

Document No: A413344

Report To: Council



Meeting Date: 27 November 2018

Subject: Office of Treaty Settlements Proposed Cultural Redress: Statutory Acknowledgments and Proposal for a Dual Name for Benneydale

Type: Decision Required

Purpose of Report

- 1.1 The purpose of this business paper is to:
- a) Brief Council on the progress of the Treaty Settlement between Maniapoto and the Crown (the Office of Treaty Settlements ("OTS")); and
 - b) Present to Council the redress proposals (Statutory Acknowledgments) for the Maniapoto Treaty Settlement ("the Treaty Settlement") for consideration and a decision; and
 - c) Brief Council on the proposed dual name for Benneydale for consideration.

Background

- 2.1 Council was provided a full background to the process at its meeting on 1 August 2017 (document reference A356988) and was provided a copy of the Agreement in Principle between the Crown (Office of Treaty Settlement ("OTS")) and Maniapoto on 28 November 2017 (document reference A375006). The most recent update was provided to Council at its meeting on 1 May 2018.
- 2.2 On 12 October 2018, OTS provided the redress proposals for the Maniapoto Treaty settlement, as they relate to land owned/managed by Council that have been finalised to date. The OTS seeks a resolution from Council to confirm that the redress proposals are acceptable.
- 2.3 The redress proposals are discussed in section 3 of this report.
- 2.4 On 5 November 2018, the NZ Geographic Board opened public consultation on OTS's proposal to change the name of Benneydale to Te Māniaiti / Benneydale. This proposal is discussed in section 3 of this report.

Commentary

Statutory Acknowledgments

- 3.1 Maniapoto, through the settlement process, seeks Statutory Acknowledgements (SAs) over three Council owned properties. The proposed sites are Te Kuiti Aerodrome, Te Nau Nau (Mokau) and the Rukuhia Domain Recreation Reserve; and are discussed further below.

- 3.2 The proposed sites are attached as Appendix 1. It is noted that the SAs only relate to the Certificate of Title boundary for each site (outlined in yellow on the site maps).
- 3.3 The reason Maniapoto seek the SAs is to enable a greater degree of recognition and protection over the sites. Crown policy is that the Crown will consider giving an SA over defined sites or features of Crown-owned land that are of high significance to an Iwi. SAs cannot be applied to private land, including Council-owned land (unless the Crown has reversionary interest and the Council agrees (by resolution) to the provision of an SA)).
- 3.4 A SA over Council owned land has the effect of strengthening the notification provisions of the Resource Management Act 1991 by obliging decision makers to proceed in a certain way. In summary, the legal obligations are:
- Local Authorities must have regard to the SA in deciding whether the claimant group is an affected party when notifying resource consent applications for those sites;
 - Local Authorities must send summaries of all relevant applications to the claimant group before making a decision on notification;
 - Local Authorities must include information on the acknowledgments to any relevant District Plan (Operative or Proposed); and
 - The Environment Court and Historic Places Trust must have regard to the SAs when deciding whether to hear representatives of Maori at proceedings affecting the sites.
- 3.5 An excerpt from the Office of Treaty Settlement guide to Treaty Claims and Negotiations with the Crown "Healing the past, building a future" regarding SAs is attached as Appendix 2.
- 3.6 It is noted that Council is not required to consent to a SA over council land.

Te Kuiti Aerodrome

- 3.7 Maniapoto, through the settlement process, seeks a SA over the Te Kuiti Aerodrome property.
- 3.8 Maniapoto's narrative in relation to this site is as follows:
- "Situated on or nearby the Te Kumi, Te Uira and Oparure kainga. These kainga are associated with a number of Ngāti Maniapoto hapū including Ngāti Kinohaku, Ngāti Rora, Ngāti Peehi and others. Ruaotemanu was also a pā nearby. Te Uira was a large burial ground. It was also the scene of the capture of the surveyor, Hursthouse by Te Mahuki and his followers in 1883. Te Kumi was Te Mahuki's kainga situated on the Mangaokewa stream."*
- 3.9 The New Zealand Archaeological Association (NZAA) identifies a recorded archeological site (Pa) (references S16/244, N83/57) in the northern part of the property; and the Aero Club Headquarters Building (formally the Waitomo Jockey Club Pavilion) is listed on the New Zealand Heritage List as a Historic Place - Category 2.
- 3.10 The archeological site and heritage building are both identified in Council's Operative District Plan.

Rukuhia Domain Recreation Reserve

3.11 Maniapoto, through the settlement process, seeks a SA over the Rukuhia Domain Recreation Reserve property.

3.12 Maniapoto's narrative in relation to this site is as follows:

"Rukuhia was one of series of pā and camps on the Mōkau river. Others in the vicinity include Mātangiāwhā pā and the large Arapae pā just north of Piopio. Rukuhia was one of series of pā and camps on the Mōkau river. Others in the vicinity include Mātangiāwhā pā and the large Arapae pā just north of Piopio."

3.13 The New Zealand Archaeological Association (NZAA) identifies a recorded archeological site (Pa) (references R17/51, N82/51) on the adjoining property to the east. This site is identified in Council's Operative District Plan.

Te Nau Nau - Mokau

3.14 Maniapoto, through the settlement process, seeks a SA over the Recreation Reserve Adjoining Aria Terrace in Mokau.

3.15 Maniapoto's narrative in relation to this site is as follows:

"An urupā on the Mokau spit extending from the northern bank of the Mokau River. This wāhi tapu contains the ancestors of Maniapoto hapū including Ngāti Rakei, Ngāti Waikorara, Ngāti Mihi, Ngāti Waiora, Ngāti Te Paemate, Ngāti Tumarouru, Ngāti Rungaterangi but also those of Te Ātiawa, Ngāti Mutunga, Ngāti Tama, Ngāti Rahiri, Ngāti Toa, Ngāti Rarua, and Waikato. Ngāti Maniapoto Ngāti Maniapoto and Ngāti Tama fought a major battle here in the early 1800's called Ngā-Tai-Pari-Rua. It was also the landing place of the Tainui waka where some members of the crew disembarked and the where its anchor stone was situated for many years."

3.16 The New Zealand Archaeological Association (NZAA) identifies two archeological sites on the reserve, one approved (cave) and one pending. The approved site is identified in Council's Operative District Plan.

3.17 The NZAA site record (reference R18/82) for the approved archeological site notes that the site is a cave.

3.18 The NZAA site visit notes for the pending archeological site (R18/91) states that the site is a cave/rock shelter with the features artefact, fireplace/hearth, Kokowai, Midden, Ovenstones, Cave and Charcoal. The site was visited by NZAA staff in 2016.

3.19 Refer to Appendix 3 for copies of the NZAA site records in relation to these properties.

Proposed dual name for Benneydale

3.20 On 5 November 2018, the NZ Geographic Board (NZGB) opened public consultation on OTS's proposal to change the name of Benneydale to Te Māniaiti / Benneydale (refer to the document 'Deferred Proposal for Te Māniaiti' attached as Appendix 4).

3.21 The NZGB refers to the proposal as 'option 2' in the consultation documents. The NZGB's explanation for option 2 is as follows:

"Accept a different proposal to alter Benneydale to a dual name Te Māniaiti / Benneydale based on:

- a dual name overcoming some of the problems that total replacement can cause such as loss of identity and confusion, and may make it easier to identify the township in an emergency,
- the significance of Te Māniaiti to Maniapoto iwi,
- evidence on early plans and maps of features in the area named 'Maniaiti',
- the NZGB's function to collect and encourage the use of original Māori names on official charts and maps,
- a Te Taura Whiri i te Reo Māori licenced translator having confirmed the orthography of Te Māniaiti, and
- long term use of Benneydale, which reflects the coal mining heritage of the town, and recognising the interests of Rereahu.

Noting that:

- a dual name would not meet the Australia/New Zealand Standard™ for rural and urban addressing; however, there are examples of dual names for towns and these do not have appeared to have caused any issues;
- the proposer has provided evidence of consultation with the local councils and iwi,
- Waitomo District Council does not support the proposal, but can make a submission during the notification period, and
- the boundaries of the town are likely to extend beyond the WDC's shapefile, so the NZ Gazette notice will have only a central coordinate."

3.22 Submissions on the proposed dual name close on Tuesday 5 February 2019.

Other redress proposals

- 3.23 The OTS is working with Maniapoto on a redress proposal for Brook Park related to the transfer of a small, discrete area of land associated with the Pa to the MPSGE. The OTS has signaled their intention for WDC to continue to manage and administer the vested area of land (should this be accepted by Council) along with the balance of the reserve.
- 3.24 Once Maniapoto and OTS have finalized the proposal, this will be presented to Council for consideration.
- 3.25 OTS have advised that Maniapoto seek to explore additional mechanisms to protect wahi tapu sites on WDC owned land. These discussions are ongoing between the OTS, Maniapoto and the General Manager Environmental Services. Once the proposal has matured, it will be presented to Council for consideration.

Considerations

5.1 Financial

5.2 All costs associated with these matters will be borne by the OTS.

5.3 Risk

5.4 There are no substantive risks associated with these decisions. Should the decision be made to support the proposed dual name for Benneydale, there is a risk that some members of the community may not agree with the decision.

5.5 Consistency with Existing Plans and Policies

5.6 The proposed Statutory Acknowledgements are not inconsistent with Council's plans and policies.

5.7 Significance and Community Views

- 5.8 This decision is not considered to be a significant decision pursuant to WDC's Significance and Engagement Policy.
- 5.9 The statutory acknowledgements are proposed to be provided across WDC owned land rather than private land.

Recommendations

- 6.1 It is recommended that Council consent to the three cultural redress proposals to provide Statutory Acknowledgements over the properties Te Kuiti Aerodrome, Rukuhia Domain Recreation Reserve and Te Nau Nau property.

