



SUBMITTERS' EVIDENCE

**Hearing before
independent commissioners
appointed by Tasman
District Council
concerning:**

An application for resource consent by CJ Industries Ltd for:

- Land use consent RM20048 for gravel extraction and associated site rehabilitation and amenity planting
- Land use consent RM200489 to establish and use vehicle access on an unformed
- Discharge permit RM220578

Hearing date:

21-22 and 24 November 2022

Submitters:

Te Ātiawa Manawhenua ki Te Tau Ihu Trust – submitter 143
and
Te Rūnanga o Ngāti Rārua – submitter 144

INTRODUCTION

1. Te Ātiawa Manawhenua ki Te Tau Ihu Trust and Te Rūnanga o Ngāti Rārua have made separate written submissions to the application by CJ Industries Ltd for resource consents associated with the extraction of gravel, stockpiling of topsoil, and reinstatement of quarried land, with associated amenity planting, signage and access formation at 134 Peach Island Road, Motueka.
2. Te Ātiawa Manawhenua ki Te Tau Ihu Trust and Ngāti Rārua are both iwi authorities in terms of the Resource Management Act 1991. Te Ātiawa Manawhenua ki Te Tau Ihu Trust is the mandated iwi authority for Te Ātiawa in Te Tau Ihu (the top of the South Island) and Te Rūnanga o Ngāti Rārua is the mandated iwi authority for Ngāti Rārua.
3. Both Te Ātiawa and Ngāti Rārua oppose the application.
4. We wish to present joint evidence.
5. This evidence has been prepared on behalf of Te Ātiawa and Ngāti Rārua by:
 - Daren Horne – Tohu Kaitiakitanga (Taiao Cultural Advisor), Te Ātiawa Manawhenua ki Te Tau Ihu Trust
 - Sylvie Filipo – Pouwhakahaere Taiao (Environmental Manager) Te Ātiawa Manawhenua ki Te Tau Ihu Trust
 - Aneika Young – Poutohutohu Taiao (Environmental Advisor), Te Rūnanga o Ngāti Rārua
 - Rowena Cudby – Pouwhakahaere Taiao (Environmental Manager), Te Rūnanga o Ngāti Rārua.

6. Te Ātiawa and Ngāti Rārua whānau ki Motueka have contributed to the information contained in this evidence.

Te Ātiawa and Ngāti Rārua Statutory Acknowledgements

7. The *Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014* includes an acknowledgement from the Crown of the cultural, spiritual, historical and traditional associations that Te Ātiawa and Ngāti Rārua have with the Motueka awa.
8. The full text of these associations are included at Appendices C & D.



Figure 1: Te Ātiawa and Ngāti Rārua Motueka River Statutory Acknowledgement Area

Iwi management plans

9. In making a decision on an application for resource consent, iwi management plans can be considered under Section 104(1)(c) of the Resource Management Act 1991.
10. The 2014 *Te Ātiawa Iwi Environmental Management Plan (IEMP)* focuses on those environmental management kaupapa specific to Te Ātiawa. The IEMP was prepared by Te Ātiawa o Te Waka a Māui Trust and is included on the Tasman District Council's webpage of lodged IMPs.
11. The IEMP is mentioned in the submission of Te Ātiawa Trust. The relevant provisions of the IEMP are contained in Appendix A.
12. The Ngāti Rārua environmental strategy, *Poipoia Te Ao Tūroa*, sets out Ngāti Rārua values, priorities and aspirations for environmental management. *Poipoia Te Ao Tūroa* is an 'iwi management plan' prepared and mandated by Te Rūnanga o Ngāti Rārua o Ngāti Rārua and it was lodged with Tasman District Council in December 2021.

13. Provisions in *Poipoia Te Ao Tūroa* which are relevant to the subject proposal are included in the Ngāti Rārua written submission and repeated in full at Appendix B.

CONSULTATION UNDERTAKEN BY THE APPLICANT

14. An application for the subject activity was originally submitted on 8 July 2019, but returned by Tasman District Council as incomplete under Section 88 RMA on 17 July 2019. We do not have any record of engagement with iwi during that process. When the application was returned, the Applicant was advised by council that a cultural impact assessment (CIA) would be required from iwi, along with the Applicant's response to any recommendations arising from the CIA.
15. The application¹ was relodged on 15 June 2020. It did not include a CIA. Neither did it include an assessment of cultural effects in its AEE section².
16. The application reported on consultation undertaken with Tiakina te Taiao³ and Ngāti Kuia had been consulted and "concerns were raised primarily about the intention to cross the Motueka River with extracted material".⁴ The application had subsequently been amended so that access would no longer be across the river.
17. The Applicant has engaged with Te Rūnanga o Ngāti Rārua and Te Ātiawa Manawhenua ki Te Tau Ihu Trust since late 2020.
18. In February 2022 Te Rūnanga o Ngāti Rārua and Te Ātiawa Manawhenua ki Te Tau Ihu Trust submitted on the notified application for land use consent. We noted concerns that the assessment of cultural effects in the application documents was inadequate and disagreed entirely with the conclusion in the application that "Te Tau Ihu Iwi are not considered to be adversely affected by the proposal".
19. In his planning evidence, Mr Taylor has acknowledged that the application documents, as notified, did not clearly show the matters raised in consultation.⁵ In his evidence, Mr Taylor has reviewed iwi management plans prepared by Te Ātiawa and Ngāti Rārua and the Statements of Association for iwi that have Statutory Acknowledgement over the Motueka River and its tributaries against the application. We note that all of this information is publicly available and it is unfortunate it was not assessed earlier.
20. We acknowledge with appreciation that, in March 2022, the Applicant signalled to us a willingness to prepare a CIA. We do note though that this was nearly three years after the lodgement of the first application for this activity.
21. Authors of CIAs need to be endorsed by iwi/hapū/whānau in order for the report to contain a valid assessment of cultural effects from the perspective of those people. For Te Ātiawa and

