Memorandum



Background information: Part 1, Schedule 1 (P1S1) Hearings Panel; and Freshwater Planning Process (FPP) Hearings Panel

Date: 23 June 2023

To Dhilum Nightingale Chair, Part 1, Schedule 1 (P1S1) Hearings Panel; and

Judge Craig Thompson - (Chair) and Freshwater Commissioner Freshwater

Planning Process (FPP) Hearings Panel.

From: Pauline Hill, Principal Advisor Māori

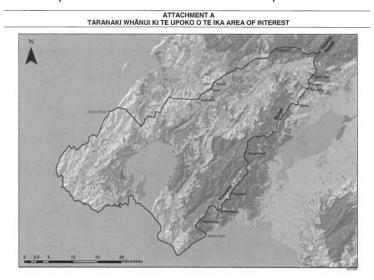
Copy: Monica Fraser Te Pou Whakarae, General Manager Māori

Purpose

This memo responds to a request for information as set out in a minute (<u>Minute-4-Further-Directions-For-Hearing-Stream-1-And-Future-Hearings.pdf</u>) from the RPS Part 1, Schedule 1 (P1S1) Hearings Panel Chair; and the Freshwater Planning Process (FPP) Hearings Panel chairs on the following issues:

- 1. Background profiles & information on Treaty partners; and
- 2. Treaty of Waitangi Statutory agreements with the Greater Wellington Regional Council; and
- 3. Mana Whakahono a Rohe agreements; and
- 4. Iwi Environmental Management Plans; and
- 5. Cultural Values assessments and or Cultural Impact assessments.

1. BACKGROUND PROFILE & INFORMATION ON TREATY PARTNERS: TARANAKI WHĀNUI KI TE UPOKO o TE IKA (Port Nicholson Block Settlement) TRUST



Map Treaty of Waitangi Settlement Area of interest Reference: <u>Taranaki Whānui ki Te</u> <u>Upoko o Te Ika Deed of Settlement Schedule - Documents 19 Aug 2008 (www.govt.nz)</u>

TPK Disclaimer: Area of interest maps in Deeds of Settlement: An area of interest is a map used for Treaty settlement purposes only. The Crown acknowledges more than one group may have interests in an area of interest. Relative interests may vary within that area. Area of interest maps are not necessarily intended to be a definitive statement of a group's interests. Reference <u>TKM | Disclaimer | Te Kahui Mangai</u>

1.1. Overview

In 1991, the Greater Wellington Regional Council established Ara Tahi as a collective regional forum which included Taranaki Whānui Ki Te Upoko O Te Ika as one of six mana whenua partners.

In 1993, this relationship was formalised through the signing of the Charter of Understanding by GW and the partners which morphed into the Memorandum of Partnership which was last signed by the parties in 2013. Reference Memorandum-of-Partnership-between Tangata Whenua ki Te Upoko o te Ika a Maui - and - GWRC - 26 March 2013.

In GW's 2021 - 31 Long Term Plan, **Taranaki Whānui ki Te Upoko o Te Ika** in their own voice signal they *'represent a collective of iwi who have maintained the traditional mana and ahikāroa occupation of the tribal takiwā territory* — *Te Whanganui a Tara me ona Takiwā*.

Taranaki Whānui comprises of people from:

- Ngāti Tama;
- Ngāti Mutunga;
- Ngāti Maru and
- Te Āti Awa Taranaki; Ngāruahinerangi; Ngāti Ruanui; Ngā Rauru and other iwi from the Taranaki area, whose ancestors migrated to Wellington in the 1820s and

30s, where they have since held Mana Whenua status. They have a long history and close affiliation with Wellington city and act as its traditional guardians.

Takiwā - Taranaki Whānui Takiwā was recounted to the New Zealand Company by the New Zealand Company by the Rangatira, Te Wharepouri in 1839 and followed the Māori tradition of marking a Takiwā from headland to headland.

Raukura – the raukura is a symbol of remembrance for the deeds of the Māori ancestors who vehemently resisted the Crown via peaceful opposition. It is a symbol which continues to quide the Māori people today with wisdom and hope for a peaceful co-existence.

Partnership — Taranaki Whānui has a long established partnership with Greater Wellington Regional Council through its many projects and shared interests, including awa and whenua that fall within its Takiwā. We have a collective aim to ensure the identity and presence of Taranaki Whānui as mana whenua, is protected and upheld.' Reference: <u>LTP full document</u> Web (1).pdf, page 252-253

1.2. Treaty Of Waitangi Statutory Agreements

Reference: Settlement Act: Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika)
Claims Settlement Act 2009 No 26 (as at 30 November 2022), Public Act Contents – New
Zealand Legislation

47 Dendroglyph site (Excerpt)

(6) Wellington Regional Council must provide the trustees with a registrable right of way easement in favour of the dendroglyph site in the form set out in Part 4 of the documents schedule of the deed of settlement.

63 Matiu Scientific Reserve (Excerpt)

(7) Subsections (1) to (6) are subject to the trustees providing Wellington Regional Council with a registrable lease in relation to the part of Matiu Scientific Reserve that is Section 3 SO 20946 in the form set out in Part 4 of the documents schedule of the deed of settlement.

Part 4 Sites vest in fee simple to be administered as scenic, recreation, or local purpose reserves, Korokoro Gateway site (Excerpt): Subject to an unregistered licence to occupy dated 9 October 1959 in favour of the Wellington Water Ski Club Incorporated. Subject to an informal right to convey water in favour of Wellington Regional Council.

25 Relevant consent authorities to have regard to statutory acknowledgement (Excerpt)

(1) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to a statutory area in forming an opinion, in accordance with sections 93 to 94C of the Resource Management Act 1991, as to whether the trustees are persons who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or directly affecting the statutory area.

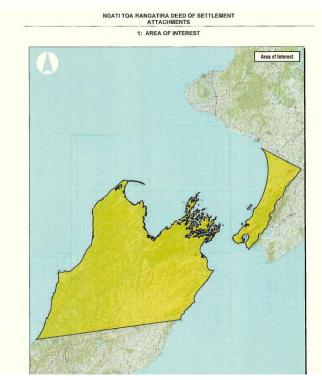
28 Recording statutory acknowledgement on statutory plans (Excerpt)

(1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.

