

**BEFORE THE HOROWHENUA DISTRICT COUNCIL  
WAITARERE BEACH ROAD CURVES PROJECT**

In the matter of the Resource Management Act 1991

and

In the matter of a notice of requirement by the NZ Transport Agency for an alteration to the State Highway 1 Designation from 410 metres south of the intersection with Clay Road to approximately 1.7 kilometres north of the intersection with Waitarere Beach Road

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**STATEMENT OF EVIDENCE OF MORRIS TE WHITI LOVE (CULTURAL) ON  
BEHALF OF THE APPLICANT**

31 May 2016

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## QUALIFICATIONS AND EXPERIENCE

1. Tēnā koutou. Ko Morris Te Whiti Love toku ingoa. My name is Morris Te Whiti Love. My tribal affiliations are to Te Atiawa, Taranaki, Ngāti Ruanui and Ngāti Tama iwi of Taranaki. I am the managing director of Raukura Consultants, a resource management consultancy specialising in Māori issues.
2. I have the following qualifications and experience relevant to the evidence I shall give:
  - (a) I have a Bachelor of Engineering (Agricultural) degree from the University of Canterbury, awarded in 1974, and in the early stages of my career I worked for various local authorities in water and soil engineering roles;
  - (b) I have held roles in Central Government advising on Māori Resource Management matters: with Maruwhenua,<sup>1</sup> which was part of the Ministry for the Environment; and in Manatu Māori, which has since been incorporated into Te Puni Kōkiri;
  - (c) I was Director of the Waitangi Tribunal for seven years;
  - (d) I am the Chairman of the Wellington Tenths Trust, an Ahu Whenua Trust; and
  - (e) I am a Trustee of Port Nicholson Block Settlement Trust.
3. I confirm that I have read the 'Code of Conduct' for expert witnesses contained in the Environment Court Practice Note 2014. My evidence has been prepared in compliance with that Code. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

## BACKGROUND AND ROLE

4. I have been engaged to advise the New Zealand Transport Agency ("**Transport Agency**") in respect of its proposal to improve the Waitarere Beach Road Curves section of State Highway 1 ("**SH1**"), to the north of Levin.
5. The proposals include the Transport Agency's Notice of Requirement ("**NoR**") for an alteration to a 4.3 km stretch of the existing SH1 designation between 410 metres south of the intersection with Clay Road to approximately 1.7 kilometres north of the intersection with Waitarere Beach Road in order to carry out the physical works to improve the road ("**the Project**")<sup>2</sup>. I understand resource consents necessary to authorise the works will shortly be applied for separately.
6. My role in the Project has included:

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<sup>1</sup> Now named Kāhui Taiao.

<sup>2</sup> The Project also includes upgrading and realigning the intersections of Waitarere Beach Road and Clay Road, addition of slip lanes and turning bays, and improved lighting and signage at Poroutawahao School.

- (a) gaining an understanding of the cultural impacts of the Project by assisting in the process of identification of sites of significance to iwi along with the areas of ancestral lands, waters and sites; including through discussions and consultation with tangata whenua. This consultation included gaining an understanding of the protocols for tangihanga and burials and te tikanga o te marae/marae protocol;
  - (b) ensuring the Transport Agency and its consultants are able to interact with the iwi members on the marae in a culturally appropriate way;
  - (c) facilitating the input of iwi, hapū, marae and Māori land owners into the design of the Project; and
  - (d) assisting the Transport Agency in understanding the role of the Māori Land Court and Te Ture Whenua Māori Act with regard to Māori Reservations, Māori Reserves, Māori Land and how the Court deals with land takings. I note I do not give legal advice in this respect.
7. I have been involved in reviewing the design of the Project from the cultural perspective to ensure that matters such as the marae entrances are designed well and that important procedures such as the transport of tūpāpaku (the deceased) from the marae to the urupā across the State Highway can be done safely and culturally appropriately.
8. I have worked closely with the Project archaeologist Daniel Parker and rely on his expert knowledge around actual and potential archaeological sites in the area. My evidence should be read alongside his.
9. I note that the Project is part of the broader North of Levin section of the wider Otaki to North of Levin ("O2L") project, which is in turn part of the Wellington Northern Corridor road of national significance ("RoNS"). I am involved in advising the Transport Agency on North of Levin and on O2L more broadly.

