must take into account relevant planning documents recognised by iwi authorities<sup>58</sup> that have relevance to resource management issues within the district, and are lodged with the authority,<sup>59</sup> such as an iwi management plan. Neither Waipā nor Ōtorohanga

<sup>57</sup> Operative Waipā District Plan (1997)

<sup>58</sup> An “iwi authority” for the purposes of the RMA means the authority which represents an iwi and which is recognised by that iwi as having authority to do so.

<sup>59</sup> Resource Management Amendment Act 2003-Sec 76(3)

Council refers to any Iwi planning documents within their current plans. It is anticipated that this plan will be included in the current review of the Ōtorohanga District Plan and other council plan reviews in the future.<sup>60</sup>

### 3.4 HISTORIC PLACES ACT 1993

The primary function of the Historic Places Act 1993 (HPA) is to “promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand”. The Historic Places Act is administered by the New Zealand Historic Places Trust (NZHPT), and empowers the trust to operate a national register of historic places, historic areas, wāhi tapu and wāhi tapu areas.

The Historic Places Act 1993 is considered the primary legislation for the management of archaeological sites. All pre-1900 archaeological sites are protected under the Act. District plans, however, have an important role in managing the surroundings associated with archaeological sites as part of the wider historic heritage setting. District plans can also provide an additional layer of protection for significant heritage areas and post-1900 archaeological sites, and ensure applicants and the public are informed about the archaeological authority process.<sup>61</sup>

#### 3.4.1 Rārangī Taonga - National Register Of The Historic Places

Rārangī Taonga: the Register of Historic Places, Historic Areas, Wāhi Tapu and Wāhi Tapu Areas is the national schedule of New Zealand’s heritage places and is considered New Zealand’s national strategic heritage identification tool.<sup>62</sup> It is established under the HPA, and compiled by the New Zealand Historic Places Trust. Registration means that a place or area is included on the Register, and councils are required to ‘have regard’ for the heritage areas on the register when developing their regional and district plans. As part of the resource consent process councils are also required to notify NZHPT of any activity likely to have an effect on a registered heritage site. Māori can apply to have wāhi tapu/wāhi tapu areas and other sites of significance placed on the Register and in doing so the NZHPT is expected to advocate for the protection of the site and through that process will recommend consultation with tangata whenua for any activities on or around a registered wāhi tapu or wāhi tapu area.

<sup>60</sup> Resource Management Act 1991 Section 74 (2A) (a)

<sup>61</sup> New Zealand Historic Places Trust. (2007). *Sustainable Management of Historic Heritage Guidance Series, Guide No.3: District Plans* (pg 22). Wellington: NZHPT

<sup>62</sup> Donaghey, S. (2006). *Valuing our place: a critical exploration of frameworks for assessing the significance of New Zealand’s historic heritage*. Unpublished Doctor of Philosophy in Management, Auckland: Massey University.



Photo 8: View of Kāwhia early 1908-1915, in the distance can be seen Motu Ngaio Pā on the right of the picture and Te Puru Pā on the Left. Both Pā are now extensively developed. (Price Collection; Alexander Turnbull Library, Wellington, N.Z)



### 3.4.2 Māori Heritage Council

The New Zealand Historic Places Trust's Māori Heritage Council was established under the Historic Places Act 1993. It comprises a minimum of three appointed or elected Māori members of the Board of Trustees, one other Board member, and four people appointed by the Minister of Culture and Heritage. Its functions include:

1. *protecting and registering wāhi tapu and wāhi tapu areas*
2. *assisting the Trust to develop and reflect a bicultural view in the exercise of its powers and functions*
3. *assisting whānau, hapū and iwi in the preservation and management of their heritage resources*
4. *considering recommendations in relation to archaeological sites*
5. *advocating, at any public or Māori forum, the interests of the Trust and Council so far as they relate to Māori heritage.*<sup>63</sup>

### 3.4.3 Registering A Wāhi Tapu Site Under The Hpa

Applications to register a place as a wāhi tapu site or wāhi tapu area are considered by the Māori Heritage Council. If the Māori Heritage Council agrees with the application then the proposal to register the site is publicly notified and comments (submissions) may be received. Following the submission period,

if the application is approved the site is registered, the HPT will advise the council where the sites are located and the appropriate measures they must take to protect the sites. While the National Register of Historic Places identifies significant heritage areas, it is left to the local authority to manage their long term survival through the RMA .

### 3.4.4 The Historic Places Act And Ngāti Hikairo

Currently Ngāti Hikairo has three areas of historic significance included on the National Register; Motutara Peninsula, Rangiāhua Pā and Te Papa-ō-Kārewa. The applications to register these sites were made by the Resource Management Committee of Te Rūnanganui-ō-Ngāti Hikairo. It must be noted here, that the Historic Places Trust process requires a big investment of iwi resources and time. It can take up to three years to have a heritage area/site placed on the National Register of Historic Places Trust. Therefore Ngāti Hikairo consider the National Registration process is a long term option for managing heritage areas that meet the NZHPT criteria and from our perspective is not a process that can be utilized in response to immediate land use issues and resource consents.

The decision to apply to have these sites registered was a very considered one, much of our concern being based on the need to protect our sensitive tribal information and the need to identify and protect the sites. At the time there were significant

<sup>63</sup> <http://www.historic.org.nz/aboutus/maoriheritagecouncil.html>

#### Box 4

#### Registration of historic places, historic areas, wāhi tapu, and wāhi tapu areas

32d. Territorial authorities and regional councils must have particular regard to recommendations

- (1) In respect of any registered historic area, the Trust may make recommendations to the territorial authority and regional council where the historic area is located as to the appropriate measures that the authority or council should take to assist in the conservation and protection of the historic area.
- (2) In respect of any registered wāhi tapu area, the Council may make recommendations to the territorial authority and regional council where the wāhi tapu area is located as to the appropriate measures that the authority or council should take to assist in the conservation and protection of the wāhi tapu area.
- (3) A territorial authority or regional council receiving recommendations under subsection (1) or subsection (2) must have particular regard to the Trust's or the Council's recommendations.

*(Historic Places Act 1993)*

concerns for the future of these historically significant places, and genuine concerns about inadequate and inconsistent council processes; Ngāti Hikairo identified that the risk was too great. Registering the sites was seen as a means to raise awareness of and ensure advocacy for the sites, as a way to guarantee consultation by territorial authorities with Ngāti Hikairo. Ngāti Hikairo continues to have ongoing concerns for the future of these areas.

### 3. 5 OTHER RELEVANT LEGISLATION THAT CONSIDERS HERITAGE

#### 3.5.1 New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement has significant relevance to Kāwhia and its environs. Māori have lived on the shores of Kāwhia and Aotea Harbours for nearly 1000 years, so much of the coastline contains historical and cultural areas and landscapes that have considerable significance

not just for Ngāti Hikairo, but for all iwi descended from the Tainui Waka. The New Zealand Coastal Policy Statement (NZCPS) is prepared by the Minister of Conservation and sets out policies to achieve the purpose of the RMA in relation to the coastal environment. Regional and district plans and policy statements must “give effect” to the NZCPS.

The current NZCPS came into effect in 1994. It contains a chapter (Chapter 2) on the protection of the characteristics of the coastal environment of special value to tangata whenua including wāhi tapu, tauranga waka, and mahinga mataitai and taonga raranga. A new NZCPS was proposed in 2008 and contains objectives and policies addressing (amongst other matters concerning the coast) historic heritage. Objective 9 seeks that historic heritage in the coastal environment “is protected from inappropriate subdivision, use, and development”. Policy relating to Māori heritage in the Proposed NZCPS states:



Photo 9: Ōtūrūrū Pā, Kāwhia. (Te Rūnanganui-Ō-Ngāti Hikairo)



**Policy 56 Historic heritage of significance to Māori**

*Identification, assessment, and management of historic heritage of significance to Māori shall be undertaken in consultation with tangata whenua and in accordance with tikanga Māori.*

**Policy 57 Collaborative management of historic heritage**

*Identification, assessment and management of historic heritage should be undertaken in collaboration with agencies that have historic heritage responsibilities. Policy statements and plans should integrate management of historic heritage that spans the line of mean high water spring.* <sup>64</sup>

The proposed NZCPS (2008) has been through a public consultation phase and is awaiting the decision of the Minister of Conservation. It has no legal standing until the Minister makes it operative.

### 3.6 NON-STATUTORY PLANS THAT CONSIDER HERITAGE

Non-statutory plans have no legal weight (except potentially as “relevant” matters under the RMA) and come in a variety of forms. They can often provide information about an area, its community and the community’s vision for the future. They can be used as a guide for the development of statutory plans and policy statements (such as district and regional plans) but local authorities are not legally bound to include any of the suggested outcomes or recommendations within these statutory documents.

#### 3.6.1 Shore Futures: Preferred Futures Report (2009)

‘Shore Futures’ is a collaborative project between three district councils, the regional council and the Department of Conservation for the Kāwhia and Aotea Harbour catchments. Through the collection of information from councils, tangata whenua, key stakeholders and experts; Shore Futures identifies the trends and issues the Kāwhia and Aotea catchments are facing. The information gathered for the plan includes water quality, ecological, coastal hazard, natural character, demographic, cultural and heritage information.

The Shore Futures Preferred Futures Report contains a number of recommended actions in relation to heritage, including the following:

1. Maintain and build upon existing inventories to include and increase coverage of wāhi tapu sites.
2. Develop and support initiatives for iwi/Māori to build iwi/Māori inventories, maps and/or heritage management plans.
3. When reviewing the WRPS, WRP and district plans provide integrated management policies and rules that protect sites identified in iwi/Māori inventories, maps and or iwi heritage management plans. <sup>65</sup>

Most outcomes identified in the Shore Futures Preferred Futures Report will relate to resource management issues and may become part of the relevant district and regional plans. Council plans which cover the Kāwhia and Aotea catchments, and will incorporate outcomes from Shore Futures, include:

- Ōtorohanga District Plan
- Waitomo District Plan
- Waikato District Plan
- Waikato Regional Coastal Plan.

It is also anticipated that the Waikato Regional Policy Statement and/or Waikato Regional Plan will reflect the findings of the Shore Futures project. <sup>66</sup>

### 3.7 ISSUES RELATING TO TE TURE - THE LAW

“Māori heritage management has come as something of an after thought. It is not yet conceived as a field that might require its own approaches.” <sup>67</sup>

It is necessary to consider some of the ongoing issues related to Māori heritage protection and how these issues may affect our abilities to protect our wāhi tūpuna.

#### 3.7.1 Council Relationships With Māori

Māori have consistently expressed concern regarding the RMA’s inability to truly provide

<sup>67</sup> Allen, H. (1998). *Protecting historic places in New Zealand*. Auckland: University of Auckland. (p45)

<sup>64</sup> Proposed New Zealand Coastal Policy Statement (2008)

<sup>65</sup> Environment Waikato (2009) *Shores Futures Preferred futures Report: A collective vision for healthy harbours and communities in the Kāwhia and Aotea catchment*, (p14).

<sup>66</sup> <http://www.ew.govt.nz/Projects/Shore-Futures/>

protection for Māori heritage. Much of the concern has been based on the ability of local authorities to work effectively with Māori, and suggest that despite councils' statements of intent to work with Māori, few councils have developed a shared relationship leading to relevant policies and rules relating to the protection of Māori cultural heritage and many councils have failed to implement any specific policies or rules in this area.<sup>68 69</sup> This is further compounded by the belief that councils do not know how to translate cultural information into the district planning process.<sup>70</sup> Meaningful Māori participation in identifying and managing historical and cultural sites and landscapes is still a relatively new practice amongst local and regional government in New Zealand.<sup>71</sup> Further it has been well established that a critical deficiency in many district plans is the absence of places and areas of significance to Māori in heritage lists and schedules. To achieve this, local authorities need to work collaboratively with iwi to develop an agreed and common approach to the management of places and areas of significance to Māori.