Deed of Settlement: Documents Schedule <u>Taranaki Whānui Deed of Settlement documents</u> <u>| New Zealand Government (www.govt.nz)</u>

• Maps Statutory acknowledgement and Deed of recognition (Page 232 —)

2. BACKGROUND PROFILE & INFORMATION ON TREATY PARTNERS: TE RUNANGA o TOA RANGATIRA Inc



Map Treaty of Waitangi Settlement Area of interest Reference: <u>Ngāti Toa Rangatira Deed</u> <u>of Settlement - Attachments 7 Dec 2012 (www.govt.nz)</u>

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2.1. Overview

In 1991, the Greater Wellington Regional Council established Ara Tahi as a collective regional forum which included Ngāti Toa Rangatira as one of six mana whenua partners.

In 1993, this relationship was formalised through the signing of the Charter of Understanding by GW and the partners which morphed into the Memorandum of Partnership which was last signed by the parties in 2013. *Reference Memorandum-of-Partnership-between Tangata Whenua ki Te Upoko o te Ika a Maui - and - GWRC - 26 March 2013*.

In GW's 2021 - 31 Long Term Plan, **Ngāti Toa** in their own voice signal they 'have a complex provenance of Iwi history, culminating in our presence and assertion of mana whenua in the Porirua region. Beginning with the arrival of the Tainui waka at Kāwhia and the residence of Ngāti Toa in the environs of the Kāwhia harbour for centuries, the Ngāti Toa Iwi under the leadership of Te Rauparaha initiated an epic migration south resulting in the re-settlement of the entire Iwi in the Cook Strait area.

Ngāti Toa migrated to the Cook Strait area in the early 1820s and have held exclusive tangata whenua status in the Porirua area since that time. Porirua is considered the stronghold of Ngāti Toa who have maintained a continuous ancestral connection to the area since they moved from Kāpiti Island following the Battle of Waiorua in 1824 to expand their coastal settlements around Cook Strait, including the shores of Te Awarua-o-Porirua. For the past two decades Ngāti Toa has been on a journey to reconcile breaches of the Treaty of Waitangi with the Crown.

In February 2009 Ngāti Toa Rangatira counter signed a letter of agreement with the Crown providing the basis for the full and final settlement package. Te Rūnanga o Toa Rangatira is the mandated iwi authority for Ngāti Toa Rangatira and is the administrative body of iwi estates and assets. The Rūnanga deals with the political and public issues of national interest such as Treaty of Waitangi claims, commercial and customary fisheries, health services including primary mental health and residential care services, local government relationships and resource and environmental management.

Our vision is that the mauri (life force) of Te Awarua-o-Porirua is restored and its waters are healthy, so that all those who live in the region, including Ngāti Toa and our manuhiri (visitors), can enjoy, live and play in our environment and future generations are sustained, physically and culturally. We wish for our people to be able to harvest food from, swim in and enjoy the waters of Te Awarua-o-Porirua, and we wish for the fish, birds, insects and plants of this ancient ecosystem to thrive once again. The mana and mauri of all of our waterways and associated ecosystems within the Ngāti Toa Porirua rohe must be returned to a state of health, enabling our iwi to carry out its cultural responsibilities and obligations to its people, manuhiri and future generations. These aspirations are grounded in our responsibility as mana whenua of this region.

We will measure our success in achieving this vision through our people. When our people are physically and spiritually well and culturally thriving, we will know that the mauri of our environment has been restored. A key future focus in working with Greater Wellington Regional council, is a partnership model that honours Te Tiriti o Waitangi, the Ngāti Toa Claims Settlement Act 2014 and a recognition of our relationships with our environment as kaitiaki and mana whenua. Key outcomes through such a partnership include the delivery of mātauranga Māori in the work of Greater Wellington; appropriate resourcing to allow for a sustainable pathway to co-design and co-lead on areas of shared interests including Te Awarua-o-Porirua, now and into the future.' Reference: 'Greater Wellington Regional Council - Long Term Plan — 2021-2031', page 254-255

2.2. Treaty Of Waitangi Statutory Agreements

Reference: Settlement Act: <u>Ngati Toa Rangatira Claims Settlement Act 2014 No 17 (as at 01</u> July 2022), Public Act Contents – New Zealand Legislation

Poutiaki Plan (Excerpts)

147 Effect on relevant councils

(1) This section applies when a relevant council is preparing or changing a regional policy statement or regional coastal plan that wholly or partly covers the poutiaki coastal marine area.

- (2) The council must take into account the poutiaki plan to the extent that its content has a bearing on the resource management issues of the poutiaki coastal marine area.
- (3) The council must include in the regional policy statement or regional coastal plan a statement of the resource management issues of significance to Ngāti Toa Rangatira as set out in the poutiaki plan.
- (4) The council must refer to the poutiaki plan, to the extent that it is relevant, in its report under section 32(5) of the Resource Management Act 1991 on an evaluation of the proposed regional policy statement or regional coastal plan.

Whitireia Park Redress (Excerpts)

150 Joint board established

- (1) A joint board is established for Whitireia Recreation Reserve and any additional reserve.
- (2) The trustee of the Toa Rangatira Trust may appoint 3 members to the joint board.
- (3) Wellington Regional Council may appoint 3 members to the joint board.

151 Joint board is administering body of reserves (Excerpts)

(1) The joint board is the administering body of Whitireia Recreation Reserve and any additional reserve as if the joint board were appointed to control and manage the reserves under section 30 of the Reserves Act 1977.

Queen Elizabeth Park Campground Site (Excerpts)

158 Change of reserve classification and appointment of administering body

- (1) Wellington Regional Council ceases to be appointed to control and manage the campground site.
- (4) The trustee of the Toa Rangatira Trust is the administering body of the campground site as if it were a local authority appointed to control and manage the reserve under section 28 of the Reserves Act 1977.

Statutory acknowledgement (Excerpts)

27 Relevant consent authorities to have regard to statutory acknowledgement

(1) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to a statutory area in deciding under sections 95E of the Resource Management Act 1991, as to whether the trustee of the Toa Rangatira Trust is an affected person in relation to an activity within, adjacent to, or directly affecting the statutory area and for which an application for a resource consent has been made.