Suggested Resolutions

- 1 The business paper on "Office of Treaty Settlements Proposed Cultural Redress: Statutory Acknowledgments and Proposal for a Dual Name for Benneydale" be received.
- 2 Council agree that the Crown provide a Statutory Acknowledgement in favour of the Maniapoto Post Settlement Governance Entity through the Maniapoto Treaty settlement over the following properties:
 - (a) Te Kuiti Aerodrome – Lot 2 DP 7392; Part Lot 1 DP 8140; Part Lot 2, DP 8140 and Part Te Kumi 7C Block;
 - (b) Rukuhia Domain Recreation Reserve – Section 5, Block III Totoro Survey District, computer freehold register 574807; and
 - (c) Te Nau Nau property, Mokau – Section 22, Block I, Awakino Survey District.
- 3 Council:
 - (a) Formally submit its *[support / opposition or neutral position]* to the NZ Geographical Board on the proposal for a dual name of Te Māniaiti / Benneydale for Benneydale; or
 - (b) Not formally submit to the NZ Geographical Board on the proposal for a dual name of Te Māniaiti / Benneydale for Benneydale.



TERRENA KELLY
GENERAL MANAGER ENVIRONMENTAL SERVICES

27 November 2018

- Attachment:
- 1 Proposed Statutory Acknowledgments (A413657)
 - 2 Statutory Acknowledgments excerpt (A413737)
 - 3 NZAA archeological records for the Aerodrome, Rukuhia Domain and Te Nau Nau (A413841)
 - 4 New Zealand Geographic Board Proposal (A413654)



MANIAPOTO
MAORI TRUST BOARD

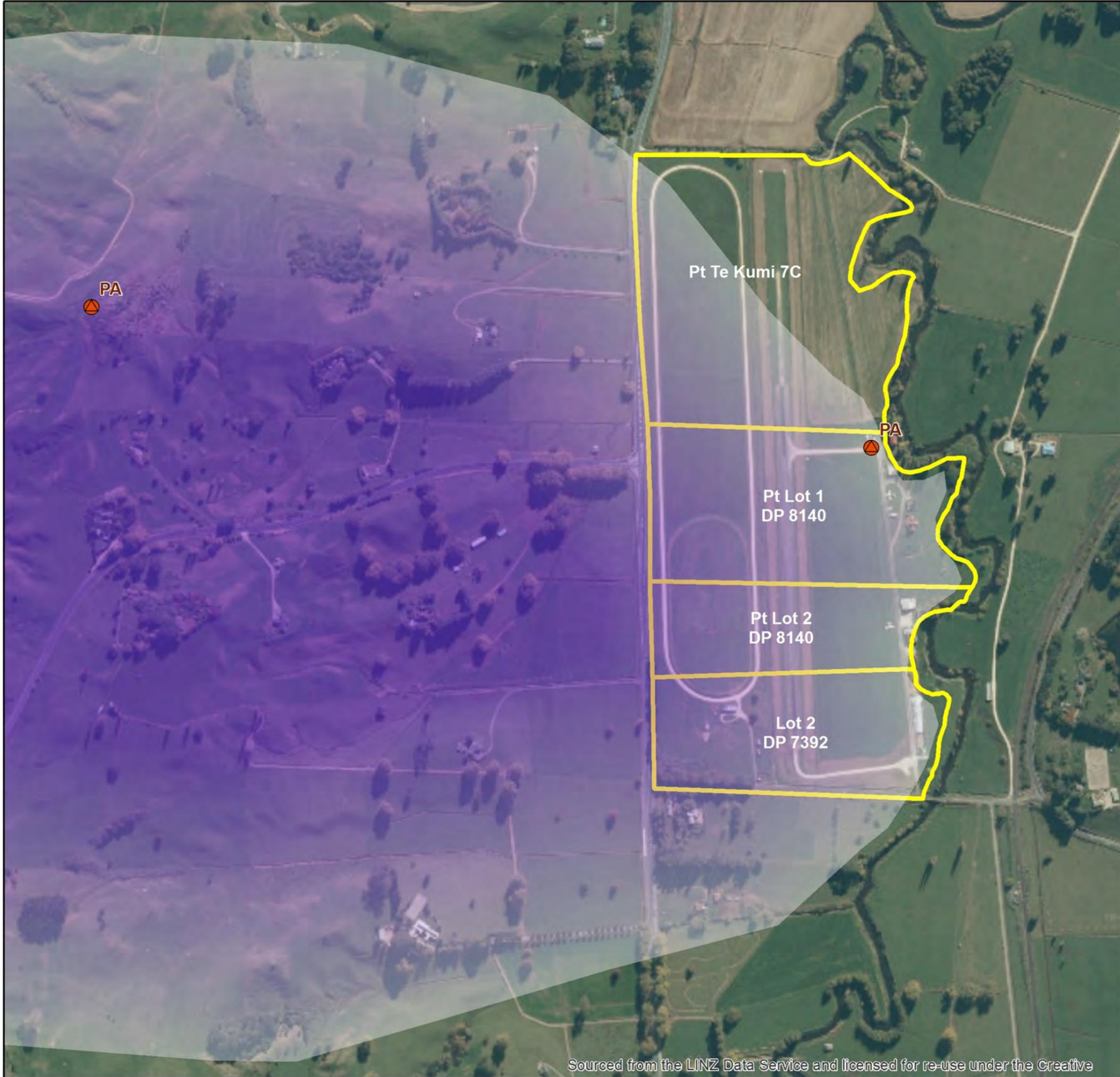
Te Kuiti Aerodrome/ Airfield

Draft
For discussion purposes

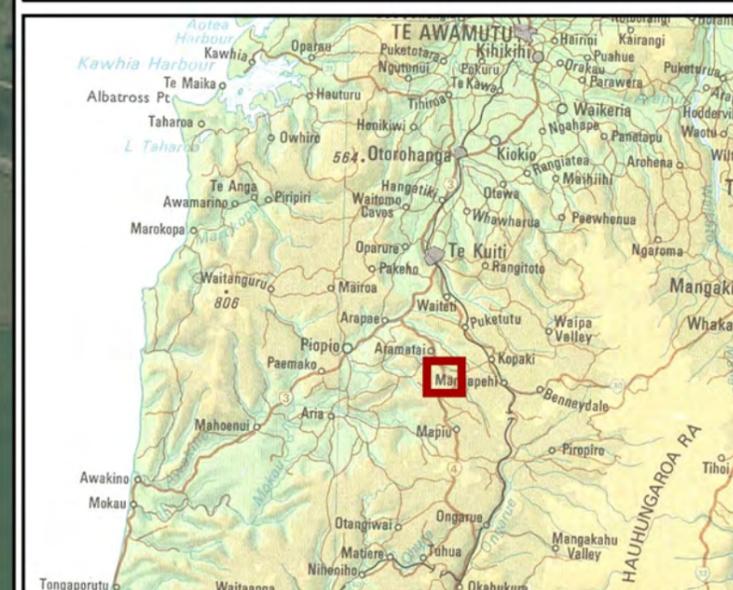
Legend

- Archaeological site
- Wāhi tapu area
- Te Kuiti Aerodrome/ Airfield

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MANIAPOTO
MAORI TRUST BOARD

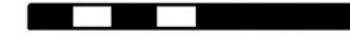
Rukuhia Domain Recreation Reserve

Draft
For discussion purposes

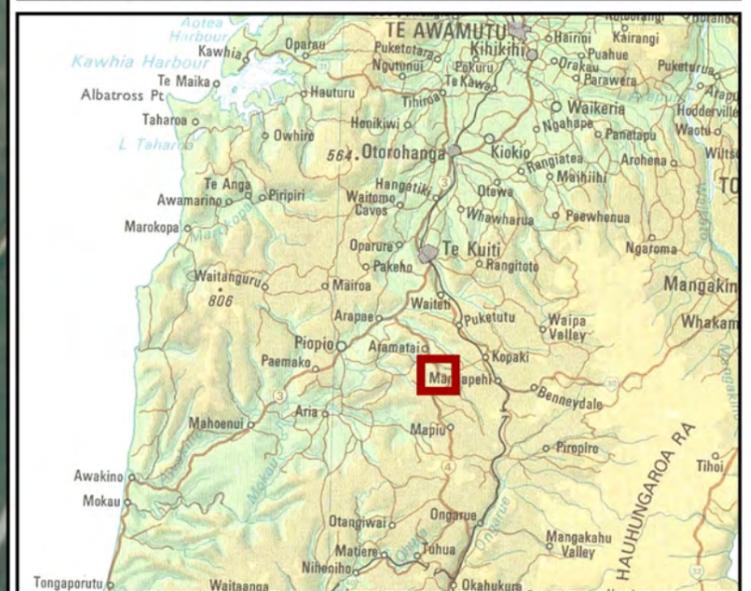
Legend

- Archaeological site
- Wāhi tapu area
- Rukuhia Domain Recreation Reserve

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Te Naunau/ Te Nau Nau

Draft
For discussion purposes

Legend

-  Archaeological site
-  Wāhi tapu area
-  Te Naunau/ Te Nau Nau



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WHEN IS AN OVERLAY CLASSIFICATION AVAILABLE?

An overlay classification gives a very high degree of recognition. Its use is therefore limited to a small number of sites. The Crown also considers that it is most appropriately used as an exclusive instrument, which means that the Crown would not give this redress over the same site to more than one claimant group.

Statutory acknowledgements

CULTURAL, HISTORICAL, SPIRITUAL AND TRADITIONAL ASSOCIATION WITH AN AREA

Within an area of interest, certain sites or features may be of particular traditional significance to a claimant group, for different reasons. That significance may not always be obvious to third parties, such as local authorities. As a result, a claimant group may feel that its traditional association with the particular site has not always been fully considered. For instance, wāhi tapu could have been unintentionally destroyed because a local authority had never been aware of a site, and the claimant group had never been told that a resource consent had been applied for or granted over the area in question.