#### **SCOPE OF EVIDENCE**

10. The purpose of my evidence is to provide context to the cultural values associated with the Project site and surrounding area, based on information:
- (a) set out in the Cultural Impact Assessment ("CIA") prepared on behalf of Muaūpoko Tribal Authority;
  - (b) gathered through discussions with Ngāti Huia tribal members, and members of Muaūpoko; and
  - (c) research carried out by me and others involved in the Project, including Daniel Parker (the Transport Agency's archaeological consultant).
11. I summarise the cultural issues and effects raised in the Muaūpoko CIA, in discussions with iwi, and in submissions. I then address what the Transport Agency has done to respond to those issues. I also comment on the conditions proposed by

the Transport Agency (in respect of the NoR) that are particularly relevant to cultural issues.

12. My evidence will address the issue of the lack of a CIA from Ngāti Huia and how the matters that might have been addressed in such a report have been addressed by the Transport Agency, including following discussions with Ngāti Huia.
13. I also touch briefly on the taking of Māori land associated with the Project.

#### **EXECUTIVE SUMMARY**

14. The area generally known as Poroutawhao has been of importance for Māori for many centuries. That is reflected today in both significant cultural interest and residual Māori land interests including:
  - (a) two active marae;
  - (b) an active urupā;
  - (c) a Māori church; and
  - (d) many sites of previous pā, kainga and whare along with more ancient burial grounds.
15. The streams and swamps were also of cultural importance, along with the forest (of which there is only a small amount remaining). In short, this is an area where Māori interests dominate.
16. As is common in much of the southern area of the North Island, earlier tangata whenua tribes held mana whenua status. In this case it was largely Muaūpoko, who still hold that status slightly to the south of Poroutawhao around Lake Horowhenua (both to the east and to the west). The later arrivals prior to European settlement were hapū of Ngāti Raukawa and specifically in this area Ngāti Huia and Ngāti Huia ki Matau with their current bases at Huia Marae and Mātau Marae.
17. Much work was done from 2014 (and before) until the present time by the NZTA and its consultants to actively consult with both Ngāti Huia and Muaūpoko to effectively shape a roading project that would:
  - (a) achieve both the roading objectives; and
  - (b) deal with the various cultural imperatives including the safe and effective access to both marae and the neighbouring urupā.
18. The Project largely avoids cultural sites of significance and manages the flow of streams so as to minimise any cultural impacts.
19. I believe the end result, being the proposed Project, will meet these objectives (especially the cultural ones).