30 Recording statutory acknowledgement on statutory plans (Excerpt)

(1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.

Deed Of Settlement Of Historical Claims *Ngāti Toa Rangatira Deed of Settlement 7 Dec 2012 (www.govt.nz)

Cook Strait Forum

5.28– The Wellington Regional Council has agreed that it will convene an annual Cook Strait forum. (*Page 69*)

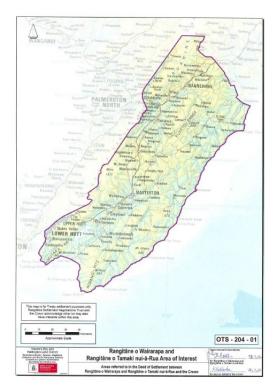
5.30.2 Forum to be co-chaired by the relevant councils ie Wellington Regional Council and Marlborough District Council; (*Page 70*)

DEED OF SETTLEMENT: ATTACHMENTS <u>Ngāti Toa Rangatira Deed of Settlement - Attachments 7 Dec 2012 (www.govt.nz)</u>

- Maps Statutory acknowledgement and Deed of recognition (Page 7 82)
- Deeds of recognition (Page 74-75)

3. BACKGROUND PROFILE & INFORMATION ON TREATY PARTNERS: RANGITĀNE O WAIRARAPA INC AND RANGITĀNE TŪ MAI RĀ TRUST (Wairarapa Tamaki Nui-ā-Rua)





Map Treaty of Waitangi Settlement Area of interest *Reference*: <u>Ranqitāne o Wairarapa</u> <u>and Ranqitāne Tamaki nui-ā-Rua - Attachments - Signing version 6 August 2016</u> (www.govt.nz)

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3.1. Overview

In 1991, the Greater Wellington Regional Council established Ara Tahi as a collective regional forum which included Rangitāne o Wairarapa as one of six mana whenua partners.

In 1993, this relationship was formalised through the signing of the Charter of Understanding by GW and the partners which morphed into the Memorandum of Partnership which was last signed by the parties in 2013. *Reference Memorandum-of-Partnership-between Tanqata Whenua ki Te Upoko o te Ika a Maui - and - GWRC - 26 March 2013*.

In GW's 2021 - 31 Long Term Plan, **Rangitāne o Wairarapa Inc** in their own voice signal they 'are the mokopuna of Rangitāne and uri of the whenua, awa and moana within Wairarapa. However our whakapapa and bones are buried across Te Awakairangi and Te Whanganui-a-Tara. Restoring the pūrākau and mātauranga of our ātua and tīpuna is vital for our people. The value also extends to our wider community and our environment. Ensuring we maintain

the mauri of Papatūānuku is our top priority. We are kaitiaki and we have a responsibility for the present and future generations to come. Hinekauorohia – an ātua of sacred waters, is one ātua that has guided us over the past few years and she continues to guide us in our actions. One of our priorities has been ensuring we support the mauri of our wai. Understanding the true impacts of projects, over allocation and what these will mean for our people and our environment. Through colonisation we have seen the destruction of our waterways through pollution, over allocation and infrastructure based solutions. Future projects seem to be learning nothing from this and it is of massive concern to our people.

The answers to the problems we face in today's society are still found in our mātauranga. It is vital that Greater Wellington co-designs and supports initiatives with our people. We are not willing to compromise taiao for economic benefit. The health of Papatūānuku, our waterways and ultimately our people and communities is far too important. We expect Greater Wellington to value and respect our mātauranga as much as their science. This includes supporting financial and ensuring inclusiveness and equitable decision making from the beginning. The equitable decision making and collaborative implementation of initiatives is important. Rangitāne o Wairarapa has a voice and we will use it to ensure the autonomy of tangata whenua of Wairarapa. Everything Greater Wellington does, impacts our people. Therefore it is imperative for us as Rangitāne o Wairarapa to be there to make decisions for the betterment of our future generations.' Reference: 'Greater Wellington Regional Council -Long Term Plan — 2021-2031', page 250-251

The Rangitāne Tū Mai Rā Trust website provides the following information 'The Rangitāne Tū Mai Rā Trust is the post-settlement governance entity, or PSGE, for Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua. The Trust was ratified by the iwi in late 2013 and established in March 2014. It was established prior to the comprehensive iwi settlement and currently holds assets obtained during the negotiations. The Trust has received all the Treaty Settlement assets from the Crown and is responsible for the overall management of those assets. It may do so with the assistance of subsidiaries established by the Trust or related entities through contractual arrangements. 'Reference: Ko Wai Mātou | About Us — tumaira.nz

3.2. Treaty Of Waitangi Statutory Agreements

Reference: Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017 No 38 (as at 12 April 2022), Public Act Contents — New Zealand Legislation

65 Rongokaha property (Excerpts)

- (1) The reservation of the part of the Rongokaha property that is a recreation reserve subject to the Reserves Act 1977 (being Bruce Road Recreation Reserve) is revoked.
- (2) The part of the Rongokaha property that is a conservation area under the Conservation Act 1987 ceases to be a conservation area.
- (3) The fee simple estate in the Rongokaha property vests in the trustees.
- (4) Subsections (1) to (3) do not take effect until the Minister of Conservation has provided Wellington Regional Council with a registrable easement in gross for a right to install, access, and operate an environmental monitoring station on the terms and conditions set out in part 8 of the documents schedule. *Reference:* Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017 No 38 (as at 12 April 2022), Public Act Contents New Zealand Legislation

Statutory acknowledgement

30 Relevant consent authorities to have regard to statutory acknowledgement (Excerpt)

(1) This section applies in relation to an application for a resource consent for an activity within adjacent to or directly affecting a statutory area.

