

**IN THE WAITANGI TRIBUNAL**

**WAI 3450**

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**IN THE MATTER OF**

The Treaty of Waitangi Act 1975

**AND**

**IN THE MATTER OF**

The Natural Resources and Environmental  
Management Kaupapa Inquiry

**AND**

**IN THE MATTER OF**

A claim by Natasha WILLISON-REARDON for and on behalf of the Iwi me Hapū Ki Marokopa incorporating Ngāti Rarua Ki Marokopa, Ngāti Toa Tupahau, Ngāti Peehi, Ngāti Te Kanawa and Ngāti Kinohaku ki Marokopa, based in the rohe of Hapū Ki Marokopa Marae

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**Statement of Claim**

**Dated 26 February 2026**

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<b>RECEIVED</b>
Waitangi Tribunal
<b>26 Feb 26</b>
Ministry of Justice WELLINGTON



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**Counsel acting: Brooke Loader, Shane Henderson, Grant Hewison,  
Dr Liz Gordon, Jasper Sontier**

## MAY IT PLEASE THE TRIBUNAL

### Introduction

1. This claim is brought by Natasha Willison-Reardon, for and on behalf of our Iwi me Hapū ki Marokopa – Ngāti Rarua ki Marokopa, Ngāti Toa Tupahau, Ngāti Peehi, Ngāti Te Kanawa and Ngāti Kinohaku ki Marokopa. They are based at Hapū ki Marokopa Marae.
2. Ms Willison-Reardon was born and raised in Kiritehere, Te Tahaaroa a Ruaputahanga, Te Marokopa o Ruaputahanga. She is connected to these places through whakapapa. She lives in the Waitomo District and was raised on our whenua and moana. Places like Marokopa, Kiritehere and Te Tahaaroa have been affected.
3. Ms Willison-Reardon believes that we all carry the kōrero of our tūpuna and the narratives they left behind about our environment. These aren't just stories they are codes, instructions, and warnings. They tell us how to behave, how to protect, how to restore. They're based on lived experience, whakapapa, and observation over generations.

### *The Claim*

4. Counsel notes the scope of the Inquiry, being a broad range of matters relating to natural resources and environmental management<sup>1</sup>.
5. Ms Willison-Reardon notes this claim is bigger than just Marokopa. It includes Kiritehere, Marokopa and Te Tahaaroa. These are the places Ms Willison-Reardon grew up around and has seen the changes over time. They are not just locations to her, they are whakapapa, they are home, they are identity.
6. This claim sits under the kaupapa of natural resource and environmental management, but for Iwi me Hapū Ki Marokopa, they are not called resources. They are their whenua, their moana, their urupā, their puna, their reefs, their ngahere. These are their ancestors. These are their responsibilities.
7. The Crown is not the only one that failed this group. The councils failed. The police failed. The lawmakers failed. They allowed damage to continue even when they knew what was at risk. Iwi me Hapū Ki Marokopa were not heard. Their warnings were ignored. Their tikanga was not respected.

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<sup>1</sup> Set out in the Memorandum-Directions of the Waitangi Tribunal dated 17 December 2024 (WAI 3450, #2.5.3).

8. Iwi me Hapū Ki Marokopa lost wāhi tapu and whenua in Kiritehere through the Public Works Act. These were taken without proper process, without genuine consultation, and with no return. This is mamae that still sits with them today. It is part of the wider pattern of dispossession and exclusion.
9. In Marokopa, blasting was done for the realignment of the road. In the process, several wāhi tapu were removed. These were significant places, connected to their kōrero tuku iho and whakapapa. These actions were done without consent, without tikanga, and without proper understanding of what was being destroyed. These sites will be spoken to later in this inquiry.
10. Coastal erosion has been getting worse in Kiritehere and Marokopa, and nothing was done to plan or prevent it. Sacred taonga were destroyed. There was no proper kōrero, no tikanga, and no respect.
11. This is a breach of Te Tiriti o Waitangi. The Crown did not honour the values of partnership, they did not actively protect what matters to this grouping, and they ignored the way Māori relate to place. This is not a small oversight. This is generations of being shut out, and now their whenua and taonga are suffering for it.

#### *Eligibility*

12. The claimant is Maori and is able to bring a claim under section 6 of the Treaty of Waitangi Act 1975.
13. The claim issues are not affected by inclusion in any previous Tribunal inquiries or by Treaty settlements with the Crown, so is suitable for inclusion in the WAI 3450 Natural Resources and Environmental Management Kaupapa Inquiry.

#### *Readiness to Proceed*

14. The claimant is ready to engage fully with this inquiry and to proceed to hearing.

#### **Causes of Action**

##### *Summary*

15. Ms Willison-Reardon brings this claim based on two causes of action, both with serious breaches of Te Tiriti.
  - a. The Crown has failed to protect the environment. Coastal erosion continues to damage the whenua and moana around Marokopa and Kiritehere, and nothing has been done to prevent it.

- b. The Crown allowed wāhi tapu to be destroyed. Sacred taonga rock formations were blasted during roadworks, without consent, without tikanga, and without any proper protection in place

16. Counsel reserves the right to file amended Statements of Claim as further relevant information and korero comes to light.