¹ RM200488 & RM200489

² Applicant's planning evidence, pp. 29-32

³ Tiakina Te Taiao previously represented Ngāti Rārua, Ngāti Koata, Ngāti Tama, Wakatū Incorporation and NRAIT in resource management matters. In 2019/2020 Te Ātiawa was not represented by Tiakina te Taiao. Tiakina te Taiao ceased trading in March 2020, since that time engagement directly with the relevant iwi authorities/entities has been required.

⁴ Application RM200488, p.35

⁵ Applicant's planning evidence, p 50.

Ngāti Rārua, it is critically important that CIA authors have knowledge of local history and tikanga, and a positive relationship with iwi/hapū/whānau.

22. Unfortunately, in March 2022 there was no such person with capacity to undertake a CIA on the proposed activity at short notice. For that reason we agreed to work with the consultant provided by the Applicant. However by June it became apparent that this was not going to work. We have endeavored to prepare the CIA in-house, but unfortunately significant capacity constraints have meant it could not be achieved in the required timeframe.
23. We therefore address the range of cultural impacts on Te Ātiawa and Ngāti Rārua in our evidence.

GENERAL COMMENT ON S42A REPORT

24. Cultural effects are identified in the s42A report as a key issue for consideration in relation to the subject application. Council's reporting planner concludes that "it appears that only very limited consultation with iwi has been undertaken. Thus, Māori freshwater values have not been clearly identified and provided for". The reporting planner also notes that this is inconsistent with policy 2 and the overriding objective of the NPS-FM and relevant policies in the TRMP, in particular objective 10.2.2 and policy 10.2.3.2 (relating to cultural heritage sites).⁶
25. We submit that the potential effects of the activity on cultural values are wider than 'Māori freshwater values' and cultural heritage sites listed in the TRMP. The range of effects on cultural values and interests will be discussed further in the evidence below.
26. We note that the Te Ātiawa and Ngāti Rārua iwi management plans contain information that would have assisted Council's reporting planner in understanding the wider range of cultural values.
27. We also note that the statements of association in relation to the Motueka River statutory acknowledgements contain a wealth of information about cultural, spiritual, traditional and historical associations that Te Ātiawa and Ngāti Rārua have with the Motueka awa and surrounding area. An assessment of these statements of association would have assisted Council's reporting planner in understanding the wider range of cultural values.

EFFECTS OF THE ACTIVITY ON THE RELATIONSHIP OF TE ĀTIAWA AND NGĀTI RĀRUWA AND THEIR CULTURE AND TRADITIONS WITH THEIR ANCESTRAL LANDS, WATER, SITES, WĀHI TAPU, AND OTHER TAONGA

28. Section 6(e) in Part 2 of the RMA requires all persons exercising functions under the Act to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga. Section 7(a) requires particular regard to be had to kaitiakitanga.

⁶ S42A Report (ref REPC22-3-28), 13.7

29. The National Policy Statement for Freshwater Management 2020 (NPSFM) requires the management of freshwater in a way that gives effect to Te Mana o te Wai through measures including:
- prioritising the health and wellbeing of water bodies, then the essential needs of people, followed by other uses.
 - Involvement of tangata whenua.
30. The s42A report
- lists effects on cultural values as one of the key issues in relation to the proposed activity.
 - considers that Māori freshwater values have not been clearly identified or provided for, and that the application is consistent with policy 2 and the overriding objective of the NPSFM.
 - notes inconsistencies with TRMP objective 10.2.2 and policy 10.2.3.2, which relate to protection of cultural heritage sites.⁷
31. We agree with these statements in the s42A report but, as previously noted, submit that the range of cultural effects are wider than just 'Māori freshwater values' and cultural heritage sites listed in the TRMP.

TRMP cultural heritage site schedule incomplete

32. Some of the issues with equating TRMP cultural heritage sites with cultural values are outlined below.
33. It is a matter of ongoing concern to Te Ātiawa and Ngāti Rārua that the scheduled cultural heritage sites in the TRMP do not adequately recognise sites, places and taonga of cultural significance to tangata whenua. This is because:
- The TRMP 'cultural heritage sites' are drawn from archaeological records in the New Zealand Archaeological Association's Archaeological Site Recording Scheme (ArchSite) and the New Zealand Heritage List/Rārangi Kōrero. While some archaeological sites may also be sites of significance to Māori, not all sites of significance to Māori are recorded archaeological sites. In other words, the archaeological significance of an area does not necessarily correlate with the cultural significance of an area.
 - The ArchSite records are a guide only and generally based on reconnaissance rather than on accurate survey information. The coordinates of many of the sites in the database are of variable accuracy. In addition, the areal extents for many recorded sites are poorly defined. In practice, this has meant that some scheduled sites in the TRMP are recorded in the wrong place and/or the extent of sites such as kāinga, pā and urupā are not fully shown.
34. The TRMP notes the issues with accuracy of location, extent and significance of many of the scheduled cultural heritage sites is recognised in TRMP Policy 10.2.1.3.