## DISCUSSIONS AND RESEARCH UNDERTAKEN IN RESPECT OF THE CULTURAL VALUES OF THE PROJECT AREA AND EFFECTS OF THE PROJECT

20. Section 6 of the AEE summarises the extensive discussions and consultation with iwi carried out by the Transport Agency in respect of the Project, commencing in 2011.
21. Below I set out my additional thoughts on those discussions. As a general point I would add that the Marae members and local whanau have expressed concern about safety in the area, and many had connections with whanau or others who had been killed or injured in the area.
22. Meetings on this Project with iwi at Poroutawhao date back to April 2013 when the Project team met with members of the iwi and the community about the possible shape of the project. On 22 April 2014 there was a meeting at one of the whanau houses near SH1 with Māori landowners and whanau members, as well as others in the immediate community. At that meeting it was noted among other things that Mātau Marae had been located to the west of its present site. The old building was buried on that site and the new Marae built to replace it. It was also noted that there was an old marae site near Paeroa Road and the present SH1. There was also discussion about the Māori road lines such as Paeroa Road.
23. On 9 November 2014 we did a site inspection at Waitarere followed by a meeting at Huia Marae. On 5 December 2014 we met with Rupene Waaka who Ngāti Huia had asked to prepare a CIA in respect of the Waitarere /Poroutawhao area.
24. From 25 February 2015 onwards I attended other site visits with iwi members from Ngāti Huia, Huia Marae and Mātau Marae. I attended meetings at Huia Marae, Mātau Marae and at local whanau houses to discuss alternative alignments and options as well as to be informed of local Māori sites of significance in the area and the use of roads in the area to serve the Marae, church and the urupā in Paeroa Road.
25. Members of the Bretheran church, Whare Rongopai, attended several of these meetings. The church members were also whanau members associated with the Marae.
26. On 5 December 2014 we met with Muaūpoko Tribal Authority members at their offices in Levin to discuss the Project and to understand their interest in the proposed works. Other meetings with them were to follow in 2015. They noted that their interest at Waitarere/Poroutawhao was different from that of Ngāti Huia as they did not own land, Marae or urupā. They were specifically interested in the possible discovery of taonga during the project works. These taonga could originate from the earlier era when Muaūpoko held mana over this land, prior to the occupation of Ngāti Huia.
27. In these meetings there was a confirmation of Māori land blocks potentially affected by the Project, including Māori roads. At one meeting a representative of Te Tumu Paeroa (The Māori Trustee) was in attendance as they administer Māori land that will be affected by the Project. I also attended a community workshop on 20 July 2015 at the Poroutawhao Hall at which iwi members were also present.

### **Commissioning CIAs**

28. I consider that thoroughly prepared CIAs provide the ideal basis on which to understand the cultural values associated with an area, and the potential effects of a project on those values.
29. It was anticipated that there would be more than one cultural impact assessment (CIA) for this Project:
  - (a) The first CIA was to be from Ngāti Huia, either one each from Huia Marae and one from Mātau Marae, or a single Ngāti Huia CIA.
  - (b) Another CIA was to be commissioned and delivered from Muaūpoko Tribal Authority to cover the Muaūpoko interest in the Proposal.
30. I assisted in drafting a brief for separate CIAs associated with the Project for both Ngāti Huia and Muaūpoko (see my response to submissions below for more detail). The Muaūpoko CIA was subsequently prepared, and has been included as Appendix M to the AEE lodged with the Project NoR.
31. Early on in the process it was decided by the two Ngāti Huia Marae members, that one Ngāti Huia CIA would be produced covering the two Marae and the Poroutawhao area generally. It was agreed that Rupene Waaka would prepare the report under contract to NZTA and a draft brief was prepared for that contract. Numerous attempts were made to contract Mr Waaka to write a CIA for them, but to date the Transport Agency has not been able to obtain a CIA.
32. The Transport Agency is still attempting to obtain a Ngāti Huia CIA. A draft Ngāti Huia CIA was provided to the Transport Agency on the afternoon of Friday May 27 (shortly before this evidence was due to be filed). If a final version of that draft CIA is produced, I would be happy to provide my formal response as appropriate. I have not responded to the draft version in my evidence, as I do not think it would be appropriate to comment until the iwi have finalised the CIA.

### **Research**

33. Although not having a final CIA from Ngāti Huia before the Transport Agency's evidence was not ideal, it was recognised that this outcome may eventuate. That meant it was important to gain as much information, that would normally be contained in that report from the iwi and Marae people, including oral reports from kaumatua and others in the iwi, alongside archaeological reports and other historical documents such as the authoritative book *Horowhenua* by G. Leslie Adkin and the old native land court records.
34. Maori sites of significance, waahi tapu, and any burial grounds were identified in consultation with the iwi, hapū and marae along with the use of written sources such as *Horowhenua* by G. Leslie Adkin and through the Archaeologist on the Project (Daniel Parker) who is an expert on this area. Waters of significance were also identified along with any pā tuna.

35. The function and significance of the two Marae and the associated urupā was evidenced, particularly when it came to matters such as tangihanga where people arrive and leave via SH 1 and in some cases need to cross the State Highway for such events. Hui, Waitangi Tribunal hearings, and church services were also considered and factored into the design of the Project.
36. Through this research, and the many meetings with the iwi, the Project team was able to get a thorough understanding of the cultural background and its implications within the Project area.