***Cause of Action: The Crown has failed to protect our environment in Marokopa, Kiritehere and surrounding areas, with coastal erosion damaging the whenua and moana around these areas and nothing done to prevent it.***

*Particulars*

17. The claimant asserts that the Crown, through its policies, decisions, and omissions, has failed to uphold its duty to protect the coastal environments of Marokopa and Kiritehere. This failure has allowed coastal erosion to continue unchecked, resulting in the loss and degradation of whenua, wāhi tapu, and community infrastructure, with no effective mitigation or adaptation in place.

18. The Crown has long been aware of the impacts of climate change on coastal communities across Aotearoa. Despite this, it has not developed or implemented any meaningful strategy to support Māori coastal communities facing these threats. In both Marokopa and Kiritehere, erosion has intensified over time, yet Crown agencies have failed to engage, consult, or act in a timely and coordinated way to prevent further damage.

19. This inaction has contributed to the loss of wāhi tapu, urupā, and other culturally significant sites. In Kiritehere, the situation is further compounded by the historical use of the Public Works Act to remove land from Māori ownership without proper consent or redress. The cumulative effects of Crown actions and inactions have stripped local whānau, hapū, and iwi of both land and legacy.

20. There remains no clear Crown policy, planning framework, or resourced programme dedicated to coastal erosion mitigation or climate adaptation in these areas. This failure reflects a wider pattern of neglect in the management of natural resources affecting Māori communities. It is a breach of the principles of active protection and partnership under Te Tiriti o Waitangi.

*Crown Duties and Breach*

21. The Crown has obligations under Te Tiriti o Waitangi to uphold the principles of active protection, equity, and partnership in all areas of environmental governance. In the rohe of Marokopa, Kiritehere, and Te Tahaaroa, these obligations have not been upheld.

22. Environmental decisions that have had long-term impacts on the whenua and moana were made without meaningful engagement with mana whenua. Local whānau, hapū, and iwi hold generations of knowledge and kaitiakitanga practices that are specific to this coastal region. However, their voices have not been consistently sought, nor embedded in decision-making processes. This is a breach of the partnership principles of Te Tiriti.
23. Local and regional councils, acting under delegation from the Crown through instruments such as the Resource Management Act, have also failed to uphold Te Tiriti responsibilities. Resource consents have been granted without robust cultural impact assessments, without appropriate recognition of wāhi tapu, and without proper consultation with mana whenua. Planning frameworks and environmental strategies have lacked mechanisms to ensure tikanga Māori and mātauranga are meaningfully included.
24. The desecration of taonga, including the blasting and removal of significant rock formations and wāhi tapu, has occurred under the watch of both central and local authorities. These actions were permitted without informed consent and have resulted in irreversible cultural harm.
25. At the same time, the threat of coastal erosion continues to grow. Despite decades of awareness, there has been no coherent, resourced plan from the Crown or regional authorities to support climate adaptation for vulnerable Māori coastal communities. Places such as Kiritehere and Marokopa are losing not only land but also cultural heritage and identity. This is a significant breach of the principle of active protection guaranteed under Te Tiriti.
26. This reflects a broader structural failure across governance levels. There is a clear gap between Te Tiriti obligations and the way environmental, infrastructural, and planning decisions are being made. Rectifying this requires more than consultation. It calls for co-designed, mana whenua-led systems that uphold the role of tangata whenua in protecting and restoring their own whenua and taonga. This is the only way equity can be achieved.

***Cause of Action: The Crown allowed wāhi tapu to be destroyed. Sacred taonga rock formations were blasted during roadworks, without consent, without tikanga, and without any proper protection in place. This has resulted in irreversible damage to Maori cultural heritage***

*Particulars*

27. The management and implementation of environmental and planning frameworks in Marokopa and the wider rohe have failed to uphold the responsibilities owed to mana whenua. While the Resource Management Act and related policies include provisions for the protection of Māori cultural

heritage, the application of these tools in practice has been inconsistent and inadequate. Mana whenua have not been afforded meaningful leadership or partnership in decision-making processes that directly impact their whenua, taonga, and wāhi tapu.

28. Infrastructure works and land modifications have proceeded without proper cultural impact assessments or tikanga-led processes. The realignment of local roads, which involved the blasting of taonga rock formations, is one example. These actions occurred without the informed consent of mana whenua and without understanding the cultural and spiritual value of the sites impacted. The result has been the irreversible loss of physical and ancestral connection to place.
29. This is not an isolated event. Across the rohe, a number of significant cultural sites have been altered, damaged, or destroyed as a result of cumulative decisions made by Crown agencies, local authorities, and others acting under statutory authority. These include:
  - a. Ngahere Te Anga – Puketutu
  - b. Kimiora, a diverted waterway continuing to shift from its original path
  - c. Rua-o-te-Ata, a site with deep ancestral connection
  - d. Tangiwai and Tangitangi, locations of cultural and spiritual significance
  - e. Rongomai o te Kakara, tied to tribal narrative and cosmology
  - f. Ruamoko, associated with atua and natural movement
  - g. Power station cave, developed with limited oversight
  - h. Un-notified tomo, karst features left unrecorded and unprotected
  - i. Roto – drained, resulting in the loss of a natural and cultural water body
  - j. Hikoī and kāinga remnants, representing ancient travel routes and settlement areas
  - k. Fig tree site, a place of suspected early habitation
  - l. Pā Tuna, an eel site traditionally reserved for Poukai, carrying intergenerational responsibility and ceremonial importance
30. The loss and disruption of these places represents more than environmental degradation. It is a severance of whakapapa relationships, a disruption to tikanga practices, and a breach of the duty of care owed under Te Tiriti o Waitangi.
31. Mana whenua continue to be placed in a reactive position, notified late or not at all, with limited ability to intervene before decisions are finalised. The planning, consenting, and environmental management systems do not currently enable co-design, nor do they consistently respect cultural authority