It is evident that commitment to Māori participation in resource management and in particular Heritage Management continues to be a difficulty for councils around the country. Councils need to understand that tangata whenua/iwi have a cultural responsibility as kaitiaki to protect our resources for future generations. From experience we know we have to be persistent and proactive when working with councils; being reactive is being too late; and this means that we have to rely on our own (often limited) resources and abilities at grass roots level to develop the knowledge and skills to negotiate our way through the complicated legislative processes, to attempt meaningful engagement with councils. This plan is our attempt to work collaboratively to develop mechanisms to protect our cultural and historic heritage. As we struggle to find ways to work more effectively with councils, the Crown continues to fail to fulfil its obligations under the Treaty of Waitangi to safeguard our cultural and historical taonga. As long as we continue to be consulted as simply another community group regarding the decision making for our cultural heritage, instead of a being treated as a partner in the collaborative management of our cultural heritage, relationships between Māori and local and regional government are unlikely to improve.<sup>72 73</sup>

### 3.7.2 Emphasis On Science

In New Zealand western perspectives have defined

the rules of analysis of Māori heritage, determining what is valid and invalid, scientific or primitive. Māori people have traditionally relied on oral history to pass on knowledge and values to the next generation, yet archaeology and historical analysis consider oral or traditional interpretations of our past as limited in value unless validated by scientific analysis, such as archaeology or written history.<sup>74</sup>

There is no provision for the protection of the spiritual value of a wāhi tapu within legislation; and scientific archaeological values are given greater weight than Māori traditional values.<sup>75</sup> This is highlighted by the automatic protection of archaeological sites within the legislation. Differing worldviews can lead to conflict when tangata whenua attribute a high level of cultural association to a place yet an archaeologist may perceive the site to have low archaeological value in terms of information content.<sup>76</sup>

Ngāti Hikairo believe that the intangible is as significant as the tangible; the mauri of a site continues to exist well after the physical aspects of the site have disappeared. We agree that archaeologists do have a place in the identification of New Zealand's cultural and historical heritage, but their role is limited to its scientific context. We do not believe that archaeologists possess the knowledge or the mandate to decide what is deemed significant or valuable to Māori.

<sup>68</sup> Allen, H. (2002). *Protecting Māori Land-based heritage*. In Kāwharu, M. (Ed), *Whenua: Managing our resources* (p. 341-358). Auckland: Reed.

<sup>69</sup> McClean, R., & Robson, D. (2009). *Iwi management plans for cultural and historical heritage*. Presentation to NZPI conference. Auckland: NZHPT Pouhere Taonga.

<sup>70</sup> Sims, M., & Thompson-Fawcett, M. (2002). *Planning for the cultural landscape*. In Kāwharu, M. (Ed), *Whenua: Managing our resources* (p.252-271). Auckland: Reed

<sup>71</sup> McClean, R., & Robson, D. (2009). *Iwi management plans for cultural and historical heritage*. Presentation to NZPI conference. Auckland: NZHPT Pouhere Taonga.

<sup>72</sup> Tunks, A. (2002). *Rangatiratanga, Partnership and protection*. In Kāwharu, M. (Ed), *Whenua: Managing our resources* (p. 341-358). Auckland: Reed.

<sup>73</sup> Allen, H. (2002). *Protecting Māori Land-based heritage*. In Kāwharu, M. (Ed), *Whenua: Managing our resources* (p. 341-358). Auckland: Reed.

<sup>74</sup> Mātunga, H. (1994). *Wāhi tapu: Māori Sacred sites*. In Carmichael, D. et al (Eds), *Sacred sites, Sacred Places* (p.216-226). New York: Routledge

<sup>75</sup> Donaghey, S. (2006). *Valuing our place: a critical exploration of frameworks for assessing the significance of New Zealand's historic heritage*. Unpublished Doctor of Philosophy in Management, Auckland: Massey University.

<sup>76</sup> *ibid*



### 3.7.3 The inadequacy of the legislation

“Bluntly put, there is one standard for sites of significance to New Zealanders as a whole, and another lesser standard for the sites of significance to Māori people” (Wai-8:84)<sup>77</sup>

#### **Resource Management Act 1991**

It has been clearly established that there exists a variance in local body response to heritage issues,<sup>78</sup> and Māori cultural heritage areas and landscapes remain at risk as a consequence of the uneven and inconsistent application and interpretation of the purposes and principles of the RMA. A significant problem is the difference between Māori and council expectations. Where Māori envisage active participation, councils wish to retain control of the planning process and limit Māori involvement to purely ‘consultation’.<sup>79</sup> At this time, we believe that district plan provisions are inadequate and do not provide us with the comfort of knowing that our wāhi tūpuna and wāhi tapu will be retained and protected for future generations. It is our hope that through this Iwi Heritage Management Plan and through the current review of the Ōtorohanga District Plan, we will see councils demonstrate a willingness to work collaboratively.

#### **Historic Places Act 1993**

There is limited recognition of Māori values within the Historic Places Act and the legislation lacks any reference to the Treaty of Waitangi; these issues reinforce Māori views of the inadequacies of the HPA and lack of recognition of Māori heritage.<sup>80</sup> Furthermore, the Historic Places Trust has a role in assessing and registering sites of significance in New Zealand but their processes remain monocultural. We ask how is it that an organization set up to identify and promote New Zealand heritage only provides assessment criteria based on mostly European values and criteria? The Māori Heritage Council is an attempt to address this shortcoming, but there are limitations within the provisions for wāhi tapu or wāhi tapu areas. Māori are required to fit into European-based criteria. Māori have called for the introduction of a separate Māori Heritage agency that utilizes Māori methodology and recognizes Māori cultural values and aspirations.<sup>81</sup>

The placing of wāhi tapu or other cultural sites on the National Register does not give the sites statutory protection, nor does it guarantee that Māori concerns will be regarded in any resource consent decisions.<sup>82</sup> Our experiences with the Historic Places

Trust have given us other reasons to be cautious of the ‘protective processes’ that HPA provides; as we remain concerned about the misuse of our intellectual knowledge and the potential to be ‘bypassed’ in the advocacy for our registered heritage sites. Finally, despite our participation, there is no guarantee that sacred sites of significant spiritual value will be protected if tested through law. We know from our experiences working alongside archaeologists, the NZHPT and through attending an Environment Court hearing, that greater value will ultimately be placed on scientific evidence than our own oral histories and tribal knowledge.

As kaitiaki we endeavour to utilise Pākehā processes alongside our traditional interventions to protect wāhi tapu and wāhi tūpuna, and await the time when the spiritual value of our sacred places are considered a unique and special part of New Zealand culture and heritage and subsequently are provided the statutory protection that they deserve before too many of these ‘significant’ places are lost forever.

#### **Other related information**

It is necessary to acknowledge two other important charters. Firstly the *Mataatua Declaration on cultural and Intellectual Property Rights of Indigenous Peoples* and the *ICOMOS Charter*. Both charters are of particular relevance because they specifically acknowledge indigenous cultural rights.

#### **The Mataatua Declaration**

In 1993, in recognition of the United Nations International Year for the World’s Indigenous Peoples, Iwi of the Mataatua Waka in the Bay of Plenty held the first International Conference on the Cultural & Intellectual Property Rights of Indigenous

<sup>77</sup> Waitangi Tribunal. (1985). *Findings of the Waitangi tribunal on the Manukau Claim. Wai-8.*, As cited in Allen, H. (1998). *Protecting historic places in New Zealand*. Auckland: University of Auckland

<sup>78</sup> McClean, R, Phipps, G. (2009). *Historic Heritage Research paper no2: National assessment of District Plan Heritage provisions*. Wellington: New Zealand Historic Places Trust.

<sup>79</sup> Nuttall, P. & Ritchie, J. (1995). *Māori Participation in the Resource Management Act*. As cited in Allen, H. (1998) *Protecting historic places in New Zealand*. Auckland: University of Auckland

<sup>80</sup> Allen, H. (1998). *Protecting historic places in New Zealand*. Auckland: University of Auckland

<sup>81</sup> Ibid

<sup>82</sup> Allen, H. (2002). *Protecting Māori Land-based heritage*. In Kāwharu, M. (Ed), *Whenua: Managing our resources* (p. 341-358). Auckland: Reed.

Peoples in Whakatāne. Over 150 delegates from fourteen countries attended, including indigenous representatives from Ainu (Japan), Australia, Cook Islands, Fiji, India, Panama, Peru, Philippines, Surinam, USA, and Aotearoa. The Conference covered a range of issues affecting indigenous people internationally, including: the value of indigenous knowledge, biodiversity and biotechnology, customary environmental management, arts, music, language and other physical and spiritual cultural forms. The Mataatua Declaration was developed and passed at the conference.<sup>83</sup>

The Mataatua Declaration defines indigenous intellectual property and the right of indigenous peoples to protect their intellectual and cultural property and preserve customary and administrative systems and practices. Later, the 'United Nations Declaration on the Rights of Indigenous Peoples' was to take on the cause and see an acknowledgement of the diverse wealth of this world's indigenous intangible cultural heritage and advocate for it to be better valued and better protected against ongoing misappropriation and misuse.<sup>84</sup>

### ICOMOS Charter

The International Council on Monuments and Sites (ICOMOS) is a non-governmental organisation of heritage professionals engaged in the conservation of places of cultural heritage value and dedicated to the conservation of the world's historic monuments and sites. ICOMOS NZ Charter is a set of guidelines on cultural heritage conservation in New Zealand. The NZ Charter is widely used in the heritage sector and forms a recognised benchmark for conservation standards and practice. It is used by central government ministries and departments, by local bodies in district plans and heritage management, and by practitioners as guiding principles. The charter consists of 21

principles, the following principle relates to Māori heritage.

#### “ Indigenous Cultural Heritage

*The indigenous heritage of Māori and Moriori relates to family, hapū and tribal groups and associations. It is inseparable from identity and well-being and has particular cultural meanings.*

*The Treaty of Waitangi is the founding document of our nation and is the basis for indigenous guardianship. It recognises the indigenous people as exercising responsibility for their treasures, monuments and sacred places. This interest extends beyond current legal ownership wherever such heritage exists. Particular knowledge of heritage values is entrusted to chosen guardians. The conservation of places of indigenous cultural heritage value therefore is conditional on decisions made in the indigenous community, and should proceed only in this context. Indigenous conservation precepts are fluid and take account of the continuity of life and the needs of the present as well as the responsibilities of guardianship and association with those who have gone before. In particular, protocols of access, authority and ritual are handled at a local level. General principles of ethics and social respect affirm that such protocols should be observed.*<sup>85</sup>”

<sup>67</sup> Allen, H. (1998). *Protecting historic places in New Zealand*. Auckland: University of Auckland. (p45)

<sup>83</sup> <http://www.ngatiawa.iwi.nz/documents/mataatua.shtml>

<sup>84</sup> UN General Assembly. (2007). 61/295- United Nations Declaration on the Rights of indigenous People. retrieved 7 August 2009, from <http://www.un-documents.net/a61r295.htm>

<sup>85</sup> <http://www.icomos.org.nz/index.html>



# Ngā Wāhi o Nga Tūpuna – The Places of our Tūpuna

*Te kete pīhere te manu kai miro i runga i Ōrimu i roto i Ōkōkō*

*From a waiata by Te Tuihana for Tonganui which refers to the bird  
catching places Ōrimu and Ōkōkō <sup>P7</sup>*



Photo 10: Matapihi (foreground), Te Wharu Bay, Rua-i-keria Pā (directly ahead), Pūpūkaireka (left) and Te Pōhutu (right). (Te Rūnanganui-ō-Ngāti Hikairo)

## 4.1 INTRODUCTION

*“Kia pai te hanga o ngā waewae o tō tamaiti kia  
pai ai te haere i runga i Te One-i-Te  
Rangiwharo*

*With care shape the limbs of thy son so that  
he will be admired as he proceeds along the  
beach at Te One-i-Te Rangiwharo*<sup>86</sup>”

The above is a whakataukī of Ngāti Hikairo in which are embedded the importance of wāhi tūpuna. It demands the protection and preservation of historical sites so that we may learn from them, wonder at them, and be inspired by them. They encourage the learning of and growth of Hikairotanga. Te One i Te Rangiwharo and the above whakataukī are recorded on a map designed by Pei Te Hurinui Jones in 1941, recording traditional place names in Kāwhia. The majority fall within the rohe of Ngāti Hikairo, and the key informant for the project was a prominent Ngāti Hikairo kaumātua, Te Rauwhinga Pikia. The map provides an early insight into the need and benefit of recording heritage sites and the kōrero that identify their significance.

