

Taranaki Regional Council and New Plymouth District Council Mt Messenger Bypass Project

In the matter; of the Resource Management Act 1991

and

In the matter; of application for resource consent and a notice of requirement by the NZ Transport Agency for an alteration to the State Highway 3 designation in the New Plymouth District Plan, to carry out the Mt Messenger Bypass Project

**STATEMENT OF EVIDENCE OF GREGORY LLOYD WHITE ON BEHALF OF
TE RUNANGA O NGATI TAMA
JULY 2018**

INTRODUCTION

1. My name is Gregory Lloyd White of Pukearuhe.
2. Pukearuhe is the closest settlement to Parininihi and it is the location of the current day Ngati Tama marae.
3. My great grandfather lived in Marae Rotuhia at Pukearuhe before it was destroyed by fire around 1930.
4. My grandfather and father also lived at Pukearuhe.
5. They are all buried at our urupa there.
6. I am Ngati Tama.
7. Below is my direct line of descent from Tamaariki, the eponymous ancestor of Ngati Tama.

Tamaariki

Tiotio

Kinokino

Aharahia

Tamateihorangi

Ruaporoa

Hape

Hapa

Rakeikoko

Raleiuruao

Tamahoumoa

Tamanuitera

Tikoko

Hikawera

Tamanuitera

Poru

Ngatakato

Whangataki

Te Mahuru

collective research unit. My role as the Ngati Tama researcher involved meeting and talking with all Ngati Tama kaumatua. I approached all known Ngati Tama whanau and those whanau identified kaumatua that they considered I should engage with. Often those meetings were convened at private homes where many non-Ngati Tama kaumatua would also attend and share their knowledge. During the course of these wananga my father would raise his view regarding there being a northern section of Ngati Tama however as the whanau that he was referring to were also members of the Iwi Development Trust, the matter went no further. On a few occasions I would transport our kuia to tangi or on specific visits to culturally significant Ngati Tama sites.

Ngati Tama iwi

14. A matter that has come up through the submissions is that Ngati Tama operates on the basis of hapu. Owing to the large number of pa sites, as well as the size of the fighting forces that Ngati Tama were able to assemble prior to 1830, I accept that in the past there would have been many Ngati Tama hapu. However, the reality is that for many generations now we have operated as a single iwi.
15. This was very much the case leading up to our Waitangi Tribunal hearings and evidence. At no time during our wananga was the issue of Ngati Tama hapu considered. The evidence is clear that in 1865, Ngati Tama individuals who made claims to the Compensation Court identified themselves only as Ngati Tama.
16. And again in 1926–1927, no mention was made of hapu in Ngati Tama submissions to the Sims Commission.
17. One wananga hui in particular that is relevant to this was held at Maniaroa Marae (Mokau) in 1993 where kaumatua from Ngati Maniapoto and Ngati Tama met in an attempt to reach agreement of the boundary between both Iwi.
18. Another was the hui we held in Taumaranui where those rangatira present identified place names on the large map we had placed on the wall of the marae. Kaumatua who I can remember being present were Hikaia Amohia, Titi Tehu, Archie Taiaroa, Pono Whakaruru, Hamiora Raumati, and Steve & Peter White. Supporting kuia were Marge Raumati and Ngati Turner.
19. That map was later used to identify the 'Ngati Tama Area of Interest' that was later included in the Waitangi Tribunal Report and used again in the Ngati Tama Settlement.

Te Runanga mandate

20. The Taranaki Report Kaupapa Tuatahi was released in 1996. Throughout the Tribunal hearing process and especially following the final hearing, strong views were expressed by Iwi regarding who might be entitled to negotiate a settlement on behalf of each of the eight recognised Taranaki Iwi.
21. I was part of the group organising the four Tokomaru Waka Iwi, Ngati Tama, Ngati Mutunga, Ngati Maru, and Te Atiawa into an entity called the Northern Taranaki Claims Progression Team (CPT) that commenced negotiating a settlement with the Crown. I was appointed the Ngati Tama negotiator and also doubled as manager of the CPT.
22. Mandate challenges were an issue at every step of the negotiation process and even surfaced again following settlement where the PSGE successfully defended its mandate in the Maori Land Court in 2005¹. Those who challenged the TRONT mandate are now principles of the group referred to as Poutama.
23. In spite of these challenges, settlement was eventually concluded with the enactment of the Ngati Tama Settlement Act 2003.
24. It may help if I record that TRONT has not been operating with a full complement of Trustees for almost 2 years. This is for reasons which are not part of this process, and which are the subject of other Court proceedings, so it is not appropriate to go into detail here. However, I note this to record that TRONT has been operating with a quorum, and I also understand other trustees are part of the group referred to as Te Korowai.
25. I understand that the RMA allows all persons to have their say and it is not the intention of TRONT to take anything away from any Ngati Tama whanau who have lodged submissions and wish to be heard. We are all aware that this project has major impacts on our tikanga principles and makes the project a difficult one for all our whanau.