CROWN ACKNOWLEDGEMENT OF ASSOCIATION

The Crown may agree in a settlement to acknowledge in legislation a statement by the claimant group of their special association with an area or feature.

WHEN MAY A STATUTORY ACKNOWLEDGEMENT BE GIVEN?

The Crown will consider giving a Statutory Acknowledgement over defined sites or features on Crown-owned land that are of high significance to the claimant group. They may include rivers, lakes, wetlands, mountains, forests, islands, coastal areas and other such areas traditionally of high significance to Māori, either for their resources or for their links to tribal history and tūpuna.

Statutory Acknowledgements are not exclusive instruments: this means that the Crown could give an acknowledgement over the same site to more than one claimant group. They can be a useful way of recognising valid overlapping interests.

EFFECTS OF STATUTORY ACKNOWLEDGEMENTS

Because of the Crown's recognition of the association of the claimant group with the site or feature, the Statutory Acknowledgement also strengthens the notification provisions of the Resource Management Act 1991. It does this by obliging decision-makers acting under those provisions to proceed in certain ways.

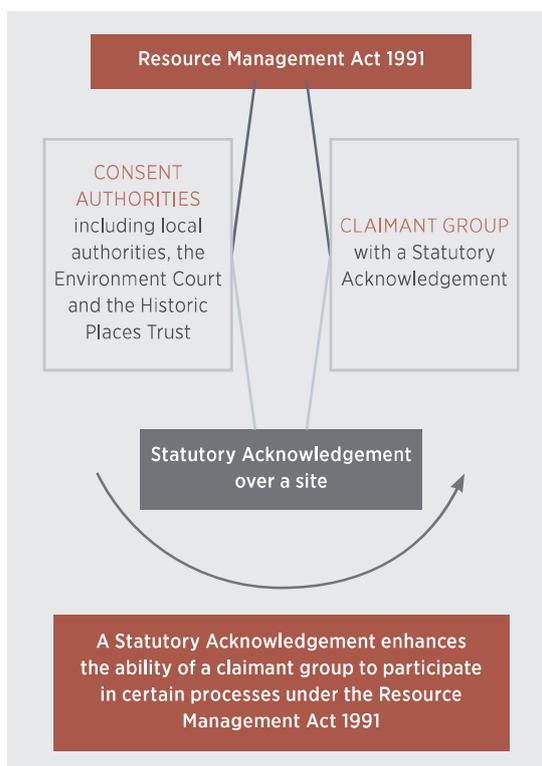


Figure 3.15: Statutory Acknowledgements

These legal obligations are that:

- consent authorities must have regard to the Statutory Acknowledgement in deciding whether the claimant group is an 'affected party' when notifying resource consent applications for those sites
- consent authorities must send summaries of all relevant applications to the claimant group before making a decision on notification
- local authorities must attach information on the acknowledgements to any relevant plans, and
- the Environment Court and the Historic Places Trust must have regard to the Statutory Acknowledgement when deciding whether to hear representatives of Māori at proceedings affecting the sites.

MORE DETAILS ON STATUTORY ACKNOWLEDGEMENTS

Case Study 1: Ngāi Tahu – Statutory Acknowledgement for the Clutha River/Mata-Au on page 96 looks at Ngāi Tahu’s associations with the Clutha River/Mata-Au, and the interests that Ngāi Tahu and the Crown were seeking to meet in developing this redress option. The text of the Statutory Acknowledgement for Aoraki/Mount Cook is set out in full on pages 125–126.

Deeds of Recognition

If a Statutory Acknowledgement has been made, the Minister of the Crown responsible for managing the area may also enter into a Deed of Recognition over the land area under management. A Deed of Recognition will provide that the claimant group must be consulted on specified matters, and that the relevant Minister must have regard to their views.

WHEN WILL A DEED OF RECOGNITION BE ENTERED INTO?

The Crown is likely to agree to enter into a Deed of Recognition over any area covered by a Statutory Acknowledgement that the Crown is responsible for managing. But this means it will not enter into a Deed of Recognition over Crown-owned land managed by a local authority, or over water. For this reason, a Deed of Recognition is not available for a coastal area.

WHAT IS THE IMPACT ON MANAGING THE LAND?

The Deed provides for the claimant group to contribute from time to time to managing the land. Many such sites – for example, lakebeds – are given very little active management by the Crown. The Deed of Recognition does not require the Crown to increase its management activities. As an example the Deed of Recognition for Aoraki/Mount Cook is set out on pages 127–132.

Protocols

WHAT IS A PROTOCOL?

A protocol is a statement issued by a Minister of the Crown, or other statutory authority, setting out how a particular government agency intends to:

- interact with a claimant group on a continuing basis and enable that group to have input into its decision-making process, and
- exercise its functions, powers and duties in relation to specified matters within its control in the claimant group’s area of interest.

HOW DO PROTOCOLS WORK?

Protocols set out processes (that is, ways of making decisions), not results. For example, a protocol issued by the Minister of Conservation might state that requests from the claimant group for the customary use of cultural materials will be considered, but it will not guarantee that the requests will be granted. This is because protocols are issued subject to the Minister’s and the agency’s legal and policy obligations, they do not restrict those obligations.

Since protocols set out administrative processes, they will be enforceable by way of judicial review (that is, the courts can consider how a protocol should have affected the way in which a decision was made). But damages are not available as compensation for the fact that decisions were not made in accordance with protocols. Protocols are statements made by the Crown, and not contracts, so they are not enforceable as contracts.

PROTOCOLS MAY BE AMENDED OR CANCELLED

It may become necessary or desirable, because of changes in law or policy, or for some other reason, to amend or cancel a particular protocol. But if the relevant Minister wants to make such changes, they must first consult the claimant group and have regard to its views.

WHEN MIGHT A PROTOCOL BE OFFERED IN A SETTLEMENT?

A protocol is a useful way of helping to define the relationship between the claimant group and government departments, particularly those whose activities are of special interest to Māori. For example, the Minister of Conservation has issued protocols on cultural materials and historic resources, amongst other things. A protocol from the Minister of Fisheries may be a useful way to deal with some customary kaimoana fisheries issues.

A protocol may also serve to meet claimant group concerns when other redress is not available or appropriate. For example, it may not be possible to transfer ownership of a number of wāhi tapu sites on Crown-owned land to the claimant group. However, a suitable protocol may help meet their concerns about protection of and access to those sites.

Protocols are not exclusive redress instruments, which means that the Minister could issue protocols to more than one claimant group for the same or an overlapping area.

Sometimes memoranda of understanding with non-Crown agencies (for example, local authorities) may be a suitable way of dealing with claimant group interests in decision-making processes. The Crown may agree to try to arrange discussions with such third parties, but any resulting protocols are not part of the settlement with the Crown.

EXAMPLE OF A PROTOCOL

Case Study 2: Ngati Ruanui – Ministry for Primary Industries Protocol on page 97 shows how this instrument is used.

Claimant specific redress

On some occasions it is more appropriate to negotiate a new form of redress for a particular claimant group interest, rather than rely on the existing redress instruments. An example of a negotiated redress instrument is the Statement of Joint Aspirations in the Pouakani Deed of Settlement. Titiraupenga (a mountain) is a very important wāhi tapu to the Pouakani people. To acknowledge this they were offered three forms of redress, a Statutory Acknowledgement over the site, a Memorandum of Understanding and a Statement of Joint Aspirations. A Statement of Joint Aspirations recognises that Titiraupenga is a taonga and records the joint aspirations of the Pouakani people and the Crown for Titiraupenga.

Example of a statutory acknowledgement – Aoraki/Mount Cook



Aoraki/Mount Cook

*'He kapua kei runga i Aoraki whakarewa whakarewa'
(The cloud that floats aloft Aoraki, forever fly, stay aloft')*

The following is an extract from Schedule 14 Ngāi Tahu Claims Settlement Act 1998, Sections 205 and 206.

Statutory acknowledgement – Aoraki/Mount Cook

STATUTORY AREA

The statutory area to which this statutory acknowledgement applies is the area known as Aoraki/Mount Cook located in Kā Tiritiri o te Moana (the Southern Alps), as shown on Allocation Plan MS 1 (SO 19831).

PREAMBLE

Under section 206, the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to Aoraki as set out below.

NGĀI TAHU ASSOCIATION WITH AORAKI

In the beginning there was no Te Wai Pounamu or Aotearoa. The waters of Kiwa rolled over the place now occupied by the South Island, the North Island and Stewart Island. No sign of land existed.

Before Raki (the Sky Father) wedded Papatūānuku (the Earth Mother), each of them already had children by other unions. After the marriage, some of the Sky Children came down to greet their father's new wife and some even married Earth Daughters.

Among the celestial visitors were four sons of Raki who were named Aoraki (Cloud in the Sky), Rakiroa (Long Raki), Rakirua (Raki the Second), and Rārakiroa (Long Unbroken Line). They came down in a canoe which was known as Te Waka o Aoraki. They cruised around Papatūānuku who lay as one body in a huge continent known as Hawaiiiki.

Then, keen to explore, the voyagers set out to sea, but no matter how far they travelled, they could not find land. They decided to return to their celestial home but the karakia (incantation) which should have lifted the waka (canoe) back to the heavens failed and their craft ran aground on a hidden reef, turning to stone and earth in the process.

The waka listed and settled with the west side much higher out of the water than the east.

Thus the whole waka formed the South Island, hence the name: Te Waka o Aoraki. Aoraki and his brothers clambered on to the high side and were turned to stone. They are still there today.

Aoraki is the mountain known to Pākehā as Mount Cook, and his brothers are the next highest peaks near him. The form of the island as it now is owes much to the subsequent deeds of Tū Te Rakiwhānoa, who took on the job of shaping the land to make it fit for human habitation.

For Ngāi Tahu, traditions such as this represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

The meltwaters that flow from Aoraki are sacred. On special occasions of cultural moment, the blessings of Aoraki are sought through taking of small amounts of its 'special' waters, back to other parts of the island for use in ceremonial occasions.