Our heritage sites and areas vary in type, purpose, shape, size and in high density occupy the sea, harbour, springs, rivers, streams, lakes, sandbanks, islands, mudflats, swamps and wetlands, the coastal flats, sand-dunes, ridges, hills, peaks, mountains, caves, rocks, trees, valleys, plains, and forests that make up the rohe of Ngāti Hikairo. Every square metre of the rohe has been identified, analysed and utilised by our tūpuna. Every single landmark, no matter how large or small has a name and a history. Each site is connected to the next. Each is connected to a tūpuna, a whānau, a hapū, who make up the iwi of Ngāti Hikairo. It is all inextricably linked. An underlying kaupapa of this project is to capture the layers of mātauranga associated with each site in order to best understand how to protect the hundreds of sites as a collective.

We as Māori have a traditional sense of connectedness to the land. This is identified through different terms such as ūkaipō, take tūpuna, ahi kā, aroha, wairua and mauri to name a few. These concepts enable the Māori individual to unconsciously and consciously feel, sense and understand the land and the historical events and activities associated with it. So many sites can be

discovered without background information due to the very “feel” of the environment. They can be sensed and depending on the individual and their level of connectedness, they can actually communicate to the individual. Traditionally, this phenomenon was a natural occurrence and came hand in hand with a wealth of mātauranga Māori and a hands-on experience of local spiritually and historically significant sites. Unfortunately for the younger generations of Ngāti Hikairo we have been disconnected from the whenua and have not been gifted with the mātauranga Māori and knowledge of the sites. The connectedness we feel is not as fine tuned, nor as completely understood as was the case for our tūpuna. Ngāti Hikairo are attempting through our kaumātua to reconnect the mātauranga Māori with the people, for the health and betterment of the whenua, the sites, our iwi and our Hikairotanga. The ability to reconnect and further fine tune the connectedness is hampered by the ongoing threat of the destruction of sites and the loss of the histories pertaining to them.

The sites we seek to protect are a result of the blood, sweat and tears of the genius, the discoverer, the scientist, the engineer, the architect, the carpenter, the naturalist, the landscape designer, the gardener, the fisherman, the hunter, the navigator and sailor, the spiritualist that are our tūpuna. There is much knowledge encapsulated in the sites, not only the history of individuals, their hapū and iwi, but also the events and activities that took place there. Furthermore the knowledge that was used to practise the rituals and activities that site was selected for. And finally, the knowledge that was utilised to select the location to design and build and the understanding of the environment and how that may affect the site. To lose the connection with these wāhi tūpuna, or to witness their destruction, equates to the disappearance of a world of knowledge and understanding. The partial destruction of our unique identity is at stake. We are committed to preventing this from happening.

Ngāti Hikairo approaches our role as kaitiaki with pride and determination and operate with a holistic perspective. The whenua, and therefore wāhi tūpuna is inextricably connected to everything else via mauri. The mauri of every entity must be kept

<sup>86</sup> Jones, P.T. (1941) Map of Kāwhia



intact lest the mauri of another be directly affected and suffer so. Ngāti Hikairo traditions maintain that mauri were brought to Kāwhia upon Tainui Waka and were placed within the harbour, on the land and upon the mountain, Pirongia. This has bound us over generations to protect the mauri and the resources they represent in order to ensure a physical and spiritual balance within the natural environment. Ngāti Hikairo's vision is to protect and foster the mauri of the whenua in order to sustain us culturally, spiritually and socially. In doing so, we retain and maintain our rangatiratanga.

There are various terms that are used to describe historically significant sites of importance to Māori. Some in more recent times have been used to identify the varying significance of heritage sites. Ngāti Hikairo believe that all our sites should be readily identified with the same level of importance. We identify our sites as "wāhi tūpuna," as they are all landmarks, sites and structures, natural or engineered, that have been associated with our tūpuna. These sites possess names, history, whakapapa, and a mauri that derive from the time of our tūpuna and when understood as a whole, describe the foundation of our cultural identity, our Hikairotanga. We treasure them and have a responsibility to protect them as if they were our tūpuna themselves.

## 4.2 TIKANGA

The whenua and our wāhi tūpuna are within a cycle of co-existence. Everything is connected physically and spiritually. Each has its role and responsibility to provide for and co-exist with the neighbouring component. In our role of kaitiaki, tikanga have been set in place to establish this responsibility, and to implement it. It is the tikanga that we practise that allow us to understand, enjoy and protect our wāhi tūpuna without fear of compromising the integrity of the heritage sites.

Tikanga are varied and have varying backgrounds and origins, however a large number just come down to common sense and behaving responsibly.

Some essential tikanga being:

1. Performance of karakia
2. Uphold, respect and retain the mauri of wāhi tūpuna
3. Refrain from polluting the wāhi tūpuna with human waste

4. Restrict use and accessibility when necessary
5. Acknowledge and respect certain areas for the risks they present
6. Maintain oral traditions in relation to wāhi tūpuna

## 4.3 MĀTAURANGA MĀORI

*“He koutu whenua e kore e taea te parepare, he koutu tangata ka taea te parepare. Kotahi kei Kāwhia ko Whakatau anake*

*A headland cannot be removed, however a great man can be removed. Yet there is one in Kāwhia, Whakatau by name who remains steadfast.* <sup>P8</sup> ”

This whakataukī embodies the traditional knowledge and understanding that landmarks and heritage sites are permanent. It recognises great leadership that overcomes the most formidable of threats. Ngāti Hikairo understands the reality that in the modern world, the permanence of landmarks and wāhi tūpuna is under question. We see the need to be as strong and resolute as our tūpuna Whakatau, in order to protect and preserve our vulnerable landmarks and wāhi tūpuna.

Ngāti Hikairo has maintained an understanding of mātauranga Māori in regards to our relationships to ngā wāhi tūpuna. Traditions are preserved pertaining to wāhi tūpuna, their qualities and their histories, and shall continue to be preserved for the betterment of Ngāti Hikairo and our role as kaitiaki. Traditionally such tikanga have been held, preserved and wisely utilised by a select few. They were best informed as to how to retain and maintain the knowledge and when and how to divulge in order to ensure its integrity and longevity. This system has now been broken down over the last 150 years or so. There are now fewer who are capable of operating in this capacity.

Our viewpoint is that if the wāhi tūpuna are polluted, altered or destroyed, then a wealth of knowledge that has been accumulated over generations becomes null and void. If the knowledge is altered, forgotten or purposely suppressed then so too does the wāhi tūpuna suffer. We avidly promote our kaitiaki and mana whenua responsibilities, lest ngā wāhi tūpuna disappear from the face of the earth and from human memory. It is the dissemination of mātauranga Māori to the Iwi of Ngāti Hikairo that will empower and strengthen our ability to

implement it within a western scientific paradigm in to the mainstream and will enable us the best means of protection and an opportunity to further develop crown/government thinking and practice. Our focus therefore is to identify the knowledge and the repositories that hold the mātauranga regarding our heritage sites and the kaitiakitanga in relation to them, record it, promote the mātauranga and revive and rejuvenate it. We do so in the hope to validate the statement “he koutu whenua e kore e taea te parepare.”

## 4.4 MANA WHENUA MANA MOANA

In more recent times Ngāti Hikairo has been associated predominantly with Kāwhia. We traditionally occupy the North West portion of Kāwhia Harbour including the Ōpārau Valley and Mount Pirongia (Pirongia te aroaro o Kahu). Our territory also stretches north-east to include the eastern slopes of Pirongia, Mangauika Valley, Pirongia Township, Harapepe, Te Rore, Mangapiko, Pāterangi, Lake Ngāroto, and Ōhaupō.

Our association with all these areas begins with our founding tūpuna and has been strengthened by generations maintaining the kaitiakitanga over this rohe.

Maintenance of kaitiakitanga has been achieved through the following principles:

- Take tūpuna
- Take tuku
- Take ātete
- Ahi kā
- Mahinga Kai
- Mātauranga Māori
- Tikanga

We are a coastal people, a harbour people, and an inland people. We have traditionally utilised the coast, the harbour, the mountains, the forests, the rivers and the lakes.

In contemporary times we now face new obstacles to our mana whenua and kaitiakitanga. However we hold firmly to our traditional principles of mana whenua/mana moana and adapt to deal with each respective challenge.

We have developed relationships with the Ōtorohanga and Waipā District Councils and also Environment Waikato. We continue to maintain

relationships and work collectively with our neighbouring marae, hapū and iwi. We support all these groups in the protection and preservation of all wāhi tūpuna in neighbouring rohe.

## 4.5 HERITAGE SITE DEFINITIONS

For the purposes of this plan we have defined a ‘heritage area’ as any site, area or landscape that has historical relevance to Ngāti Hikairo, pre and post colonisation.

Within this plan Heritage sites or areas are defined as historical or cultural areas such as:

- i. Wāhi tūpuna (Historic, significant site/area/landscape )
- ii. Wāhi Tapu (Sacred site)
- iii. Archaeological sites

### i. Wāhi tūpuna

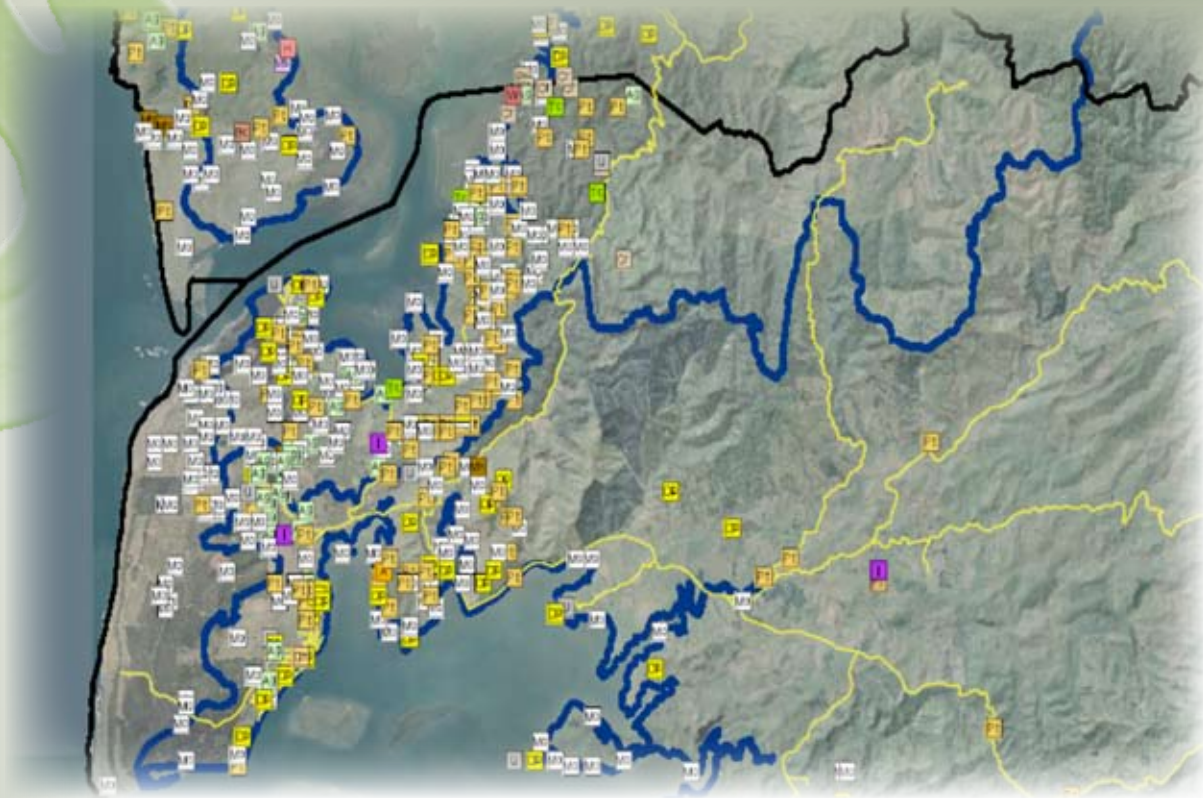
Pā and kāinga areas, taunga waka (ancestral canoe landings), marae areas and buildings, mahinga kai (places where food is procured), taonga ika (fishing grounds and associated areas), mineral and stone resource areas, wāhi taonga mahi ā ringa (resource sites for art materials), places associated with leadership, governance and the Kīngitanga, landscape features which determined boundaries of iwi or hapū, ahi kāroa (sites associated with claiming land occupation or ownership), battle sites and defense sites where tapu has been removed, ara (pathways connecting tribal areas or resource sites), wānanga and kura kaupapa (places of education and learning), wāhi taonga mahi (art sites, rock art, dendroglyphs), sites associated with mythological events, wāhi whakamahara (sites recognised as memorials to historic events).<sup>87</sup>