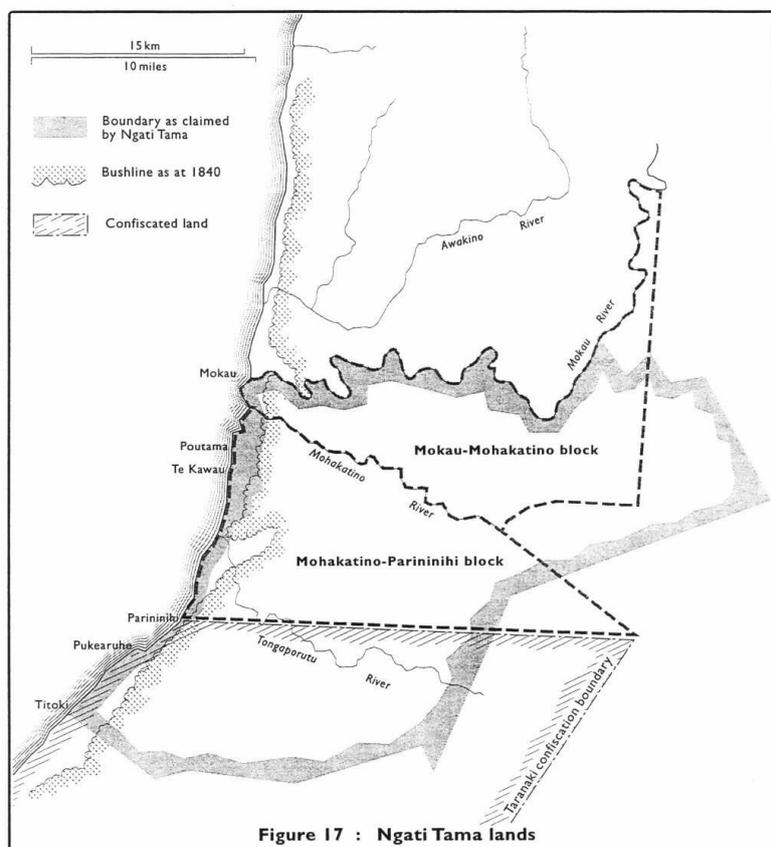
NGATI TAMA ANCESTRAL ROHE

26. In Ngati Tama tradition, Ngati Tama descend from Tamaariki, Rakeiora, and Whata.
27. For many generations Ngati Tama have occupied, defended, and exercised mana over the land between the Mokau river southward to the Titoki stream that flows into the sea at Waiiti Beach.

¹ Refer to Maori Land Court, Aotea District Minute of the Court 2004, 146 AOT 152 Determination of representatives of Ngati Tama and Ngati Maru iwi for the purposes of Appointing a representative to the Board of Te Whare Punanga Korero Trust.

28. The map of Ngati Tama rohe is set out in the Waitangi Tribunal Taranaki Report: Kaupapa Tuatahi as follows:

The Taranaki Report: Kaupapa Tuatahi



Ngati Tama land loss

29. The effects of the past land confiscation and Native Land Court decisions on Ngati Tama are recorded in detail in the Taranaki Report: Kaupapa Tuatahi. The Waitangi Tribunal report records that the results of land confiscation on Ngati Tama were disastrous, and at the time the Tribunal was not aware of any other hapu "affected so seriously". This is a major statement given the impacts of land confiscation on Maori throughout the county. Ngati Tama lost 74,000 acres to confiscation of which 3,458 acres of the bush land were returned to just 12 people. Ngati Tama lost a further 60,000 to improper Native Land Court decisions. On top of the 3,458 acres, 576 acres at Pukearuhe was returned, which was later apportioned across 50 people. For a total loss of 134,000 acres, Ngati Tama had 4,056 acres returned. Over time, this land was partitioned, subjected to leases by the Maori trustee, and sales to farmers and other third parties and has been alienated over time. Ngati Tama were effectively rendered landless, having next to no land to sustain the people. Our mana whenua and resources had been taken away from us.