The mauri of Aoraki represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the mountain.

The saying 'He kapua kei runga i Aoraki, whakarewa whakarewa' ('The cloud that floats aloft Aoraki, for ever fly, stay aloft') refers to the cloud that often surrounds Aoraki. Aoraki does not always 'come out' for visitors to see, just as that a great chief is not always giving audience, or on 'show'. It is for Aoraki to choose when to emerge from his cloak of mist, a power and influence that is beyond mortals, symbolising the mana of Aoraki.

To Ngāi Tahu, Aoraki represents the most sacred of ancestors, from whom Ngāi Tahu descend and who provides the iwi with its sense of communal identity, solidarity, and purpose. It follows that the ancestor embodied in the mountain remains the physical manifestation of Aoraki, the link between the supernatural and the natural world. The tapu associated with Aoraki is a significant dimension of the tribal value, and is the source of the power over life and death which the mountain possesses.

PURPOSES OF STATUTORY ACKNOWLEDGEMENT

Pursuant to section 215, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are–

- a) To require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement); and
- b) To require that consent authorities, the Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Aoraki, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement), and

- c) To empower the Minister responsible for management of Aoraki or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the deed of settlement), and
- d) To enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to Aoraki as provided in section 211 (clause 12.2.5 of the deed of settlement).

LIMITATIONS ON EFFECT OF STATUTORY ACKNOWLEDGEMENT

Except as expressly provided in sections 208 to 211, 213, and 215,–

- a) This statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw, and
- b) Without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to Aoraki (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of Aoraki.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Aoraki.

Example of a deed of recognition – Aoraki/Mount Cook

The following Deed was made pursuant to section 215 of the Ngāi Tahu Claims Settlement Act 1998

DEED OF RECOGNITION FOR AORAKI

THIS DEED IS MADE ON 22 OCTOBER 1998

BETWEEN:

- (1) TE RŪNANGA O NGĀI TAHU (“Te Rūnanga”)
- (2) HER MAJESTY THE QUEEN in right of New Zealand acting by and through the Minister of Conservation (the “Crown”)

BACKGROUND

- A. On 21 November 1997 Te Rūnanga and the Crown entered into a Deed of Settlement (the “Deed of Settlement”) recording the matters required to give effect to a settlement of all of the historical claims of Ngāi Tahu Whānui.
- B. Pursuant to clause 12.3 of the Deed of Settlement, Te Rūnanga and the Crown agreed to enter into Deeds of Recognition acknowledging, on the terms identified below, Te Rūnanga’s statement of the cultural, spiritual, historic and/or traditional association on which the mana and tangata whenua status of Ngāi Tahu in relation to specific areas is based.

ACCORDINGLY, the parties acknowledge and agree as follows:

1. **Specific Area of Aoraki**

The area which is the subject of this Deed is the area known as Aoraki / Mount Cook (the “Area”) as shown on Allocation Plan MS 1 (S.O. 19831) appended to the Deed of Settlement. The Area is administered by the Department of Conservation.
2. **Ngāi Tahu Association with Aoraki**
 - 2.1 Pursuant to section 206 of the Ngāi Tahu Claims Settlement Act 1998 (clause 12.2.2 of the Deed of Settlement), the Crown acknowledges Te Rūnanga’s statement of Ngāi Tahu’s cultural, spiritual, historic and/or traditional association to Aoraki as set out below.
 - 2.2. In the beginning there was no Te Wai Pounamu or Aotearoa. The waters of Kiwa rolled over the place now occupied by the South Island, the North Island and Stewart Island. No sign of land existed.

DEED OF RECOGNITION FOR AORAKI

- 2.3 Before Raki (the Sky Father) wedded Papatūānuku (the Earth Mother), each of them already had children by other unions. After the marriage, some of the Sky Children came down to greet their father's new wife and some even married Earth Daughters.
- 2.4 Among the celestial visitors were four sons of Raki who were named Aoraki (Cloud in the Sky), Rakiroa (Long Raki), Rakirua (Raki the Second), and Rarakiroa (Long Unbroken Line). They came down in a canoe which was known as Te Waka o Aoraki. They cruised around Papatūānuku who lay as one body in a huge continent known as Hawaiiki.
- 2.5 Then, keen to explore, the voyagers set out to sea, but no matter how far they travelled, they could not find land. They decided to return to their celestial home but the karakia (incantation) which should have lifted the waka (canoe) back to the heavens failed and their craft ran aground on a hidden reef, turning to stone and earth in the process.
- 2.6 The waka listed and settled with the west side much higher out of the water than the east. Thus the whole waka formed the South Island, hence the name: Te Waka o Aoraki. Aoraki and his brothers clambered on to the high side and were turned to stone. They are still there today. Aoraki is the mountain known to Pākehā as Mount Cook, and his brothers are the next highest peaks near him. The form of the island as it now is owes much to the subsequent deeds of Tū Te Rakiwhānoa, who took on the job of shaping the land to make it fit for human habitation.
- 2.7 For Ngāi Tahu, traditions such as this represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.
- 2.8 The meltwaters that flow from Aoraki are sacred. On special occasions of cultural moment, the blessings of Aoraki are sought through taking of small amounts of its 'special' waters back to other parts of the island for use in ceremonial occasions.
- 2.9 The mauri of Aoraki represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the mountain.

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- 2.10 The saying 'He kapua kei runga i Aoraki, whakarewa whakarewa ('The cloud that floats aloft Aoraki, for ever fly, stay aloft') refers to the cloud that often surrounds Aoraki. Aoraki does not always 'come out' for visitors to see, just as that a great chief is not always giving audience, or on 'show'. It is for Aoraki to choose when to emerge from his cloak of mist, a power and influence that is beyond mortals, symbolising the mana of Aoraki.
- 2.11 To Ngāi Tahu, Aoraki represents the most sacred of ancestors, from whom Ngāi Tahu descend and who provides the iwi with its sense of communal identity, solidarity, and purpose. It follows that the ancestor embodied in the mountain remains the physical manifestation of Aoraki, the link between the supernatural and the natural world. The tapu associated with Aoraki is a significant dimension of the tribal value, and is the source of the power over life and death which the mountain possesses.

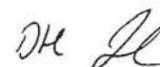
3. Role of Te Rūnanga

- 3.1 By reason of the Crown's acknowledgement of the association described in clause 2, Te Rūnanga must be consulted and particular regard had to its views relating to the association described in clause 2 concerning the following management and administration activities which may be undertaken from time to time by the Crown in relation to the land within the Area:
- (a) the preparation, consistent with Part IIIA of the Conservation Act and section 47 of the National Parks Act, of all Conservation Management Strategies and/or National Park Management Plans which relate to the Area;
 - (b) the preparation of all non-statutory plans, strategies or programmes for the protection and management of the Area in relation to the following:
 - (i) any programme to identify and protect indigenous plants;
 - (ii) any survey to assess current and future visitor activities;
 - (iii) any departmental guidelines for search and rescue programmes;
 - (iv) any programme to identify and protect wildlife;
 - (v) any programme to eradicate pests or other introduced species; or
 - (vi) any survey to identify the number and type of concessions which may be appropriate; and

DEED OF RECOGNITION FOR AORAKI

- (c) the location, construction and relocation of any structures, huts, signs and tracks.
- 3.2 In order to enable Te Rūnanga to fulfill its role under clause 3.1 the Crown will provide Te Rūnanga with relevant information to enable Te Rūnanga to consider and advise its views to the Crown on any matter on which it is consulted.
- 3.3 The Crown will inform Te Rūnanga of all concession applications to the Area (but retains the discretion to withhold commercially sensitive material).
- 4. Other Provisions**
Pursuant to sections 217, 218 and 219 of the Ngāi Tahu Claims Settlement Act 1998 (clauses 12.2.11, 12.2.12 and 12.2.13 of the Deed of Settlement):
- 4.1 except as expressly provided in this Deed of Recognition:
- (a) this Deed of Recognition does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to the Area than that person or entity would give under the relevant statute, regulation or bylaw, if this Deed of Recognition did not exist in respect of the Area.
- 4.2 except as expressly provided in this Deed of Recognition, this Deed does not affect the lawful rights or interests of any person who is not a party to the Deed of Settlement; and
- 4.3 except as expressly provided in this Deed of Recognition, this Deed does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, the Area.
- 4.4 Nothing in this Deed requires the Crown to undertake any management function referred to in clause 3 above.
- 5. Alienation of Land**
Pursuant to section 214 of the Ngāi Tahu Claims Settlement Act 1998 (clause 12.2.8 of the Deed of Settlement), in the event that the Area is alienated by the

AJW0346303.01



DEED OF RECOGNITION FOR AORAKI

Crown, this Deed of Recognition is automatically terminated (and the right of first refusal set out in Part 9 of the Ngāi Tahu Claims Settlement Act 1998 (Section 9 of the Deed of Settlement) applies).

6. Change in Management

Pursuant to clause 12.2.9 of the Deed of Settlement, if there is a change in the Crown entity managing the Area, or the applicable statutory management regime over the Area, the Crown will take reasonable steps to ensure that Te Rūnanga continues to have input into the management of the Area through the negotiation, by the Minister responsible for the new management or management regime, of a new or amended Deed of Recognition to replace this Deed of Recognition.

7. Interpretation

7.1 Terms defined in the Deed of Settlement will have the same meaning in this Deed. In addition:

concession has the meaning given to it in the Conservation Act 1987.

7.2 To the extent that any inconsistencies exist between this Deed of Recognition and the Deed of Settlement the provisions of the Deed of Settlement will prevail.