⁷ S42A Report, 13.7 (ref REPC22-3-28).

Relationship of Te Ātiawa and Ngāti Rārua to Motueka awa

35. Te Ātiawa ki Te Tau Ihu established manawhenua through ngā hekenga of the late 1820s. Motueka became a primary area of occupation within Te Aorere rohe (Tasman region). Te Ātiawa acknowledges the allies of ngā hekenga, Ngāti Rārua (Tainui) and Ngāti Tama (Taranaki), as manawhenua ki Motueka.
36. Ngāti Rārua are tangata whenua iwi in Te Taihū and hold mana whenua in (inter alia) the Motueka region. Ngāti Rārua originate from the western coast of the King Country region and descend from those tupuna who travelled to Aotearoa on the Tainui Waka. Ngāti Rārua came to Te Taihū from the late 1820s and established pā and kāinga at numerous locations including lands at Motueka.
37. The descendants of those tūpuna of the early hekenga, still reside in Motueka today. Those hapū, who have since maintained the tribal fires, are recognised as 'haukāinga ahi kā roa'.
38. The range of association from Motueka is throughout the entire catchment and beyond, many Motueka coastal settlements, were spread out along the coastline.
39. Whitiareo (Peach Island) is part of a cluster of several islands within this stretch of the Motueka awa known as Awamate and Whitiareo, centred amongst the banks of surrounding occupation areas at Pakawau, Te Uma and Whakarewarewa. These areas are an extension of the Motueka settlements. Whitiareo was once divided by a small watercourse, allowing easy access. The Motueka Awa stop bank developments and realignment in the 1950s diverted the main channel to its current path.
40. The Motueka awa gave ngā hapū access inland to an abundance of food and taonga. The raupatu of the 1830s, gave passage into deeper areas inland under tribal dispute. The banks of the Motueka Awa are scattered with many stone and wood work sites, with remnants of settlement of earlier tribes.
41. Discussions with hapū have highlighted great concerns of the mauri of the Motueka Awa. The following comments were provided by Hone Katene, local Kaitiaki and descendant of Te Ātiawa Tupuna ahi kā roa ki Motueka, Hohaia Rangiauru, original landowner of Whakarewarewa:

Our tūpuna planted gardens, harvested from the land, and traded locally and through to Whakatū and Wellington.

Before the stop banks were built in the 1950s, there was an abundance of flora and fauna, birdlife, and fish species. The natural landscape of Whitiareo and the awa was ideal for catching eels and birds, including kererū. The awa was clean, plants and trees kept it shaded and filtered but today this is all gone.

Whitiareo represents the gateway to the Motueka Valley. There were several Pā situated around the catchment overlooking the Valley, Moutere, Motueka and Riuwaka basin. Whitiareo sits under 'Pakawau'.

42. The particular aspects of concern in relation to the activity have been outlined in our submissions. We note the measures taken to address environmental effects as outlined in

revised application documents and reports. Further measures required to avoid, remedy or mitigate adverse cultural effects are included below.

Measures required to avoid, remedy or mitigate adverse cultural effects

43. **Cultural induction** - The cultural induction is a tool used by haukāinga for all people doing physical mahi within the rohe to uphold kaitiakitanga and raise Māori cultural awareness. Prior to the commencement of physical works in sites and areas of cultural significance, it is an expectation that all relevant contractors will attend a cultural induction. This is an opportunity to share kōrero relating to the histories and cultural values of the area and ensure cultural safety for those who are unfamiliar with local tikanga.
44. **Iwi monitoring of all land disturbance** – an iwi monitor, mandated by both Ngāti Rārua and Te Ātiawa, will need to be engaged by the Applicant to oversee all disturbances within cultural layers for any suspected taonga/cultural artefacts or kōiwi tangata. The iwi monitor carries the important responsibility of activating discovery protocols, ensuring that the Site Manager is informed of discoveries and local tikanga are upheld.
45. **Cultural Health Indicator (CHI) monitoring** - it is recommended that several CHI assessments should be carried out to monitor the cultural health of the Awa and related environs prior to works, mid-way through the project and on completion of works, with an additional site visit five years post-works to assess remediation and enhancement measures.
46. **Duration of consent** – The term sought by the Applicant is 17 years. The s42A report writer has recommended a term of 15 years for the land use consents. Ngāti Rārua and Te Ātiawa consider that, for an activity that compromises the role of kaitiaki, a shorter term would be more acceptable and allow for a full earlier review of activities and methodology.

Changes to conditions proposed in s42A report

47. Changes to the proposed s42A report conditions sought by Ngāti Rārua and Te Ātiawa are set out below. Please note: proposed condition numbers are included in brackets.
48. **s128 condition (4)** – There is a recommended s128 condition to review conditions of consent commencing 12 months from the granting of consent. Ngāti Rārua and Te Ātiawa support the recommendation for a s128 condition but this should commence 6 months from the date the consent is granted.
49. **Iwi monitoring Condition (10)** – There is a very high potential for discovery at this site. We strongly support iwi monitoring. Ngāti Rārua and Te Ātiawa would prefer the consent condition to read that 10 working days' notice is required prior to the commencement of works. Iwi monitoring may be required for the upgrade of vehicle entrance and site access.
50. **Cultural Audit (11)** - The s42A report includes a recommendation for a condition that would require a cultural audit. While Te Ātiawa and Ngāti Rārua recommend the provision for a Cultural Audit, it is important that the haukāinga are engaged on the final decision on whether to proceed with the Cultural Audit or not. A cultural audit requires necessary involvement of

haukāinga. Therefore, if consent is granted, a cultural audit should not be a definitive requirement.