TREATY SETTLEMENT LAND

Crown Treaty Negotiation Policy

30. Ngati Tama negotiations commenced in 1996 and the settlement was ultimately ratified in 2003. Crown policy regarding the use of Crown land in settlement was extremely restrictive and even more onerous regarding land returned under cultural redress. Eventually following months of negotiations, the Minister presented the Crown's "Final Offer" to Ngati Tama.
31. The offer included the Fee Simple title of less the 2 hectares of the DoC estate – from an area of more than 100,000 hectares of their estate within the Ngati Tama rohe. I considered the offer to be nothing less than insulting. As such, there was no hesitation in rejecting the insult. The following morning, I was invited back to the Beehive to meet with the Minister of Conservation as well as the Minister of Treaty Negotiations where an offer of 2,000 hectares of land as well as the reserve at Tongaporutu was made.
32. That revised Crown offer was eventually accepted.
33. The proposed Mt Messenger Bypass traverses through the approximately 2,000 hectares referred to above.
34. The land returned to Ngati Tama is an important part of our ancestral land that has been returned to us.
35. The statutory acknowledgement for the settlement lands is recorded as follows:

“Cultural, spiritual, historical, and traditional association of Ngati Tama with part of the Mount Messenger conservation area in Ngati Tama area of interest

This is an important area containing Ngati Tama pa sites and mahinga kai sources of birds and fish.

The once great Katikatiaka Pa was located here, inhabited by the descendants of Uerata, who were among the fighting elite of Ngati Tama. It was an important vantage point, built in 2 divisions, and extending to the seaward clifftops. Tihi Manuka, a refuge pa, also situated in the area, was directly connected to an important inland track.

Kiwi, kahurangi, kereru, eels, inanga, and the paua slug were traditional resources found here. Papa clay types found here were used for dyeing muka. A range of temperate zone flora was also available to Ngati Tama from this area, including beech, rata, rimu, and a variety of ferns. Important mahinga kai streams include Te Horo, Ruataniwha, Waipingao, and Waikaramarama.”

DISCUSSIONS WITH NZTA

36. As a result of my previous role with the historical Treaty Breach Settlement TRONT engaged me as a negotiator for the Project in 2016.

PWA agreement and position of TRONT

37. In our view, undertaking this project without the consent of Ngati Tama is a breach of our tikanga of mana whenua and kaitiaki and Treaty principles. In my view, the Treaty settlement restores our mana whenua within our rohe and the project impacts on this.
38. TRONT agreed to enter into the negotiations on the basis that it would explore options and would take matters back to hui-a-iwi before making decisions. Throughout the process, TRONT has held more than six hui-a-iwi on this kaupapa.
39. In recognition of the difficult situation that the project creates, NZTA have agreed not to use the Public Works Act to compulsorily take the Treaty settlement land. This is a momentous agreement and provides the assurance that we can participate in this process in good faith, knowing that even if the RMA approvals are granted, Ngati Tama retains the ultimate right to say no to the project under the PWA. This allows us to maintain our mana intact while exploring what should be put in place to mitigate the cultural effects in accordance with the RMA and Treaty. In my view, the agreement not to use compulsory acquisition powers to take the land accords with the partnership relationship envisaged under the Treaty of Waitangi.
40. On this basis, TRONT has resolved that it can support the grant of the RMA approvals, subject to it still being able to seek conditions and other matters with NZTA, and TRONT retains its ability to say no under the PWA.

Matters discussed with NZTA

41. I comment on some of the matters that we have discussed in the process for this project. Some of these are listed in the evidence of Mr Dreaver including:

Pest control

- (a) Ecological mitigation – pest control

Land exchange

- (b) Land exchange

Cultural mitigation

- (c) Trust fund
- (d) Kaitiaki structure and cultural monitoring

Other matters

- (e) Relationship with DOC
- (f) Work opportunities

Pest control

42. The ecological mitigation has been developed by ecological experts and is directed to mitigating effects on specific flora and fauna such as removal of trees and bush, effects on bats, kiwi, lizards, and other species. Through the discussions, it became clear early on that the ecological mitigation is quite distinct from cultural mitigation. As such, the involvement of TRONT in the pest control and ecological mitigation became more focused on the methods and implementation, particularly the pest control.
43. Ngati Tama has a lot of experience in pest control given the work that has been done on the Parininihi block over the years since the return of this land to Ngati Tama and the repatriation of the kokako.
44. There are a couple of aspects of the pest control that TRONT has had to consider. Part of the pest control is proposed on Ngati Tama land. It is also intended that the pest control will be in perpetuity. TRONT has some reservations about the requirement for pest control in perpetuity and any impediment this might place on the whenua and future generations. It has been stated that a perpetual requirement affects Ngati Tama rangatiratanga. Where pest control happens on Ngati Tama land, there have been discussions about the idea of a 25-35 year arrangement with rights of renewal, but the detail of this is still being considered.
45. There are also some reservations about the methods for pest control, including for example the use of 1080 which continues to be a matter of contention for many Ngati Tama. The reality is that the pest control and the methods it requires are necessary to fix a problem that has been created by introduced species. From our perspective as tāngata whenua, this should not be our problem and we should not have to carry the burden or issues of fixing it, but we have had to rely on the experts to fix the problems now being faced.
46. Given Ngati Tama's experience in pest control, TRONT has supported the idea of pest control as the means of addressing the ecological effects.

