

IN THE WAITANGI TRIBUNAL  
OF NEW ZEALAND

IN THE MATTER OF: The Treaty of Waitangi Act 1975

A N D

IN THE MATTER OF: The Wairarapa Ki Tararua Inquiry **Wai 863**

A N D

IN THE MATTER OF: The claims by **JAMES RIMENE** and **PIRINIHIA TE TAU** for and on behalf of the Rangitāne iwi of Wairarapa and their constituent hapū – **Wai 175**

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**STATEMENT OF EVIDENCE OF ELIZABETH ANNE BURGE**

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## **Introduction**

1. My full name is **ELIZABETH ANNE BURGE**. I currently live at Gladstone in the Carterton District. I have lived in the Wairarapa area since 1993.
2. My evidence discusses issues relating to resource management and the Rangitāne o Wairarapa position in regards to their involvement or lack of in the management of their environment and resources from 1994 to 2000.
3. My evidence does not deal with coastal management issues. These are of course an integral part of Rangitāne resource management. The effects of inland activity inevitably flow to the coast and cause effects to areas of immense cultural and spiritual importance to Rangitāne. The coastal domain will be covered in the evidence of Jason Kerehi. My evidence will provide examples of Rangitāne issues relating to inland resource management matters.

## **Personal Background**

4. After completing an OE I attended Lincoln University to undertake a Bachelor of Resource Studies degree. I completed the degree in 1993. The Bachelor of Resource Studies was the first degree in New Zealand to have as its focus the Resource Management Act 1991. The degree course was unique to Lincoln University and I was one of the first graduates of this course.
5. I have a passion for environmental issues and Māori culture stemming from my upbringing at Rerewhakaaitu, southeast of Rotorua, where I had intimate contact with the natural resources of the area, with Māori and their way of living. Being non-Māori I believe that the degree at Lincoln provided for both of my passions in terms of environmental issues, as well as an insight into Māori customs and traditions of their environment. The degree had a myriad of options available in terms of a specific focus. For example you could choose amongst economic resource management, political resource management and scientific resource management. My particular degree study had as its focus, Māori environmental management.

6. During my studies I wrote many papers focusing on Māori issues and the environment. Unfortunately many of the reports were lost in a fire at the former Rangitāne o Wairarapa office in Church Street, Masterton during my time of employment there.
7. I worked for Rangitāne from 1994 to 2000. My time at Rangitāne included work that was either paid or non-paid, full time and part-time. In the ensuing years whilst I have been involved in raising my family I maintain close contact with Rangitāne. Rangitāne keep me informed and I provide advice and assistance where needed on various resource management aspects from my home in Gladstone.
8. In April 2000, I was nominated by the Wellington Regional Council for a Green Ribbon Award. The New Zealand Green Ribbon Award recognises outstanding contributions towards protecting and improving the quality of the environment. I won a Green Ribbon Award in the Māori category. Annexed and marked “A” and “B” respectively to my statement of evidence is a copy of the Green Ribbon Award nomination letter and the panui confirming my award.

### **The Genesis of my Relationship with Rangitāne o Wairarapa**

9. I moved to the Wairarapa area initially to help a friend who had an organic nursery in Carterton. In getting to know some of the local people, including the local Māori community I expressed to them my interest in Māori environmental resource management. In relation to the Māori community I had no idea as to who were the iwi and hapū of Wairarapa.
10. Some of the locals suggested I meet with James Rimene of Rangitāne because of his community standing and contacts with Council officials. As a result of meeting with James Rimene I became involved in a project for the Wellington Regional Council to produce an issues report on Environmental, Recreational and Tangata Whenua Consultation for the Upper Ruamahanga River Floodplain Investigation.