33 Recording statutory acknowledgement on statutory plans (Excerpt)

(1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area. Reference: Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017 No 38 (as at 12 April 2022), Public Act Contents – New Zealand Legislation

Ngāti Kahungunu ki Wairarapa Tamaki Nui a Rua and Rangitāne Tu Mai - Ra Trust (Wairarapa Tamaki Nui a Rua) Joint redress

3 Purpose

The purpose of this Act is to give effect to certain joint redress provided for in the deeds of settlement that settle the historical claims of:

- (a) Ngāti Kahungunu ki Wairarapa Tamaki Nui a Rua.
- (b) Rangitāne o Wairarapa Tamaki Nui a Rua. *Reference:* <u>Te Rohe o Rongokako Joint</u>
 <u>Redress Act 2022 No 76, Public Act 110 Existing improvements may remain New Zealand Legislation</u>

Wairarapa Moana Statutory Board

44 The Wairarapa Moana Statutory Board is established.

61 Committee **for natural resources** established A committee for natural resources is established as a committee of the Statutory Board. *Reference:* <u>Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 110 Existing improvements may remain – New Zealand Legislation</u>

98 Effect on local authorities (Excerpts)

- (1) In preparing or changing a regional policy statement, regional plan, or district plan under the Resource Management Act 1991, the relevant local authority must recognise and provide for the content of the natural resources document to the extent that it is relevant to matters covered by the statement or plan.
- (2) In preparing or adopting a long-term plan or an annual plan under the Local Government Act 2002, the relevant local authority must have particular regard to the content of the natural resources document to the extent that it is relevant to matters covered by the plan. Reference: <u>Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 110 Existing improvements may remain New Zealand Legislation</u>

112 Wellington Regional Council may retain and operate existing Development Scheme (Excerpts)

- (1) The existing Development Scheme may remain in or on the Wairarapa Moana reserves and Wairarapa Moana marginal strips.
- (2) Wellington Regional Council (the Council) may continue to operate the existing Development Scheme in the same manner as the Council operated it before the relevant date. Reference: <u>Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 110 Existing improvements may remain New Zealand Legislation</u>

4. BACKGROUND PROFILE & INFORMATION ON TREATY PARTNERS: NGĀTI KAHUNGUNU KI WAIRARAPA CHARITABLW TRUST AND NGĀTI KAHUNGUNU KI WAIRARAPA TAMAKI NUI A RUA



Map Treaty of Waitangi Settlement Area of interest Reference: <u>Ngāti Kahungunu ki</u> Wairarapa Tāmaki nui-a-Rua Attachments (www.govt.nz).

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Areas referred to in the Deed of Settlement between NgAti Kahungunu ki Watrarapa Tāmaki nui-a-Rua and the C

4.1. Overview

In 1991, the Greater Wellington Regional Council established Ara Tahi as a collective regional forum which included Ngāti Kahungunu ki Wairarapa as one of six mana whenua partners.

In 1993, this relationship was formalised through the signing of the Charter of Understanding by GW and the partners which morphed into the Memorandum of Partnership which was last signed by the parties in 2013. Reference Memorandum-of-Partnership-between Tanqata Whenua ki Te Upoko o te Ika a Maui - and - GWRC - 26 March 2013.

In GW's 2021 - 31 Long Term Plan, **Ngāti Kahungunu Ki Wairarapa** in their own voice signal they 'have a long term plan to work alongside Greater Wellington Regional Council, other iwi and mana whenua entities within the region to promote, "Kia Whakanuia Te Taiao" or "Be involved in making the environment as significant as it should be" can work to recognising our water ways as entities that have legal rights, including the right to be represented by legal council. Kahungunu Ki Wairarapa korero will include our traditional stories, narratives behind known information; the opportunity to tell the narrative of new research; historical recounts; geological events and their effects; current opportunities and problems; future aspirations and future journeys; cultural impact assessments informing decision making. With this we look forward to being a part of co-governance, co-management and co-operational.

Kahungunu Ki Wairarapa looks to establishing the post treaty settlement era by showing how we state at all levels "Kia Whakanuia te Whenua" with our korero, especially for our waterways, in these levels:

- 1.International: Keeping our obligations with respect to Ramsar by informing how repo, or wetlands, and manu, or birds can lead to having significant space for ika, or fish, ngahere, or bush areas, wai, or water and people.
- 2.National: Contributing to iwi leaders, co-governance and crown research institutes through mahi tuhono or connection work. Setting a legal entity status for types of whenua and wai.
- 3.Regional: Our stories will be an asset for Greater Wellington through stronger connections to waterways and the whenua through education, representation and understanding
- 4.Provincial: Living records, an initiative with Waiohine, Mangatarere and Waipoua for all our waters, surface and ground. Kahungunu Ki Wairarapa will set this intergenerational work.
- 5.District: Iwi reps like poutiriao, or people who understand how to find balance in the environment, leading Putaiao and Pu Taiao through our relationships with Greater Wellington.

Kahungunu Ki Wairarapa understands the focus for Greater Wellington is at a regional level, when the taiao within the region is fully appreciated like our wetlands become internationally significant and nationally important. The constant effort needed for this includes:

- **1.** Ruamahanga Whaitua programme is being implemented
- 2. Te Tai Rawhiti Whaitua has a programme to implement
- 3. Kaitiaki are trained and fulfilling the Kahu programme to index cultural health
- 4. Collaborative Cultural Health Monitoring is being formed and advancing ecosystem health
- 5. The freshwater management units' limits are being monitored and analysed

- 6. We have some indicative info from the groundwater survey
- 7. Establishing mahi tuhono with catchment communities
- 8. Weaving our korero like the Ruamahanga weaves other waterways encourages Mauri tuhono.

Kahungunu Ki Wairarapa looks forward to working with Greater Wellington over the course of the Long Term Plan because the opportunities it allows whanau, hapu and iwi. When our taiao or environment is fully appreciated then we will have environmental wellbeing that can proffer social wellbeing, economic wellbeing and cultural wellbeing. As advocates for our whenua we understand that we are advocates for our iwi, Kahungunu Ki Wairarapa.' Reference: 'Greater Wellington Regional Council - Long Term Plan – 2021-2031', page 248-249

The **Ngāti Kahungunu ki Wairarapa Tamaki Nui a Rua Settlement Trust** website provides the following information 'The purpose of Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust is to represent all our iwi members in negotiating the settlement of our Treaty of Waitangi grievances with the Crown. The initial Trust was established in December 2010 following extensive consultation with our iwi, hapū and marae. Our trustees were elected by Ngā Hapū Karanga. We have now transitioned to our Settlement Trust as we work towards completing this important kaupapa for all those who whakapapa to Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua. *Reference:* <u>Welcome - CURRENT - Ki Wairarapa-Tamaki Nui a Rua Trust (kkwtnr.org.nz)</u>

