

# Cultural Impact Assessment

Te Orumamaku/Fairy Bay, Pelorus Sound, Marlborough



BY RAYMOND SMITH

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## 1. Introduction/general background



### *Te Oru-mamaku/Fairy Bay, Popouri, Pelorus Sound, Marlborough*

My name is Raymond Smith. I hold the position of Environmental Manager for Ngati Kuia, which is the iwi authority of Te Runanga o Ngati Kuia. I hold a Bachelor's Degree in Iwi environmental management and Trusteeship. I have held the Customary Fisheries Portfolio for 17 years, Resource manager for the Marlborough region for over 10yrs and also held the position of trustee for Ngati Kuia. I have had over twenty-five years' experience in area management and environmental development

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### Ngāti Kuia Historical account

Ngāti Kuia are the first people of Te Tau Ihu, we are the descendants of Maui, Kupe and Matuahautere.

It was Matuahautere who was brought to this place by the tipua “Kaikaiawaro” and it was the people of Matuahautere, Ngāti Kuia, who settled the land – Te Hoiere.

Ngāti Kuia gave their voice to the land which gave us a reason to speak.

Through generations Ngāti Kuia became one with Ngāti Wairangi, Ngāti Kopia, Ngāti Haua, Ngāi Tawake, Ngāti Whakamana, Ngāi Te Heiwi and the Ngāti Tumatakokiri.

Ngāti Kuia endured the coming of Ngā Iwi Hou and the pakeha.

The challenges Ngāti Kuia face today are different from those faced by their Tūpuna, yet as Tangata Whenua the obligations to those Tūpuna, the land, and those who follow remains.

Ngāti Kuia are bound by whakapapa and guided by the principles of kotahitanga, whanaungatanga, whangai and manaakitanga and must ensure that the land continues to speak.

In doing this the land, as it has always done, will protect and enhance the mana of its first people – Ngāti Kuia.

Motuweka (the site of present day Havelock) is located at the confluence of the Kaituna and Awanui Rivers. These two rivers feed the body of water known as Te Hoiere (Pelorus Sound).

The traditions surrounding the creation of Te Hoiere and the history of tangata whenua (people of the land/first people) are intimately connected with the taniwha Kaikaiawaro (known by the settler community as Pelorus Jack). Kaikaiawaro created Te Hoiere by carving it out with his nose and it was Kaikaiawaro who guided the ancestor Matuahautere to this place. Over time the descendants of Matuahautere, the Ngāti Kuia, occupied the bays and inlets of Te Hoiere utilising its many resources. The Kaituna and Awanui rivers provided an abundance of eels. From the islands at the entrance of Te Hoiere Ngāti Kuia harvested seabirds. Its waters supplied a plethora of fish species, and of course, from its shores were gathered many shellfish such as the mussel.

There are many Ngāti Kuia Kāinga and urupa in the area such as:

Pokokini (Southeast Bay) is located in Popouri Reach and along with Opouri (Nydia Bay) Tamatea (Maori Bay), Piraungaehe (Yncyca Bay) and Tamure-kawawe (North West Bay) has associated occupation areas. Numerous generations of occupation, cycles of seasonal living, and events such as war, have caused ancestors to occupy and reoccupy this area because it is a safe, strategic location

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with access to resources. The Pā sites as they are known now, may have nohonga (seasonal dwelling sites), kāinga (villages) and other forms of occupation attached to them. Ngāti Kuia continue to harvest and collect taonga and kai in this area.

Hikapu Reach contained several pā and kainga (with associated cultivations and urupā) at Pinohia, Whatanihi and Pipi beach. Kokotoru (Mud Bay) was a pakohe shaping site. Maramatia (One Tree Point, Hikapu Reach) was a pā occupied by Ngāti Kuia in the 1830s and 1840s. The name means 'Clear View'. The pā was located between One Tree Point and Pipi Beach which was the tauranga waka for those living in the area.

The Hikapu region was once well vegetated in podcarp forest reaching to the sea as well as an abundant range of seasonal kaimoana and stable beds of kutai, puangiangi, pipi.

The forest held a wide range of birds, fruits, buds, and rongoa, while awa and para provided habitat for tuna, kokoku and inanga.

Most of these resources were seasonal and therefore occupation was not constant, the use of rua/pits for storage of food and tools was maintained through-out Maoridom and other European races.

Pah and kainga were all over the area, I refer to these as pah and environs. The pah was the main area for defence and hui, while the outer regions/environs were food gathering and seasonal/temporary use areas.