11. This report, for the Operations Department of the Wellington Regional Council, was to focus on community issues, which of course included Māori issues. Included in the report is a section on tangata whenua of the Ruamahanga River. The named tangata whenua are, according to my report, Rangitāne and Ngāti Kahungunu. This is consistent with the Wellington Regional Councils Charter of Understanding which sets out the relationship of both iwi groups with the Wellington Regional Council. My report has been referred to by Robert McLean in his report Wairarapa 20<sup>th</sup> Century Environmental Overview Report: Inland Waterways (#A41).
12. For the purposes of the report I consulted with local Māori, including James Rimene of Rangitāne. I also referred to Tipene Chrisp's article in the Journal of Polynesian Society entitled "The Māori Occupation of Wairarapa – Orthodox and non Orthodox Versions" which I understand is filed on the Wairarapa ki Tararua record of inquiry (document A#57) and Jock McEwan's book, "Rangitāne: a Tribal History". The preparation of this report was the genesis of my relationship with Rangitāne o Wairarapa with regards to resource management issues.
13. In 1997, I was employed by the Rangitāne o Wairarapa Incorporated Society to prepare a traditional history report for their Wai 175 Treaty claim. I reported regularly to the Claims Committee which included, among others, James Rimene, Kath Rimene, and Tipene Chrisp. The traditional history report was in draft form when it was destroyed in the fire previously mentioned. Because of the fire the report was never completed but it gave me an insight into the traditional history of Rangitāne and their special place within the Wairarapa area.
14. Working on the Rangitāne traditional report certainly encouraged me to continue my involvement with Rangitāne on resource management issues. I am of the view that any person who gets involved in Māori resource management needs to have an appreciation of the Māori history, whakapapa and tikanga and, in particular, an understanding of the relationship that Māori have with their natural environment and the resources it holds.

15. When I initially became involved with Rangitāne most of my resource management work was done on a voluntary basis. Rangitāne had no formal contracts with any of the councils in the Wairarapa area at that time. The type of work that I have been engaged in for Rangitāne in the field of resource management included:

- Providing information, advice and assistance to marae, whanau, hapu and Māori land trusts on resource management issues;
- Reviewing and assessing resource consent applications (notified and non-notified) that were received by Rangitāne o Wairarapa;
- Meeting with resource consent applicants and project managers who approached Rangitāne o Wairarapa;
- Meeting and liaising with planners and other council staff; for example operations departments and biosecurity departments;
- Preparing and presenting submissions on behalf of Rangitāne o Wairarapa for council annual plans, policy and plan formation and changes, resource consent applications and hearings;
- Attendance at Environment Court hearings to enhance my knowledge and understanding of Wairarapa resource management issues;
- Being a party to mediation sessions on behalf of Rangitāne o Wairarapa;
- Preparing submissions for Department of Conservation concessions and other conservation projects on behalf of Rangitāne o Wairarapa.

### **Introduction of the Resource Management Act 1991 (“RMA”)**

16. It is not my intention to spend time on the mechanics of the RMA or other relevant legislations. More time will be spent on dealing with the key issues as I

see them in relation to management of the Wairarapa environment. The mechanics of the RMA and other relevant legislation have been comprehensively dealt with in the evidence given by Janine Haywood “Māori and Local Government” (#A65) and Murray Hemi on behalf of Ngā Hapū Karanga o Wairarapa (#C35).

17. Apart from the RMA there are of course a number of other pieces of legislation which impact upon the management of the environment, including:
  - Local Government Act 2002
  - Historic Place Act 1993
  - Conservation Act 1987
  - Environment Act 1986
  - Hazardous Substances and New Organisms Act 1996
  
18. In terms of the Rangitāne experience since 1991 and my involvement since 1994, the RMA was the key focus as regards land resource management issues.
  
19. The RMA was the first piece of legislation that had specific reference to and recognition of Māori environmental management systems or tino rangatiratanga; for example sections 6, 7 and 8 of the RMA.
  
20. Rangitāne saw the RMA as a glimmer of hope because of the inclusion of central and vital terms such as; ancestral lands, water, sites, waahi tapu, taonga and kaitiakitanga. To Rangitāne this encompassed recognition of their tino rangatiratanga – their right to management and self determination over resources and taonga which are central to Rangitāne.
  