4.2. Treaty Of Waitangi Statutory Agreements (Excerpts)

- 90 (1) Te Upoko Taiao continued as a permanent committee of Wellington Regional Council
 - (2) The council must not discharge Te Upoko Taiao except on the recommendation of Te Upoko Taiao.
- 91 (1) Wellington Regional Council must not amend the terms of reference for Te Upoko Taiao except on the recommendation of Te Upoko Taiao. *Reference:* <u>Ngāti Kahungunu ki</u> <u>Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 No 78, Public Act Contents New Zealand Legislation</u>

48 Remutaka summit property (Excerpts):

- (1) The fee simple estate in the Remutaka summit property vests in the Crown as Crown land subject to the Land Act 1948.
- (2) The fee simple estate in the Remutaka summit property vests in the trustees. *Reference:*<u>Naāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 No 78, Public Act Contents New Zealand Legislation</u>

65 Te Pouaruhe site A: (Excerpts)

- (1) Te Pouaruhe site A ceases to be a conservation area under the Conservation Act 1987.
- (2) The fee simple estate in Te Pouaruhe site A vests in the trustees. *Reference:* <u>Naāti</u> <u>Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 No 78, Public Act</u> <u>Contents New Zealand Legislation</u>

- (1) Te Upoko Taiao is continued as a committee of Wellington Regional Council.
- (2) Despite clause 30(5)(a) of Schedule 7 of that Act, the council must not discharge Te Upoko Taiao except on the recommendation of Te Upoko Taiao.

91 Terms of reference for Te Upoko Taiao (Excerpt)

(1) Wellington Regional Council must not amend the terms of reference for Te Upoko Taiao except on the recommendation of Te Upoko Taiao. *Reference:* <u>Ngāti Kahungunu ki</u> <u>Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 No 78, Public Act Contents – New Zealand Legislation</u>

Statutory acknowledgement

31 Relevant consent authorities to have regard to statutory acknowledgement (Excerpt)

(1) This section applies in relation to an application for a resource consent for an activity within adjacent to or directly affecting a statutory area. Reference: Naāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 No 78, Public Act Contents – New Zealand Legislation

33 Recording statutory acknowledgement on statutory plans (Excerpt)

(1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area. Reference: <u>Ngāti Kahunqunu ki Wairarapa Tāmaki nui-a-Rua Claims</u>

<u>Settlement Act 2022 No 78, Public Act Contents – New Zealand Legislation</u>

Right of first refusal

5.18 To recognise the cultural significance of the Takaputao Reserve to Ngāti Kahungunu ki Wairarapa Tamaki nui-a-Rua, the Crown has included the Takaputao Reserve as RFR land in part 6 of the attachments. *Reference:* <u>Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua</u> <u>Attachments (www.govt.nz)</u>

5.3A: Remutaka Summit Property Easement

- Right of Way,
- Right to Place Reference: <u>Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Deed of</u> Settlement: Documents Part 1 (www.govt.nz)

5.58: Te Pouaruhe Site A Right Of Way Easement

Reference: <u>Naāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Documents Part 1</u> (www.govt.nz)

Ngāti Kahungunu ki Wairarapa Tamaki Nui a Rua and Rangitāne Tu Mai - Ra Trust (Wairarapa Tamaki Nui a Rua) Joint redress

3 Purpose

The purpose of this Act is to give effect to certain joint redress provided for in the deeds of settlement that settle the historical claims of:

- (c) Ngāti Kahungunu ki Wairarapa Tamaki Nui a Rua
- (d) Rangitāne o Wairarapa Tamaki Nui a Rua. *Reference:* <u>Te Rohe o Rongokako Joint</u>
 <u>Redress Act 2022 No 76, Public Act 110 Existing improvements may remain New Zealand Legislation</u>

Wairarapa Moana Statutory Board

44 The Wairarapa Moana Statutory Board is established.

61 Committee **for natural resources** established A committee for natural resources is established as a committee of the Statutory Board. *Reference:* <u>Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 110 Existing improvements may remain – New Zealand Legislation</u>

98 Effect on local authorities (Excerpts)

- (1) In preparing or changing a regional policy statement, regional plan, or district plan under the Resource Management Act 1991, the relevant local authority must recognise and provide for the content of the natural resources document to the extent that it is relevant to matters covered by the statement or plan.
- (2) In preparing or adopting a long-term plan or an annual plan under the Local Government Act 2002, the relevant local authority must have particular regard to the content of the natural resources document to the extent that it is relevant to matters covered by the plan. Reference: <u>Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 110 Existing improvements may remain New Zealand Legislation</u>

112 Wellington Regional Council may retain and operate existing Development Scheme (Excerpts)

- (1) The existing Development Scheme may remain in or on the Wairarapa Moana reserves and Wairarapa Moana marginal strips.
- (2) Wellington Regional Council (the Council) may continue to operate the existing Development Scheme in the same manner as the Council operated it before the relevant date. Reference: <u>Te Rohe o Rongokako Joint Redress Act 2022 No 76, Public Act 110 Existing improvements may remain New Zealand Legislation</u>

5. BACKGROUND PROFILE & INFORMATION ON TREATY PARTNERS: ĀTIAWA KI WHAKARONGOTAI CHARITABLE TRUST



Map 1: Te Ātiawa/Ngāti Awa inquiry phase.

Map Waitangi Tribunal Report Waikanae Inquiry. Reference: <u>Waikanae Report on Te</u> Ātiawa and Ngāti Awa claims. WAI 2200, Waitangi Tribunal Report 2200.pdf

TPK Disclaimer: Area of interest maps in Deeds of Settlement: An area of interest is a map used for Treaty settlement purposes only. The Crown acknowledges more than one group may have interests in an area of interest. Relative interests may vary within that area. Area of interest maps are not necessarily intended to be a definitive statement of a group's interests. Reference <u>TKM | Disclaimer | Te Kahui Mangai</u>

5.1. Overview

In 1991, the Greater Wellington Regional Council established Ara Tahi as a collective regional forum which included Ātiawa Ki Whakarongotai as one of six mana whenua partners.