or place-based knowledge. In failing to protect these sites, the Crown has breached its duty of active protection and failed to uphold the principle of partnership.

32. The damage that has already occurred cannot be undone. The focus must now turn to structural change, enduring protection, and the restoration of decision-making power to mana whenua.

#### *Crown Duties and Breach*

33. The blasting of a taonga rock formation is a clear example of the Crown's failure to uphold its duty of active protection under Te Tiriti o Waitangi. This was not a minor oversight. It reflects a breakdown across the systems responsible for identifying, assessing, and protecting culturally significant sites.
34. There was no effective process in place to identify the cultural value of the site prior to the work being approved. No cultural impact assessment was carried out with mana whenua leading the process. No mechanisms ensured that tikanga or whakapapa-based relationships to place were recognised. This points to structural and regulatory weaknesses that continue to put taonga at risk.
35. This incident also reveals a failure in partnership. If mana whenua had been involved early and meaningfully in the planning process, the significance of the site would have been understood and protected. Instead, decisions were made without the input of those with the longest-standing relationship to the whenua. The result is permanent cultural loss.
36. Partnership under Te Tiriti requires more than notification. It requires decision-making alongside mana whenua, with our knowledge systems, histories, and responsibilities guiding what is protected and how. Without this, the Crown's commitments remain unfulfilled. The damage caused in this case demonstrates the consequences of exclusion and the urgent need for change.

#### **Summary**

37. As mana whenua, this grouping have experienced generations of decisions made about whenua, moana, and taonga without involvement or consent.
38. The impacts have been significant. Urupā were taken under the Public Works Act. Lands were repurposed or reserved without consultation. Consents were granted for developments that prioritised infrastructure over their cultural values. Sacred sites were destroyed. Waterways were diverted. Wetlands were

drained. And decisions continued to be made without our voice, knowledge, or authority.

39. The systems that were meant to protect the environment did not protect their taonga. The systems that were meant to uphold partnership did not recognise them. Councils and Crown agencies made decisions in their rohe with no or minimal engagement. Their role as kaitiaki has been ignored in law, in policy, and in practice.

40. This claim is about the breaches that have occurred, but it is also about correcting the pattern. It is about ensuring future decisions cannot be made without them. It is about restoring our authority, protecting what remains, and resourcing the work they have always done to uphold tikanga, taonga, and their responsibilities.

### **Findings and Recommendations**

41. Specific findings, recommendations and relief sought are as follows:

- a. That these claims are well founded;
- b. That the Crown has breached the principles of Te Tiriti arising in this claim;
- c. That the Crown acknowledges grievances raised in this claim, and provide a sincere and public apology to the Claimant, their whānau, hapū, and iwi;
- d. That the Crown undertake a full review of the decisions and processes that led to the destruction of wāhi tapu and other taonga in the realignment of the road in Marokopa, and address the structural issues that allowed it to happen;
- e. That the Crown work with mana whenua to identify all wāhi tapu and taonga across the rohe, and ensure these are permanently protected through appropriate legal, cultural, and environmental mechanisms;
- f. That the Crown develop and implement a co-designed coastal protection and climate adaptation strategy specific to Kiritehere, Marokopa, and surrounding areas, resourced adequately and led by mana whenua;
- g. That the Crown and relevant councils review all historic and current consents granted in the area without mana whenua consultation, and take steps to address breaches and prevent further harm That the Crown and relevant councils review all historic and current consents granted in the area without mana whenua consultation, and take steps to address breaches and prevent further harm;

- h. That legislative and regulatory systems including the Resource Management Act, Local Government Act, and Public Works Act be reviewed to align with Te Tiriti o Waitangi, ensuring that mana whenua are embedded in governance and planning processes;
- i. That the Crown resource mana whenua-led planning, cultural mapping, environmental monitoring, and decision-making frameworks across the rohe; and
- j. Any other findings, recommendations or relief that the Tribunal sees fit.

**Dated at Auckland this 26<sup>th</sup> day of February 2026**



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**Brooke Loader**

**Shane Henderson**

Counsel for the Claimants

**TO:** The Registrar, Waitangi Tribunal, Wellington;

All Counsel - Wai 3450 – the Natural Resources and Environmental Management  
Kaupapa Inquiry