21. However in reality the outcome of this legislation, in my view, encompassed only a basic duty upon local government to consult with Māori and to ‘take into account’ or ‘have regard to’ tangata whenua issues. This was subject to interpretation and differed vastly in the application between what the local authorities did and what Rangitāne believed to be acceptable regarding their unique and special guardianship of Papatuanuku.

22. What my evidence will highlight is that since the enactment of the RMA in 1991, and accepting there are difficulties in terms of consultation, the relationships that have been formed between Rangitāne o Wairarapa and local authorities/Crown agencies have been based on the duty to consult. Having said that, this has not changed my view that Māori remain excluded from true and active management of the environment that has been delegated to local authorities by the Crown.

### **Managing the Environment – “The Myriad of Managers”**

23. One of the more unique aspects of the Wairarapa area is the fact that there are six Councils to deal with. They are:

- Wellington Regional Council (now known as the Greater Wellington Regional Council);
- Masterton District Council;
- Carterton District Council;
- South Wairarapa District Council;
- Tararua District Council;
- Manawatu/Wanganui Regional Council (known as Horizons Manawatu)

24. Along with the local authorities, there were many Crown entities responsible for managing key areas of immense importance to the Rangitāne o Wairarapa rohe. Rangitāne have regular interface with the following Crown entities:

- Department of Conservation
- Historic Places Trust
- Transit New Zealand
- Ministry for the Environment
- Ministry of Fisheries

- Environmental Risk Management Agency
  - Te Puni Kokiri
  - Ministry of Economic Development – Crown Minerals Department.
25. In addition to local government and Crown entities, Rangitane developed working relationships and understandings with associated businesses, for example Jukin Nissho Ltd – forest managers for Ngaumu Forest where there are numerous waahi tapu and taonga of Rangitāne and Rathkeale College for the protection of sites of significance and the management and upgrade of their sewage system.
26. In total, there are thirteen separate Crown and local government entities that Rangitāne o Wairarapa had to work with, consult and ‘be available for’ at various stages in terms of conservation and resource management issues. The sheer number of entities forced Rangitāne into prioritising not only who they dealt with, but the issues also had to be placed in some sort of hierarchy. This of course was foreign to what Rangitāne believe and practice. Rangitāne had to compromise their holistic world view in order to ‘fit in’ to the particular kaupapa of the day.
27. There are natural resources within the Wairarapa which have a multitude of agencies involved in its management. Because of this the sheer task of enabling effective active management to achieving the desired environmental outcomes of Rangitāne poses a near impossible situation.
28. An example of this is Lake Wairarapa, an important taonga to Rangitāne. The lake involves the Department of Conservation, Wellington Regional Council, South Wairarapa District Council, Ministry of Fisheries, Fish and Game and the Historic Places Trust in various aspects of the control, use, allocation and protection of the Lake and its attributes. Rangitāne have traditional, historical, spiritual and whakapapa connections to this moana and its health, vitality, and mauri are an integral part of Rangitāne resource management. However, Rangitāne are forced to ‘battle’ from the outside against entities that have vastly different kaupapa not only from Rangitāne but also among each other.

## **Funding/Resources**

29. Along with the number of entities that Rangitāne had to deal with in Wairarapa, the issue of funding and resources posed a further restriction on Rangitāne. For Rangitāne it was extremely difficult to respond effectively to all the issues that were presented to them because of a lack of funding and resources. Rangitāne had to prioritise the issues that would be dealt with; this meant that some would not be given the attention that Rangitāne knew they required, while others would simply have to be left.
30. For example; Rangitāne had to prioritise resource management issues during the establishment of The New Zealand Environmental Risk Management Authority in 1996 (“ERMA”). The magnitude of documentation that Rangitāne received in addition to the daily business, made it impossible to give due attention to ERMA. Rangitāne held immense cultural concerns for this issue and how it would impact on the Wairarapa.
31. Because of the sheer number of entities, issues and a lack of resources, Rangitāne placed Wairarapa resource management issues as the priority. Rangitāne worked at achieving the best outcomes of protection and enhancement possible for their taonga – the natural resources in the Wairarapa environment. However, to be completely honest, this remained almost impossible for Rangitāne to actually achieve effectively because of the magnitude of the work load and lack of resources.
32. In my view the health of Papatuanuku is paramount to Rangitāne and this is reflected in their mana. Rangitāne consistently promoted and submitted their holistic and unique world view pertaining to the management of their rohe to authorities. However the lack of resources, being either time, money, people or technology, had a considerable impact on their legitimate ability to be truly effective or active to the fullest extent possible.
33. In 1997 Rangitāne negotiated a contract with the Wellington Regional Council. This contract supported, in part, tangata whenua consultation for non-notified