In 1993, this relationship was formalised through the signing of the Charter of Understanding by GW and the partners which morphed into the Memorandum of Partnership which was last signed by the parties in 2013. Reference Memorandum-of-Partnership-between Tangata Whenua ki Te Upoko o te Ika a Maui - and - GWRC - 26 March 2013

The following text from the Ātiawa ki Whakarongotai submission to GW's 2021 - 31 LTP plan signals 'Ātiawa ki Whakarongotai (Ātiawa) are mana whenua and kaitiaki of all that is between Kūkūtauāki and the Whareroa, with overlapping interests with Ngāti Toa Rangatira to Paripari. As kaitiaki, Ātiawa have a responsibility to protect the environment within their rohe. The Ātiawa ki Whakarongotai Charitable Trust (the Trust) is the mandated iwi authority that represents the interests of Ātiawa.

The Trust makes the following comments on Council priorities:

- a. Responding to the climate emergency: The Trust is supportive of prioritising climate emergency. Ātiawa recognises the threat of climate change to the environment as is evidenced by our emphasis on planning for climate change in our Kaitiakitanga Plan. Ātiawa must be involved as a Treaty Partner, in the planning for climate change emergency.
- b. Improving outcomes for mana whenua and Māori: The Trust is supportive of prioritising improving outcomes for mana whenua and Māori. The Trust notes that only Māori can design how outcomes can be improved for Māori. As such, this mahi must be led for and by Māori. The Trust notes that we did not have input into the Māori Outcomes Framework. This is concerning to the Trust as until Council recognises that these processes must be designed by mana whenua and Māori we will not achieve real change. The Trust notes that it is currently in conversations with Council governance over how mana whenua can be involved in Council governance and operation, as a Treaty Partner, to ensure better outcomes for mana whenua and Māori. Ensuring effective mana whenua participation as a Treaty is critical to the success of improving outcomes for mana whenua and Māori.
- c. Adapting and responding to impacts of Covid-19: The Trust recognises the importance of adapting and responding to the impacts of Covid-19 to support our communities.
- d. Aligning with central government direction: the Trust is supportive of aligning with central government direction where that direction aligns with mana whenua directions.

Pushing the go button on electrifying our bus and rail network

- 8. The Trust supports Option 1: Electric all the way.
- 9. The Trust supports this option as it will have the biggest impact on carbon emissions and therefore reduce the public transport contribution to climate change. The Trust is supportive of reaching carbon neutrality as fast as possible as it will have many flow on effects to many of our taonga native species. Reaching carbon neutrality quicker will decrease the impacts of global mean temperature rise which will cause more major weather events such as flooding and droughts. Flooding and droughts both have the potential have negative impacts on our mahinga kai due to the stress that this puts on our native species. This in turn is negative for mana whenua as we will be restricted in practicing kaitiakitanga including through practicing mahinga kai.
- 10. By acting on climate change impacts quickly the Trust understands that this will create a more sustainable environment for future generations.
- 11. The Trust supports the introduction of more bus services to provide more public transport, especially in Kāpiti. The Kāpiti Coast area would benefit from more buses and greater routes within isolated areas in the district to allow for greater utilisation of public transport. This would alleviate the demand on private transport modes and in turn lead to less CO2 emissions into the atmosphere. By electrifying and providing more buses the Trust believes the Council is taking a step forward for climate action.
- 12. The Trust requests that council honours our Treaty Partnership, by involving the Trust in the electrification of the public transport system within our rohe. The Trust takes an active approach in implementing strategies and projects that will lessen our CO2 emissions so that our future generations can thrive within te taiao as we have.

Ramping up our restoration of regional parks to fight climate change

- 13. The Trust supports Option 1: Sow the seeds now.
- 14. The Trust supports the removal of livestock from grazing within regional parks as there are many associated negative environmental impacts that arise from this practice. This includes:
 - a. Nutrient deposition of the soil from animal excrements can throw the soil nutrient levels off and create a soil profile that is not able to grow native plants.
 - b. Nutrients from these animals can get into waterways, having degrading effects on water quality and the mauri of the water.
 - c. Trampling and eating surrounding native species of plants.
- 15. The Trust supports restoring these parks back to their original native forested state which in turn will also combat our emissions due to an increase in plants taking up CO2.
- 16. The Trust requests that, as Treaty Partners, we are involved in the subsequent projects that arise from this option that are located within our rohe. The Trust takes an active approach in being a part of initiative to revegetate the land and restore areas back to their native wetland and forested states.

Taking joint action to supercharge our region

- 17. The Trust supports Option 1: Serious support.
- 18. The region is facing several challenges including housing and urban development, economic development, transport and resilience. Many of which cross local council boundaries. As such, Council along with the territorial authorities in the region, Horowhenua District Council, mana whenua and central government have agreed to establish the Wellington Regional Leadership Joint Committee (Joint Committee). This Joint Committee will set direction and monitor activities across regional plans that support the Wellington Regional Growth Framework and help regional economic development and recovery.
- 19. Council seeks to fund a secretariat for this Joint Committee who will give support and advice. They will bring together all the relevant information, administer projects, manage the work programme and progress projects.
- 20. The Trust is supportive of providing serious support to fund the secretariat of the Joint Committee. The Trust seeks confirmation that a Trust appointed personnel(s) will be appointed to the Joint Committee and the secretariat to represent Ātiawa.

General Council Questions

21. In additional the above questions, Council has also asked the following general questions which we address as follows.

Has Council got the general direction of the LTP right?

22. The Trust requires further involvement in the development of the LTP as a Treaty Partner before they can finalise a position on the direction of the LTP. The Trust requests a korero with Council as to how they can be involved in the development of the LTP going forward.

Has Council got the balance right between level of rates/ charges and services Council provides?

23. The Trust requires further involvement in the development of the LTP as a Treaty Partner before they can finalise a position on the level of rates / charges and services Council provides. The Trust requests a korero with Council as to how they can be involved in the development of the LTP going forward.

