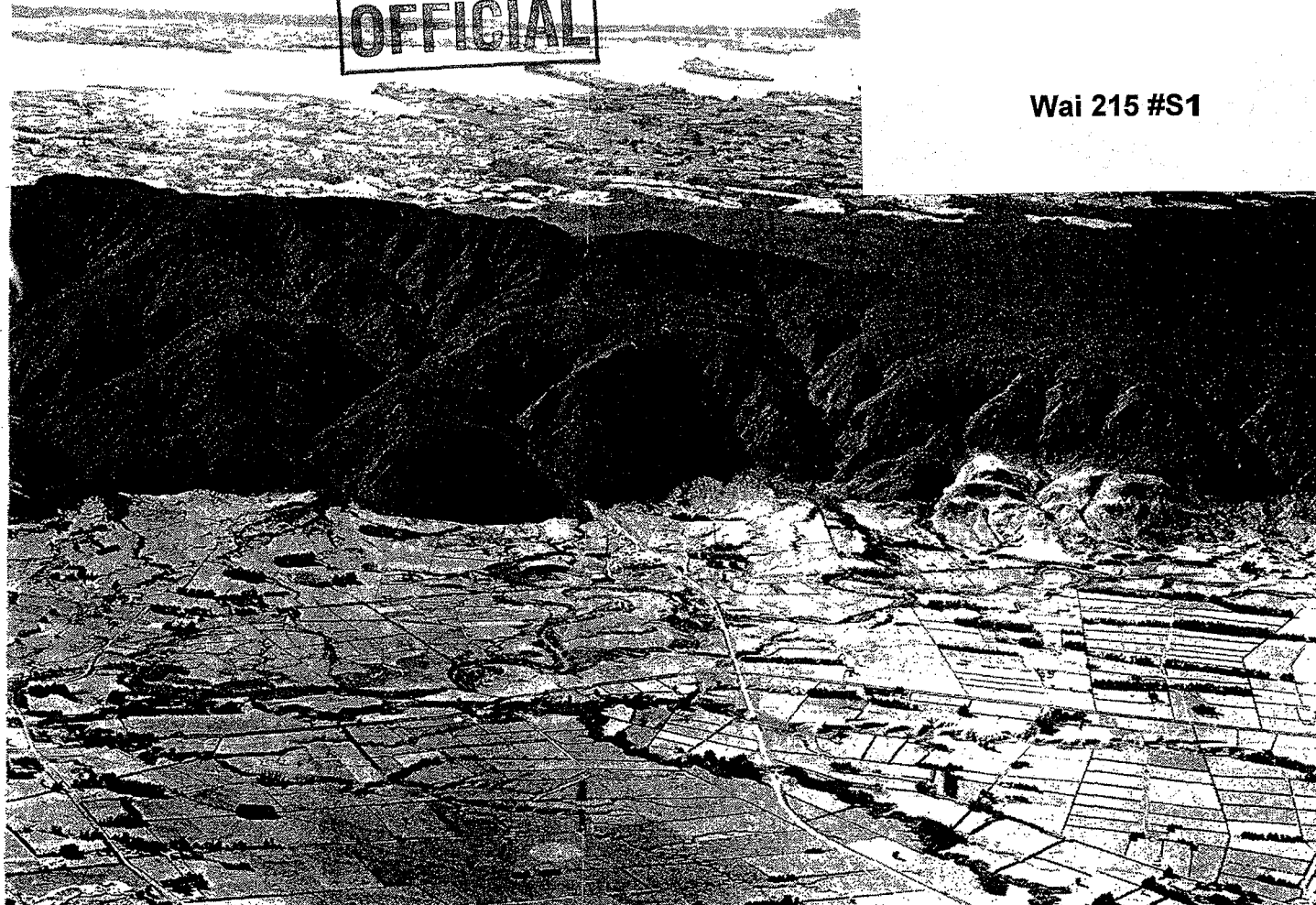


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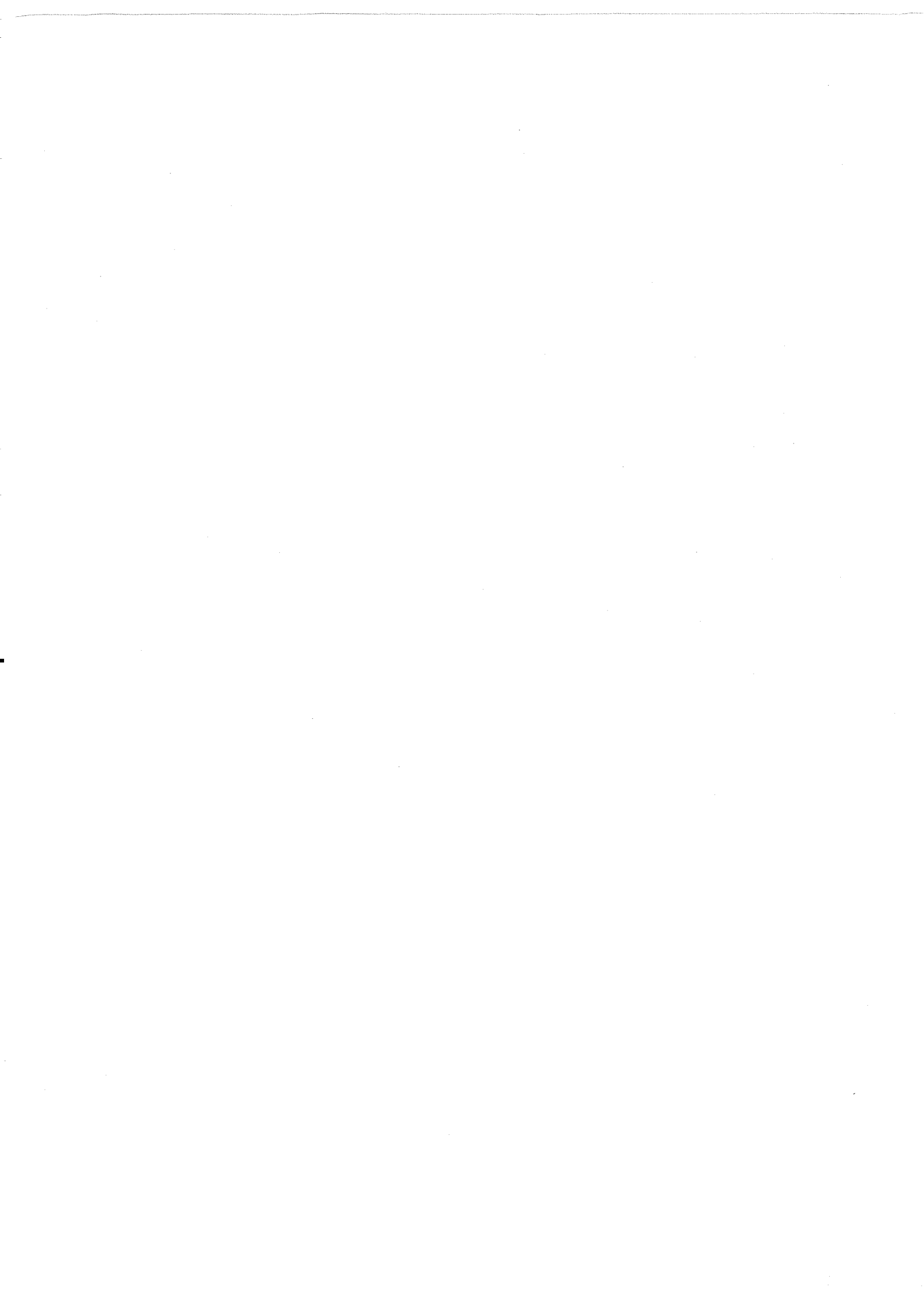


**Ngati Hinerangi Grievances Relating to  
the Building of the Kaimai Tunnel and Deviation**

**A Research Report Commissioned by the  
Waitangi Tribunal for the Wai 1226 Claim**

**Morehu McDonald, MA Hons**

**August 2006**



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# Table of Contents

Illustrations

Abbreviations

<b>Introduction</b> .....	9
Author.....	9
Commission.....	9
Structure and Sources.....	10
Ngati Hinerangi Amended Statement of Claim – Wai 1226.....	12
Stage 2 Inquiry Issues.....	18
Public Works Acquisitions.....	19

<b>Executive Summary</b> .....	23
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## **Part One – Historical Background of the Kaimai Tunnel**

<b>and Deviation Lands</b> .....	28
1.1 Railway Development in Tauranga, Bay of Plenty and Waikato.....	28
1.2 Physical Description of the Kaimai Tunnel and Kaimai Deviation.....	32
1.3 History and Tradition of Ngati Hinerangi.....	34
1.3.1 Koperu – Founder of the Ngati Hinerangi Polity.....	34
1.3.2 Te Rohe a Koperu – Ngati Hinerangi Tribal Boundaries.....	38
1.3.3 Ngati Hinerangi’s Mana Whenua in Tauranga Moana.....	41
1.4 Ngati Hinerangi’s Traditional Land Ownership.....	54
1.4.1 Ngati Hinerangi’s Traditional Communication System.....	54
1.4.2 Ngati Hinerangi Strategic Resources.....	58
1.4.3 The Kaimai Ranges – The Physical Landscape.....	60
1.4.4 The Kaimai Ranges - Nga Maunga Tapu.....	62
1.4.5 Ngati Hinerangi Settlements and Wahi Tapu on the Maurihoro Land Block.....	64
1.4.6 Te Tapu o Te Wairere.....	69
1.5 Pakeha Colonialism – Land Wars and Confiscation.....	71
1.5.1 Ngati Hinerangi Support for the Kingitanga.....	72
1.5.2 Forced Acquisition - The Katikati – Te Puna Purchase .....	73