resource consents and participation in resource management policy development. This work was already being undertaken, and had been for a number of years. The traditional, intergenerational responsibility, duty and custom has been actively practiced since time immemorable by Rangitāne.

34. The securing of some funding from the Wellington Regional Council towards the cost to Rangitāne was gratefully received. At that time the contract was \$12,937.52 per annum and we processed 358 non-notified consents, of this about 73 were gravel extraction consents. This contract was re-negotiated each year during my time at Rangitāne and remains in place today.
35. This contract however did not provide for any input into notified consent processing and was specific only to Wellington Regional Council consents. In my view, while it contributed to the Rangitāne cost of 'input' into resource management it certainly did not cover the true cost to Rangitāne.
36. According to our records, during 1998 Rangitāne received the following notified consents from Councils;
  - Masterton District Council – 17
  - Carterton District Council – 7
  - South Wairarapa District Council – 22
  - Wellington Regional Council – 13
37. The Wellington Regional Council also provided for the negotiation of specific contract work. For example; Rangitāne provided the Council with a report on our perception of the 'State of our Environment' (May 1999). A further example is the financial contribution to a fencing project of Ngati Hinewaka at Palliser Bay (April 2000) that Rangitāne assisted in obtaining for them.
38. Rangitāne had no contract work or financial assistance from any of the other councils during my time at Rangitāne for resource management work.

39. The sheer volume of work, the number of agencies to deal with and lack of sustainable funding and resources forced Rangitāne to prioritise, making it virtually impossible for Rangitāne to participate and have input into all aspects of the Wairarapa environment. To Rangitāne this remains unsatisfactory.

### **Rangitāne o Wairarapa Relationships with Crown Entities**

40. Rangitāne o Wairarapa were involved with several Crown entities during my time of employment (1994-2000). In my view Crown entities appeared to be detached or foreign from the systems that Rangitāne had in place in terms of environmental management.
41. Crown entities are predominantly physically situated outside the Rangitāne rohe. This often had impacts on the Crown entity gaining an understanding and appreciation of the Rangitāne connection and association with their resources and taonga, along with difficulties with meeting.
42. An example of this was when permits to allow exploration for petroleum or gas within the Wairarapa were being worked through in 1997. This of course had vast implications for the Rangitāne environment; their wāhi tapu and wāhi taonga and their concern was high. Rangitāne had difficulties in getting the Crown Minerals department of the Ministry of Economic Development to “the table” and for them to appreciate the magnitude of the issue to Rangitāne and their environment.
43. A further example was during the formation of the Lake Wairarapa and Wetlands Management Plan which was finalised in 2000. This process was administered by the Department of Conservation and involved several local territorial authorities, Crown agencies and other interested parties; all were vital ingredients to a successful plan for the lake. The Ministry of Fisheries were extended several opportunities to be involved in this process however they declined to be part of it.
44. Crown entities methods of contact with Rangitāne were predominantly by mail. They required responses of varying degrees from Rangitāne and were governed

by rigid timeframes. These often “tipped the scales” in terms of Rangitāne’s workload at the time.

45. The lack of funding and resources, the prioritising and balancing of issues relating to the management of the Wairarapa environment all impacted on Rangitāne’s ability to be active and effective to their fullest extent.