## **CULTURAL HISTORY AND KEY ASSETS ASSOCIATED WITH THE PROJECT AREA**

37. In this section I briefly set out my understanding of the history of the Project area, and the key physical cultural assets in the area. This is based on research carried out by me and Mr Parker, the Muaūpoko CIA, and discussions with Ngāti Huia members.

### **History**

38. The Poroutawhao (Porotawhao) area was occupied for centuries by Muaūpoko well prior to the arrival of Europeans. They ranged widely over the Horowhenua in those times and even further south connecting with their kin of Ngai Tara and other descendants of Whatonga such as Rangitāne to the north.
39. As a result of the so-called musket wars, tribes from Kawhia and their kin from Ngāti Raukawa ventured south to join Ngāti Toa Rangatira and the Taranaki tribes, who in the early 19<sup>th</sup> century came first with taua or war parties and then in migrations from Waikato and Taranaki over the early to mid 19<sup>th</sup> century. The hapū of Ngāti Raukawa were the northernmost of these iwi and displaced Muaūpoko in many places from the Manawatu River through to Ōtaki. Muaūpoko remained strong in central Horowhenua and about Lake Horowhenua.
40. At Poroutawhao, Ngāti Huia were, and are, a dominant presence exercising mana whenua. Huia was the older son of Ngatokowaru and was the eponymous ancestor of Ngāti Huia. His brother Mātau became the ancestor of Ngāti Mātau. Hence the two Marae of Huia and Mātau which are now generally known as Ngāti Huia marae.
41. The Waitarere stream flowed through the area from the Te Konga-nui Lagoon to the Waimakaira Swamp through where the present SH1 is located. The area is also divided from west to east by a dune ridgeline known as Tauheke Ridge.

### **Ngā Haere Pa, Huia and Mātau marae, and Wharerongopai**

42. On part of Tauheke Ridge west of SH1 and south of Waitarere Road was built Ngā Haere Pā, sometimes known as a gunfighter pā. This was a Ngāti Huia pā being built around 1872. Although the pā was palisaded and had a wharepuni named Ngā Potiki it did not persist and farming took over much of the land. Little of the pā remains today and the Project avoids that site.

43. Huia Marae is set well back from SH1, on the south-western side of the highway, in farmland with a wharenuī and wharekai and other buildings with access off SH1. Its current entrance is just south of the location identified as Hinaupiopio with little provision for the turn into the Marae driveway. The new highway design will provide a much safer entrance from a wider shoulder and improved access from SH1 at the Marae entrance plus a new entrance via Hinaupiopio. Kaumātua identified another possible old pā just off Paeroa Road near the present SH1, however this may have been Ngā Haere Pā.
44. Mātau Marae is also set back from SH1 but to the north-east, having access off Clay Road. The current entrance to Clay Road is difficult and the access across SH1 to the urupā at Paeroa Road is very difficult. The new proposed road with dedicated turning facilities from SH1 to Clay Road, and new intersection at Hinaupiopio will provide better access into the slip road west of SH1. It will lead to a long slow local lane along to Paeroa Road and thence up to the urupā. These layouts have involved many iterations with input from the marae people and others over some considerable time.
45. Whare Rongopai is a Brethren Church with strong connections to the Kerehoma (Graham) whanau and is used intermittently. It will be largely unaffected by the Project, however there will be some improvement to its entrance from SH1.

#### **EFFECTS OF THE PROJECT ON CULTURAL VALUES**

46. The question as to whether the failure to have a final CIA provided by Ngāti Huia before the exchange of evidence means that the Project cannot adequately address cultural impacts needs to be addressed. In my opinion, as explained above, the Transport Agency has made significant efforts to obtain a CIA from Ngāti Huia and in the absence of one has gained considerable and sufficient information to appropriately assess cultural effects.
47. I note in summary these cultural impacts and how they are addressed by the application.
- 47.1 *That access to Huia and Mātau Marae is made as safe as possible with the addition of lanes off SH1 for the purpose of hui and tangi:* The access designs were the result of extensive consultation and varying the design to achieve the best options for entering the marae for tangihanga and hui as well as for Mātau Marae to enable a funeral cortege to cross SH1 safely. The intention for Huia Marae was to improve the entrance and exit to the Marae and to connect with the urupā at Paeroa Road. I believe this has been achieved.
48. In his evidence, Mr Lee outlines the discussions and investigations that led to the inclusion of the slip road and improved access to Mātau Marae, Paeroa Road, and the urupā. I agree with his comments that Ngāti Huia ki Mātau were primary drivers for the major change to the design of the Project.
49. *That access from both marae is made as safe as possible to the urupā in Paeroa Road for tangihanga and whanau visits:* Many options were investigated to access