1.5.3	The Pirirakau, Ngati Hinerangi and Ngati Tokotoko Deed, 1871.....	80
1.5.4	Ngati Hinerangi Petition for a Reserve and Protection By the Crown.....	84
1.5.5	Ngati Hinerangi and Ngati Tokotoko Reserves and Returned Lands.....	92
1.5.6	The Kaimai and Gold-Mining.....	95
1.5.7	History of the Maurihoro B Block.....	96
1.5.8	Ngati Hinerangi Petitions for the Return of the Aongatete Block.....	100

## **Part Two – Economic Justification for the Kaimai Tunnel**

	<b>and Deviation.....</b>	<b>111</b>
2.1	Economic Growth and Development in Tauranga, Bay of Plenty and Waikato.....	111
2.2	Development of Forest, Timber, Pulp and Paper Industries.....	111
2.3	Business and Community Support.....	113
2.4	Development of the Port of Tauranga.....	113
2.5	Increasing Pressure on Government for the Kaimai Tunnel.....	116
2.6	The Link Between the Port of Tauranga and the Kaimai Tunnel.....	119
2.7	Population Growth as an Economic Factor.....	126
2.8	Local Interest or National Development Project.....	127
2.9	The Economics of the Tauranga Hinterland .....	127
2.10	The Hinterland Concept and the Impact on Maori Land.....	129
2.11	The Clash Between the Auckland and Tauranga Hinterlands.....	133
2.12	Local Authorities Support for the Hinterland Concept and the Kaimai Tunnel.....	133
2.13	Local Authorities in Opposition to the Kaimai Tunnel and Deviation.....	136
2.14	Turf War.....	138

## **Part Three – The Commission of Inquiry - the ‘Smoking Gun’.....140**

3.1	A Political Solution.....	140
3.2	Composition of The Commission of Inquiry.....	142
3.3	Terms of reference and Answers Provided by the Commission.....	144
3.4	Failure of the Commission of Inquiry to Fully Investigate the Economic Viability of the Kaimai Tunnel and Deviation.....	146
3.5	Maori Non-Participation in the Commission of Inquiry.....	147
3.6	The Roding Position.....	151
3.7	MOW Submissions and Evidence on Roding.....	152

3.8	Payment for Roading Development.....	152
3.9	Economic Arguments Provided by MOW & NZ Railways.....	154
3.10	Access for Te Aroha via Thompson’s Track.....	156
3.11	NZ Railways and Evidence Provided for Alternative Railway Routes.....	157
3.12	Lack of Consultation with Ngati Hinerangi about Alternative Routes.....	159
3.13	The Position of MOW & NZ Railways.....	160
3.14	The Position of the Government.....	165
3.15	Budget Blow-out of Expenditure Costs Approved by Cabinet.....	169
3.16	Commission’s Economic Justification for the Kaimai Tunnel and Deviation.....	173
3.17	Commission of Inquiry Recommendations.....	177
3.18	Position of NZ Railways – Response to Commission’s Report.....	178
3.19	The Economic Viability of the Kaimai Tunnel.....	182
3.20	MOW Report on Economic Justifications.....	184
3.21	The “Smoking Gun” – the Commission of Inquiry’s Deliberate Targeting of Maori and Crown Land.....	188
3.22	Developable and Idle Lands.....	191

**Part Four – Impact of the Kaimai Tunnel and Deviation  
on Ngati Hinerangi.....**

4.1	Government Approval to Build the Kaimai Tunnel and Deviation.....	205
4.2	Lack of Consultation with Ngati Hinerangi.....	207
4.3	Public Works Legislation.....	210
4.4	Public Works and MOW Procedures.....	212
4.5	Notification of the Middle Line.....	214
4.6	Maori Land Ownership Affected.....	219
4.7	The Impact of the Kaimai Tunnel on Ngati Hinerangi.....	228
4.8	Violation of the Tapu of the Kaimai Ranges and its Consequences.....	229
4.9	Compensation.....	232
4.10	Waharoa Maori Land Affected.....	233
4.11	Waharoa Marshalling Yards.....	234
4.12	Unauthorised Entry on Ngati Hinerangi Land for Tunnel Survey.....	235
4.13	Waharoa Cemetery.....	239
4.14	Discrimination by MOW.....	241

