

TE WHANAU A NUKU HAPU response to the Joint Request from Te Arawhiti & Te Whanau a Apanui in relation to Hoani Waititi Memorial Reserve, Omaio – 21/3/2021

Contact names:	Emails:
Max Kemara, Chairman	Maxkemara@hotmail.com
William Ngamoki	willyngamoki@gmail.com
Danny Houia	houiaraniera@gmail.com
Ihaka Jaram	Wijaram846@gmail.com
Klyjah Peters	klyjah@hotmail.com
Melissa Blackwood	Melissablackwood0@gmail.com
Moana Boyd (Ngamoki)	Moana_boyd@xtra.co.nz

Outline of Te Whanau a Nuku hapu submission

Nuku recognise that the Joint Request only provided Council with 3 options in the Statement of Proposal. Nonetheless we strongly advocate for the option which is not on the table this being the unencumbered return of the Hoani Waititi Memorial Reserve (the reserve) to vest in Te Whanau a Nuku as part of the Treaty Settlement. As this is the only way to acknowledge through cultural redress our inherent whakapapa, cultural and spiritual connection to the reserve in a way that would allow Te Whanau a Nuku the ability to fully exercise kaitiakitanga and rangatiratanga (decision making) on a site that has significant cultural heritage values as referred to below.

In response to the options provided for consultation we have a primary position (1), followed by a secondary, reluctant position on the 3 options (2), and the hapu request as a matter of urgency agreement on the boundary adjustment and process to extend Omahaki Urupa (3).

- 1. Te Whanau a Nuku hapu seek the unencumbered (without recreation reserve status) return of Hoani Waititi Memorial Reserve to Te Whanau a Nuku hapu (Nuku), as this will ensure that it can no longer be used as a camp ground**

Nuku strive for active protection and maintenance of our tino rangatiratanga over our lands including the Hoani Waititi Memorial Reserve (the reserve) as Nuku have an on-going cultural and whakapapa relationship that precedes the alienation and transfer of the reserve to the Council. Nuku consider that the 3 options offered all give the impression that 'ownership' of the land is being returned and with this will come an ability for hapu to be involved in decision making and use of the reserve. Under the 3 options Te Whanau a Apanui (Apanui) would own the reserve but with reserve status still in place. For the reserve this means the recreational reserve status remains and it will continue being used as a freedom camping site with no financial support or benefit to the hapu. This runs contra to Nuku's own cultural, environmental, social and economic aspirations none of which can occur with 'reserve status'.

This includes: never putting our lands at risk, acting in accord with tikanga, protection of the degradation of mauri, sustainable development and delivering meaningful outcomes for our hapu.

- 2. In recognition of the 3 limited options provided in the request to Opotiki District Council (Council) for feedback we provide as a secondary and far less palatable position support for:**

Option 2: Ownership to be vested in Te Whanau a Apanui entity and managed with/on behalf of Te Whanau a Nuku

In line with the above position Nuku propose that the ownership be vested in Te Whanau a Apanui and the joint reserve management board consists of Nuku and Council. Nuku propose that we work with Council together over a 10 year transition period with the aim of revoking reserve status to close the reserve as a free camping ground and find an alternative site to be paid for by users. This would achieve the continued provision of a camping facility in the community, albeit a paying facility, and a business opportunity for a local land trust. It also allows time to incubate and develop the idea with all those who will be affected.

Free camping always comes at a cost in this case to Nuku as rate payers and because of the voluntary time spent as kaitiaki for example picking up rubbish in or near the reserve. The only benefit campers bring is the local shop, there is no benefit to our hapu community.

- 3. As a separate but related aspect of Nuku's response we would like to finalise the boundary adjustment between the existing recreation reserve and Omahaki Urupa.**

Ideally prior to vesting unless the recreation is transferred unencumbered as this extension has been previously agreed by Council.