Paeroa Road including one which that have cut through the dune ridge beside Waitarere Beach Road, which may well have unearthed archaeological and koiwi remains. This option was avoided by the current design which evolved from suggestions made to the Transport Agency by iwi during consultation processes.

50. *That access to Whare Rongopai is made as safe as possible:* Whare Rongopai has long been situated very close to SH1 with its entrance directly off SH1. Many road alignment options were looked at, some of which brought the road closer to the church building. The current alignment allows more space to achieve an area to turn into the entrance coming from the north. Traffic from the south would turn around at Hinaupiopio before entering the driveway from the north. I consider this has provided a much safer situation, as confirmed by **Mr Tate** in his evidence.
51. *That Māori sites of significance such as old pā sites, urupā, waahi tapu are avoided:* Through the long process of consultation and discussion I believe the NZTA has identified the old pā sites. However, it is always possible that burials unknown to present generations exist and care needs to be taken during earthworks if koiwi (bones) or other cultural items are accidentally discovered. This is addressed by **Mr Parker** in his evidence for the Transport Agency.
52. *That Māori Reservations are avoided:* There is Māori Reservation land adjacent to Mātau Marae and SH1. The design of the Project avoids that land. To my knowledge this is the only Māori Reservation likely to have been affected by the Project.
53. *That the taking of Māori land is reduced to a minimum and that any Maori land taken will be appropriately compensated:* The roading improvements at Waitarere could not completely avoid the taking of Maori freehold land, however this has been kept to a minimum by careful design. The overall result will be a marked improvement for all whanau from the area with the safer access to the marae and urupā.
54. *That the appropriate people have been widely consulted and have had a good opportunity to input into the design of the project and that input has been taken into account:* I have not listed all the meetings that the Project team had with the people of the Marae and the local iwi community. However, it was very extensive and at those meetings/hui much important information was shared with the Project team about how the Marae and iwi use the area and their connections with people and places. This has in turn directly led to a number of design changes to the Project (for example, to avoid the Māori reservation referred to above).
55. In summary, as a result of the Transport Agency working closely with iwi in the area, an acceptable and safe solution of the access to the Marae and urupā has been achieved with a connector road parallel to SH1 and improved entrances/exits.
56. The iwi of Ngāti Huia, and Huia and Mātau Marae in particular, have worked closely with the Project team to ensure the Marae, which are a major part of this community, can function efficiently as a cultural and social centre of the community. The project will ensure that the Marae or iwi can access the urupā in Paeroa Road both for tangihanga and for those visiting the urupā. As explained in the evidence of **Mr Peet**

the entrances to the Marae at present are not safe and are difficult for iwi members to negotiate. The new designs will improve these entrances significantly for both marae and the design will assist iwi members crossing SH1 for hui and tangihanga.

57. Safety on and beside SH1 has been an issue for the marae and the iwi members both in terms of those who still live in the district and those returning for marae events including tangihanga. Many of the whanau the Project team talked to had close relatives injured or killed in this area over the years.
58. The entrance to Whare Rongopai will be improved.
59. Any Maori sites of significance, such as Ngā Haere Pā site, have been avoided.
60. The cultural impact assessment from Muaūpoko sets out their connection with the site and environs, and puts forward their cultural effects assessment model. Muaūpoko raised a number of issues, including:
  - (a) a wish to be consulted on place names for the Project;
  - (b) their particular interest in the management of areas such as the Waimakaira swamp, the kopua pangopango swamp, Kaihuka and the networks of man-made water courses created by Maori to provide integrated fish habitats throughout the area;
  - (c) how the Project deals with water courses and water bodies; and
  - (d) accidental discovery protocols, taking into account that there could still be sand burials in existence in the area. In relation to this they sought input into consent conditions and Management plans, and in particular they proposed an iwi accidental discovery protocol for the Project.
61. These requests have been met by the Transport Agency. Watercourses identified as being of significance to Maori have been avoided in the location and design of the Project, and the streams and drains that are crossed will be improved within the project area, including some riparian planting. Fish passage will be enhanced, and iwi involvement in archaeological investigations is provided for.