Further comments on the Consultation Document or supporting information

- 24. The Trust requests that we are positioned as Treaty Partner alongside Council in the review and consideration of submissions on the Consultation Document. This includes being provided the opportunity to review all submissions, being invited to the subsequent hearings to listen to submissions and being given the opportunity to comment on these as a partner.
- 25. The Trust should also be provided an opportunity to be involved in finalising the LTP and seeks korero with Council as to how this involvement would look.

Conclusion

The Trust does not object to this Submission being publicly available and requests that this Submission used to guide the development of the LTP. Reference: <u>Ātiawa ki Whakarongotai</u> Charitable Trust Submission on the 2021-31 Long Term Plan Consultation Document.

5.2. Treaty Of Waitangi Statutory Agreements

Not applicable. Ātiawa Ki Whakarongotai has completed a significant step in their Treaty of Waitangi historical Claims journey through the release of the 'Waikanae Report on Te Ātiawa and Ngāti Awa claims. WAI 2200, Waitangi Tribunal Report 2200'. However, they have yet to enter into negotiations with the Crown to determine what their Treaty of Waitangi statutory agreements will be.

6. BACKGROUND PROFILE & INFORMATION ON TREATY PARTNERS: RAUKAWA KI TE TONGA represented by NGĀ HAPŪ ō ŌTAKI

The map provides the interests in the rohe of Ngāti Raukawa ki te Tonga (represented by Ngā Hapū ō Ōtaki) in the Wellington region as shown on the Te Puni Kokiri (the Ministry of Māori Development) website.



Map Te Puni Kokiri Te Mangai Kahui website. Reference: <u>TKM | Iwi | Nqāti Raukawa ki te Tonqa | Te Kahui Mangai</u>

TPK Disclaimer: Rohe / Areas over which Iwi exercise kaitiakitanga: Users should note that descriptions of rohe (tribal areas / areas over which iwi exercise kaitiakitanga for the purposes of the Resource Management Act 1991) are a record of information supplied by representative Māori organisations and have not been edited or changed by Te Puni Kōkiri in any way. Therefore, their presence on this site does not imply endorsement or any statement about the accuracy of that information by Te Puni Kōkiri or the Crown. This information should not be construed as advice from the Crown, nor any Crown agency, on which iwi authorities or hapū in a particular rohe should be consulted or engaged with on a particular matter. This is for users to determine depending on their statutory or other requirements.

6.1. Overview

In 1991, the Greater Wellington Regional Council established Ara Tahi as a collective regional forum which included Ngā Hapū ō Ōtaki as one of six mana whenua partners.

In 1993, this relationship was formalised through the signing of the Charter of Understanding by GW and the partners which morphed into the Memorandum of Partnership which was last signed by the parties in 2013. Reference Memorandum-of-Partnership-between Tanqata Whenua ki Te Upoko o te Ika a Maui - and - GWRC - 26 March 2013

In GW's 2021 - 31 Long Term Plan **Ngā Hapū o Ōtaki** in their own voice signal 'their marae are Katihiku marae, Tainui Marae and Raukawa marae located in Ōtaki and their representative entity is Ngā Hapū o Ōtaki. In 2016, Greater Wellington and Ngā Hapū o Ōtaki signed an

Integrated Catchment Management Agreement (ICMA). The Agreement referred to the development of an overarching Strategy to inform the approach to developing a partnership model and work programme. This Strategy was developed following a strategic planning workshop on 21 March 2017 with partner representatives, and aims to provide high level guidance on:

- our reasons for direction in establishing an integrated catchment management framework
- our approach to delivering on the strategy
- our long term outcomes
- our priority areas for the next 10 years.

The implementation of the Strategy will continue to be facilitated through the joint development of the business and other plans by the partner organisations. 'Greater Wellington Regional Council - Long Term Plan - 2021-2031', page 256

6.2. Treaty Of Waitangi Statutory Agreements

Not applicable.

6.3. Treaty Of Waitangi Statutory Agreements

Not applicable. I was unable to find any information on either the Waitangi Tribunal or the Te Arawhiti websites on the Raukawa ki te Tonga Treaty of Waitangi historical claims.

7. Other information sought

7.1. Mana Whakahono a Rohe agreements

GW has no existing nor pending Mana Whakahono a Rohe agreements.

7.2. Iwi Environmental Management Plans

Ātiawa ki Whakarongotai Charitable Trust	Kaitiaki Plan	Te Wāhi - Te Atiawa ki Whakarongotai Kaitiakitanga-Plan.pdf - All Documents (sharepoint.com)
Ngā Hapū ō Ōtaki	Iwi Management Plan	Te Wāhi - NHoO lwi Management Plan Master 2000.pdf - All Documents (sharepoint.com)
Ngāti Toa Rangatira Iwi Inc	lwi Environmental Plan	Rangatira Iwi Environmental Management Plan and Poutiaki Plan 2021.

7.3. Cultural Values assessments and or Cultural Impact assessments

All mana	Proposed	PNRP - final appeals version 2022 » Proposed
whenua	Natural	Natural Resources Plan (gw.govt.nz)
partners	Resources Plan	
		Schedules: This info describes the specific
		values of GW's six mana whenua partners
		associated with their respective sites of
		significance
Ātiawa ki		Waikanae Ki Uta Ki Tai
Whakarongotai		Collaborative arrangement between AKW,
Charitable		KCDC, DoC and GW to revitalise the Waikanae
Trust		Awa
Ngā Hapū ō	Ōtaki River	External Relationships - ICMA Final Draft
Ōtaki	Integrated	Strategy Aug 2017.pdf - Folder View
	Catchment	(sharepoint.com)
	Management	
	Strategy2017	
Ngāti	Ruamāhanga	Final-Ruamhanga-WIP-August-2018-Pdf-
Kahungunu ki	Whaitua	version.pdf (gw.govt.nz)
Wairarapa	Implementation	
Charitable	Plan 2018	
Trust		
	Te Kahu Cultural	Te Wāhi - Ngāti Kahungunu ki Wairarapa Trust -
	Health	All Documents (sharepoint.com)
	Monitoring Plan	
	2019	
Rangitāne o	Ruamāhanga	Final-Ruamhanga-WIP-August-2018-Pdf-
Wairarapa Inc	Whaitua	version.pdf (gw.govt.nz)

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	Implementation	
	Plan 2018	
		Te Wāhi - Rangitāne o Wairarapa Inc - All
	Te Moari Project	Documents (sharepoint.com)
	Cultural Health	
	Monitoring 2019	
Ngāti Toa	Te Awarua-o-	398081-1 working (gw.govt.nz)
Rangatira Iwi	Porirua Ngāti	
Inc	Toa Rangatira	
	statement 2019	
Ngāti Toa	Te Mahere Wai o	te mahere wai 20211028 v32 DIGI FINAL.pdf
Rangatira Iwi	Te Kāhui Taiao	(gw.govt.nz)
Inc and	2021: A Mana	
Taranaki	Whenua whaitua	
Whānui ki te	implementation	
Upoko o te ika	plan to return	
	mana to our	
	freshwater	
	bodies.	