### **Rangitāne o Wairarapa Relationships with Council**

46. Between 1994 and 2000 we dealt with the following Councils on a day to day basis: Wellington Regional Council, Masterton District Council, Carterton District Council and the South Wairarapa District Council.
47. Rangitāne o Wairarapa left the Tararua region principally to Rangitāne o Tāmaki-Nui-a-Rua and the Manawatu/Wanganui region to Rangitāne o Manawatu. For example, if we received a resource consent application which was located in the area of Tāmaki-Nui-a-Rua or Manawatu, I would contact their resource management representatives to ensure they were aware of the activity and confer as to whether they were making submissions to the resource consent.
48. There was room for overlap and that is one of the reasons why we needed to have clear communications between the entities. For example, a dairy discharge resource consent application to discharge into the Makakahi River provides an example of the overlap between the regions, the Makakahi River flows between the Tamaki-Nui-a-Rua and Wairarapa regions. (*Refer Map 10 of the Rangitāne map booklet (#E39)*). After consultation with Rangitāne o Tamaki-Nui-a-Rua it was decided that Tamaki would work on that particular issue.
49. Set out below is an overview of the relationships that Rangitāne has held with various councils in the Wairarapa region since my involvement in 1994. It has been clear to me since my involvement that Rangitāne o Wairarapa adopted a strategy of trying to build and maintain ongoing relationships with all entities, both local government and Crown agencies, which had an impact on the natural resources of Rangitāne. Rangitāne did not necessarily want to go through an

aggressive confrontational approach to their resource management issues. Rather Rangitāne worked at maintaining open dialogue and communication and gently ‘chipped’ away at the issues to work towards the ultimate goal of a shared approach to management of the environment. This strategy was initiated by James Rimene who always talked about ‘block-building’ and maintaining relationships, given that we live side by side with the various people that we were dealing with on a daily basis in terms of resource management issues; for example farmers, developers and local council people.

50. Rangitāne o Wairarapa has consistently asserted and attempted to maintain its tino rangatiratanga and mana kaitiaki over its taonga the natural and physical resources within the Wairarapa rohe despite most of its land base being alienated in the 19<sup>th</sup> and 20<sup>th</sup> centuries. While this has occurred the legitimate ability of Rangitāne and the opportunity to be effective in resource management according to Rangitāne tikanga has been extremely limited for reasons already explained. Rangitāne’s relationship, while proclaimed to be ‘mutually beneficial’, is certainly far from this and hence the destruction and declining of their waahi taonga, waahi tapu and tino rangatiratanga continues. Some of the examples below highlight this reality.

## **Wellington Regional Council**

### *The Relationship with Rangitāne*

51. Rangitāne had established a relationship with the Wellington Regional Council (“WRC”) prior to my involvement, and formally entered into a Charter of Understanding in November 1993 along with other iwi of the WRC area.
52. This ‘inter-iwi’ group is called ‘Ara Tahi’. During my time at Rangitāne o Wairarapa Dane Rimene and I were involved in this group. While there is a formal understanding and process set out between Rangitāne and Council, there has been difficulty with the issues surrounding the absolute authority, priorities and policies of the WRC versus that of Rangitāne in terms of resource management.