#### **CONDITIONS**

62. There is a need for an inclusive accidental discovery protocol which covers not only Ngāti Huia but also Muaūpoko. The conditions proposed by the Transport Agency with a schedule of "on Call Procedures" to be implemented in the event of a discovery of cultural or archaeological artefacts or features during the construction part of the project in any area not covered by the archaeological authorities should be sufficient in this regard.
63. Although this matter will be addressed in the evidence of the Transport Agency's archaeologist, Daniel Parker, and planner, Sylvia Allan, I would add that such a condition is essential to cover the eventuality that Māori cultural material such as koiwi

(bones), taonga (carved bones and stones) middens, burnt stones and the like which may be found along the proposed route.

#### **TAKING OF MĀORI LAND**

64. The taking of Māori land for the Project has been kept to a minimum, and no Māori Reservation land is affected.
65. It is recognised that some Māori land will be required for the Project. None of this land is Māori Reservation land, but the land is Māori freehold land, some with multiple owners. One property is a home occupied by a local kaumatua and another piece is managed by Te Tumu Paeroa (the Māori trustee) and leased to a local farmer. The design has been to try to minimise these takings, and to avoid Māori reservations.
66. The design will affect Māori roadlines at Paeroa Road, however the use of that land will remain as part of the local roading structure.

#### **RESPONSE TO SUBMISSIONS AND SECTION 42A OFFICER'S REPORT**

67. In this section of my evidence I respond to submission points that relate directly to the Māori cultural values of the Project area, and the potential cultural effects of the Project. The relevant submission points are mainly set out in the submission from Neville Whetu Heihei and Justin Tamihana representing Mātau and Huia Marae ("**Marae submission**"), with support from Te Tumu Paeroa from Revell Wise for the Māori Trustee ("**Māori trustee submission**") and the Poroutawhao Community Group submission.
68. I will deal with matters on an issue by issue basis. I note that the Māori trustee submission and Poroutawhao Community Group submission do not raise any specific issues not addressed in the Marae submission, so I have focussed on the Marae submission in responding.

#### **Ngāti Huia CIA**

69. The submission from Neville Whetu Heihei and Justin Tamihana representing Mātau and Huia Marae (the "**Marae submission**") contends that a CIA should be commissioned and provided that "*accurately identifies the cultural impacts to the Tangata Whenua of Poroutawhao*" before the NoR is considered at a hearing.
70. The Marae submission states that the CIA that has been included with the NoR "*does not show in any way the significant cultural impacts on Ngāti Huia.*" This is for the simple reason that the NoR that has been included in the NoR was drafted on behalf of Muaūpoko. Contrary to what the Marae submission states, this does not reflect a failure to consult with Ngāti Huia. Instead, the Transport Agency's intention (which I support) has always been that there would be a separate CIA prepared to address Ngāti Huia cultural values and effects.
71. The Transport Agency has since 2014 been seeking to commission a CIA that would be prepared on behalf of Ngāti Huia. Mr Lee discusses the steps taken by the

Transport Agency in his evidence. I am familiar with the discussions between the Transport Agency and Ngāti Huia about the preparation of a CIA (and have participated in some of those discussions).

72. In my view the Transport Agency's approach to commissioning a Ngāti Huia CIA was appropriate. I consider the Transport Agency has acted in good faith and in a transparent and honest manner in its discussions with Ngāti Huia.