Land exchange

47. As part of the project and possible acquisition of Ngati Tama land, NZTA has offered to transfer ownership of other land in our rohe (owned by the Crown) to Ngati Tama. This land is in exchange for the land needed for the project under the PWA. This offer is yet to be finally agreed so we cannot go into this in any detail at this point.

Trust fund

48. The key proposal for cultural mitigation has been a fund for the benefit of Ngati Tama. The purposes of the fund are still to be finalised but is expected to be

for Ngati Tama projects to support the integrity, functioning and resilience of Ngati Tama within our rohe.

49. This fund seeks to mitigate the effects of the project on Ngati Tama and recognises that we as tāngata whenua and mana whenua are part of the impacted environment including impacts on us and whenua and resources that are essential to us as Ngati Tama.
50. To date we have not reached final agreement on the methodology for the fund amount and this is still an outstanding matter. In our view, there needs to be a rationale for any fund that will be enduring and meets Treaty requirements. Future generations will need to be able to look back on this kaupapa with a view that what happened was tika (right) rather than with riri (anger) and whakama (shame).

Kaitiaki role and structure

51. Another matter we have discussed is the process for having ongoing input into the project and including some areas for cultural design or cultural art in parts of the road and for fulfilling kaitiaki responsibilities.
52. As part of this, it is proposed that Ngati Tama maintains a role in overseeing and having input into the design and monitoring for the project.

OTHER MATTERS

Department of Conservation (DoC) – Te Runanga o Ngati Tama (TRONT) Relationship

53. During the various discussions on this project, it became clear that the relationship between Ngati Tama and DOC was a factor that needed to be considered.
54. As the Ngati Tama negotiator, I am familiar with the cultural significance of the area to Ngati Tama and the background and development of the Department of Conservation (DoC) Protocol and the Covenant that was introduced at the request of Ngati Tama.
55. When the land was first offered as cultural redress the offer was for the transfer of fee simple title subject only to the then existing easements. As this was the first ever large land block offered in any Treaty Settlement, I asked the Crown to complete a pest audit to ensure that Ngati Tama would be aware of any potential liabilities we might unwittingly inherit.
56. The Crown (DoC) was either unable or unwilling to complete the audit. I then sought access to Crown funding that would address any pest eradication costs associated with the land. Agreement to the covenant was solely for the benefit

of Ngati Tama to provide the basis for Ngati Tama access to resources to manage the land and pests. Any environmental benefits were an anticipated outcome of such pest control but not the main reason behind Ngati Tama agreeing to the covenant. Crown advice at the time was that while it supported the concept, it did not want to set a precedent or, "spook the horses" (the general public) by identifying any funding mechanism for Ngati Tama within the covenant and instead sought to design the funding details in the proposed DoC protocol.

57. The intention was to ensure that any land returned to Ngati Tama would have limited constraints and liabilities and the Iwi would be unfettered to exercise its rangatiratanga. Again, that was recognised as one of the principles in the Conservation Protocols.
58. Unfortunately, since the settlement, this intention has not been fully implemented. Ongoing struggles for Ngati Tama (and associated entities such as Tiaki Te Mauri o Parininihi Trust) include the ongoing funding of pest control for the Parininihi block, and impediments on the use of our land. The settlement was such that DoC cannot have it both ways.

Work opportunities

59. Another matter being discussed is the possibility of business or work opportunities for Ngati Tama members as part of the project. It is expected that this would be included as part of any arrangements in the event that the project should go ahead.

CONSULTATION WITH NZTA

60. As was stated in the Maori Values Assessment prepared by TRONT, the TRONT has been happy with the process for consultation and discussions with TRONT. This has included important input into the MCA process and selection of the route.
61. There are still some matters that remain outstanding, but this is not due to any lack of effort or commitment to work through these matters.

Gregory Lloyd White

July 2018