### ii. Wāhi tapu

Urupā (burial grounds), rua kōiwi (places where skeletal remains are kept), sites where skeletal remains once were, unless the tapu has been removed, caverns and underwater burial places, places where baptismal rites were performed, wāhi whenua (repository for placenta), whare karakia, tūahu (enclosures used for divination and other mystic rites), battle grounds and other places where blood was spilled and where tapu has not yet been removed, waiora (springs or sources of water for healing), sources of water for death rites,

<sup>87</sup> Historic Places Trust. (2004) *Heritage Management Guidelines for Resource Management Practitioners*. Wellington: NZHPT





Map 3: Archaeological sites recorded by the New Zealand Archaeological Association within the Kāwhia Harbour catchment. Includes part of Ngāti Hikairo rohe.

ara purahourua (sacred pathways for messengers), places imbued with the mana of chiefs or tūpuna, landforms such as mountains which embody the creation stories and whakapapa of tangata whenua.<sup>88</sup>

### iii. Archeological sites

Any area that provides evidence of occupation pre 1900's, whether assessed by an archaeologist or not.<sup>89</sup>

## 4.6 NGĀTI HIKAIRO SITES ON THE HISTORIC PLACES TRUST NATIONAL REGISTER

The following sites have been registered with the Historic Places Trust and are included on the list of Registered Wāhi Tapu Areas. All information has been sourced from publicly available documents.

### 4.6.1 RANGIĀHUA

“*Kia kāinga te tamaiti rangatira ki runga o Rangiāhua*”<sup>90</sup>

*Let me the high born one be eaten on Rangiāhua*”

“*Whakarangiahuatia te tamaiti*”<sup>91</sup>

*Mould the child to be similar to the greatness of Rangiāhua*”

Rangiāhua is located on a low yet steep ridge just north of Kāwhia Township. Rangiāhua holds a wealth of traditional significance for the many hapū of Ngāti Hikairo and neighbouring iwi. It is believed to have been the first settlement of Hoturoa, after having arrived at Kāwhia upon Tainui waka. A tūāhu or ahurewa (ceremonial altar) was duly erected, and continued to be utilised throughout the generations. In time it was occupied by Te Urukahutaraheke.<sup>92</sup> This ancestor, the eponymous ancestor of Ngāti Te Uru, was central in the evidence of Ngāti Hikairo and other iwi in claiming tangata whenua status to Kāwhia.

Ngāti Hikairo are able to claim descent from Te Urukahutaraheke through her numerous descendants. Most importantly they are able to whakapapa to her grandchild, Whareiaia, a senior rangatira of Kāwhia, who gifted his mantle to Whakamarurangi and named the iwi Ngāti Hikairo.

<sup>88</sup> Historic Places Trust. (2004) *Heritage Management Guidelines for Resource Management Practitioners*. Wellington: NZHPT

<sup>89</sup> Historic Places Act 1993

<sup>90</sup> Jones, P.T. (1941) *Map of Kāwhia*.

<sup>91</sup> Phillips, F.L (1991) *Landmarks of Tainui*, Tohu Publishers.

<sup>92</sup> Māori Land Court, Ōtorohanga no.12 (1892) p.236.

Whareiaia lived at Motutara across the bay opposite Rangiāhua. Because of its natural fortifications, it was an impregnable pā. The seasoned warrior longing for conflict wished to relocate to Rangiāhua as it was more vulnerable to attack than Motutara. Hence, the saying “Kia kainga te tamaiti rangatira ki runga o Rangiāhua.” (The chiefly son should be eaten upon Rangiāhua). He duly moved to Rangiāhua, and not long after was attacked and defeated, therefore giving realisation to his very words.<sup>93</sup>

Hōne Kaora gave a list of kāinga at Kāwhia inhabited by Ngāti Hikairo after the establishment of Pōtatau as King (1858). He states that there were 30 at Rangiāhua and five at Tūranganui. With a total of 21 kāinga and a total population of 394. He mentions that there are ‘kōtahi rau takitahi’ (a few hundred) Ngāti Hikairo living at only thirteen of the previously mentioned kāinga, of which Tūranganui and Rangiāhua are included.<sup>94</sup>

The first Poukai in Kāwhia was held at Te Waro, just below Rangiāhua, and was hosted by Te Atakohu of Ngāti Hikairo, who lived at Rangiāhua. The following year, 1885, it was relocated to Rangiāhua. The next year it was held at Waipapa, and has continued to be held there ever since.<sup>95</sup> Rangiāhua was also the major kāinga and marae of Ngāti Hikairo in Kāwhia, however was later abandoned

for the current location of Waipapa Marae.<sup>96</sup> A whare kai accommodated the feasting of tribal hui that continued to be held at Rangiāhua as late as the 1930’s. There are a small number of family homes still located on Rangiāhua. Taraho’s Track, which has been identified as an ara purahourua cuts down the eastern slope of the pā to the highway below, it continues to be used to this day.

All of these pā, Tūranganui (Tūranga-ā-rere), Tatakareao (Tūtākareao), Tangi-te-whioi, Te Pā-ō-Toarangatira and Rangiāhua, formerly backed on to a large swamp, Paretao, which was harvested as an eel preserve. The swamp was established as a tribal reserve due to its importance to the many hapū as a vital source of food,<sup>97</sup> however was later drained, and therefore lost status as a reserve. This reserve would have played a key part in the both the location and importance of these pā.

<sup>93</sup> Schnackenberg, E.H.W. *Maori Memories/as related by the Kaumatua of Kāwhia to E.H.S. Kāwhia, Kāwhia Settler Print, 1926.*

<sup>94</sup> *Māori Land Court, Ōtorohanga no.12 (1892) pp.625-626*

<sup>95</sup> *Ngāti Hikairo wānanga (September 18 1999) Waipapa Marae, Kāwhia.*

<sup>96</sup> *Te Rūnanganui o Ngāti Hikairo (February 8 2003) Waipapa Marae, Kāwhia.*

<sup>97</sup> *Māori Land Court, Ōtorohanga no.48 (1908) pp.66-68.*



Photo 11: Tūranga-ā-rere from Rangiāhua (Te Rūnanganui-ō-Ngāti Hikairo)



## 4.6.2 MOTUTARA

Motutara Peninsula is situated on the north-western side of Kāwhia Harbour, within the boundaries of Ngāti Hikairo. It divides the Ngāti Hikairo Kāwhia territory into two major blocks, the Kāwhia Block to the west, and the Pirongia West Block to the East. Subsequently it has played a central role in the occupation and history of Ngāti Hikairo in Kāwhia.

### *Historical Description*

Oral traditions record historical events prior to the 1820s that connect Motutara to Ngāti Hikairo and render the area as culturally significant.

A battle ensued in Kāwhia between Tūāhumāhina of Ngāti Tūirangi and Pakaue, the father of Te Wehi (Ngāti Te Wehi) who married Koata (Ngāti Koata). Pakaue attempted to flee an attack, however was chased by Tautinimoke. Pakaue climbed the cliffs of Motutara Kūao and hid in the scrub. Tautinimoke however noticed him and killed him in the bay

Hikairo II came to Kāwhia with a taua, to avenge the death of Te Riri-o-Rangawhenua and attacked the tangata whenua namely, Ngāti Koata and Ngāti Te Ariari and defeated them. However, they were surprised by an ambush just north of Kāwhia and routed. The taua scattered in all directions. Hikairo, alongside his granduncle Te-Aho-ō-te-rangi and Te Iwituaroa fled down from Mōkai Kāinga to Tōrea and then on to the Kāwhia shores. Hikairo encouraged his tūpuna to join him in escaping up the Manawatuhatuha Valley. Hikairo then escaped. However Te-Aho-ō-te-rangi persisted along the mudflats and was captured at Ruauku. He was taken across the inlet to Paiaka, and there beheaded. Te Iwituaroa made a stand against the enemy on the peninsula close to Te Iringa, and held off his enemies until they retreated. Te-Aho-ō-te-rangi's head was then taken to Te Iringa Pā.<sup>101</sup>



Photo 12: *Motutara Kūao and Motutara Kātua (Te Rūnanganui-ō-Ngāti Hikairo)*

between the two Motutara Bluffs. The incident and the battle that followed are remembered as Te Moana Waipū.<sup>98</sup>

Te Whareiaia was an important rangatira of Ngāti Koata and Ngāti Te Ariari. He was a granduncle of Rangikōpī, the wife of Hikairo II. Their eldest son Whakamarurangi proved himself to possess the genuine qualities of a true rangatira, of someone who could unite the warring people. Therefore Te Whareiaia is credited with having handed over his mana whenua to his mokopuna, and in turn naming Whakamarurangi's people Ngāti Hikairo.<sup>99</sup> Te Whareiaia is acknowledged for having built the pā at Motutara Kātua.<sup>100</sup>

Ngāti Hikairo have dominated occupation of this area since the 1820s, selected traditions highlight the importance of the area:

- Te Iringa Pā has for generations been recognised as a significant landmark. Ngāti Hikairo view Te Iringa as a sacred place.
- There is a very significant burial ground adjacent to Pūtī Bridge.

<sup>98</sup> *Native Land Court Minute Book, Ōtorohanga 1, 1886. pp.342-344*

<sup>99</sup> *Ibid. pp.333-334*

<sup>100</sup> *Schnackenberg, E.H. 1926 Maori memories, as related by the Kaumatuas of Kāwhia. Kāwhia: Kāwhia Settler Print.*

<sup>101</sup> *Kelly, L.G. 1949 Tainui. Wellington Polynesian Society.*

- Pūpūkaireka was the place where several tūpuna were interred in the late 1800s. This event and the ceremonies that surrounded it continue to play a very significant role in Ngāti Hikairo's culture and history.