The Ngāti Kuia Tupuna associated with these were Maihi, Pakauwera, Wirihana Kaipara and Tutatapu and their people certainly would have utilized Nikau bay resources for the benefit of the wider tribal group

- The Mahakipaoa Kāinga of the 1820s
- The Moenui Kāinga which was in use in the 1840s and 1850s and Te Kāikapōkeka urupā.
- The Mahakipaoa Māori Urupa which was set aside by the 1856 Ngāti Kuia Deed of Settlement, and gazetted as a Maori Cemetery in 1931.
- Oruapuputa Kāinga which area has several layers of occupation. A Kāinga was here in the 1700s and was occupied in the 1850s and 1860s, Hēmuera Te Kawenga had a residence and cultivations here

Ngāti Kuia were involved in the emerging Settler Economy in the area, as well as providing flax, produce and other resources for markets elsewhere. Ngāti Kuia were involved in the timber industry here in the 1860s and 1870s, and the gold mining industry of the 1880s, Huria Wirihana and her whanau had a residence in the area.

Mahakipaoa also connects several routes into Te Hoiere (Pelorus Sound), Mahau, Kenepuru, Tōtaranui (Queen Charlotte Sound) and to the Wairau via Kaituna or over the Hill to Waikāhako.



### **Defence of Te Hoiere**

In the period leading up to formal colonisation, Ngāti Kuia withstood all of the traditional battles with tikanga, taiaha and patu.

These traditional weapons were lacking against the raids of northern tribes armed with muskets. Although many Ngāti Kuia men, women and children were murdered, those who were able to escape to hinterland strongholds and survive, continued to maintain a resistance which made enemy constantly weary of attack.

Even though these battles resulted in the loss of many lives, Ngāti Kuia people have remained in Te Hoiere and continued to utilise the resources of the area.

### **1840 Treaty of Waitangi**

From 1840 the Crown began extending its authority. Governor George Grey set about purchasing large areas of the South Island dealing firstly with those tribes deemed to have the greatest rights, that is, those who had arrived with the musket.

### **Deed of Settlement**

In 1856 Ngāti Kuia, as a fait a compli, signed a Deed of Sale with the Crown. The sale included lands within the Pelorus Sounds, valley and the pah “Motuweka” which Havelock now sits. In return Ngāti Kuia was promised schools and hospitals and enough land to cater for the present and future needs of the tribe. As is the story of colonisation the Crown fell short of its promises.

Government policy was one of amalgamation and Ngāti Kuia was gradually reduced to living on small reserves where they were expected to become farmers, even though many of those reserves were prone to flooding, landlocked, steep and on the shady side of the bay..

Although Ngāti Kuia continued to utilise traditional food sources the Crown undermined such practices by imposing a newly discovered western conservation ethic. Islands that once provided food and that Ngāti Kuia have consistently stated they did not sell, would over time become privatised or nature reserves and off limits to tangata whenua. Western farming practices ensured that wet lands, another important food source, would be drained or become dump sites. Prime lands were allocated out to pioneer families, trees milled, land cleared while natural resources and biodiversity diminished





### Mauri

Mauri is the life force that comes from wairua - the spirit, or source of existence and all life. Mauri is the life force in the physical world. The overall purpose of resource management for Marlborough's tangata whenua iwi is the maintenance of the mauri of natural and physical resources, and to enhance mauri where it has been degraded by the actions of humans.

As a life principle mauri implies health and spirit. In the environment, mauri underlies all resources and the total ecosystem. In the community, mauri is of paramount importance to the wellbeing of the people. Mauri can be harmed by the actions of humans but is unaffected by natural processes such as natural disasters.

The preservation of the mauri of natural resources is paramount to Marlborough's tangata whenua iwi to ensure that resources may be used sustainably by present and future generations.

Traditionally, rules were established to govern the use of natural and physical resources, and ensure that the mauri was protected from human actions. These rules form part of kawa and tikanga (Māori protocol) and have been passed on through the generations. For example, a rāhui may be used to safeguard the mauri of a particular resource, by enforcing a temporary restriction on use of the resource to protect the overall health and availability of the resource for both present and future generations. The RMA seeks these same outcomes; to promote the sustainable management of natural and physical resources (Section 5(1)).

There are indicators within the environment that Marlborough's tangata whenua iwi use to interpret the status of mauri. These include (but are not limited to) the presence of healthy kai and other indigenous flora and fauna, the presence of resources fit for cultural use, and the aesthetic qualities of resources such as the visibility of important landmarks. Other indicators can take many forms and are recalled in the kōrero pūrākau (stories) of whānau and hapū.