*River Management*

53. An example of differing 'tikanga' between WRC and Rangitāne is river management. WRC has specific delegated authority from the Crown which gives them authority to manage, control and allocate the resources associated with the river systems. Rangitāne have attempted to retain their tino rangatiratanga over these taonga (river systems). The Rangitāne view of their environment is personified, so in terms of waterways they are the blood veins of Papatuanuku, carrying life and giving life and sustenance to all. It is logical to Rangitāne that if one does not place a particular substance, in their own veins, take from them or divert their veins, then why should Papatuanuku be subject to it? Rangitāne have consistently promoted these beliefs and issues to the WRC regarding activities that have an effect on the Rangitāne environmental policy for river management.
54. For example, since my involvement with Rangitāne in 1994, Rangitāne have opposed all discharges into water but today all municipal sewage in the Wairarapa is discharged into water. This occurs at Masterton, Carterton, Greytown, Featherston and Martinborough.
55. Rangitāne has also objected to surface water takes because of effects on the mauri of the rivers and Papatuanuku. The protection and enhancement of the mauri or life force of waterways, and all 'beings', is a central component to Rangitāne environmental policy. The quality and quantity of waterways within the Rangitāne rohe are affected by surface water takes.
56. Rangitāne has been involved in formal mediation with the WRC for their gravel extraction (including sand and rock) consent. Primarily deeper issues of ownership and control of this resource were 'unable to be resolved in this forum' and hence negotiations were limited to processes and practices of the council and its effect on Rangitāne taonga, the result being that the consent has several conditions relating to issues of importance to Rangitāne, as well as a review condition relating to any negotiated settlement between the Crown and local iwi regarding the management of riverbeds in the Wairarapa.

57. Rangitāne continue to work at improving the relationship it has with the WRC. For example in May 1999 Rangitāne submitted a proposal to the Councils 'Facing the Future' annual plan document for the establishment of a Wairarapa Māori Liaison Officer. The purpose of this position was to foster liaison and facilitate networking for resource management issues affecting the Wairarapa. This would include strategic planning, resource consent applications, plan development, and assist in the development of Māori management plans. Along with these this position was to provide an education role to the Council and its staff on the Treaty of Waitangi and matters of importance to Māori, and similarly advise Māori of Council functions and limitations. Jason Kerehi is the current officer employed by the WRC.

### **Masterton District Council**

#### *The Relationship with Rangitane*

58. A relationship of sorts had developed with the Masterton District Council ("MDC") prior to my involvement with Rangitāne. There was no memorandum of understanding executed at that time but the MDC had set up a Māori Task Group which, in my view, was set up simply for the MDC to bounce ideas against and appear that a Māori 'face' was present in its resource management dealings. Practically, the Task Group had no teeth and did little, in my view, to advance the issues for environmental management that Rangitāne had. Prior to my involvement, James Rimene was the Rangitāne representative on this Task Group.
59. From my experience, the Task Group was used on an ad hoc basis. When an issue arose where it was apparent that Māori consultation would be required, they would 'call' the Task Group together and present the issue/activity to them. The MDC would then indicate that they had performed their duty to consult with Māori. Apart from the ad hoc Task Group there was no meaningful ongoing relationship or prospect for involvement between Rangitāne and the MDC in the early 1990s. There was no evidence, in my view, of true understanding or inclusion of Māori concepts, systems and issues towards their natural

environment, and hence no opportunity for the exercise of tino rangatiratanga by Rangitane.

60. In my view there was some reluctance from MDC to extend the relationship with Rangitane. This was either to better represent Māori views within Council or for Council to become more responsive to Māori issues and aspirations for their environment. For example Rangitane approached the MDC in March 2000 regarding the proposal of employing a Wairarapa Māori Liaison Officer or 'sharing' this position with the WRC. The proposal was to encourage effective formulation of Māori policy for the MDC and monitor the progress of the policy. It was also to provide an educative component and facilitate open lines of communication between the MDC and the Māori community. This proposal was never taken up by MDC.

#### *Municipal Sewage Scheme*

61. An example of the difficulties Rangitane have had with resource management issues with the MDC is the municipal sewage scheme. To my knowledge the MDC began the consent application process late in 1993. Rangitane have consistently maintained its intense objection to the discharge into the Makoura Stream which flows into the Ruamahanga River.
62. For Rangitane the issue of human sewage into waterways is abhorrent. Waterways are, as previously mentioned, the blood veins of Papatuanuku of whom Rangitane are descended. They are also food baskets, and used for many spiritual and ceremonial purposes. They are physical boundaries of whanau, hapu and iwi and the whakapapa connections to these waterways are integral to the mana of Rangitane people.
63. Today, 10 years later, the MDC are operating under an interim consent still discharging into water and indicating that they intend to continue this regime which is not acceptable to Rangitane. The MDC have expressed that they will install a rock filter just prior to the point of discharge which in their view will

appease Māori with their issues in relation to the discharge, even though there will be no impact on the actual quality of the discharge.