#### 4.6.3 TANGI-TE-KOROWHITI AND TE-PAPA-Ō-KĀREWA

Te Papa-ō-Kārewa is the name of the land upon which two ancient pōhutukawa; Tangi-te-Korowhiti and Te Papa-ō-Kārewa; stand to this day. Both trees retain historical significance for Ngāti Hikairo and descendants of Tainui Waka. Te Papa-ō-Kārewa is the tree to which the Tainui waka was tied.<sup>102</sup> Tangi-te-Korowhiti was known as a place for birthing rituals and sacred burials, it was said that the trees were so tapu that to even walk in the shadow was to breach tapu. It is said that resident ruruhi Paretewiwini lived in the caves below Tangi-te-Korowhiti, and was known to protect the potential of the tree.<sup>103 104</sup> It is claimed that as an act of retribution Te Rauparaha strung up the slain head of Wahanui to Tangi-te-Korowhiti, overhanging the sea at Te One-i-Te Rangiwharo.<sup>105</sup>

There were also kāinga at and named for each of the pōhutukawa. The area of Te Papa-ō-Kārewa was

settled by Te Whānau Pani, Ngā Uri-ō-Te Makaho, Ngāti Te Uru and Ngāti Horotakere of Ngāti Hikairo. There were previously a larger number of giant pōhutukawa in the vicinity, Reao was to the south, others at Pukerua and Te Hikitunga to the west and on the slopes of Motungaio. All of which were used for ceremonial and burial purposes. Many have been felled and removed yet the sites are still considered wāhi tūpuna. But Tangi-te-Korowhiti and Te-Papa-ō-Kārewa are the well known pōhutukawa still remaining in the Kāwhia Township. Other not so well known pōhutukawa adjoin the Kaora Track, such as Te Tātua-ō-Kawharu and Pouretireti.<sup>106</sup>

<sup>102</sup> Schnackenberg, E.H. (1935) *The Pohutukawas of Kāwhia: Tales, traditions & legends relating to Kāwhia's famous Christmas trees. Kāwhia: Kāwhia Settler.*

<sup>103</sup> *Native Land Court Minute Book, Ōtorohanga 12, 1893 p.p.303*

<sup>104</sup> Cowan, J. & Pōmare, M. (1987). *Auckland: Legends of the Maori Vol 1. Southern reprints. (p.89)*

<sup>105</sup> Phillips, F.L. (1989) *Landmarks of Tainui, Vol.1. Ōtorohanga: Tohu Publishers. (p.108.)*

<sup>106</sup> Schnackenberg, E.H. (1935) *The Pohutukawas of Kāwhia: Tales, traditions & legends relating to Kāwhia's famous Christmas trees. Kāwhia Settler: Kāwhia.*



Photo 13: Te Papa-ō-Kārewa, Kāwhia (Te Rūnanganui-ō-Ngāti Hikairo)



## 4.7 SITE SPECIFIC HERITAGE MANAGEMENT PLANS DEVELOPED WITHIN OUR ROHE

These plans were developed to identify and manage the heritage areas of Mātakitaki in Pirongia, Ngā Puna o Kāwhia the Kāwhia township water supply and Hingakākā at Ngāroto. The Mātakitaki and Hingakākā heritage areas are within the Waipā District Council jurisdiction. Both plans have been submitted with the Waipā District Council. Ngāti Hikairo Freshwater Management Plan has been submitted to the Ōtorohanga District Council.

- Ngā Iwi Tōpū o Waipā and Waipā District Council (2005) Hingakākā Battle site Iwi Management Plan
- Te Rūnanganui-ō-Ngāti Hikairo (2005). Freshwater Management Plan- Ngā Puna o Kāwhia- 2005-2015
- John Greenwood and Waipā District Council (2002) Mātakitaki Pā Management Plan

## 4.8 NGĀTI HIKAIRO HERITAGE INFORMATION AND USE

The significance of Māori cultural information versus scientific information has been discussed in this document. In a court of law, scientific information generally has priority over Māori cultural information. When reviewing recent test case law, it is unlikely that Māori cultural considerations alone will have a significant influence on a judge's decision<sup>107 108 109 110</sup>. We recognize this and until Māori cultural heritage is considered nationally important and a unique part of New Zealand culture and heritage, and is awarded the same protection measures as archaeology within legislation, we will continue to advocate, and develop robust processes that demonstrate cultural and historical significance of our wāhi tapu and wāhi tūpuna to all New Zealanders.

*“Sacred landscapes are not sacred because Native people believe they are. They are sacred in and of themselves. Even if we all die off, they will still be sacred”<sup>111</sup>*

### 4.8.1 Information provided to councils

Council will receive a 'limited information layer'. This will provide the GIS locations of cultural and historic sites of interest to Ngāti Hikairo. It is envisaged that upon an enquiry to council for Resource Consent, council planners will identify if a heritage site exists on the block and will advise the applicant to consult with Ngāti Hikairo. The limited GIS layer will be used as a 'red flag' system only, and will not contain further information relating to the site.

### 4.8.2 Cultural Impact Report (CIR10)

If the applicant is unable to avoid, remedy or mitigate their land activity then a cultural impact report will be completed in response to our concerns regarding the potential destruction or damage to a cultural or historic site/area/landscape (Refer Ch 5: Policy 3 and 3.1). The report outlines how the destruction or damage to sites will ultimately impact on our relationship with the area, the values and tikanga we associate with the area. Information used for the cultural impact report will include some disclosure of our history and may include sensitive tribal information, but this would only be included after consultation with kaumātua (See Appendix 2).

### 4.8.3 Cultural Heritage Site Report (CHSR09)

The Cultural Heritage Site Report is a standard response to a Resource Consent application that does not require any further action as the applicant has avoided, remedied or mitigated the situation (See Appendix 1).

## 4.9 ONGOING ISSUES RELATED TO NGĀ WĀHI O NGĀ TŪPUNA

### 4.9.1 Iwi Participation

The ongoing maintenance of the knowledge relating to Ngā Wāhi o Ngā Tūpuna and how we ensure that it is continued for future generations is of utmost importance. This project will help to provide a repository for the information. As the information needs to be kept alive, and stories relating to our heritage continue to be passed down the generations, this is a challenge for today's generation.

## 4.9.2 Community Education

Many of our wāhi tūpuna are now situated on privately owned land. Often the lands that modern cities and townships are located on were areas that were frequently inhabited by our tūpuna. Non-Māori need to understand and appreciate the Māori cultural heritage that they may have in their backyards, so that they too can advocate for their protection and preservation for future generations.

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<sup>107</sup> Ministry for the Environment. (1999). *Case law on tangata whenua consultation: RMA working paper*. Wellington: MoE.

<sup>108</sup> *Macpherson vs Otorohanga District Council (2007) Decision No 25/2007*

<sup>109</sup> *Te Rūnanga o Ati Awa Ki Whakarongotai Inc vs New Zealand Historic Places Trust (2003)*.

<sup>110</sup> *Canterbury Regional Council vs Waimakariri District Council (2002)*.

<sup>111</sup> Chris Peters, Pohlik-lah tribal member, Arcata, California. <http://www>.



# Ngāti Hikairo Heritage Management – Policies and Processes

*Ko Te Rore te whenua, ko Pirongia te maunga, ko Mangauika te mania*

*Te Te Rore is the land, Pirongia is the mountain, the plain is Mangauika<sup>p9</sup>*

(Comes from application by Te Rūnanga o Ngāti Hikairo in 1865 to the Compensation Court claiming land at Te Rore to be returned)



Photo 14: Pākūao, Tiritirimatangi, Kāwhia (Te Rūnanganui-ō-Ngāti Hikairo)

## 5.1 Overall Vision

Ngāti Hikairo will actively participate in the management of all wāhi tūpuna and wāhi tapu/ heritage and cultural sites, areas and landscapes within its rohe in collaboration with other affected agencies.

### Iwi

- To record our cultural heritage for Ngā uri o Hikairo (the descendants of Hikairo)
- To find and develop mechanisms to monitor and protect cultural and historical areas that we define as significant to us.
- To assert our rangatiratanga as mana whenua
- To continue our responsibilities as kaitiaki within our rohe

### Other

1. To work collaboratively with councils to develop a more effective process for managing cultural heritage areas within Ngāti Hikairo rohe
2. To develop an Iwi Heritage Management Plan to be included in council planning documents
3. To develop an Iwi Heritage Inventory Depository
4. To provide further information to the current “Shores Futures” project and the Ōtorohanga District Plan review
5. To raise awareness of Māori cultural heritage within our community
6. To promote the preservation and protection of Māori cultural heritage in New Zealand
7. To make our contribution to discussions regarding Māori participation in cultural and historical heritage protection in New Zealand
8. To endeavor to preserve and protect areas of cultural and historical significance for all New Zealanders.

## 5.2 Using the Plan

A key reason for this plan is its use as a reference for councils. We hope that by highlighting the issues that have provided the rationale for developing this plan, it will assist councils to understand and work with us on our aims for the future of our wāhi tūpuna and wāhi tapu.

### Issues

Each chapter within this plan identifies issues relating to heritage management for Ngāti Hikairo and Iwi Māori in general. From the issues the following themes are identified:

1. Communication and collaboration
2. Cultural and historic heritage identification
3. Management of cultural and historic heritage
4. Iwi participation
5. Community participation

### Objectives

The objectives describe the way in which we hope to address the issues that have been identified. Each objective is achievable and measurable.

### Implementation

Implementation provides the ‘nuts and bolts’ of how we will achieve our objectives in a practical way.

### Review date

As a living document, this provides us with an opportunity to review our actions and make changes if needed. We anticipate we will review our Heritage Plan annually.



## 5.2.1 COMMUNICATION AND COLLABORATION

Issues	Objectives	Implementation	Review Date
<p>The following issues have been discussed in the previous chapters:</p> <ul style="list-style-type: none"> <li>• There is no consistent approach to communication with iwi</li> <li>• Regional policy and planning considers only the effect on the larger crown acknowledged iwi entities and a result have little or no regard for the smaller iwi and hapū kaitiaki</li> <li>• Currently there are no iwi Heritage Management Plans to guide council process</li> <li>• There is a need for councils to improve relationships and develop meaningful Māori participation.</li> </ul>	<p>Ngāti Hikairo will:</p> <ul style="list-style-type: none"> <li>• Improve relationships and communication with councils</li> <li>• Work collaboratively with councils, DOC, NZHPT and other affected agencies</li> <li>• Actively participate in improving process</li> <li>• Provide information through Iwi Management plans that define our role as Mana Whenua kaitiaki</li> <li>• Educate councils regarding Māori cultural heritage</li> </ul>	<ol style="list-style-type: none"> <li>1. Develop clear communication policy and guidelines for councils (Policy 1 and 2)</li> <li>2. Work to develop and sign a Memorandum of Understanding (MOU) with Ōtorohanga District Council, Waipā District Council and Environment Waikato. (Appendix 3)</li> <li>3. Develop protocols for arranging hui to discuss any heritage issues with councils or other affected agencies. (Policy 2)</li> <li>4. Active participation in plan reviews, and non statutory projects.</li> <li>5. Provide an Iwi Heritage Management Plan to councils and HPT</li> <li>6. Provide education to council staff regarding Māori culture and history as required</li> <li>7. Monitor outcomes of MOU</li> </ol>	

## 5.2.2 CULTURAL AND HISTORIC HERITAGE IDENTIFICATION

Issues	Objectives	Implementation	Review Date
<p>The following issues have been discussed in the previous chapters:</p> <ul style="list-style-type: none"> <li>• There exists uncertainty about heritage identification and management</li> <li>• Sites are not known therefore at risk of damage through subdivision and development</li> <li>• If heritage sites are known there is little understanding of the historical context or the significance to Ngāti Hikairo</li> <li>• The council schedules do not include many of Ngāti Hikairo cultural heritage areas.</li> <li>• Emphasis is placed on archaeology within legislation</li> <li>• Need to update council schedules</li> </ul>	<p>Ngāti Hikairo will:</p> <ul style="list-style-type: none"> <li>• Complete systematic identification of cultural and historical heritage areas within Ngāti Hikairo rohe</li> <li>• Use a Iwi Heritage Inventory and GIS database</li> <li>• Provide a Iwi Heritage Management Plan to councils</li> <li>• Provide Ngāti Hikairo cultural heritage GIS information to councils</li> <li>• Advocate and educate the significance of cultural heritage</li> </ul>	<ol style="list-style-type: none"> <li>1. To complete a systematic review of all cultural and historical heritage areas</li> <li>2. To gather historical and scientific and cultural information relating to heritage sites/areas within the rohe</li> <li>3. To develop a heritage inventory and database</li> <li>4. To develop a Heritage Plan with related policy and procedure</li> <li>5. Provide a GIS 'limited information layer' to councils identifying cultural heritage areas within Ngāti Hikairo rohe (Policy 10)</li> <li>6. Provide councils with information to update any cultural heritage schedules (Policy 10)</li> <li>7. Provide councils with education about cultural and historical heritage</li> </ol>	