In support of this response we have included supporting information and we have attached the Co-Management Protocol between Te Whanau a Nuku and Opotiki District Council for the Hoani Waititi Memorial Reserve

1. TE WHANAU A NUKU HAPU (also known as Ngati Horowai) – Brief history

Te Whanau a Nuku (Nuku) are a hapu of Te Whanau a Apanui (Apanui) iwi. We whakapapa to our tribes eponymous tipuna Apanui Ringamutu, to other hapu within our iwi, other iwi and beyond to tipuna that came from Hawaiki and to Te Ao Turoa (the natural world). Te whanau a Apanui boundaries were first established from Puketapu in the west to Potikirua in the east when Te Aokataia gifted the whenua to his nephew Apanui (Ringamutu) at Waioira, Omaio, a site adjacent to the reserve (you look down on it from the urupa). The whenua around Omaio was later gifted from Apanui to his son Tangataika and then to his son Nuku, from where we take our hapu name. Te Whanau a Nuku's boundary today, extends from Puketapu to Otawhaki.

Nuku have held and continue to hold mana whenua in Omaio, including in the reserve through continued occupation for more than 14 successive generations. Our mana whenua status within our rohe is: unbroken, inalienable and enduring having been held and exercised by our hapu as a collective right. Our tipuna are buried in the Omahaki Urupa adjoining the reserve and there are a number of significant cultural sites including pa sites and old maara sites within Poho o Ngutu manu. The Omaio area is full of places of great significance to our hapu and historical stories which attest to our existence of uninterrupted occupation for centuries. It is an important kaupapa for our hapu that the knowledge and mana of our tipuna be respected and honoured, the traditions and tikanga of those that we follow, human and nga atua.

With that said, the Crown imposed land tenure system has resulted in the alienation of the reserve which had historically been held for the collective benefit of the hapu.

2. The Hoani Waititi Memorial Reserve – the cultural heritage significance of Omahaki to Nuku

2.1 Mana Whenua - Te Whanau a Nuku

Council have acknowledged that Nuku are the tangata whenua and have mana whenua over the reserve. The Co-Management Protocol (attached) between Nuku and Council for Omahaki (Hoani Waititi Memorial Reserve) refers to Nuku and Apanui as having vested interests in the reserve based on continued occupation of the site over the past one thousand years. Under Nuku it refers to:

'The site is one of our ancestral turangawaewae and as such retains significant historical and cultural values for which preservation and protection is paramount. We are Kaitiaki over adjoining land, sea and streams and recognise that the use of Omahaki potentially impacts on the ecological and environmental quality of these areas.'

2.2 Archaeological Investigations at Omaio, Eastern Bay of Plenty ¹

An archaeological excavation was carried out in the reserve in 2007 in response to Nuku's request to extend the Omahaki Urupa. The focus was on a Pa site listed as X15/46 but the reserve includes other Pa sites:

*'In fact, it has a total of five defended areas situated along the margins of a relatively level natural terrace and these can be interpreted in two ways. They may be parts of a single defensive complex that was occupied at the same time, or they may be entirely separate entities that should be treated as individual pa sites.'*²

Omahaki urupa being *'...an important burial ground for Te Whanau a Apanui having been in continuous use for at last 150 years and probably much longer. Currently the urupa is approaching capacity and for this reason a proposal was put to the Council that the urupa be expanded to the west, outside the ditch and bank defences.'*³

The report suggests that the site was occupied between AD 1650 and 1830 with three phases of occupation being open settlement, defensive and horticultural. This quotation epitomises the cultural and ancestral connections that Nuku as mana whenua have with our cultural heritage landscape including the reserve:

'One of the most important outcomes of this investigation lies at the landscape level and the dynamic interplay between cultural, historical and environmental factors. The Omaio pa site is the result of a specific response of the ancestors of Te Whanau a Apanui to political events of the late prehistoric and

¹ Walter, Richard & Jacomb, Chris & Brooks, Emma. (2010). Archaeological Investigations at Omaio, Eastern Bay of Plenty.

² Ibid, page 1

³ Ibid, page 1

*historic era. ... The result is a unique cultural landscape that has been shaped by, and itself helped shape, the history and the political and social dimensions of Te Whanau a Apanui. This is an example of the history of a people written onto a landscape.*⁴

3 Recreational reserve implications for Te Whanau a Nuku

3.1 Recreational Reserve classification (s17)

This section is to inform the discussion that follows by referring to the purpose of recreation reserves: *For the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities...*

3.2 Reserve Management for Hoani Waititi Memorial Reserve and other reserves

Council as the administering body have had Reserve Management Plans in place for the reserve through the Coastal Management Plan (2012) and now current ODC Reserve Management Plan (2020). The purpose of the Reserve Management Plan is to retain and manage reserves as they provide *'significantly towards the vibrancy of the community by influencing recreational pursuits, enjoyment and protecting the resilience of the environment for both current and future generations.'*⁵