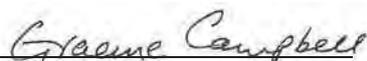
EXECUTED as a Deed on 22 October 1998

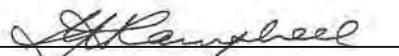
SIGNED for and on behalf of
HER MAJESTY THE QUEEN in
right of New Zealand by
HON. DR NICK SMITH, Minister
of Conservation in the presence of:

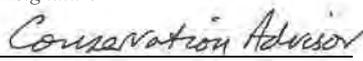
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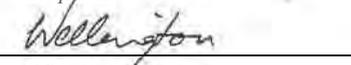


Hon. Dr Nick Smith


Witness


Signature


Occupation


Address

DEED OF RECOGNITION FOR AORAKI

THE SEAL of
TE RŪNANGA O NGĀI TAHU was
affixed to this document in the presence
of:



MW [Signature]

Rūnanga Representative

[Signature]

Secretary

AJW0346303.01

DH JL

NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION

SITE DESCRIPTION FORM

Map Number N83
 Map Name Te Kuiti
 Map Edition NZMS 1 1st ed. 1971
 Grid Reference 665843

SITE NUMBER N83/57

SITE NAME: MAORI
 OTHER

SITE TYPE ?Gunfighting Pa

(This form may be used for recording any descriptive information or other supplementary information on the site, or for maps and drawings.)

E 266500 N 484300

Aids to relocation:

On the western bank of the Mangaokewa Stream at the south-eastern end of the airfield and some 4-500m north of the concrete bridge.

State of site:

To be ascertained.

Description of site:

?Gunfighting Pa located using aerial photographs. Ground inspection to follow.

Methods:

Aerial photo inspection only.

Dates recorded: March, 1977

Aerial photo or mosaic No: 1066/11 & 12

Site shows:
~~Clearly/badly/not at all~~

Reported by: S. Edson,
 Waikato Art Museum,
 Box 937, Hamilton.

Filekeeper: **S. C. EDSON**
WAIKATO ART MUSEUM
BOX 937 HAMILTON

Date: March, 1977

Date: 4th January, 1978



NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION

SITE RECORD FORM

Map number N82
 Map name Marokopa
 Map edition NZMS 1 1st. ed. 1972
 Grid Reference 546633

SITE NUMBER N82/51

SITE NAME: MAORI
 OTHER

SITE TYPE Pa

1. Aids to relocation of site

E254600 N463300

On the eastern bank of the Mokau River, about 1km east of the Piopio/Wairere Road and 1.5-2km south-east of Piopio township.

2. State of site; possibility of damage or destruction

To be ascertained.

3. Description of site *(NOTE: This section is to be completed ONLY if no separate Site Description Form is to be prepared.)*

Pa located using aerial photographs.
 Ground inspection to follow.

4. Owner To be ascertained.
 Address

Tenant/Manager
 Address

Attitude

Attitude

5. Methods and equipment used Aerial photo inspection only.

Photographs taken: Yes/No (Describe on Photograph Record Form)

Date recorded February, 1977

6. Aerial photograph or mosaic No. 596/33 & 34

Site shows:

Clearly/badly/not at all

S. C. EDSON

7. Reported by S. Edson,
 Address Waikato Art Museum,
 Box 937, Hamilton.

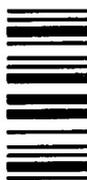
Filekeeper

WAIKATO ART MUSEUM

Date February, 1977

Date

BOX 937 HAMILTON
 23rd December, 1977



c

R17/51



152/1A.

View toward east.



150/E. Sept 97. O. W.

View toward west from Auahi Rd North

N Z ARCHAEOLOGICAL ASSOCIATION
 =====
 SITE RECORD FORM (Metric)
 =====

<u>MAP NO</u>	R 18	<u>SITE NO</u>	82
<u>MAP NAME</u>	Ohura	<u>VISIT DATE</u>	-
<u>EDITION</u>	1	<u>SITE TYPE</u>	Kokowai source
<u>GRID REF</u>	26 507 62 771	<u>NAME</u>	Te Ana Pato

1. LOCATION Mokau town
 At the foot of the seacliffs under the town

2. STATE OF SITE ?

3. DESCRIPTION Cave with kokowai source

"Along the coast, at the base of the cliffs, are numerous caves, one of which (Te Ana-pato, or the Shattered Cave - but now known as the Ochrecave) the maoris were accustomed to scrape a reddish sediment (kokowai, or red ochre) off the walls, using it for colouring canoes etc".

See attached map, based on NZ Hydrographic chart 2535 (copied from E Stokes)

The cave forms an underground lagoon beneath the town and was used for a time to supply the town's water. [Mokau River Resource Inventory Dept L & S, 1986 p 51.]

4. OWNER -- TENANT

5. SOURCE OF INFO W R Jourdain "Report on the Mokau River" AJHR 1909 C-6, App D. p 12, copy attached to R18/80.

PHOTOS: Enclosed. See also

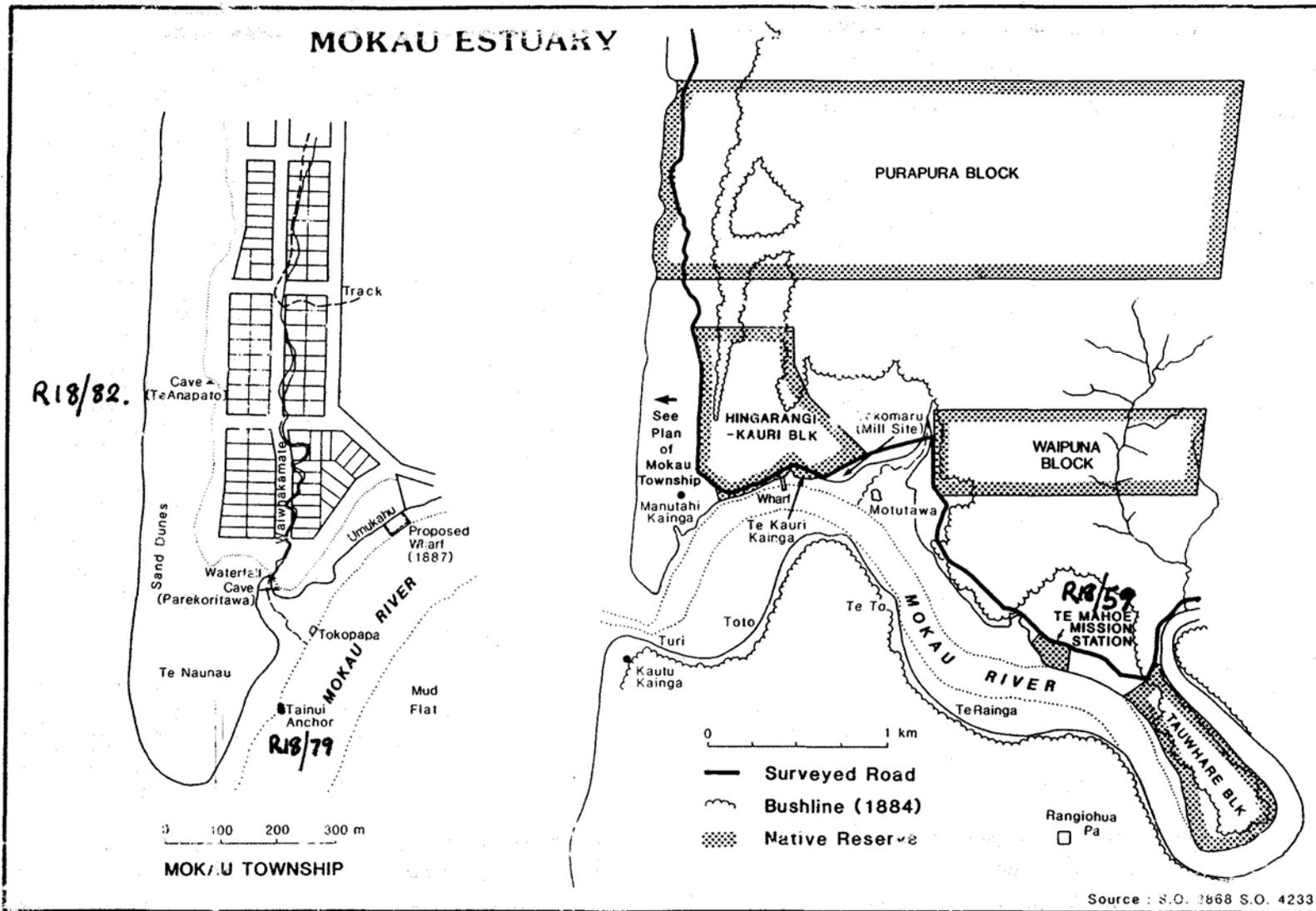
6. REPORTED BY Owen Wilkes
 210 River Road
 Hamilton

FILEKEEPER *[Signature]*
 9/3/1988

7. NZ Register

----- -----	Type	----- - - -----	Condition, future danger
----- - - -----	Local envmt	----- N E -----	Local body
----- - - -----	Land clasfn		





from E. Stokes

Figure 5. Mokau Estuary.