### 5.2.3 MANAGEMENT OF CULTURAL AND HISTORIC HERITAGE

Issues	Objectives	Implementation	Review Date
<p>The following issues have been discussed in the previous chapters:</p> <ul style="list-style-type: none"> <li>• There exists no established protocols and management procedures</li> <li>• The legislation process is complicated and provides no protection for culturally significant sites</li> <li>• There are no management plans for registered NZHPT sites</li> <li>• There is a need for a collaborative approach to managing heritage areas</li> <li>• The current district plans for both Ōtorohanga District Council and Waipā District Council do not provide assurance for the protection of cultural and historic heritage within Ngāti Hikairo rohe</li> <li>• The need for iwi/hapū to define heritage sites and manage them accordingly</li> </ul>	<p>Ngāti Hikairo will:</p> <ul style="list-style-type: none"> <li>• Work collaboratively with landowners, councils, DOC and NZHPT to manage cultural and historic heritage areas</li> <li>• Utilise more robust processes to limit the effects of development on historic and cultural heritage areas.</li> <li>• Use monitoring protocols for sites at risk</li> <li>• Use established heritage management policy and processes</li> </ul>	<ol style="list-style-type: none"> <li>1. Use of traditional methods of protection</li> <li>2. Monitoring of sites at risk (Policy 12)</li> <li>3. Develop management plans for sites on National Register in collaboration with landowners, NZHPT, DOC and councils.</li> <li>4. Development of database to identify cultural and historical sites within Ngāti Hikairo rohe (Policy 9 and 10)</li> <li>5. Provide councils with a 'limited information layer' of GIS information (Policy 10)</li> <li>6. Protocols for processing resource consents (Policy 3)</li> <li>7. Protocols for assessing and measuring effects of development on a site (Policy 4)</li> <li>8. Protocol for accidental discovery (Policy 5)</li> <li>9. Protocols for referring a site to the New Zealand Historic Places Trust (Policy 11)</li> </ol>	

## 5.2.4 IWI PARTICIPATION

Issues	Objectives	Implementation	Review Date
<p>The following issues are highlighted for Ngāti Hikairo:</p> <ul style="list-style-type: none"> <li>• Many of our people have moved away from Kāwhia and don't know how they connect to the whenua</li> <li>• There is a need to educate our whānau about our cultural heritage areas</li> <li>• More participation by whānau in conservation and protection of heritage sites on Māori land</li> <li>• Whānau need to be better informed of the cultural areas within our rohe</li> <li>• Whānau need to be informed of cultural heritage areas that are at risk</li> </ul>	To have an informed iwi	<ol style="list-style-type: none"> <li>1. Hold regular wānanga and heritage trails</li> <li>2. Provide information through the iwi website about Heritage Management issues</li> <li>3. Provide information through Kāwhia FM about current heritage issues</li> <li>4. Offer to attend land trust hui to educate beneficiaries about heritage sites of property</li> <li>5. Encourage active participation in heritage preservation</li> <li>6. Encourage Ngā Whenua Rāhui and Māori reserve projects</li> </ol>	



### 5.2.5 COMMUNITY PARTICIPATION

Issues	Objectives	Implementation	Review Date
<p>Ngāti Hikairo has identified the following issues related to community participation:</p> <ul style="list-style-type: none"> <li>• There exists a lack of knowledge or understanding related to Māori cultural and historical heritage by landowners and the community</li> <li>• The community is not aware of the significance of some of the areas they live on and around.</li> <li>• There is little acknowledgement for landowners who actively protect historical and cultural sites on private property</li> </ul>	<p>Ngāti Hikairo will:</p> <ul style="list-style-type: none"> <li>• Advocate and promote heritage protection for all sites of significance within the Ngāti Hikairo rohe</li> <li>• Provide education to the community</li> <li>• Support landowners who actively protect historical and cultural sites on private property</li> </ul>	<ol style="list-style-type: none"> <li>1. Provide presentations to other iwi/hapū/marae around developing heritage identification and management processes</li> <li>2. Advocate through presentations at Marae</li> <li>3. Provide education at public forums</li> <li>4. Provide advice and education through public displays in collaboration with museums</li> <li>5. Provide education talks to schools</li> <li>6. Arrange heritage trails</li> <li>7. Provide information and support to landowners who protect historical and cultural sites on private property (Policy 7)</li> </ol>	

# Policy

*Tōrea i tō waha kiritanga kia Tokitararautia*

*Refers to speaking correctly and with integrity<sup>P10</sup>*



*Photo 15: Ancient Hāngi pit found at Tirtirimatangi (Te Rūnanganui-ō-Ngāti Hikairo)*



# Policy 1

## Communication with Ngāti Hikairo

Ngāti Hikairo is committed to effective and appropriate communications with councils.

Communication from Councils needs to be timely given that many iwi members live in urban areas outside our tribal area, returning to Marae for specific tribal hui such as Poukai and Wānanga.

Council communication with iwi needs to be cost-effective from the iwi perspective as rural Māori/Iwi often do not have the resources to meet with Council as Councils desire. Consultation with councils is often not a priority when weighing up the cost to whānau.

The following guidelines will ensure that the policy requirements are met.

- All communications regarding local and regional government issues will initially be referred to the Resource Management Committee (RMC). The RMC will communicate/meet with Council regarding the issue and will then take the matter to the Rūnanganui Executive.
- Monthly hui are held at the Marae and non-urgent information will be relayed to Rūnanganui and Iwi at these times.
- Urgent information will be relayed to the Rūnanganui Executive through the RMC via email or phone calls.
- Iwi will be kept informed of any ongoing issues with Council via the iwi website and monthly hui.
- Te Rūnanganui Executive will call a Hui-a-Iwi for issues that are likely to have significant impact on Ngāti Hikairo.
- The Rūnanganui Executive will call a kaumātua hui regarding issues likely to have a significant impact on historic/cultural sites and areas

# Policy 2

## Council Communication



Ngāti Hikairo is committed to consistent communication with Councils and is looking to Councils to provide consistency and continuity when there are staff changes. Often we have found that when there are staff changes, the communication procedures change.

Ngāti Hikairo is committed to respectful communication. We will respect the Council operation and expect this to be reciprocated. This means that we expect the Council to respect the way we wish to be contacted and consulted and not impose its own preferences on our iwi authority or its people.

### Written communication

1. All communication from Council to be sent to the RMC by both email and letter
2. The RMC will ensure that the Council has the appropriate email addresses and postal addresses at all times

### Meetings

3. Council and the RMC to meet at a prearranged venue, the RMC will then take the information to the Rūnanganui Executive (refer to Policy 1)
4. If the Rūnanganui Executive wishes to meet with the Council on a particular matter it will make contact directly requesting that meeting.
5. For practical reasons and for clarity the main body for iwi contact with the Council is the RMC.
6. All submissions regarding Council planning documents will be submitted by the RMC who hold the delegated authority of Te Rūnanganui-ō-Ngāti Hikairo for this purpose.





# Policy 3

## Resource Consent Policy

Resource consents are the main source of communication from Councils.

Recent amendments to the Resource Management Act (2009) requires a submission on a resource consent have to be received by the Council within 10 days of notification. This can affect the ability of the RMC to fully consult with the Rūnanganui Executive Committee and is a reason for Council/Iwi communications to be timely (refer Policy 1).

The following criteria have been established as the rationale for opposing a resource consent application and have been approved by Ngāti Hikairo.

Ngāti Hikairo will oppose a resource consent application where the proposed activity will, or is likely to produce any of the following effects:

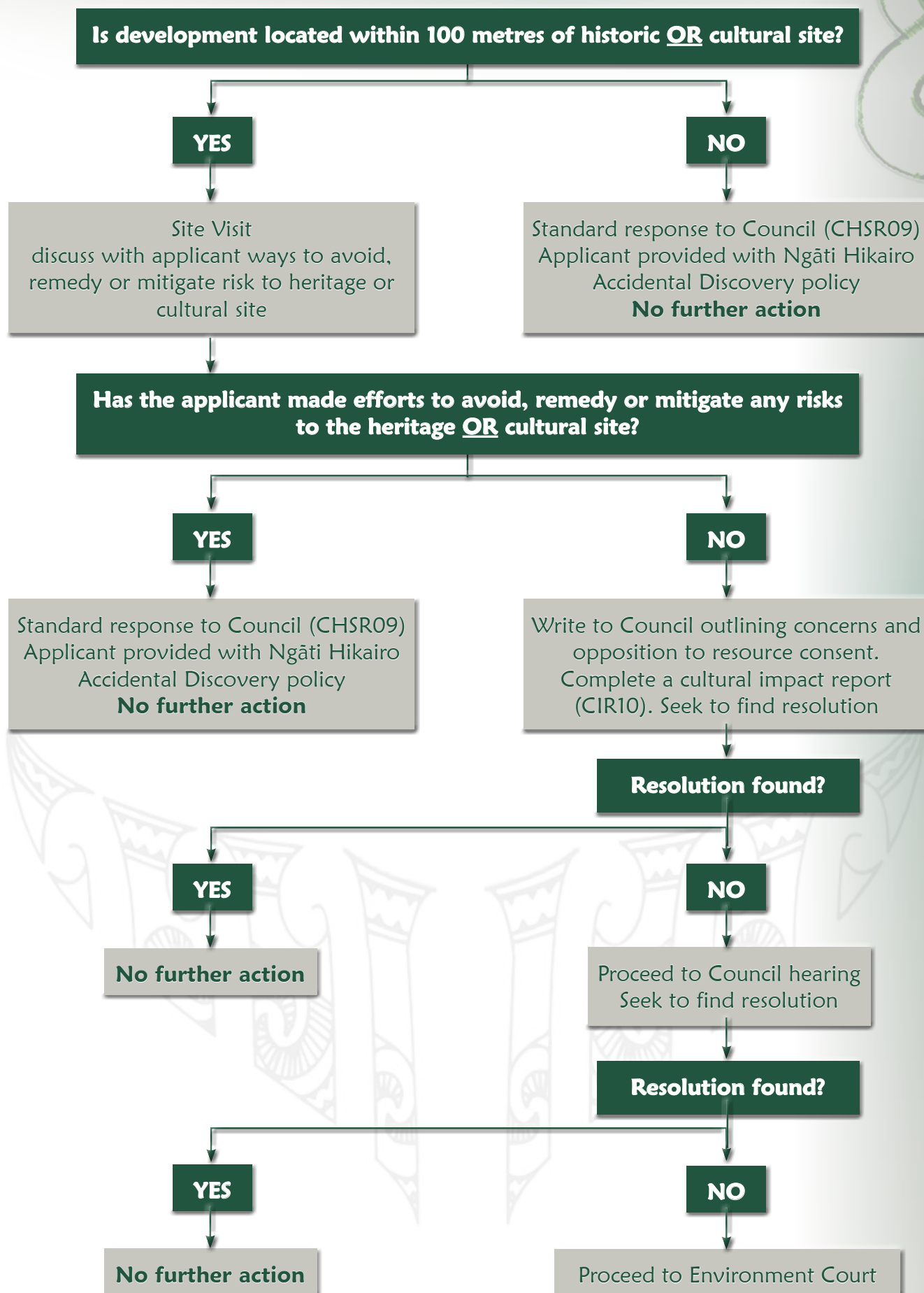
1. Heritage site is at risk of being destroyed or damaged
2. The Mauri of the site is likely to be affected by the proposed activity
3. The proposed activity will desecrate the sacredness of the site
4. The proposed activity is likely to impact on the relationship that Iwi/Hapū/Whānau have with the area
5. That the proposed activity is likely to cause unexplained and unforeseen harm to the developer or anyone who visits or lives on the site.
6. That the proposed activity will have considerable impact on the visual aesthetics of the site and surroundings

Ngāti Hikairo Resource Consent process is set out in 3.1. (Pg 61)

### 3.1 NGĀTI HIKAIRO RESOURCE CONSENT PROCESS

#### Pre-application contact

Contact from applicant. Applicant advised of site visit if development is within 100 metres of a historical or cultural heritage site. Applicant advised of cost associated with site visit.





# Policy 4

## Criteria for Measuring the Effects of Land Based Activity

There has been much discussion in the literature regarding the ranking of significance of heritage sites, placing less restriction on smaller sites. We choose not to rank our heritage sites; we believe all sites need to be protected regardless of their size or perceived scientific significance. Rather we choose to assess the type of development and activity that will occur on the property and then rank the affect that activity will have on the historic or cultural site.

Many historic and cultural sites within the Kāwhia Township have already been severely affected by development over the years. Limitations or restrictions on development may be impractical when dwellings are located on or near recognised and scheduled historical and cultural sites. This process outlined below allows us to consider each resource consent application on a case-by-case basis.