8. Extra information: Muaūpoko



Te Puni Kokiri website. Reference: TKM | Iwi | Muaūpoko | Te Kahui Mangai

TPK Disclaimer: Rohe / Areas over which Iwi exercise kaitiakitanga: Users should note that descriptions of rohe (tribal areas / areas over which iwi exercise kaitiakitanga for the purposes of the Resource Management Act 1991) are a record of information supplied by representative Māori organisations and have not been edited or changed by Te Puni Kōkiri in any way. Therefore, their presence on this site does not imply endorsement or any statement about the accuracy of that information by Te Puni Kōkiri or the Crown. This information should not be construed as advice from the Crown, nor any Crown agency, on which iwi authorities or hapū in a particular rohe should be consulted or engaged with on a particular matter. This is for users to determine depending on their statutory or other requirements.

Waitangi Report <u>'Te Whanganui I A Tara Me Ona Takiwa Report on the Wellington District</u>
WAI 145 2003 Te Whanganui a Tara me ona Takiwa (justice.govt.nz)

This report provides information on the findings of the Tribunal for the Wellington District inquiry. The following excerpts relate to the Muaūpoko claims.

Executive Summary, Page xvii	'The area which became the Port Nicholson block had been occupied for centuries by various Maori groups. Those in occupation immediately prior to the 1820s were Ngati Ira and related peoples who shared a common descent from the early explorer Whatonga. Rangitane and Muaupoko were also among these 'Whatonga-descent peoples' who had connections with Te Whanganui a Tara and its environs. From the 1820s, a series of migrations from the north progressively pushed out these earlier inhabitants. The migrants included Ngati Toa from Kawhia, Ngati Rangatahi from near Taumarunui, and several groups from Taranaki: Te Atiawa, Ngati Tama, Ngati Mutunga, Taranaki, and Ngati Ruanui. By the late 1830s, Ngati Ira and related groups had largely been driven out of the Port Nicholson block, and one of the migrant tribes (Ngati Mutunga) had also left the area, moving to the Chatham Islands. We consider that, at 1840, the groups holding customary rights within the Port Nicholson block were Te Atiawa, Taranaki, Ngati Ruanui, Ngati Tama, and Ngati Toa. These rights had been established through conquest, occupation, and use of resources.'
Executive Summary, Page xxvi	'No Treaty breach findings have been made in relation to Rangitane and Muaupoko, because we consider that they lost their rights to land within the Port Nicholson block prior to the arrival of the Crown. Nevertheless, we consider that the long history of occupation of Te Whanganui a Tara and the surrounding area by these and related peoples should be recognised in a meaningful and public way by the Crown, local bodies, and other iwi.'
Report, Page 18	2.3.2 'Ngati Ira and other Whatonga-descent peoples Before the arrival of Maori from Taranaki and Kawhia, Te Upoko o te Ika was populated primarily by people of Kurahaupo waka descent, including Ngai Tara, Rangitane, Muaupoko, and Ngati Apa. We will refer to the various related groups who settled in and around what became the Port Nicholson block before the 1820s as 'Whatonga-descent peoples', since all claimed descent from the early explorer Whatonga.'
Report, Page 22	'It appears that Muaupoko and Rangitane were no longer in occupation of land much south of Kapiti by this time, residing mainly in Horowhenua and Manawatu. According to Ballara, 'they were a defeated people', though Rangitane and Muaupoko claimants today do not accept that label.'

	Report, Page 35	'Muaupoko assert that their name (which they relate to the head of Maui's fish) is evidence of their association with the region, and claim that they shared occupation of Te Whanganui a Tara with related tribal groups up to and even after 1840.'
land was lost through conquest and never reoccupied, 'mana over that land was lost forever'. However, they believe that they were not conquered by the incoming tribes as they stayed in occupation in Te Upoko o te Ika, retreating from the coast to live in the bush. They also claim that evidence of continued raids on Port Nicholson as late as 1839 shows that tangata whenua (including Muaupoko) had not left the area.'		Upoko o te Ika could not be undone by what they see as an incomplete conquest by the allied incoming tribes. They acknowledge that, where land was lost through conquest and never reoccupied, 'mana over that land was lost forever'. However, they believe that they were not conquered by the incoming tribes as they stayed in occupation in Te Upoko o te Ika, retreating from the coast to live in the bush. They also claim that evidence of continued raids on Port Nicholson as late as 1839

Report, Page 37

'2.5.4 **Tribunal consideration**: Both Muaupoko and Rangitane claim an ancient association with Te Whanganui a Tara which could not be destroyed in the short period between the arrival of the incoming tribes and the intervention of the Crown. However, neither Rangitane nor Muaupoko, the only claimants from the 'Whatonga-descent' grouping of tribes, could provide any evidence that they were in occupation or used resources within the Port Nicholson block after 1840, or even for the period immediately before 1840.

They undeniably have an ancient association with Te Upoko o te Ika, and, up to the 1820s, the related peoples of Ngati Ira were living in what became the Port Nicholson block, but none of Ngati Ira, Rangitane, or Muaupoko rekindled ahi ka at Port Nicholson after 1840.'

Report, Page 37-38

'The Whatonga-descent peoples had lost their lands by the raupatu of the incoming tribes before the advent of the Crown, and it is not in the power of the Crown to restore rights lost in such a way. However, we do consider it appropriate that the ancient history of Te Whanganui a Tara and environs, and its occupation over several centuries, should be publicly recognised, a matter which we take up in our final chapter.'