R18/82

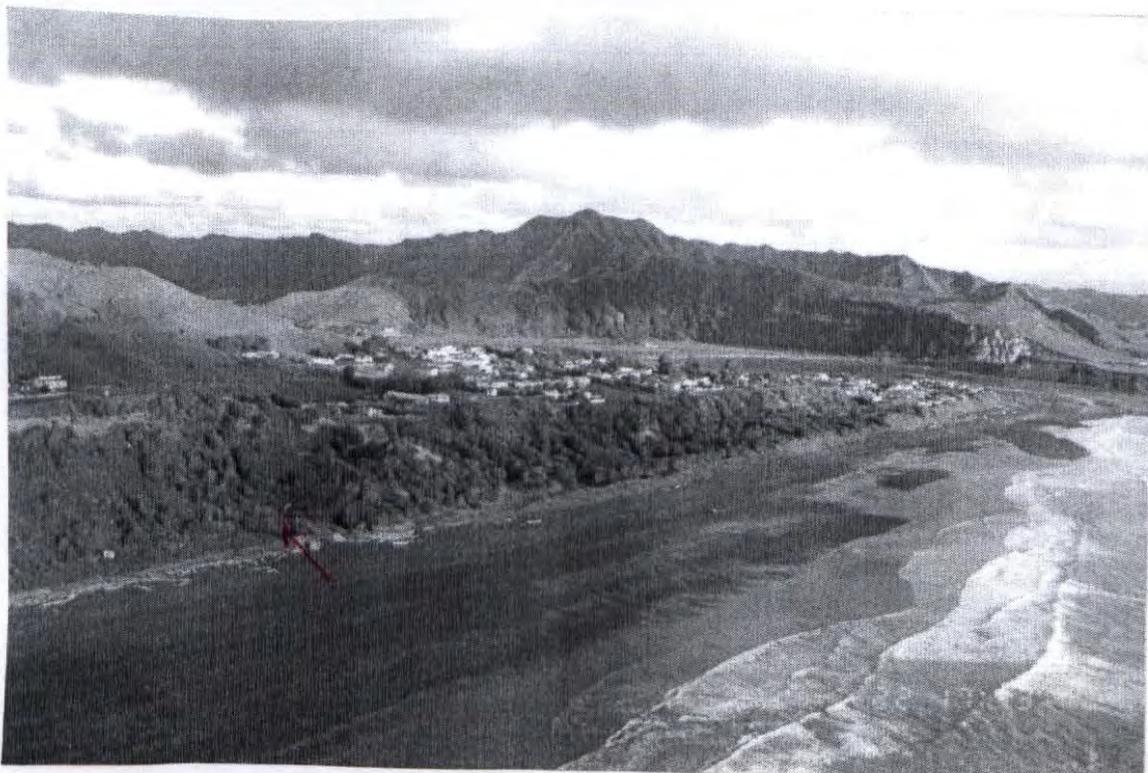
R18/82.



12/9/82

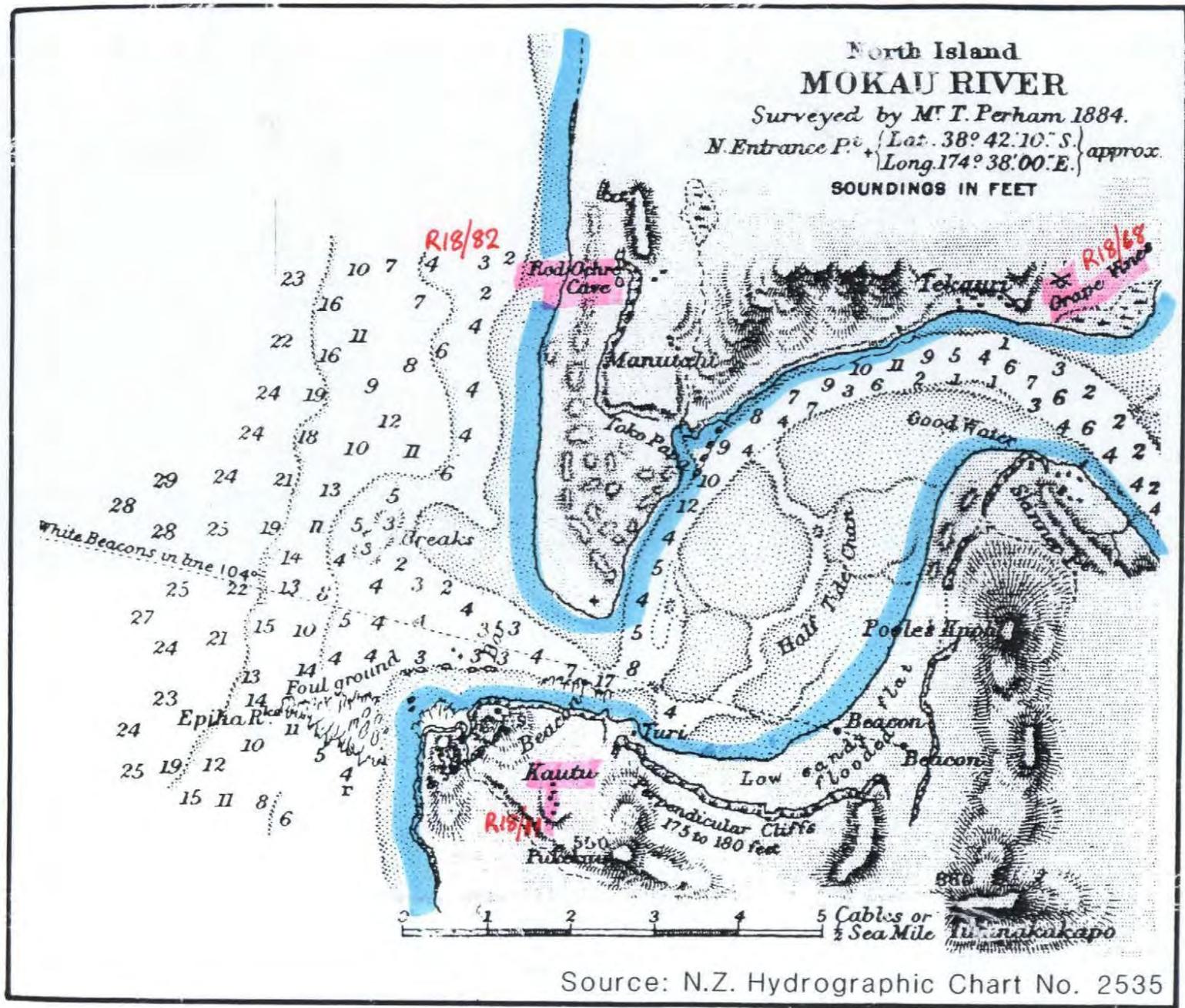
Cave is at base of this hill.

O. Wilkes Sept 2002.



123

E Stokes

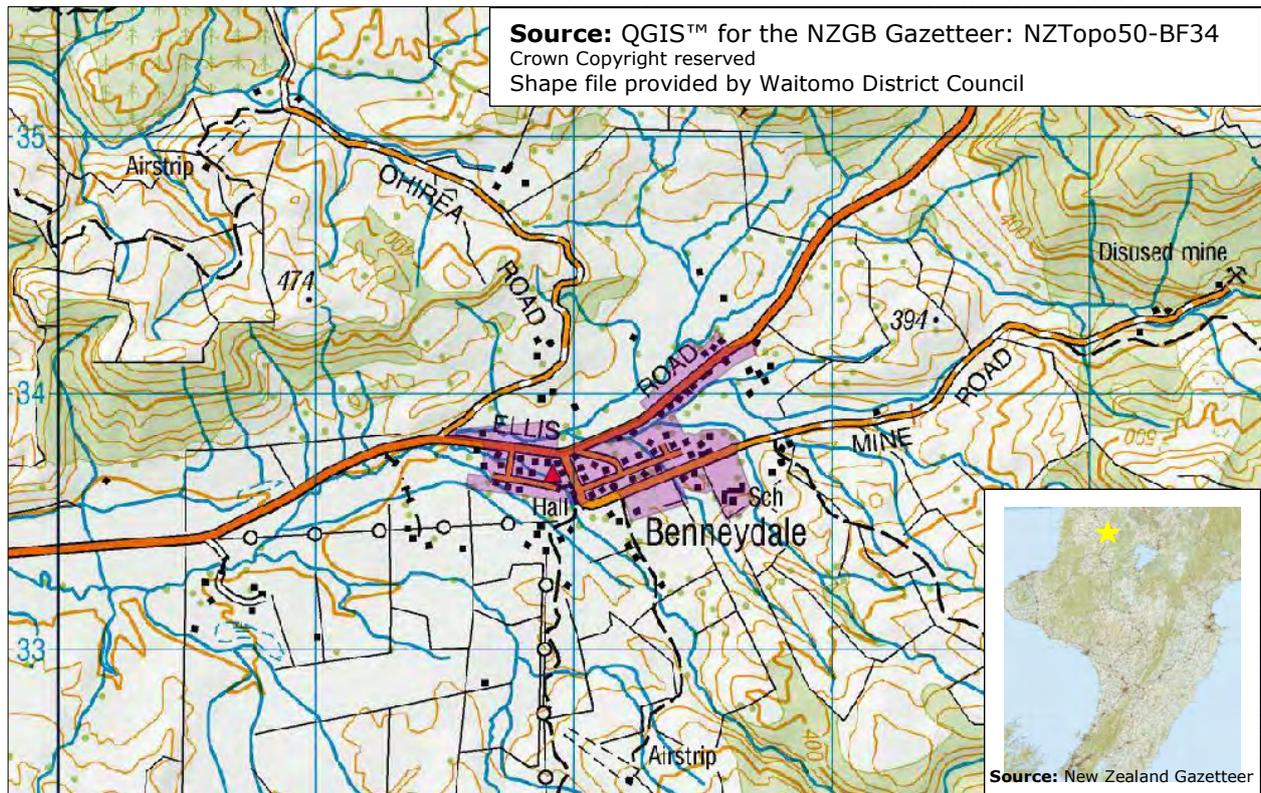


Source: N.Z. Hydrographic Chart No. 2535

Figure 4. Mokau River

R18/82

Proposal for Te Māniaiti [altered from Benneydale]



Summary

On behalf of Maniapoto iwi, the Office of Treaty Settlements (OTS) is proposing to alter the unofficial recorded name of the small rural township, Benneydale, to an official name, Te Māniaiti.

The proposal is a complete change of name for a populated place (approximately 177 residents) and there may be some public interest, so it is not included as a Treaty settlement proposal.

Benneydale is in central Te Ika-a-Māui, approximately 27km southeast of Te Kuiti. The government created the township in 1940 to house miners working at a nearby coalmine. Benneydale is a combination of the surnames of the Under-Secretary of Mines and Mine Superintendent at the time – Benney and Dale.