73. The Marae submission sets out that:

*"Previously Ngāti Huia were invited by NZTA to submit a CIA as recognised tangata whenua, however we were unable to achieve this as ongoing conversations between NZTA and Ngāti Huia were based around proposed draft plans and not the final plans."*

74. An advanced draft (at least) of a Ngāti Huia CIA addressing the topics covered in the brief could have been completed well before a final roading layout was determined, as the area of (potential) work was always going to be confined along the general area of the existing roading alignment. The CIA was never intended to focus on just the function of the proposed new road.

75. I set out in **Annexure MTL1** the draft brief for a CIA, first provided by the Transport Agency (on my advice) in September 2014.

76. Most of the material sought in the brief could have been provided well ahead of the final roading layout. As it turned out Rupene Waaka was unable to provide such a report and in the course of events an alternative author was not found (despite many efforts by the Transport Agency and offers of help in putting a CIA together).

77. Although Muaūpoko were contacted much later in the piece and a similar offer made they were able to make a tight timetable. Their report however is more general than that expected from Ngāti Huia, who are the modern tangata whenua.

78. It is regrettable that no final Ngāti Huia CIA has been prepared. It is always desirable that a CIA is produced to ensure all matters are taken into account. This can largely be done ahead of the final alignment and design being completed. That was why a CIA was sought in 2014 from Ngāti Huia. It may have been a near final draft to see if any additional matters arose from the final design but as can be seen from the CIA brief above that could have easily been completed.

79. In my view the Transport Agency took reasonable steps to commission a CIA, including drafting a brief, and approaching Ngāti Huia representatives numerous times since September 2014.

80. As set out above, a draft Ngāti Huia CIA was provided on Friday May 27. I would be happy to respond to a final version of that CIA, once it is provided.

81. Similarly, the submission from Revell Wise on behalf of Te Tumu Paeroa that NZTA have not fulfilled their legal requirements to take into account cultural impacts because

Ngāti Huia have not submitted a CIA does not reflect the fact that the extensive consultation with Ngāti Huia has spelled out those potential cultural impacts.

82. Further, as discussed above, I consider that the work done by the Transport Agency (including through research and discussion with Ngāti Huia representatives) has given the Transport Agency a good basis for understanding the cultural values associated with the Project area, and the potential cultural effects of the Project. This has in turn led to changes to the design of the Project to take those values and effects into account including as provided by Ngāti Huia themselves, discussed above and in Mr Lee's evidence.

#### **Effects on the marae**

83. The Marae submission states that both the Huia and Mātau marae would be "significantly affected" by the Project.
84. This submission came as a surprise as the Project team had worked extensively with both Marae on the design of much safer entrances to them to ensure traffic could come off the fast moving SH1 into slower traffic lanes and likewise exiting the marae was much improved. These had been worked over many meetings and it was thought there was a good understanding of how these would work. The crossing of SH1 from Mātau Marae by a funeral cortege was carefully considered.
85. The Project does not move the state highway significantly closer to either marae and consideration was given to noise effects of the traffic as compared with the existing situation. I am unsure of what other matters which would cause the marae to be "significantly affected".
86. An issue was raised that the acquisition of the house on the entrance to the driveway to Huia Marae would leave the marae more vulnerable to people entering the marae. I note that the new access would pass by three houses rather than just one with the existing arrangement, and will be less directly off SH1. The Project in this way probably increases security for the marae.
87. Finally, as mentioned above the final design reflected the input from Ngāti Huia.

#### **Safety of children attending Poroutawhao School**

88. The Marae submission notes that a number of Ngāti Huia members attend Poroutawhao school, and expresses concern about the safety of those school children. I note that safety issues are dealt with extensively by **Mr Tate** and **Mr Peet** in their evidence.

#### **The designation / status of Paeroa Road**

89. The matter of the "designation" of Paeroa Road is also a matter to be dealt with elsewhere as a land ownership issue.