51. **Landscape mitigation and restoration planting (44-46)** – Te Ātiawa and Ngāti Rārua recommend including a condition requiring that the planting plan includes suitable native eco-sourced plants and the use of non-natives only when necessary.
52. **Site management condition (68)** – Te Ātiawa and Ngāti Rārua seek that no chemicals are applied to the whenua within 50 metres of water bodies. The use of water carts for dust suppression are favoured over polymer or chemical stabilisation methods.
53. **Accidental Discovery Protocol (109)** – Te Ātiawa and Ngāti Rārua should be notified immediately of an accidental discovery. The accidental discovery condition should include the contact details of Te Rūnanga o Ngāti Rārua and Te Ātiawa Manawhenua Ki Te Tau Ihu Trust:

Te Ātiawa Manawhenua Ki Te Tau Ihu Trust

E: taiao@teatiawatrust.co.nz

Ph: 035735170

Te Rūnanga o Ngāti Rārua

E: taiao@ngatiraruaiwi.nz

Ph: (03) 553-1198

Additional conditions required

54. **Reporting & monitoring** – If granted, Te Ātiawa and Ngāti Rārua should be notified immediately of any significant issues relating to the compliance of the consents.
55. **Cultural Health Indicator (CHI) Monitoring** - a programme of Cultural Health Indicator (CHI) monitoring is required. Timing of the CHI monitoring is important and should occur prior to works, mid-way through the project and on completion of works, with an additional site visit five years post-works to assess remediation and enhancement measures. CHI monitoring would support the Applicant's understanding of the relationship of kaitiaki with the Motueka Awa and the related ecosystems.
56. In conclusion, Te Ātiawa and Ngāti Rārua are opposed to the grant of these consents. In the event that they are granted, we have recommended changes/additions to proposed conditions to avoid, remedy or mitigate adverse effects on cultural effects.

APPENDIX A: Relevant provisions from the Te Ātiawa Iwi Environmental Management Plan

7.2 TINO RANGATIRATANGA (Self-determination: Asserting mana whenua - authority in Te Ātiawa rohe).

Objective 1 - Te Ātiawa will continue to actively assert mana whenua within the rohe.

Policy 3 - Act on a wide range of opportunities when Te Ātiawa consider it appropriate to assert traditional authority – mana whenua - over the environment.

7.3 Exercising the role as KAITIAKI (guardians).

Headline Objective - Te Ātiawa, as kaitiaki, will be effective in ensuring that the mauri or essential life principle of the natural world within the rohe is maintained and enhanced.

Objective 1 - Te Ātiawa Iwi will continue to assert kaitiakitanga within the rohe.

Policy 1 - Take a lead role, as kaitiaki, in the management of matters of direct importance to Te Ātiawa within the rohe.

Objective 2 - Te Ātiawa Iwi will be widely recognised and acknowledged as kaitiaki in matters concerning the resources of the rohe.

Policy 1 - Visibly discharge the role of kaitiakitanga in the rohe.

Policy 2 - Take steps to inform the community of interest about the role of Te Ātiawa Iwi as kaitiaki, in the context of the sustainable management of the rohe.

7.4 Sustainable management of WAAHI TAPU (sites of significance; cultural / spiritual sacred places)

Headline Objective - Waahi tapu in the rohe will be protected, respected and sustained, as a management priority by Te Ātiawa Iwi, co-managers of the rohe, and by all those who live, work and play in the rohe.

7.5 Sustainable management of WAAHI TAONGA (sites of significance; treasured natural resources).

Headline Objective - Waahi taonga in the rohe will be protected, respected and sustained, as a management priority by Te Ātiawa Iwi, co-managers of the rohe, and by all those who live, work and play in the rohe.

7.6 Sustainable management of WHENUA (land)

Headline Objective - The mauri of whenua in the rohe will be sustained in perpetuity, and Te Ātiawa cultural practices and contemporary aspirations involving whenua will be realised.

Objective 1 - The land resources in the rohe will be sustainably managed by kaitiaki, in collaboration with co-managers of the rohe and all those who live, work and play in the rohe.

Policy 3 - Actively oppose practices and proposals that counter the sustainable management of the land resource in the rohe.

Objective 3 - *Te Ātiawa iwi, hapū and whānau will access land in the rohe to provide for traditional practices and contemporary aspirations.*

Policy 1 - Support, where appropriate, the relationship of Te Ātiawa iwi members with their ancestral lands, associated areas and/or sites of significance.

Policy 3 - Maximise land access opportunities and associated cultural practices and avoid further losses and constraints imposed on land.

Section 7.7 Sustainable management of te wai Māori (fresh water management)

Objective 1 - *The quality of fresh water throughout the rohe will be a priority outcome for the community and for all of the managers of the rohe.*

Policy 2 - Support fresh water quality monitoring (both scientific and cultural) and reporting in the rohe.

Policy 4 - Raise the understanding and awareness in the rohe community of kaitiakitanga and tikanga in relation to water quality.