### Tikanga

Cultural practices, or tikanga, were developed to maintain the mauri of the domains of Atua. They are based on the general understanding that people belong to the land and have a responsibility as kaitiaki of that land. Tikanga incorporates concepts such as tapu (sacredness) and rāhui (temporary restriction). These are forms of social control, which manage the interrelationship of people and the environment.

Tikanga were developed to specifically recognise the four planes of reality:

- Te taha tinana (the physical plane)
- Te taha hinengaro (the intellectual plane)
- Te taha wairua (the spiritual plane)
- Te taha whānau (the family plane)

Tikanga seek to unify these four planes in a holistic way. Observing tikanga is part of the ethic and exercise of kaitiakitanga.

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### Kaitiakitanga

All persons exercising powers and functions under the RMA, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to kaitiakitanga (Section 7). However, kaitiakitanga is not explained adequately in the RMA. Kaitiakitanga is a broad notion which includes guardianship, sustainability, wise management, and resource indicators, where resources themselves indicate the state of their own mauri. Kaitiakitanga is a term that denotes the package of tikanga or practices concerning environmental management. A kaitiaki is a person and/or agent who perform the tasks of guardianship. Kaitiakitanga is an environmental decision making system that has been developed by tangata whenua to fulfill their responsibility towards the environment. The responsibility of kaitiaki is twofold: first, there is the ultimate aim of protecting mauri and, secondly, there is the duty to pass the environment to future generations in a state which is as good as, or better than, the current state.

Kaitiakitanga may be practiced through, but not limited to:

- The maintenance of waahi tapu, waahi tipuna and other sites of importance;
- The management of fishing grounds (mahinga maataitai);
- Observing the maramataka (lunar calendar);
- Observing the tikanga of sowing and harvest;
- Designing settlements in keeping with the environment; and
- Securing resources for present and future uses.

Kaitiakitanga is linked inextricably to tino rangatiratanga as it may only be practiced by those iwi, hapū or whānau who possess tino rangatiratanga (customary authority) in their tribal area. Sometimes individuals, whanau or hapu, are charged with the tasks of kaitiakitanga. Kaitiaki often receive their mana or authority with respect to a particular locality, place or resource because they possess an intricate knowledge of the local environment. For example, a family or individual might be the kaitiaki for a pā or for a fishing ground.

Sites of significance have been identified within the forestry block, foreshore reserve and private land and Ngāti Kuia clearly identify with the sites and tupuna that lived and died at the sites. New land uses like farming and deforestation have added to the modified ecosystem that we must maintain a watch full eye on.

### Maori world view

The Maori world view identifies many gods and their domains ie Papatuanuku (mother earth) and Rangi e tu nei (sky father) their children Tane Mahuta (land and living things), Tangaroa (ocean). There is an interconnectedness that binds them all together similar to the family unit, in this application we deal with Tane, Tangaroa and taonga (special)



### **Paakohe**

Pakohe is a taonga which is synonymous with Ngāti Kuia and symbolises for Ngāti Kuia people the intense nature of our relationship to the environment, and the mauri or life force that is contained in all parts of the natural environment and binds the spiritual and physical world. Pakohe incorporates the cultural value of Ngāti Kuia mauri; Ngāti Kuia has mana, whakapapa and historical associations. We have tikanga and kawa which involve tapu and noa to this taonga. We have a responsibility and obligation to this taonga and its cultural, spiritual, historic and traditional values.

Ngāti Kuia has its own creation story for its taonga kohatu (precious stones), such as Paakohe and Pounamu. Paakohe is the generic term used by Ngāti Kuia for workable stone to make implements, tools, weapons and jewelry. A subset of names, were also used to describe the color / shades of the stones and other features. Other stones were used in the working of Pakohe to make implements and tools.

The primary type of Pakohe used and synonymous with Ngāti Kuia is Argillite. It is a harden rock which also required certain types of other rocks to work it for hammering, flaking and grinding.

### **Nga Wahi Paakohe / Pakohe areas of influence**

Ngāti Kuia have lived on the argillite mineral belt for generations. It spans from Nga Paepae tangata (the Richmond Range), Mahitahi and Motueka Rivers, Whakatu, Kokotoru, Whangamoa, Te Hoiere and onto Rangitoto. Our tupuna were the workers of Pakohe and used pakohe for tools, weapons, pendants and for trade. Pakohe forms part of the Ngāti Kuia distinct tribal identity and is synonymous with Ngāti Kuia.