### **Section 42A officer's report**

90. The section 42A report states (at 11.5.2) that a Ngāti Huia and Ngāti Huia ki Mātau CIA has not been able to be completed due to final plans not being provided by the Transport Agency until just before the NoR was lodged. In my view, this does not reflect the content and purpose of a CIA. The CIA is the iwi's opportunity to clearly state what is important to them in the broad area affected by the Project. That information has been well known for some time. The CIA is largely based on iwi interests going back before the original state highway was built. There is little in a CIA that is dependent on the fine details of a final design for the Project.
91. The Project has had the advantage of significant input from iwi and hapū members of a long period of time, so the Transport Agency was asked to shape and reshape the design of the elements such as the entrances to the marae and the connection between the marae and the urupā in particular.
92. At 11.5.16 the section 42A report states
- "It is not clear from the CIA (from Muaupoko) whether the cultural effects would be any more than minor, with this and the absence of a CIA from Ngāti Matau and Ngāti Huia I am not able to say with any certainty that the cultural effects would be minor or how they could be mitigated"*
93. In this regard the information on cultural effects provided by the applicant as a result of the extensive consultation with both Ngāti Huia and Muaūpoko provide a good basis to assess these effects. Once a final version of the Ngāti Huia is provided, the Transport Agency will be in a position to respond to any additional issues raised.

**Morris Te Whiti Love**

**31 May 2016**

## **ANNEXURE MTL1: BRIEF FOR NGĀTI HUIA CIA**

### **Introduction and Background**

The cultural values report will focus on the takiwa of Ngāti Huia in the vicinity of the existing State Highway One (SH 1) around what are known as the Waitarere curves. It will trace the traditional history of Ngāti Huia and related iwi and hapu of the area and their connection to the land. It will give a brief history of the major land 'takings' for SH 1 with land held by Maori of the iwi and hapu. The report will identify Maori sites of significance in the area including waahi tapu, sites on land and in waters such as rivers lakes and stream, puna and springs of cultural significance. The report will describe the activities under the broad heading of the exercise of kaitiakitanga in the area (takiwa). The report will outline the whakapapa of the people to the land and the connections to neighbouring takiwa and the surrounding iwi and hapu.

### **Structure of the Report**

1. A traditional history of Ngāti Huia and other iwi/hapu of the area from the heke that brought the people to the land to the settlement of the land with primary allocations prior to the partitioning of the land to hapu and whanau. A full block history is not required however the broad detail of the occupation of the land should be set out.
2. The Maori sites of significance in the takiwa should describe known sites in the takiwa including traditional Pa, kainga, urupā, and garden sites, Pa tuna, tuahu and so on including baptismal sites and places where the dead are prepared for burial. This would extend from those older sites to those used in the present day including marae, papakainga, urupā and so on. The report will detail any Maori reservations in the area. The report would also identify where it is possible places where pre-European archaeological may arise including, but not limited to: koiwi (bones), middens, modified soils (for traditional gardens), burnt stones, worked remnants of stone and wood, and the like.
3. The exercise of kaitakitanga included the traditional work to maintain Pa tuna, Pa harakeke and sites where rongoa, taonga raranga and other materials were gathered, prepared and nurtured. The importance of places in the rivers, streams, swamps and lakes for various traditional activities including fishing and cultivating various plants.
4. A general statement about the significance of the whenua and the holding of the existing pieces of land be it Maori land of general land owned by Maori. This section would focus of the proportion of the land still held in Maori ownership compared with the situation prior to 1865 and in say 1965 with that today?
5. The report would move to focus on particular whenua and awa in the path of the preferred roading alignment including any particular sites of significance.
6. The report would also highlight and particular Treaty of Waitangi claim issues that may affect the roading proposal.

7. The report would look at the need for an accidental discovery protocol for sites which might arise during construction which are not already covered by areas where a full archaeological survey is done as a part of the roading project.
8. The report would set out the important cultural values associated with the route options. It would also identify any further matters that may be important related to section 6(e) sites of significance to Maori, section 7(a) kaitiakitanga and section 8 Treaty of Waitangi of the Resource Management Act.
9. The report would also cover various Maori land interest along the proposed route including but not limited to the following:
  - a. Manawatu-Kukutauaki 7D Section 2D No 16 and Section 3 Survey office Plan 28705
  - b. Manawatu-Kukutauaki 7D Section 2D 36A
  - c. Manawatu-Kukutauaki 7D Section 2D Sub No 60 C