Objective 3 - *The integrity of in-stream and riparian habitats which forms the ecosystem of waterways, and of terrestrial wetlands will be maintained throughout the rohe.*

Policy 2 - Support monitoring and reporting of the integrity of riparian and fresh water wetland ecology in the rohe.

Policy 4 - Consider intervention options where activities are being undertaken with the potential to compromise waterway / riparian and fresh water wetland ecosystems in the rohe.

7.9 Sustainable resource use opportunities for IWI, HAPŪ, and WHĀNAU

Objective 2 - *Adverse effects of use and development in the rohe will be positively offset by mitigation and enhancement measures to meet kaitiaki responsibilities.*

APPENDIX B: Relevant objectives from the Ngāti Rārua Iwi Management Plan – *Poipoia Te Ao Tūroa*

Objective 5.1 Rangatiratanga | Leadership and decision making

Ngāti Rārua kaitiaki role is enhanced, restored and protected through having effective influence over, meaningful involvement in, and priority given to kaitiaki interests in all areas of environmental management where decisions are made by others.

Objective 6.1 Mauri | Protecting the life supporting capacity of the natural world

The mauri of the natural environment is protected, enhanced and restored, in recognition that the natural world nourishes and sustains us, and that we in turn have a duty of care.

Objective 7.1.1 Te mana o te wai

The mana, mauri and wairua of wai is protected, enhanced and restored.

Objective 7.2.1 Water quality, quantity and aquatic ecosystems

Water quality, quantity and the functioning of aquatic ecosystems are protected, enhanced or restored.

Objective 7.3.1 Discharges

Protect the mana, mauri and wairua of wai from adverse effects of discharges.

Objective 8.1 Ngā Wāhi Taonga Tuku Iho | Sites and areas of significance

Ngāti Rārua protect and maintain their cultural and spiritual associations with ngā wāhi taonga tuku iho and exercise their role as kaitiaki of these places, sites and areas.

Objective 9.1 Mahinga Kai | Protection of customary harvest

Mahinga kai is protected, maintained and managed to enable sustainable use and the exercise of customary practices by present and future generations.

Objective 10.1. Mātauranga | Incorporation of customary practices, principles and techniques in environmental management

Ngāti Rārua tikanga and mātauranga inform and guide environmental management and statutory planning processes within Te Taihū.

Objective 12.4 Mining & quarrying

Mining and quarrying activities do not adversely affect the mauri and wairua of natural resources.

APPENDIX C: TE ĀTIAWA RIVERS STATEMENT AND STATUTORY ACKNOWLEDGEMENT OF ASSOCIATIONS WITH MOTUEKA AWA

The following statements of association are acknowledged by the Crown in Section 41 of the *Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014*.

TE ĀTIAWA AWA / RIVERS STATEMENT

Te Ātiawa o Te Waka-a-Māui traditions represent the links between the cosmological world of the Gods and present generations. These histories reinforce tribal identity and solidarity, continuity between generations, and document the events which shaped the environment of Te Tau Ihu and Te Ātiawa o Te Waka-a-Māui as an iwi. Ngā awa are the ribs of the tūpuna, which plunge from the maunga down to the sea, creating wetlands and swamps on their way.

Te Ātiawa o Te Waka-a-Māui believes that wai is a taonga provided by ngā tūpuna, as it carries the lifeblood of Papatūānuku and the tears of Ranginui. Wai symbolises the spiritual link between the past and present. This tradition illustrates the central principle of whakapapa - the connectedness and interdependence of all living things in the natural world.

The mauri of ngā awa represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force and all forms of life are related. Mauri is a critical element of the spiritual relationship of Te Ātiawa o Te Waka-a-Māui Whānui with the river.

Te Ātiawa o Te Waka-a-Māui maintains mana over the land within the rohe of Te Tau Ihu. This includes the treasured resources associated with the land, such as rivers. Ngā awa have provided iwi with essential sustenance for generations. For tūpuna, fish and waterfowl were especially significant due to the absence of land based mammals. Customary traditions and practices cannot be separated from water. Wai is therefore a central component of iwi identity.

TE ĀTIAWA STATEMENT OF ASSOCIATION WITH MOTUEKA AWA

Ko Motueka te awa, Ko Te Ātiawa o Te Waka-a-Māui te Iwi

For Te Ātiawa o Te Waka-a-Māui the Motueka River is an Awa Tupuna. Te Ātiawa o Te Waka-a-Māui ancestral ties bind us to one another and to our ancestor - the Motueka River. Te Ātiawa o Te Waka-a-Māui has mana, whakapapa and history within the Motueka River and its tributaries. Te Ātiawa o Te Waka-a-Māui has kaitiaki responsibilities for the Motueka River and its tributaries.

The Motueka River is part of a complex framework connecting all levels of our identity as an iwi. Our landscape defines us and our customary use of traditional resources is the context in which we most often engage with the natural world, thus providing for the transmission of intergenerational knowledge and the maintenance of identity. Our tikanga is the manifestation of our responsibilities and interests, including access and use, water quality, regulation of prohibited behaviours and maintenance of activities, sacred sites, ceremonies and rituals. The Motueka River is a central element to our hospitality, and is linked to all of the customary foods of the land and sea.

The health of the Motueka River is integral to our health and cultural identity. The health and the mauri of the River, as well as Tasman Bay, derives from the need for flowing water from the head of the River and its tributaries to the point where it meets the sea.