64. Recently I was present at a public meeting in Masterton on 30 July 2004 regarding the Masterton wastewater scheme. There were comments made at that meeting by Beca Carter staff that iwi would be happy with a discharge to the Ruamahanga river provided that it passed through a rock filter prior to the discharge to water. Beca Carter staff indicated that that step would have no impact on actual water quality of the final discharge and was a measure purely to appease Māori.
65. I was sufficiently concerned about the inappropriate Beca Carter comments to write to Beca Carter on 9 August 2004. I also pointed out to them that I had previously been contracted by MDC to put together a report which centred on the specific concern of the Māori community. It would appear that the concerns expressed in my report continue to be ignored by MDC and that the report was being used as “the consultation with iwi”. Annexed and marked with the letter “C” is a copy of the letter I sent to Beca Carter.
66. The MDC’s level of understanding of the issues surrounding human sewage and waterways is one of a mechanical/technical sense that can be overcome by an engineering or scientific rationale. The spiritual and holistic connections are marginalised, and appear to be removed from their context in order to progress the sewage discharge consent.
67. Ironically however, over the past 10 years, the MDC has built a new kids playground, a new arts centre, the A & P show grounds have had an impressive upgrade, a new Recreation Centre is in the process of being built, along with many other projects of obviously higher priority than the sewage upgrade.
68. While these enhancements are available to the entire community, of which Rangitāne is a part, I believe they highlight the fact that council attitudes and priorities are vastly different and sometimes in conflict to the priorities of

Rangitāne regarding protection, preservation and enhancement of the essence of life and the mauri of natural resources.

69. Whilst Rangitāne has diligently worked at improving the Ruamahanga river so as to promote and reinstate activities such as ceremonial, spiritual and customary aspects which include recreational opportunities such as swimming. The MDC is building a new swimming pool complex and continuing the sewage discharge into the Ruamahanga river.

#### *Black Rock Road Activities*

70. Another example of resource management difficulties with MDC is the Black Rock Road area on the outskirts of Masterton, known to Rangitāne as Mairirikapua. Here there is a myriad of association and connection that Rangitāne people have with the area. For example this includes Marae, hapu, whanau structures, Māori land ownership, urupa, waahi tapu and waahi taonga, and the Ruamahanga river. The whole area is alive with this intimacy.
71. Over recent years the area has been subject to a flurry of successful subdivision applications. In my view it has been difficult for the MDC to understand the Rangitane relationship with the area and put in place steps to protect and enhance the Rangitāne association with the area. The special nature of this area has been fragmented, and is in danger of losing the sense of ‘belonging’ that Rangitāne have. While the MDC have built into a number of consents a condition relating to the exposure of ‘something’ during earthworks or similar, there has been no other opportunities to enhance the relationship Rangitāne have with the area. For example a specific project could have been initiated to record and identify this association for its protection and preservation. This could also be used as an educational resource to show particular historical and cultural features of the community that resided there and still does today.
72. The ‘relationship’ that MDC and Rangitāne have, in my view, is a long way away from being a mutually beneficial ‘partnership’.

## **Carterton District Council**

### *The Relationship with Rangitane*

73. The Carterton District Council ('CDC') had an informal 'Māori focus' group, which was established prior to my involvement with Rangitāne, and is a similar group set up by the MDC. This group was so informal that during my time of being involved in resource management issues I am only aware of one meeting of which Rangitāne approached CDC in an effort to try and build some sort of relationship with them.
74. Carterton District Council would simply send a copy of the notified consent or planning document as the Resource Management Act 1991 required them to do so. There was no relationship or consultation of any sort, no face to face meetings or involvement with the council. This remains the position today.