The Ngāti Kuia area of influence, Te Kupenga-a-Kuia, includes Wahi Pakohe (Pakohe areas) which are considered and described as;

- Wahi Taonga, treasured areas
- Wahi Tupuna, ancestral areas
- Wahi Tapu, restricted areas

These descriptions include;

- Source sites of Pakohe, Nga Paepae o Pakohe, from the maunga, and
- Nga Wai Pakohe, river sources sites.
- Nga Ara Pakohe are trails developed to obtain pakohe from source sites
- Pakohe is found in places our tupuna occupied and used

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Matua Hautere then set up a tuahu made of Pakohe to acknowledge his tupuna and atua and to claim the mauri of the area for him and his descendants. He then named the mountain Maungatapu because of these actions.

Ngati Kuia is the descendants of Matua Hautere, Ngati Tumatakokiri, Ngai Tara, Ngati Mamoe, Ngati Wairangi and Ngati Kopiha who also occupied the hikapu region and worked Pakohe. We are the surviving whakapapa of these people who have continuously occupied wahi pakohe since their arrival to the present day.

### Statutory framework

RMA 1991, regional plan

HP Act 1993, accidental discovery protocol will need to be made available to all staff responsible for machinery that could move soil, rocks especially areas that may contain Maori archaeological evidence.

The *Historic Places Act* 1993 makes it unlawful for any person to destroy damage or modify the whole or any part of an archaeological site without the prior authority of the New Zealand Historic Places Trust. This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District or Regional Plan or a resource or building consent has been granted, the Act also provides for substantial penalties for unauthorised destruction, damage or modification.

An archaeological site is defined in the *Historic Places Act* 1993 as any place associated with pre-1900 human activity, including shipwrecks, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods.

### Treaty issues

- The 1856 Deed of Sale between Ngati Kuia and the Crown reps was the first recognition from colonial NZ, land was sold to facilitate ongoing sales to the pioneer families. Unfortunately the Crown failed to provide the reserves originally agreed to. This had the devastating effect of making Maori landless or made to cultivate unsuitable flood prone land in the Pelorus valley.
- On 25 Oct, 2010 Ngati Kuia Chiefs and NZ Government officials signed a Deed of settlement at Te Hora marae, Pelorus valley. This comprised of an apology, financial quantum and cultural redress.
- Ngati Kuia understand that Office of Treaty settlements has gifted statutory recognition for all coastal areas to other iwi in a process that had not identified levels of interest.
- Ngati Kuia are not adverse to others iwi groups having an opinion about Resource consents and possible adverse effects within the rohe of Ngati Kuia

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### Taonga

- Taonga have constitutional significance in New Zealand, as the second Article of the Treaty of Waitangi guaranteed that the Māori signatories would retain the possession and enjoyment of their taonga under British rule. Section 6(e) of the Resource Management Act 1991 mandates decision makers to 'recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu [sacred sites], and other taonga' as a matter of national importance.

### Wahi Tapu

Wahi tapu is an archaeological site which contains physical evidence of pre-1900 human activity. It may be visible at or above the ground surface or lie buried beneath it.

A wahi tapu site has been identified by iwi or hapu as a place that is spiritually and culturally important. It may be physically evident in the landscape although this is not always the case.

Many wahi tapu sites are located along the coast, rivers and estuaries or around lakes. It is possible for a site to be wahi tapu and an archaeological site – examples include pa sites, sites of past battles or historic events and remains of cultivation areas.

Te Oru Mamaku has no recorded archaeological sites on land but my experience is that all/most areas were utilized for different reasons over many centuries, I have been told by Steve that there are many artifacts/toanga that have not been discovered. The name itself identifies with black punga, this was an abundant plant and was used for many things ie food (fronds & wood), shelter



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### Legal description of site

- Marine farm sites – 8325, 8326, 8327

### Description of works

Discharge permit & Coastal permit

Specifically, the Applicant seeks consent to:

- To re-consent an existing mussel farm at marine farm sites ; 8325, 8326, 8327 for a 20 year term
- The three application are applying for new consents to replace the existing consents that expire in 2024.