The Motueka River is of immense significance to Te Ātiawa o Te Waka-a-Māui iwi. Te Ātiawa o Te Waka-a-Māui tūpuna had an intimate knowledge of navigation, river routes, and landing places, and the locations of food and other resources on and around the Motueka River. The relationship Te Ātiawa o Te Waka-a-Māui has with the Motueka taonga is central to Te Ātiawa o Te Waka-a-Māui identity and our cultural and spiritual wellbeing.

The first heke into the Motueka area was led by Te Manu Toheroa and Horoatua of the Puketapu hapū (Ngātiawa). From the Moutere, the taua went to Motueka. Te Manu Toheroa saw the wood then called Te Matu Ka tuku-tukua ki te hokowhitu o Ngati Kamako. Te Manu Toheroa and Horoatua were the Rangatira of that hapū. Manukino of Ngātirahiri got a waka called Tuhere at Motueka.

The heke moved on to Riuwaka and settled along the coast between Riuwaka and the Motueka River mouth, and a Pā named Hui Te Rangiora was established. Horoatua claimed formal possession of the district and had a particular interest in the south bank of the Motueka River. Two subsequent heke included Merenako and her brother Te Karara, and also Wi Parana, Rawiri Putaputa, Rangiauru and their families, all of Puketapu descent.

The significance of the Motueka River to Te Ātiawa o Te Waka-a-Māui is illustrated in the carvings in the main whare at Te Awhina Marae in Motueka. The river is also recognised in the pepehā of Motueka whānau, “Ko Motueka te awa, Ko Te Ātiawa o Te Waka-a-Māui te Iwi ...”

Wāhi tapu sites found in the Motueka River catchment include the area from the Motueka Wharf to Thorpe Street, which was once an extensive garden where the raised sand dunes provided natural shelter for the crops. Just south of the Motueka River mouth was Raumanuka, a kāinga, which was permanently inhabited. Traditionally, Raumanuka was the host marae for group gatherings and water was sourced from the river.

Further south along the Motueka River was Kōkiri, a seasonal kāinga from which Te Ātiawa o Te Waka-a-Māui tūpuna harvested coastal and wetland resources. From Staples Street north to the mouth of the Motueka River was an area Te Ātiawa o Te Waka-a-Māui tūpuna used to gather pingao for weaving. Established gardens were also associated with blocks on nearby higher ground.

There were numerous Pā sites and kāinga associated with the Motueka River catchment. One Pā named Pounamu was located at Staple St on the southern side of the awa. Whakapaetuara Pā was situated on the north bank of the Motueka River. “Whakapaetuara” superseded the old Pā “Hui Te Rangiora”, which was situated at the mouth of the Riuwaka River.

The Motueka River is central to the lives of Te Ātiawa o Te Waka-a-Māui and carries the lifeblood of the Motueka whenua. The wai flowing through the Motueka River is the lifeblood of Papatūānuku and the tears of Ranginui; the spiritual link between the past and present. The wai of the Motueka River is a taonga provided by ngā tūpuna. The Motueka River is central to Te Ātiawa o Te Waka-a-Māui whakapapa and the connectedness and interdependence of Te Ātiawa o Te Waka-a-Māui to all things animate and inanimate derives from this special taonga. '

Te Ātiawa o Te Waka-a-Māui believes that the Motueka River is the source of life which sustains the physical and spiritual wellbeing of our ancestral lands in Motueka. The awa supports the lifeforms which are an integral part of the identity of Te Ātiawa o Te Waka-a-Māui, and can therefore not be separated from them. The Motueka River is revered by Te Ātiawa o Te Waka-a-Māui and has a mauri, wairua, tapu and mana unique to it. The relationship of Te Ātiawa o Te Waka-a-Māui to the Motueka River relates to the entire catchment. The health of the Motueka River reflects the health of Te Ātiawa o Te Waka-a-Māui people who live in the rohe.

The Motueka waterway was very important in the transportation of pounamu from inland areas down to settlements on the coast, from where it was traded, and thus there were numerous tauranga waka (landing places) along it. The waterway was an integral part of a network of trails which were used in order to ensure the safest journey, and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails is held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the waterway.

The Motueka River and the swamps and wooded areas associated with the river support a huge food basket. When the river floods it replenishes and fertilises the catchment.

Traditionally, the Motueka River and its tributaries were full of tuna, kōkopu and īnanga. Tuna formed an important part of the customary diet. Pokororo was an important tribal area where tūpuna harvested eels, and

was also a significant birding site. The gathering and processing of tuna was a customary practice that strengthened the kinship of iwi and whānau. Customary management practices followed the lifecycle of the tuna, and harvesting was regulated according to the seasons.

The Motueka headwaters are linked to the legend of Ngahue and Poutini. This pūrākau is significant as it illustrates that from the very earliest times, tribes from all over the country knew of the precious resources to be found in Te Tau Ihu. Ngahue and his taniwha Poutini were the guardians of pounamu (greenstone). A dispute between Ngahue and his adversary Hine-tu-ahoanga entangled their taniwha; Poutini was driven out of Hawaiki by Whatipu (Hine-tu-ahoanga's taniwha) and pursued to different places around Aotearoa. One place Poutini found temporary refuge was at the eastern headwaters of the Motueka River.