Ngāti Hikairo RMC will assess at our discretion, on a case by case basis, the impact an activity is likely to have on the heritage or cultural site, for example, by assessing:

1. The proximity of the planned dwelling to the historic/cultural site
2. The intrusiveness of dwelling on historic/cultural site
3. The intrusiveness of activity on historic/cultural site
4. Any planned development for subdivisions
5. Potential for future damage to historic/cultural site by any planned activity
6. Can the dwelling/activity be located somewhere else on property
7. Location of access to property and proximity to historic/cultural site
8. The affect the activity will have on the Mauri of the historic/cultural site
9. The affect the activity will have on the relationship Iwi have with the historic/cultural site

### Ranking

We will use a formatted standardised assessment tool that will rate the above considerations and determine on a scale of 1-10 the risks posed to the physical and spiritual integrity of the historic/cultural site.

1= Minimal risk to historic/cultural site - proceed with resource consent

10= Significant risk to historic/cultural site - seek to avoid, remedy or mitigate (see Ngāti Hikairo Resource Consent Process 3.2)

# Policy 5

## Ngāti Hikairo Accidental Discovery Policy



Many parts of Ngāti Hikairo's tribal district contain historical and cultural sites and areas of significance to Māori. Kāwhia is the resting place of the Tainui Waka and was where significant early Māori settlement occurred. Despite our best efforts to retain our history and knowledge of the area, there will be areas where the history has been lost over the 1000 years of occupation.

Accidental discoveries of human remains and artifacts are likely to occur. It is important that the RMC is contacted immediately and consulted when any accidental discovery is made during development.

When resource consent applicants contact the RMC, the following process will occur:

1. RMC to provide 'Ngāti Hikairo accidental discovery' information to resource consent applicants/owners/developers
2. RMC to provide contact details for members of Ngāti Hikairo who can assist with any discovery at the site
3. Applicant/owner/developer to address the legislative procedures set out in the Historic Places Act 1993 and liaise with the RMC throughout this process.
4. A kaumātua from Ngāti Hikairo to be present during any activity that is likely to have an effect on discovered remains or artifacts.
5. Reburial of human remains will occur on property where remains were discovered (see policy 6).



# Policy 6

## Avoiding the Deculturalisation of Wāhi Tapu

Wāhi Tapu sites start to lose their importance, respect and recognition due to the practice of kōiwi (human remains) relocation following an accidental discovery. In the past when human remains were found they were collected and relocated by Iwi to nearby Urupā (burial grounds). These practices were thought to be the best actions to preserve the kōiwi and keep them safe, but as a consequence areas that were once treated as sacred and ‘off limits’ were further desecrated and no longer treated as sacred or significant.

Therefore the key focus of this policy is to retain or maintain the integrity of the site and keep its cultural value while at the same time ensuring that kōiwi are reburied on the site in a safe and respectful manner.

1. All bones to be reinterred/ reburied on site where found, unless kōiwi (remains) are in serious jeopardy of being damaged or looted or continually exposed.
2. Relocation is a last resort, and will only be carried out if human remains are perceived to be at risk.
3. If relocation is to occur then the site of relocation is to be decided by Ngāti Hikairo Kaumātua.



# Policy 7

## Participation when a Landowner wants to preserve Heritage Sites

We want to acknowledge the individual commitment of private landowners to the preservation and protection of heritage areas. Much of New Zealand's land based history is dependent on the cooperation of landowners and their willingness to preserve and protect our historic and cultural heritage for future generations of New Zealanders. Ngāti Hikairo is limited by what we can offer to private landowners, but we will provide the following:

1. Provide historical information about site
2. Support any application to council for rates remission
3. Support QEII covenants, Ngā Whenua Rāhui and Māori Reserve applications
4. Support Heritage covenant applications under the HPA
5. Support any regeneration projects particularly around waterways
6. Guarantee the land owner's privacy

### Additional protection measures applied by owner:

#### QEII Covenant

A QEII open space covenant is a legally binding protection agreement, which is registered on the title of the land. It is voluntary but once in place binds the current and all subsequent landowners. Each covenant is unique. It can apply to the whole property or just part of the property. There can be different management areas within a covenant with varying applicable conditions. Conditions can be stringent where rare or vulnerable natural features or habitats are being protected.<sup>112</sup>

#### Ngā Whenua Rāhui

Māori landowners can protect their indigenous ecosystems under Ngā Whenua Rāhui kawenata. The agreement is sensitive to Māori values in terms of spirituality and tikanga. Cultural use of these natural areas is blended with the acceptance of public access within the agreements. The objective is long-term protection with inter-generational reviews of conditions.<sup>113</sup>



## Māori Reservations

A Māori reservation can be established over both Māori freehold and general land under Te Ture Whenua Māori Act 1993. Typically reservations may be set aside over land that is culturally, spiritually or historically significant to Māori. Common purposes include Papakainga, Marae, urupā, church sites, sports and recreation grounds. Reservations can also be set-aside over fishing grounds, springs, timber reserves, places of scenic interest and wāhi tapu.<sup>114</sup>

## Heritage Covenants

Heritage covenants attach to a land title and place conditions or restrictions on its use. They are therefore a very important mechanism for long term heritage protection. A covenant involves an agreement between the NZHPT and a property owner and once signed is permanently attached to a property's title. It therefore binds all subsequent owners and any breach of this covenant is an offence under the Historic Places Act.<sup>115</sup>

<sup>112</sup> <http://www.qe2.org.nz/Site/Covenants/default.aspx>

<sup>114</sup> <http://www.governance.tpk.govt.nz/why/reservation.aspx>

<sup>113</sup> <http://www.doc.govt.nz/getting-involved/landowners/nga-whenua-rahui/nga-whenua-rahui-fund/>

<sup>115</sup> [http://www.historic.org.nz/heritage/heritage\\_covenants.html](http://www.historic.org.nz/heritage/heritage_covenants.html)

# Policy 8

## Artifacts (Taonga)

In the past artifacts associated with our tūpuna and discovered within our rohe were very quickly taken out of the area and placed in national collections without consideration for Mana Whenua. Under the Treaty of Waitangi we are guaranteed the right to our taonga, we want to assert our rangatiratanga in relation to accidental discoveries of historical Māori artifacts. We wish to state the following in relation to any artifacts found during excavation:

1. Ngāti Hikairo will remain the kaitiaki of the artifact/taonga where ever it is located
2. Ngāti Hikairo advocate for the return of all artifacts taken from our rohe.
3. Artifacts are to be retained within our rohe or outside with our participation
4. If held in museums we will be a partner in the management and protection of the artefact/Taonga





# Policy 9

## Management of Sensitive Information

Our history belongs to us; all sensitive tribal information is treated as precious and in some cases sacred. In the past information was not freely accessible for all the Iwi, and information was limited to certain people within a tribe. Through assimilation and colonization significant aspects of our history and culture became lost and other aspects were used and adapted to mainstream and romanticize our past. What information we have retained we guard fiercely. Our tribal information will not be made available for general public consumption. This policy relates to our sensitive tribal information and our rights to retain control of it.

1. Sensitive tribal information will be retained by Ngāti Hikairo and will not be available for general public viewing
2. Information will be stored in a secure folder and will have restricted access
3. The information will be kept on a stand alone computer and will not be accessible from the internet.
4. Access may be granted to Ngāti Hikairo Iwi members under supervision of a kaumātua.
5. Sensitive information is defined as information that maybe relating to:
  - Whakapapa
  - Places of high spiritual and cultural value to Ngāti Hikairo
  - Places that contain artefacts of high spiritual or cultural value
  - Oral recordings and transcripts of kaumātua interviews
  - Personal stories and experiences
  - All of the above information where the informant has requested restricted access

# Policy 10

## Database Protocols



The databases key function is as a Heritage Inventory depository, to assist Ngāti Hikairo with the identification, location and management of information relating to our historic and cultural sites, areas and landscapes within our rohe (tribal area). The database is also a tool to assist with the collection and retention of Ngāti Hikairo tribal history.

1. The Database will be managed by the RMC on behalf of Te Rūnanganui-ō-Ngāti Hikairo
2. The Database will have restricted access
3. Following the signing of an agreement contract Council will be provided with a GIS 'limited information layer' identifying locations of sites of interest to Ngāti Hikairo
4. As per contract all information identified as belonging to other organizations cannot be copied or reproduced without their prior agreement.
5. All other information within the database is the intellectual property of Ngāti Hikairo.
6. As per contract Council will be expected to keep the 'limited information layer' confidential and is not to provide this information to any group.
7. All information retained in the database is for the use and benefit of Ngāti Hikairo
8. The use of the information layer (map) is available to the council to assist in the identification and location of sites in relation to resource consent applications.
9. Any additional information for resource consent will be provided by RMC through a Cultural Impact Report (CIR10).



# Policy 11

## Criteria for Registering a Site with the New Zealand Historic Places Trust

The Historic Places Trust has a role in identifying and registering sites of significance. Passing on our tribal knowledge to Historic Places Trust has caused much concern and debate amongst our people, the issue being the protection of our sensitive tribal information versus the need to identify and protect the site. Other concerns include the potential loss of advocacy and representation relating to our cultural and historical sites. This policy is deemed as a way that Ngāti Hikairo can participate in the Historic Places Trust process while still retaining our tino rangatiratanga.

1. Ngāti Hikairo will register sites/areas with Historic Places Trust only when absolutely necessary. i.e the site is at risk of being destroyed or damaged or the levels of protection need to be increased.
2. The information we will provide to Historic Places Trust when seeking to register a historical site will primarily be information that already exists within the public domain. The fact that the information is within the public domain means that the information is already accessible and outside the control of Ngāti Hikairo.

# Policy 12

## Heritage Site Monitoring



Routine monitoring of archaeological, historical and cultural sites does not occur and as a result, due to the isolated location of some sites often it can be some time before damage or erosion is noticed. Most of the heritage areas are not fenced off and many are covered in weeds and feral animals such as goats.

As part of this project we have identified up to 60 at-risk sites within our rohe. We decided these sites were particularly at-risk due to:

- Farming activities
- Forestry activities
- Coastal erosion
- Intense development

1. Increase awareness of sites and their protection
2. Maintain a list of at-risk sites to be annually monitored by the RMC for structural changes
3. Maintain archaeological and photographic records of at-risk sites
4. Monitor erosion on coastal heritage areas
5. Monitor the impact of farming and forestry on at-risk heritage areas
6. Seek out opportunities for co-operative management initiatives on any heritage site with landowners and other interested agencies
7. Advocate to limit the ongoing impact of high density development on heritage sites
8. Consult with DOC re: feral animal eradication programmes on DOC reserves
9. Advise council of noxious weeds on heritage sites
10. Support landowners to restrict access to sites at high risk of collapse through erosion
11. On referral to appropriate agencies regarding site care and plant regeneration

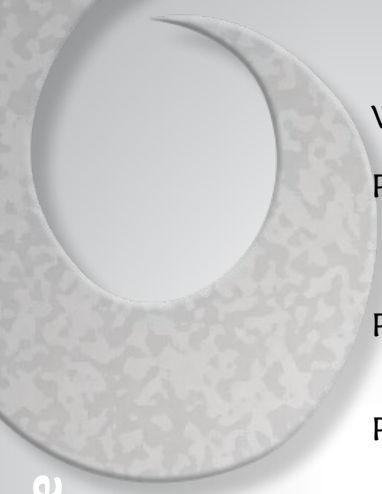


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### List of Whakatauki – Proverbs:


- |                           |  |
|---------------------------|--|
| P1 Pg 6 Executive Summary | Letter to the editor dated Alexandra, Pirongia, 17th September, 1874, by Pikia Haurua. Te Waka Maori o Niu Tirani, Volume 10, No. 22, p.276. |
| P2 Pg 12 Chapter 1        | Letter to the editor dated Alexandra, Pirongia, 17th September, 1874, by Pikia Haurua. Te Waka Maori o Niu Tirani, Volume 10, No. 22, p.276. |
| P3 Pg 18 Chapter 2        | Rihari Tauwhare (Tiki Taimana), Kopua-Pirongia-Kāwhia Investigation, Ōtorohanga Minute Book 3, p.345.  |
| P4 Pg 25 Chapter 3        | Te Rūnanganui-ō-Ngāti Hikairo (2005). Freshwater Management Plan– Ngā-Puna-ō-Kāwhia 2005-2015  |
| P5 Pg 25 Chapter 3        | Te Tumu-o-Tainui Tuauru Forbes, Redman Holyoake, 1986, p.11  |
| P6 Pg 28 Chapter 3        | Rihari Tauwhare (Tiki Taimana), Kopua-Pirongia-Kāwhia Investigation, Ōtorohanga Minute Book 3, p.335.  |
| P7 Pg 40 Chapter 4        | Rihari Tauwhare (Tiki Taimana), Kopua-Pirongia-Kāwhia Investigation, Ōtorohanga Minute Book 3, p.336.  |
| P8 Pg 42 Chapter 4        | Te Tumu-o-Tainui Tuauru Forbes, Redman Holyoake, 1986, p.2   |
| P9 Pg 50 Chapter 5        | Letter to Mr Fenton from Hōne Te One dated 19 August 1865, Raupatu Document Bank.  |
| P10 Pg 57 Policy          | Discussion with Ngāti Hikairo kaumātua Meto Hopa, 16 April 2010.   |



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# Appendix 1: Cultural Heritage Site Report Template

CULTURAL HERITAGE SITE REPORT (CHSR09)- TE RŪNANGANUI O NGĀTI HIKAIRO			
CHSR ref			
Consent Number		Date Received	
Application Type			
Name of site			
Type of site			
NZAA		GIS	
Site Location		Block Number	
Further information requested from applicant (tick)			
YES		DATE requested	
NO			
Information requested			Date received
1.			
2.			
3.			
4.			
<p>Comment:</p> 			
<p>We give written consent to the above application and we understand that Council will not take any further action regarding any actual or potential effect of the proposal on Ngati Hikairo .</p>			
Name	Chairman		Date
Signature	Resource Management Committee		Phone



## Appendix 2: Cultural Impact Report Template

CULTURAL IMPACT REPORT (CIR10) - TE RŪNANGANUI O NGĀTI HIKAIRO					
RESOURCE CONSENT APPLICATION INFORMATION					
Consent Number			Date Received		
Applicant Name					
Applicant Contact Details					
Application Type					
Description of proposed development:					
DESCRIPTION OF WĀHI TŪPUNA/WĀHI TAPU					
Name of historical site					
Type of site					
Land Type					
Māori/General	If general land, how was site alienated?				
Archaeological assessment available?	Yes (✓)	No (X)	GIS Information available?	Yes (✓)	No (X)
Location of site					
HISTORICAL SIGNIFICANCE					
References	Written			Oral	

IMPACT OF PROPOSED DEVELOPMENT ON NGĀTI HIKAIRO CULTURAL VALUES			
Historical Impacts	(Significance of site to Ngāti Hikairo history/Tainui Waka		
	History/New Zealand History)		
Cultural/Spiritual Impacts	(Tikanga/Mātauranga)		
Whānau/Hapū/Iwi Impacts	(Whakapapa/whanaungatanga)		
Whenua Impacts	Environmental		
	Access		
	Use		
	Location to other cultural and historical resources		
Overall conclusion:			
Ngāti Hikairo Recommendations	(Avoid/Remedy/Mitigate)		
Signature Kaumātua		Date	
RMC		Date	



## Appendix 3:

### Agreement for Heritage Information

# Ōtorohanga District Council and Te Rūnanganui-ō-Ngāti Hikairo

#### Introduction

The following provides a framework for a formal agreement between Ngāti Hikairo and the Ōtorohanga District Council in regards to the Iwi Heritage Management Plan developed by Te Rūnanganui-ō-Ngāti Hikairo. It is intended that this agreement between parties provides clarity and certainty as to the collection, storage and ongoing use of any such information. This is seen to be desirable as Council recognises the sensitivity and ownership of this information whilst relying on sound information management processes that need to inform statutory processes.

#### Agreement

This agreement provides clarity and certainty for both parties in regards to the collection, storage and maintenance of wāhi tūpuna (sites of significance) information by Te Rūnanganui-ō-Ngāti Hikairo and the ongoing use of this information by Ōtorohanga District Council. The agreement below is broken down into component parts:

Part A – Introduction and Purpose

Part B - Guidelines for the Collection of Information

Part C – Guidelines for the Use of Information

Part D – Guidelines for the Storage of Information

Part E – Maintenance and On-going Use of Information

#### PART A – INTRODUCTION AND PURPOSE

Agreement between Te Rūnanganui-ō-Ngāti Hikairo and Ōtorohanga District Council (Council).

Te Rūnanganui-ō-Ngāti Hikairo (Ngāti Hikairo) is a recognised iwi authority in the rohe shown in Appendix 1 to this document. Ngāti Hikairo has maintained unbroken occupation of the area for 300 years.

Ōtorohanga District Council is a territorial authority which is constituted under the Local Government Act 2002 and has prescribed functions and responsibilities in regard to the Resource Management Act 1991.

#### Purpose of the Agreement

The purpose of this agreement is to enter into an arrangement between the parties for the express purpose of identifying, managing and protecting wāhi tūpuna in the rohe shown in Appendix 1 to this document. The component parts of this agreement are protocols on the collection, use, storage and maintenance of information.

Council will rely on Ngāti Hikairo through Te Rūnanganui-ō-Ngāti Hikairo to define wāhi tūpuna and will not prescribe the nature of those sites<sup>1</sup> though it is generally understood that these sites<sup>1</sup> are of spiritual or cultural significance and may or may not be accompanied by physical remains.

<sup>1</sup> Wāhi tūpuna are defined by Ngāti Hikairo as sites or area of cultural, historical or spiritual significance, tūpuna, including wāhi tapu (sacred sites)

## PART B – COLLECTION OF INFORMATION

1. Ngāti Hikairo will undertake research into the location and nature of wāhi tūpuna sites and other significant sites in the rohe shown in Appendix 1 to this document.
2. In collecting and compiling the information, documents that are to be reviewed include relevant historic maps, Māori Land Court records, other printed material such as books, articles, journals, diaries, newspapers and historic photographs. The research is not limited to these sources. Oral tradition including interviews and waiata may also be included.
3. The minimum information to be provided for each site is location (northings/eastings or the site indicated on a hard or electronic copy of a topographic, cadastral or historic map or GIS co-ordinates), legal description, generic site type and history.
4. The generic descriptors (e.g. place of habitation, birth place) indicated in 3 are to be negotiated and agreed by both parties. Council will respect the intellectual rights associated with this information as described in 16 below.
5. This information will be provided in the form of a GIS layer referred to in this agreement as the Heritage Database Layer.
6. The parties agree to an independent confidential audit of the information to be provided. The auditor will have appropriate heritage experience to review the information and will need to be satisfied that the quality of the information will withstand legal scrutiny. Both parties will agree jointly on the appointment of the auditor. The auditor will not disclose the content of the inventory to any party and is bound to protect iwi intellectual property rights. The Auditor however needs to be satisfied with the quality and accuracy of the information. The auditor may also provide the iwi group with professional technical advice to improve the quality of the information or data provided. The Auditor will report back to both parties the findings of the audit. Any deficiencies identified by the auditor are to be rectified by Ngāti Hikairo. In principle the cost of the audit will be shared between Ngāti Hikairo and Council. The cost sharing arrangements will be an item for discussion and confirmation through a Memorandum of Understanding.

## PART C – USE OF INFORMATION

7. All intellectual property and information gathered will be retained by Ngāti Hikairo. This agreement does not restrict or limit the use of this information by Ngāti Hikairo.
8. Council and Ngāti Hikairo agree that the Heritage Database Layer will be used to inform and guide the resource consent process in relation to activities potentially affecting sites of cultural and heritage significance to Ngāti Hikairo.
9. Where a site is likely to be affected by a resource consent application, Council will in the first instance refer applicants for resource consents to the Resource Management Committee of Te Rūnanganui-ō-Ngāti Hikairo so as to provide an opportunity for the applicant to consult with Ngāti Hikairo and obtain their written approval as an affected party. As part of a resource consent process, Council may require more detailed information as to the site and the potential effects on a site as the result of a proposed activity and may therefore request the applicant to provide further information or commission a cultural impact assessment at the applicant's cost or consult itself.

10. Council and Ngāti Hikairo will agree appropriate tools and mapping techniques to represent this material in Council statutory or non-statutory documentation.
11. Council will include a reference in the Ōtorohanga District Plan acknowledging the importance of the Ngāti Hikairo Heritage Management Plan and encouraging its use. The Heritage Management Plan will inform the drafting of the relevant objectives, policies and rules of the District Plan and reflect as appropriate the intent of Ngāti Hikairo Heritage Management practice.
12. Council will also use the information identified in the Heritage Database Layer to inform PIMS, LIMS and Building Act applications. Council will use this information only for the purpose of advising applicants for consents where there are sensitive sites which may be affected by the proposed application and therefore may require resource consents to be lodged and the opportunity for consultation to be undertaken with Ngāti Hikairo.
13. Council and Ngāti Hikairo agree that any other use of the information contained in the Heritage Management Plan and the Heritage Database Layer may be requested in other regulatory and non-regulatory processes not specified in this agreement. The process of managing such requests will be facilitated through a Memorandum of Understanding between Ōtorohanga District Council and Te Rūnanganui-ō-Ngāti Hikairo which is in the process of development.

#### **PART D – STORAGE OF INFORMATION**

14. Ngāti Hikairo will ensure that the information is stored in a safe place with an appropriate backup system kept in another location. Council will be advised as to who retains the information and the location of the backup data.

#### **PART E – MAINTENANCE AND ONGOING USE OF INFORMATION**

15. Ngāti Hikairo will nominate a representative or contact person as the liaison person for Council. Council agree to do the same. If there are changes in representatives or staff the relevant party will notify the other. The two parties will make themselves available to each other on an 'as and when' required basis. Council acknowledge that Ngāti Hikairo are specialist advisors in this area and will be accorded the same respect as other professional advisors.
16. Where Ngāti Hikairo agree to divulge information specific to individual sites as part of the regulatory process (District plan or resource or building consent processes) the parties agree to protect the integrity of the information and acknowledge that this will involve an ongoing relationship that requires commitment.
17. Where a meeting between the applicant, Council and Ngāti Hikairo is deemed necessary by Council staff or the nominated contractor during the processing of consent, Ngāti Hikairo representatives agree to meet with consent applicants to explain the significance of sites. These meetings will be arranged and attended by Council staff or nominated contractors. The costs associated with the attendance of Ngāti Hikairo will be recovered by Council and will be notified as part of the Memorandum of Understanding development process and updated annually.
18. The Council and Ngāti Hikairo agree to meet at least annually to review any issues that may arise to discuss any issues arising from this agreement. The purpose of these meetings is to resolve issues to ensure the on-going health and longevity of the relationship.



19. It is acknowledged that there are costs associated with the use, provision and maintenance of data. Council may enter into a lease agreement to fund the above processes. Council may negotiate an annual lease fee for these. Alternative forms of funding may be considered including supporting applications for funding from other parties, sharing of advice or resources or any other form of in-kind agreement that may be reached.
20. The Council and Ngāti Hikairo agree to review the intent and aspirations of this agreement together with the processes used to operate it in order to identify and implement improvements. The review will be facilitated through a Memorandum of Understanding between the Council and Ngāti Hikairo. Both parties have the ability to withdraw from the agreement at such time though there is a generally shared expectation that the agreement will be ongoing.

**Dale Williams**  
**Mayor - Ōtorohanga District Council**  
 Date 7 June 2010

**Kingi Porima**  
**Chairperson - Te Rūnanganui-ō-Ngāti Hikairo**  
 Date 7 June 2010



Appendix 1:

# Te Rohe o Ngāti Hikairo

(highlighted in blue)











Pipi Barton & Frank Thorne  
Resource Management Committee  
Te Rūnanganui o Ngāti Hikairo  
[www.ngatihikairo.iwi.nz](http://www.ngatihikairo.iwi.nz)