### Previous iwi consultation

- I am not aware of any previous Consultation recorded by Ngati Kuia for this site,

### Site specific issues - general

- coastal marine zone 1
- In terms of the plan there is a clear vision to alienate marine farms from CMZ 1 in the near future ie Anamahanga/Brown head/sail rock
- association to Foreshore Reserve
- All three consents do not achieve a 50 m separation between the inshore boundaries and the low tide mark. This is most pronounced for 8327 that is as close as 10 distance from low water. Historically, this phenomenon is not uncommon in the Sounds when marine farms were positioned 50 from the cadastral boundary, however the cadastral may was often not located correctly. In order to a 50 m separation, consents would require a boundary shift in an offshore direction.
- Farms are not situated directly in permitted area.
- Large bedrock rock located west and outside consent 8327

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- The three farms within Fairy Bay approx. 3ha in area.
- Their 'renewal' is a controlled activity and therefore Council must grant consent. However in granting the consent they can consider the length of consent term and sub-surface options, as well as other matters; this is an issue for the long term, the 9 years that the 3 permits still have could be increased to 20 years

### Site specific issues –customary activities

- Te Oru mamaku has historical and contemporary cultural associations in terms accessing flora and fauna.
- The activity of fishing has always been a high priority for Ngati Kuia. Many types of fish have been harvested over the years and kutai (blue and Green mussel)
- Protection of rawaru and other taonga species habitat

### Consent 8327 (Northwestern farm)

- Most of the benthos in farm 8327 was characterised by silt and clay substratum (Table 2, Plate 6, Appendix 1). At the northern end of the consent an area of cobbles and pebbles were observed at photos 8 and 10 (Plate 7). No other hard substratum was observed within the consent area. A large isolated rock was also detected on the sonar and was investigated using the drop camera (Plate 8). The large rock structure was located west of the consent and backbone lines. No benthic mussel shell was observed on this rock. (benthic report)
- Distances between low tide and consent boundaries ranged from:
- 8327: western 10.2 m, eastern 20.5 m
- 8326: western 50.9 m, eastern 42.8 m
- 8327: western 37.7 m, middle 29.9 m, eastern 45.5 m
- None of the three consents achieved a 50 m separation between low water mark and the consent boundary. The closest distance between low water and the consent was at farm 8327 (Plate 5).
- All three consents do not achieve a 50 m separation between the inshore boundaries and the low tide mark. This is most pronounced for 8327 that is as close as 10m distance from low water. Historically, this phenomenon is not uncommon in the Sounds when marine farms were positioned 50 from the cadastral boundary, however the cadastral may was often not located correctly. In order to a 50 m separation, consents would require a boundary shift in an offshore direction.



### Environmental issues

I have been informed that the managers of these farms are members of the Marine Farming Association (MFA) who operate under the Marine Farming Operating Standards in the Marlborough Sounds. These rules involve;

### Standard Operating Procedures

- Except where otherwise specified in resource consents, black floats are to be used
- Unused buoys stored on farms are to be bundled in tight bunches using >24mm rope
- Regardless of the ownership, free floating buoys and damaged buoys are to be retrieved immediately and either removed from the water or beaches, lashed to a marine farm using sound >24mm rope or disposed of in an approved manner
- All damaged floats should be repaired or recycled in a sustainable and environmentally friendly manner. Spare anchor blocks may only be stored at sea in an approved marine farm site or in other approved areas.
- All lashings are to be removed from back bones using proven cutting methods (i.e. those that allow for easy lashing recovery) when spat lines and growing lines are lifted or harvested
- Only proven and reliable knots are to be used on mussel farms
- Black ties only to be used for intermediate and nursery ties (1, 2 or 3mm ties). Black or black with less than 10% coloured fleck to be used for final ties. No full coloured ties other than black.
- Equipment (i.e. scoop nets) to recover any debris lost overboard is to be available on all marine farming vessels
- Equipment to securely store marine farm debris (rubbish bags/bins) is to be available on all marine farming vessels
- All marine farming debris is to be returned to an approved land based refuse facility for appropriate disposal
- Back bones without crop/spat equipment are not to be left without floatation.
- On the inside and outside lines the maximum distance between floats on surface longlines must not exceed 25 metres

### Recommendations

1. That MDC consider this application in line with the MDC strategic plan.
2. That, if this application is granted that specific rules around site placement is managed

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### Summary

- Ngati Kuia are not apposed to Marine farming in a managed and sustainable way that allows for the enjoyment of public space
- Ngati Kuia value all Maori customary activities and archaeological sites as tangible evidence of our long term occupation but believe that intangible evidence has value as well.
- The recommendations provided will be adhered to.
- Ngati Kuia are **neutral** on this application