Part of the land where the township was developed was a papakāinga, *lit.* village. Little is known about the origin of the name Māniaiti. However, it predates the name Benneydale and applies to an area of significance to Maniapoto iwi.

The proposer has provided evidence of consultation with neighbouring iwi and local councils, with support for the proposal from one Council and no preference from another. A Te Taura Whiri i te Reo Māori registered translator has confirmed the orthography of Te Māniaiti.

Altering Benneydale to Te Māniaiti would acknowledge the history of Maniapoto iwi in the area. However, because of the long term use of Benneydale the change may cause identification problems when communicating with emergency services. Benneydale would still be

discoverable by emergency services in the Localities dataset¹ as an alias for the small township. The wider administrative locality name in the Localities dataset is currently Benneydale and may not necessarily change.

Altering Benneydale to a dual name Te Māniaiti / Benneydale would:

- make it easier to identify the township in an emergency
- recognise the long term use of Benneydale
- meet the NZGB's function to collect and encourage the use of original Māori names on official charts and maps.

A dual name would not meet the Australia/New Zealand Standard™ for rural and urban addressing of localities. However there are official dual names, for example Pūkorokoro / Miranda and Riverton / Aparima.

Secretariat recommendation

Recommendation 1

Accept the proposal to ~~alter~~ Benneydale to **Te Māniaiti** based on:

- ~~— the significance of the name to Maniapoto iwi~~
- ~~— evidence on early plans and maps of features in the area named 'Maniaiti'~~
- ~~— the NZGB's function to collect and encourage the use of original Māori names on official charts and maps~~
- ~~— a Te Taura Whiri i te Reo Māori registered translator having confirmed the orthography of Te Māniaiti~~
- ~~— it meeting the Australia/New Zealand Standard™ for rural and urban addressing~~
- ~~— support in principle from Waitomo District Council and the Office of Treaty Settlements~~

~~Noting that the proposer has provided evidence of consultation with local councils and iwi, with support for the proposal from one Council, and Benneydale (township) would still be discoverable in the Localities dataset as an alias.~~

and

Notify as a proposal to ~~alter~~ for three months.

Option

Option 2

Accept a different proposal to ~~alter~~ Benneydale to a dual name **Te Māniaiti / Benneydale** based on:

- ~~— a dual name overcoming some of the problems that wholesale replacement can cause such as loss of identity and confusion, and may make it easier to identify the township in an emergency~~
 - ~~— the significance of Te Māniaiti to Maniapoto iwi~~
 - ~~— evidence on early plans and maps of features in the area named 'Maniaiti'~~
 - ~~— long term use of Benneydale~~
 - ~~— the NZGB's function to collect and encourage the use of original Māori names on official charts and maps~~
 - ~~— a Te Taura Whiri i te Reo Māori registered translator having confirmed the orthography of Te Māniaiti~~
 - ~~— support in principle from Waitomo District Council and the Office of Treaty Settlements~~
-

¹ Fire and Emergency NZ maintains the Localities dataset for responding to emergencies. LINZ uses it for addressing and NZ Post uses it for delivering mail.

~~Noting that a dual name would not meet the Australia/New Zealand Standard™ for rural and urban addressing.~~

~~**and**~~

~~**Notify** as a proposal to **alter** for three months.~~

[Note: At its meeting on 28 June 2018 the NZGB deferred the proposal]

***Defer** for OTS to clarify with Waitomo District Council whether it supports Te Māniaiti or a dual name Te Māniaiti / Benneydale.*

Secretariat assessment and advice

The proposal

The Office of Treaty Settlements (OTS) has made this proposal to alter the unofficial recorded name, Benneydale (township) to an official name, Te Māniaiti on behalf of Maniapoto iwi. Maniapoto has not included it as a Treaty settlement proposal as it is a complete change of name for a populated place² so there may be some public interest.

The proposer advises that local Māori consider Māniaiti to be the original name for the land, part of which was a papakāinga on the south side of State Highway 30 where the township was developed.

Little is known about the origin of the name Māniaiti. However, it predates the name Benneydale and is an area of significance to Maniapoto iwi as it is where their tupuna Te Ihingārangi is buried in a cave. Altering Benneydale to Te Māniaiti would acknowledge the history of Maniapoto iwi in the area.

The proposer advises that the government created Benneydale in 1940 to house workers mining coal, which had been discovered nearby in the 1930s. The name is a combination of the surnames of the Under-Secretary of Mines and Mine Superintendent at the time – Benney and Dale. Local Māori had wanted to name the settlement Ōhīrea, and in 1942 the Minister for Lands approved a survey plan for Ōhīrea Township on a strip of land to the west of Benneydale. However, Ōhīrea Township never eventuated and the township has largely grown on what local Māori considered to be the Māniaiti side. The hills on either side of the valley being known to Maniapoto as Māniaiti and Ōhīrea.

Names shown on plans and maps

There is evidence of features in the area named 'Maniaiti' for more than 100 years:

Plan/map	Date	Name
NZMS 13, TN3	1905	Maniaiti (hill)
SO 5357	1914	Maniaiti (hill) Maniaiti Road
SO 5349	1917	Maniaiti Road
SO 5236	1917	Maniaiti 'A' (trig)
NZMS 13, TN2-3	1928, 1940	Maniaiti 'A' (trig) Maniaiti Road
DP 6293	1947	Town of Ohirea [exact location unclear]
NZMS 4, N92/3, 1 st edition	1951	Maniaiti (title of the map sheet) Benneydale Pt. [Post & Telephone]
NZMS 1, N92, 1 st , 2 nd eds.	1956, 1974	Benneydale
NZMS 260, S17, 1 st , 2 nd eds.	1987, 2004	Benneydale
NZTopo50-BF34, edition 1.05	2015	Benneydale

Location and extent of the feature

Benneydale is in central Te Ika-a-Māui, approximately 27km southeast of Te Kuiti. Waitomo District Council has provided a shape file based on its District Plan, which adequately defines the extent and boundary of the township.

² As at 2013 [Stats NZ's meshblock data](#) records a population of 177.

Geographic feature type As an identifiable area within a local authority area, usually rural or partly rural in character, the township meets the definition of a 'locality' in [section 4 of the NZGB Act 2008](#).

New Zealand Gazetteer, duplication and associated names

[Benneydale](#) is the unofficial recorded name for the township. No other features within the NZGB's jurisdiction are named Benneydale or Te Māniaiti, so there are no issues because of duplication.

Maniaiti Road, the main access road from State Highway 30 into Benneydale, and geodetic mark B59E named 'A Maniaiti' approximately 3km south of the township are variations of names associated with Te Māniaiti.

Maniaiti marae is approximately 11km east of Taumarunui. Its principal hapū are Ngāti Hinemihi and Ngāti Manunui of Ngāti Tūwharetoa iwi³, with whom the proposer has provided evidence of consultation.

Geodetic mark BE4C approximately 3.5km northeast of the township is named 'Benneydale'.

If Te Māniaiti was assigned as the official name of the township, Benneydale would still be discoverable in the Gazetteer as a 'replaced' name. And in the Localities dataset as an alias for the township name, as well as continuing to be the name for the wider administrative locality.

Research, history and references to the feature

Reed⁴ reiterates the proposer's provenance of Benneydale.

Maniaiti Papakāinga, at the end of School Road was gazetted as a Māori Reservation in June 2012⁵.

There is no record in the NZGB's archives for Benneydale or 'Maniaiti', or in Fletcher⁶ for 'Maniaiti'.

Consultation with iwi and others: relevant policy from the NZGB's [Frameworks](#) v.10

'Locality and suburb names: The NZGB should take into account the views of the relevant territorial authority, the local community and iwi, hapū and marae who are tangata whenua.'

The proposer has provided evidence of consultation with Waikato-Tainui, Raukawa, Ngāti Tūwharetoa, Ngāti Hauā, Maerora A & B, Ngāti Tama, Ngāti Maru, Te Korowai o Wainuiarua, Ngāti Mutunga, Ngāti Hāua, Ngāti Rangatahi, and Te Awa Tupua. There has been no feedback to date.

The proposer has also sought support for the proposal from Horizons Regional Council, Waikato Regional Council, Waitomo District Council, Ruapehu District Council, Otorohanga District Council, and Waipa District Council.

Waikato Regional Council has advised that it does not have a view on the proposed name change. Waitomo District Council has advised that it supports the name change process in principle, subject to public consultation.

As a matter of courtesy the proposer has also advised the New Zealand Transport Agency (NZTA) of the proposal. NZTA has not responded.

Any further feedback or concerns the proposer receives will be tabled at the NZGB's meeting on 28 June 2018. If the NZGB accepts the proposal then it will also communicate directly with affected groups to advise them of the proposal. They may then make a submission during the notification period.

³ [Māori maps](#). Accessed 5 June 2018.

⁴ Reed, A.W. & Dowling, P. (ed.) (2010). *Place names of New Zealand*. North Shore: Penguin Group.

⁵ [NZ Gazette, 2012-In3480](#)

⁶ Fletcher, H.J. [Index of Māori Names](#). The University of Waikato Digital Collections. Accessed 1 June 2018.

Advice on orthography

A Te Taura Whiri i te Reo Māori registered translator has confirmed the orthography of Te Māniaiti.

Relevant sections from the NZGB Act 2008

[Section 3\(e\) of the NZGB Act 2008](#) provides for appropriate recognition to be accorded to cultural and heritage values associated with geographic features.

[Sections 11\(1\)\(d\) and \(e\) of the NZGB Act 2008](#) encourage the collection and use of original Māori names on official charts and maps.

Altering the township's name would correct a grievance of mana whenua who have a significant connection to the area.

Addressing implications and the relevant principle from the NZGB's

[Frameworks](#) v.10

The Australia/New Zealand Standard™ for rural and urban addressing states, 'A locality name shall not be duplicated within the country. A locality name should not be similar in spelling or sound (e.g. Wytmont, Whitmont) to any other locality name within the country.'

No other localities in New Zealand have similar sounding or spelled names.