Grey/black argillite, known to Māori as pakohe, is unique to Te Tau Ihu and was found in the Motueka River valley. It was a highly valued taonga, a mineral of great hardness and strength, which could be manufactured into all manner of tools and weapons, such as adzes. The tools fashioned from this taonga were used to collect and prepare kai and other natural materials gathered from the land and sea. Argillite was also a valued item for trade. In the upper Motueka River valley, clusters of argillite working areas and source sites indicate the importance of this stone to tūpuna. Buried boulders, hammer stones and adzes found in the river valley illustrate the traditional stone working techniques.

The Motueka River discharges into Tasman Bay, a productive and shallow coastal body of high cultural, economic and ecological significance. The important west flank tributaries include the Riuwaka, L. Sydney, Brooklyn, Shaggery, Rocky, Pokororo, Graham and Pearse, and the important east flank tributaries are the Waiwhero, Orinoco and Dove. The major headwater tributaries are the Baton, Wangapeka, including the Dart and Sherry, the Tadmor, the Motupiko, the Upper Motueka and the Stanley Brook. All these tributaries have major significance to Te Ātiawa o Te Waka-a-Māui as we have tikanga and kawa which involve tapu and noa within these tributaries. These tributaries also have cultural values for Te Ātiawa o Te Waka-a-Māui.

Mātauranga Māori is intertwined with the Motueka River and the many resources associated with its waters. Mātauranga associated with the collection of resources from the Motueka River is central to the cultural identity of Te Ātiawa o Te Waka-a-Māui and is essential for maintaining the unbroken customary practices, including the tikanga and kawa associated with gathering and utilising the resources of the awa.

Te Ātiawa o Te Waka-a-Māui has a relationship with the Motueka River as kaitiaki. This is a continuous responsibility passed down from Te Ātiawa o Te Waka-a-Māui tūpuna to take particular care of this awa, the natural resources found there and its tangible and intangible taonga. It is a traditional obligation of the hapū and whānau associated with this area to look after and protect the physical and spiritual wellbeing of all treasured resources, places and sites of significance upon, inside, under and above Motueka.

Central to the spiritual values of the Motueka River is the maintenance of customary practices and the sustainable use of the natural resources. This kaitiaki role is an all encompassing one, providing for the protection of biodiversity, the utilisation of resources, the maintenance of resources for present and future generations, and the restoration and enhancement of damaged ecosystems.

The Motueka River is pivotal to Te Ātiawa o Te Waka-a-Māui rohe. This awa is central to our identity. As kaitiaki, Te Ātiawa o Te Waka-a-Māui monitor all aspects of the river, including the gravel extractions, to ensure the mauri of the awa is protected and enhanced.

Te Ātiawa o Te Waka-a-Māui tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of Motueka, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Te Ātiawa o Te Waka-a-Māui today. Te Ātiawa o Te Waka-a-Māui strongly associate to the Motueka River and it is often referred to in whaikōrero by kaumātua and other iwi members.

This awa is highly significant to Te Ātiawa o Te Waka-a-Māui iwi, hapū and whānau. Te Ātiawa o Te Waka-a-Māui has mana, whakapapa associations and history, and we have tikanga and kawa which involve tapu and

noa here. Te Ātiawa o Te Waka-a-Māui mana, take tūpuna and our intense relationship with the Motueka River incorporates our cultural values.

Te Ātiawa o Te Waka-a-Māui exercises kaitiakitanga with the strongest customary authority over the Motueka River, delta and catchment. Kaitiakitanga is both a right and a responsibility associated with lands and environmental resources, as well as material treasures within the Motueka River.

Te Ātiawa o Te Waka-a-Māui, as kaitiaki of Motueka te Awa, is concerned with protecting the mauri of the awa. Te Ātiawa o Te Waka-a-Māui must ensure that the mauri of the awa is safe and that removal of any taonga must be under Te Ātiawa o Te Waka-a-Māui tikanga and kawa. The life force and the resources of the awa are the responsibilities of Te Ātiawa o Te Waka-a-Māui.

APPENDIX D: NGĀTI RĀRUA RIVERS STATEMENT AND STATUTORY ACKNOWLEDGEMENT OF ASSOCIATIONS WITH MOTUEKA AWA

The following statements of association are acknowledged by the Crown in Section 41 of the *Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014*.

NGĀTI RĀRUA RIVERS STATEMENT

The following values, resources, cultural and spiritual associations are common to all rivers with which Ngāti Rārua has a customary connection.

Awa are taonga to Ngāti Rārua. They are the ribs of the tūpuna, which plunge from the maunga down to the sea, creating wetlands and swamps on their way. Ngā awa carry the lifeblood of Papatūānuku and the tears of Ranginui. The wai flowing through these rivers symbolises the spiritual link between the past and present. Each awa has a mauri and wairua of their own.

For Ngāti Rārua, ngā awa are a source of wai which is an essential element of life. Wai is considered to transcend life itself, as it sustains the physical and spiritual survival of all things. Ngā awa support many water creatures. The life forms, which are an integral part of these rivers cannot be separated from them.

Traditionally, ngā awa provided a wealth of resources to sustain tūpuna. Ngāti Rārua view all natural resources as being gifts from ngā atua kaitiaki (spiritual guardians). Tangaroa is the spiritual guardian of ngā awa and Tāne Mahuta of the forests, trees and birds. These guardians were central to the lives of tūpuna and remain culturally significant to whānau living in the present day. Without ngā atua kaitiaki, ngā iwi would have no resources or taonga to maintain their spiritual, cultural and economic wellbeing. Rivers have a mauri, wairua, tapu and mana of their own - they are entities in their own right. The relationship Ngāti Rārua has with these taonga relates to the entire catchment. The health of a river reflects the health of the people who live in the rohe.