### *Carterton Municipal Sewage Discharge*

75. An example of involvement with the CDC is in relation to its municipal sewage discharge in 1995. Rangitāne worked with the CDC consultants regarding Rangitāne issues in relation to the discharge into the Mangatarere Stream. This process was difficult because there was no formal relationship between Rangitāne and the CDC and in my view the CDC had certainly no understanding of Māori traditions, values, beliefs and customs regarding resource management issues.
76. To attain some level of appreciation of the Rangitāne holistic perspective in terms of environmental management and human sewage discharge, presented a considerable challenge for Rangitāne. As with the MDC, in my view the CDC placed Rangitāne holistic and spiritual issues in the "too hard basket". The issues were raised but the CDC had difficulty in addressing them. The CDC, as did the MDC, responded to the Rangitāne concerns with engineering solutions which did not meet the expectations and concerns of Rangitāne. The issues of Rangitāne were simply placed aside and left.

## **South Wairarapa District Council**

### *The Relationship with Rangitāne*

77. The South Wairarapa District Council (“SWDC”) has a Māori Standing Committee which was established in 1986. Rangitāne have held a seat on this Standing Committee since about 1998 of which I was the Rangitāne representative. Dane Rimene is the representative on the Standing Committee today.
78. The Standing Committee, in my view, was used as a consultative body similar to that of the MDC’s Māori Task Group. The Standing Committee was made up of representatives from marae, hapū and iwi of southern Wairarapa . In my view, the Standing Committee had been established by the SWDC in order to meet the requirement under the RMA to consult with Māori. They would become increasingly frustrated if further whanau or hapu consultation was required on any given RMA issue.
79. It appeared that the SWDC were unsure of Māori structures and what they meant or the authority that they held. For example; Marae, whanau, hapu, iwi, Māori land trusts, Māori committees.
80. From my experience the setting up the Standing Committee is not sufficient in meeting the consultative requirements of Rangitāne people. As required by the RMA the SWDC forwards notified resource consents and other council planning documents to Rangitāne.
81. Rangitāne submitted on various resource consent applications ranging from land subdivision and development to road realignment and upgrade activities. The affinity and the holistic management of the environment and the protection of things sacred to Rangitāne were constantly expressed to Council however these were ‘balanced’ with the development and scientific/engineering rationale along with and other issues. Often Māori issues were lost because of the prioritising and lack of understanding.

82. Rangitāne, in my view, became disheartened with the ‘battle’ of constantly presenting issues because they ultimately lay unresolved or fell short of the expectations of Rangitāne.

### **Changes Required to the RMA**

83. From my experience and involvement with Rangitāne resource management issues it is clear that Rangitāne have actively built ‘working’ relationships with local authorities. These relationships differ in scale and effectiveness among the Councils, but essentially they haven’t progressed much further than superficial ‘consultation’.
84. In my view the extent of these relationships that have been developed with Councils has been predominantly due to the perseverance and motivation of Rangitāne through their traditional obligation to the health and vitality of Papatuanuku their Earth Mother.
85. The desire of Rangitāne to regain tino rangatiratanga over their taonga is ongoing. Rangitāne continues to feel frustrated and ‘hamstrung’ regularly by ineffective policy and law which continues to undermine and erode their tino rangatiratanga.
86. District and Regional Plans that guide the management of Rangitāne o Wairarapa natural resources is limited in presenting opportunities of active participation in the management of the environment.
87. The Resource Management Act falls short in ensuring the protection of the essential elements of the Treaty of Waitangi. These elements are paramount to Rangitāne and are the motivator to continue its active voice in resource management issues in the Wairarapa.
88. Rangitāne knowledge, tikanga and intimate association with the land and its resources, in my view, would enhance and improve the Wairarapa environment.

The opportunities for shared management have been limited due to issues such as authority, control, use, allocation and protection.

89. In my view legislative change is required to ensure the Rangitāne position in terms of resource management. This would include the opportunities of protection, enhancement and shared management of the Rangitāne cultural and traditional connections to their environment.