3.3 Council's responsibility to provide public areas for camping/ freedom camping

Under the Reserves Act and, the Freedom Camping Act there is an onus on Councils to provide public areas including for the benefit of camping and/ or freedom camping. The reserve has been a camp ground for years and subsequently became a freedom camping area. We understand that the Freedom Act 2011 (s12) prohibits bylaws that have the effect of prohibiting freedom camping in all the local authority areas in its district and it appears that even with the return of all Apanui reserves there will be two remaining freedom camps (ODC Reserves at Te Ahiaua, Waiotaha and Hukuwai, Opotiki)⁶ in addition to Conservation Campsites and commercial Holiday parks/ camp grounds.

We appreciate that Council agreement to transfer the reserve as unencumbered title will result in a loss of a recreational reserve for public use and that this process will need ministerial approval. That is why Nuku has proposed the second response should unencumbered title be transferred, or to work towards this outcome (although our preference is (1)).

3.4 Reserve Management Plans for the reserve

The two reserve management plans for the reserve (as referred to above) include recurring issues: no public conveniences, agreement to adjust the boundary between the urupa and the reserve (in favour of the Urupa), hapu access to the urupa via the reserve, public safety along the boundary and the cliff face, protection and management of the archaeological site, managing campers, dumping of refuse, stock. Future development in these plans refer to: improved facilities (there are none) including a public convenience, upgrading and maintenance of the (unsealed) access road, barriers and signage for safety, replanting and signage.

3.5 Te Whanau a Nuku 'take' (issues) with recreational reserve status

The reserve management plans have identified issues on the reserve but for Nuku these issues are real and can be culturally offensive either through a lack of understanding of its cultural significance or a lack of respect.

Nuku continue to exercise kaitiakitanga on the reserve. Throughout the year the hapu organise 'clean up' days for rubbish collection throughout the camp ground and down the cliff escarpment and, planting native plants. The hapu have also had discussions with campers on respect for our Pa sites, kaimoana limits, dealing with anti-social behaviour, burning rubbish, drinking/ drunkenness, bottles left, long drops built on Pa sites, unrestrained dogs, disposal of shells and fish remains, entering the urupa, blocking the urupa entrance, dumping rubbish inside the urupa, using our urupa cleansing water, and trespass on neighbouring Maori Land causing damage to fences and tracks as these have not been designed for public use.

⁴ Ibid, page 22

⁵ Opotiki District Council Reserve Management Plan (2020), p6

⁶ Opotiki Coast by Nature, Camping by Nature [see here](#)

The impacts of reserve use are not limited to the reserve and some of these actions for example long drops on Pa sites are culturally obscene. We have cultural significant sites including Omahaki urupa which is a waahi tapu, nearby. There have been long drop toilets installed or burying camp toilet waste on adjoining Maori land, rubbish strewn on the shore with multiple incidences of fish waste being thrown back into the sea. This is against Nuku tikanga but also contrary to common sense as this attracts sting rays and sharks closer to shore putting our tamariki at risk.

4. Omahaki Urupa

The Draft Conservation Plan for Hoani Waititi Memorial Reserve Omaio (Dec 2004) refers to the adjacent urupa as full, that extra space is required with an outline of recommended steps that would be required for this expansion. The Archaeological dig (2007) referred to above was required to meet Historical Place Trust Requirements, and the Final Report (2010) advises that this was to “... *the satisfaction of NZHPT and the community is now free to proceed with the development of Omahaki.*”⁷

The Reserve Management Plan (2020) for the Reserve lists as a future management strategy: *Adjust the boundary between the urupa and the reserve (in favour of the urupa), to allow for the extension of the urupa.*

This is urgent as our urupa, Omahaki Urupa is nearing full capacity. The hapu would like to work towards **finalising this boundary adjustment at the earliest opportunity.**

Our urupa is running out of space for burials and hapu tikanga requires the whanau to be buried in our turangawaewae as we are inextricably linked to our whenua and have been for generations.

⁷ Walter, Richard & Jacomb, Chris & Brooks, Emma. (2010). Archaeological Investigations at Omaio, Eastern Bay of Plenty, page 18