Rivers provided Ngāti Rārua with routes into the hinterlands to gather resources. These resources formed the basis for both economic and social relationships of iwi living in Te Tau Ihu. Waka were used to negotiate the waterways, therefore traditional tauranga waka (landing sites) are located along many of the rivers in the rohe.

The relationship Ngāti Rārua has maintained with ngā awa since their arrival in Te Tau Ihu is reflected in the history of resource protection and use by Ngāti Rārua as kaitiaki.

NGĀTI RĀRUA STATEMENT OF ASSOCIATION WITH MOTUEKA RIVER AND ITS TRIBUTARIES

The Motueka River is central to the lives of Ngāti Rārua whānau. In the early 1830s, a series of heke arrived in Motueka. The Ngāti Rārua rangatira were Niho, Takarei te Whareaitu, Te Aupōuri, Te Iti, Panakenake, Te Poa Kāroro, Pukekōhatu and Rotopuhi. Pukekōhatu, Te Poa Kāroro Tūrangapeke and other Ngāti Rārua settled in the Motueka and Riuwaka river catchments.

Pukekōhatu came to Te Maatu to cultivate the land, however he encountered opposition from Te Poa Kāroro. Pukekōhatu personified himself with the Motueka River, stating that its source was his head and its mouth, his feet. In doing so, he intended to render the land to the south of the river tapu, and prevent occupation of the land. Te Poa Kāroro was not deterred by the rāhui and threatened to cook any persons occupying Te Maatu in his oven. However, the land lay unoccupied, until Pukekōhatu lifted the tapu, after he resolved to settle primarily at Karauripe and Wairau.

For the original Ngāti Rārua families, the Motueka River was the source of life. The water channels, swamps and wooded areas associated with the river were habitats supporting a huge food basket. Oral traditions identify the Motueka River and flood plain as an extensive and bountiful mahinga kai from which to gather a

huge variety of natural resources. Floods would replenish and fertilise the catchment, enabling iwi to cultivate food.

Modified soils, argillite adzes, drill points, whalebone patu and pounamu pendants convey the kind of association tūpuna had with the Motueka River catchment and surrounding lands. Wāhi tapu sites found in the Motueka River catchment include the area from the Motueka Wharf to Thorpe St, which was once an extensive garden, with the raised sand dunes providing natural shelter for the crops. Just south of the Motueka River Mouth was Raumānuka, a kāinga, which was permanently inhabited. Traditionally, Raumānuka was the host marae for group gatherings. Further south was Kōkiri, a seasonal habitation from which tūpuna harvested coastal and wetland resources. From Pounamu (Staples Street) north to the mouth of the Motueka River was an area tūpuna used to gather pīngao for weaving; established gardens were associated with blocks on higher ground.

Pā sites and kāinga associated with the Motueka River catchment were plentiful. One pā named Pounamu was located at Staple St. Wakapaetūara Pā was situated on the north bank of the Motueka River. 'Wakapaetūara' superseded the old pā, 'Hui Te Rangiora,' which was situated at the mouth of the Riuwaka River.

Traditionally, the Motueka River and its tributaries were full of tuna, kokopū and īnanga. Tuna formed an important part of the customary diet.

Upokororo, named after the grayling, was an important tribal area where tūpuna harvested eels. The gathering and processing of tuna was a customary practice that strengthened the kinship of iwi and whānau. Customary management practices followed the lifecycle of the tuna, and harvesting was regulated according to the seasons. The blue duck or whio was common on the faster flowing waters. Ngā manu were not only important, as a source of food, but were also valued for their plumage, which was used for decorative purposes. One major birding site was located up the Motueka River at Upokororo.

The Motueka headwaters can be linked to the legend of Ngahue and Poutini.⁵ This pūrākau is significant as it illustrates that from the very earliest times, tribes from all over the country knew of the precious resources to be found in Te Tau Ihu. Ngahue was the atua (guardian) of pounamu (greenstone). He and his taniwha Poutini were the guardians of this taonga. A dispute between Ngahue and his adversary Hine-tū-ahoanga entangled their taniwha; Poutini was driven out of Hawaiki by Whatipu (the taniwha of Hine-tū-ahoanga) and pursued to different places around New Zealand. One place Poutini found temporary refuge was at the eastern headwaters of the Motueka River.

In the upper Motueka River Valley, clusters of argillite working areas and source sites indicate the importance of this stone to tūpuna. Buried boulders, hammer stones and adzes found in the river valley illustrate the traditional stone working techniques.

The Motueka River Valley provided a natural inland pathway or Ara to reach Te Tai Poutini. This pathway was a traditional greenstone trail, used by tūpuna in search of this valuable taonga and other items for trade. The route followed the Motueka River Valley, before connecting with the Wairau and Waimeha/Wai-iti routes, ahead of Lakes Rotoiti and Rotorua. Waka were used to negotiate the waterways, therefore the Motueka River has many traditional tauranga waka (landing sites) and camps sites, which were used for fishing along its banks.

The significance of the Motueka River to Ngāti Rārua is illustrated in the carvings in the main whare at Te Āwhina Marae in Motueka. The river is also recognised in the pepehā of Motueka whānau, "Ko Motueka te awa, Ngāti Rārua te iwi..."