'A dual or alternative name shall not be assigned to a locality.'

If the NZGB considers a dual name to be appropriate then it would override the Standard. There are official dual names for townships, for example Pūkorokoro / Miranda and Riverton / Aparima, and these are acceptable.

'Dual and alternative naming: Can overcome some of the problems that wholesale replacement can cause, such as loss of identity and confusion, especially in emergencies...With the passing of time the original Māori name might gain everyday acceptance and use, and eventually replace the non-Māori name.'

Benneydale has been the name of the township for 75+ years and it is likely that the community identifies with the name. Altering Benneydale to a dual name Te Māniaiti / Benneydale would make it easier to identify the township in an emergency, and recognise the history of both names. However, if a dual name was assigned, in the future a new proposal for just Te Māniaiti would need to be considered again under sections 15-21 of the NZGB Act 2008.

Concerns or issues for emergency services: relevant policy from the NZGB's

[Frameworks](#) v.10

'Locality and suburb names: It is particularly important that locality and suburb names and extents be assigned with emergency and utility services in mind. Therefore, the Board's main concerns are standardisation and non-ambiguity.'

The township is the gateway to an 85 km track that winds through Pureora Forest Park, which is a popular recreational area for tramping, cycling, hunting and bird watching⁷. However, the proposer has not provided evidence of consultation with emergency services. Assigning an official name would ensure its use on maps, charts and in other official documents so that emergency services can correctly identify the township.

If the township's name is altered there should be no concerns about issues for utility services or cost. Updating signs, promotional material, maps, databases etc would be completed over time and in the course of usual maintenance.

⁷ Benneydale.co.nz. Accessed 5 June 2018.

Media

Altering the name may be contentious with local people and generate some media attention.

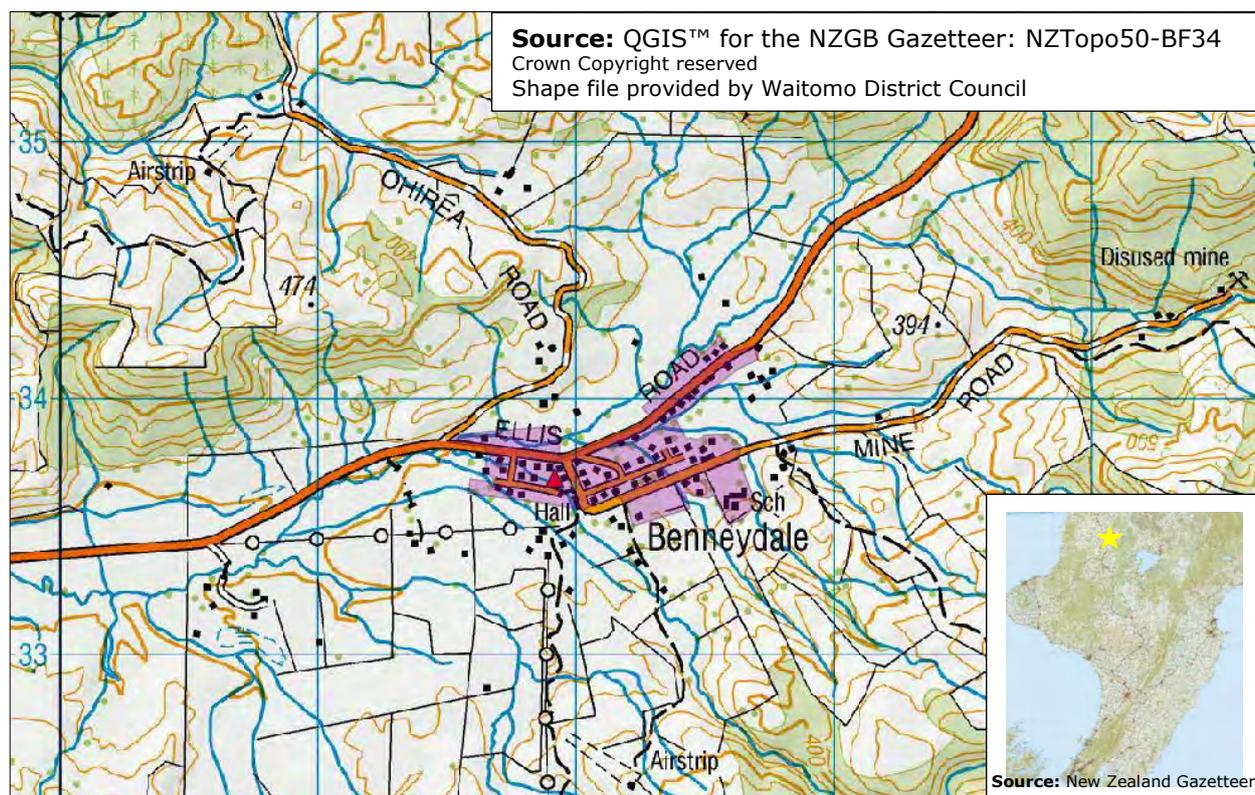
Accord between the Minister for Land Information and Maniapoto Māori Trust Board

The proposal is within this river Accord area. The NZGB has agreed under its *Kaupapa for Māori Place Names* to give effect to that Accord by consulting directly with the governance entity. OTS has advised that the claimants are an entity of Maniapoto Māori Trust Board.

Supporting information

1. Proposal - 17 May 2018

Deferred proposal for Te Māniaiti [altered from Benneydale]



Summary

At its meeting on 28 June 2018 the NZGB deferred its decision on a proposal from the Office of Treaty Settlements (OTS), on behalf of Maniapoto iwi, to alter the unofficial recorded name of the small rural township, Benneydale, to an official name, Te Māniaiti.

The NZGB requested that OTS clarify Waitomo District Council's (WDC) views on the proposal. OTS had written to WDC about the proposal on 24 January 2018. At a meeting on 20 March 2018 WDC had verbally advised OTS that it supported the proposal going to public consultation and would form a view once the views of the community were known.

WDC has now advised the NZGB that in response to OTS's letter of 24 January 2018 it unanimously declined to offer support for the OTS proposal.

OTS has provided written confirmation from WDC dated 15 August 2018 that it does not support the proposal. WDC has not provided reasons.

If the NZGB accepts the proposal, WDC will have an opportunity to make a submission during the notification period.

Secretariat recommendations

Recommendation 1

Accept the proposal to ~~alter~~ Benneydale to **Te Māniaiti** based on:

- ~~the significance of the name to Maniapoto iwi,~~
- ~~evidence on early plans and maps of features in the area named 'Maniaiti',~~
- ~~the NZGB's function to collect and encourage the use of original Māori names on official charts and maps,~~
- ~~a Te Taura Whiri i te Reo Māori licenced translator having confirmed the orthography of Te Māniaiti, and~~
- ~~the name meeting the Australia/New Zealand Standard™ for rural and urban addressing.~~

Noting that:

- ~~the boundaries of the town are likely to extend beyond the WDC's shapefile, so the NZ Gazette notice will have only a central coordinate,~~
- ~~Benneydale (township) is currently in the Localities dataset so can still be used by emergency services to identify the area,~~
- ~~the proposer has provided evidence of consultation with the local councils and iwi, and~~
- ~~Waitomo District Council does not support the proposal, but can make a submission during the notification period.~~

and

Notify as a proposal to ~~alter~~ for three months.

Options

Option 2

Accept a different proposal to **alter** Benneydale to a dual name **Te Māniaiti / Benneydale** based on:

- a dual name overcoming some of the problems that total replacement can cause such as loss of identity and confusion, and may make it easier to identify the township in an emergency,
- the significance of Te Māniaiti to Maniapoto iwi,
- evidence on early plans and maps of features in the area named 'Maniaiti',
- the NZGB's function to collect and encourage the use of original Māori names on official charts and maps,
- a Te Taura Whiri i te Reo Māori licenced translator having confirmed the orthography of Te Māniaiti, and
- long term use of Benneydale, which reflects the coal mining heritage of the town, and
- recognising the interests of Rereahu.

Noting that:

- a dual name would not meet the Australia/New Zealand Standard™ for rural and urban addressing; however, there are examples of dual names for towns and these do not have appeared to have caused any issues,
- the proposer has provided evidence of consultation with the local councils and iwi,
- Waitomo District Council does not support the proposal, but can make a submission during the notification period, and
- the boundaries of the town are likely to extend beyond the WDC's shapefile, so the NZ Gazette notice will have only a central coordinate.

and

Notify as a proposal to **alter** for three months.

Option 3

Decline the proposal to ~~alter~~ Benneydale to **Te Māniaiti** based on lack of

Background

**Draft minutes of
28 June 2018
NZGB hui**

NZGB discussion

The NZGB noted that the proposer has undertaken consultation with local councils and iwi. The NZGB noted that Waitomo District Council had advised OTS when they met on 20 March 2018 that they support in principle the name change process subject to public consultation, and Waikato Regional Council had advised that it does not have a view. The NZGB noted that these are the only two councils affected by the proposal. OTS confirmed that it would request written confirmation of support from Waitomo District Council.

The NZGB requested clarification whether Waitomo District Council's support was for Te Māniaiti or the dual name Te Māniaiti / Benneydale. OTS advised that Waitomo District Council is reluctant to give a firm view prior to public consultation, that the Council supports the proposal going through public consultation and will form a view once the views of the community are known. The Chairperson advised that for any proposal affecting the community, elected representatives are asked to provide a clear view of their support or otherwise. The NZGB noted that Maniapoto are proposing a single Māori name and that the NZGB rarely supports dual names for populated places.

OTS confirmed that they will re-engage with Waitomo District Council and report back to the NZGB's September 2018 meeting.

The NZGB agreed to defer the proposal to its September 2018 meeting.

Supporting information

1. Proposal report – 2018-06-28
2. Letter from Waitomo District Council to OTS – 2018-08-15
3. Email correspondence with Waitomo District Council – 2018-08-22