4.15	Lack of MOW Communication and Interaction with Maori.....	242
4.16	Role of the Maori Trustees.....	244
4.17	Injurious Affection – Waharoa Land Owners.....	250
4.18	Injurious Affection and Specific Grievances of Ngati Hinerangi.....	251
4.19	Prejudicial Treatment by Native Land Court and Maori Land Court.....	254
4.20	Loss of Economic Opportunity and Benefits.....	254
4.21	Restrictions on Use – Mining.....	257
4.22	Damages Sustained by Ngati Hinerangi.....	259
4.23	Environmental Impact on Waterways and Forest Resources.....	260
4.24	The Return of the Aongatete Block.....	260
4.25	Breaches of the Treaty of Waitangi.....	263
	<b>5. Conclusions.....</b>	<b>264</b>
	<b>6. Bibliography.....</b>	<b>268</b>
	<b>7. Appendix.....</b>	<b>272</b>

## List Of Illustrations

- Title Page: View of Kaimai Tunnel & Deviation, Kaimai Ranges and Tauranga Moana
- Fig 1 Communication System in the Bay of Plenty
- Fig 2 Physical Description of the Kaimai Tunnel and Deviation
- Fig 3 Ngati Hinerangi Whakapapa
- Fig 4a Te Rohe a Koperu – Ngati Hinerangi Tribal Boundary
- Fig 4 Ngati Hinerangi & Pirirakau Rohe Boundaries Drawn Up in a Joint Letter to the Crown in 1871.
- Fig 5 Huharua and other Settlements in Tauranga Moana, 1864
- Fig 6 Census of Population in Settlements in Tauranga Moana, 1864
- Fig 7 Kainga in Tauranga Moana, 1864
- Fig 8 Census of Ngati Tokotoko in Tauranga Moana, 1864
- Fig 9 Villages in Tauranga Moana, 1880
- Fig 10 Ngati Hinerangi Tracks Through the Kaimai Ranges
- Fig 11 Maurihero B Block – Te Hunga Ridge
- Fig 12 Maurihero B Block – Te Hunga Ridge – Southwest View
- Fig 13 The Maurihero Block and Nga Maunga Tapu o Ngati Hinerangi with the View of The Middle Line of the Kaimai Tunnel
- Fig 14 NZ historic Places Trust Inventory of Pa Sites and Waahi Tapu in Maurihero Block
- Fig 15 NZ Historic Places Trust Inventory of Pa Sites and Wahi Tapu in Thompson’s Track
- Fig 16 Boundaries of Katikati – Te Puna Purchase and the Confiscated Block
- Fig 17 Katikati – Te Puna Purchase, 1866
- Fig 18 Plan of the Pirirakau, Ngati Hinerangi and Ngati Tokotoko Deed, 16 May 1871
- Fig 19 Aongatete Block – Part of the Kaimai-Mamaku State Forest
- Fig 20a Ngati Tokotoko Reserves in Omokoroa and Te Puna
- Fig 20 Location of Maurihero B Block
- Fig 20b Maurihero B Land Block
- Fig 21 Aongatete Block – Part of Provisional State Forest
- Fig 22 Distribution of Products from Waikato, Tauranga and Bay of Plenty
- Fig 23 Forest Products from Waikato, Tauranga and Bay of Plenty
- Fig 24 Flow of Livestock in Waikato, Tauranga and Bay of Plenty

- Fig 25 Forestry Industries in Tauranga and Bay of Plenty
- Fig 26 Hinterland of the Port of Tauranga
- Fig 27 Commodity Hinterlands of the Port of Tauranga
- Fig 28 Port of Tauranga Hinterland, 1950-1961
- Fig 29 Roading Table of Works for Funding
- Fig 30 State Highways in Waikato and Bay of Plenty
- Fig 31 Table of Tunnel Distances Saved by the Kaimai Tunnel
- Fig 32 Letter of Developable Land within the Hinterland of the Port of Tauranga
- Fig 33 Kaimai Tunnel Middle Line – Waharoa Portal
- Fig 34 Kaimai Tunnel Middle Line – Apata Portal
- Fig 35 NZ Gazette Notice
- Fig 36 Kaimai Tunnel and Deviation Land Owners Affected
- Fig 37 Waharoa Maori Land Affected by the Kaimai Tunnel and Deviation
- Fig 38 Waharoa Maori Land Owners
- Fig 39 Waharoa Land Owners
- Fig 40 All Land owners affected
- Fig 41 Restriction on Mining Rights

## **Abbreviations**

- MOW - Ministry of Works and Development
- NZR - New Zealand Railways Department
- L&S - Lands and Survey Department

## **Introduction**

### **Author**

My name is Morehu McDonald. I belong to the tribes of Ngati Hinerangi, Ngati Haua, Ngati Mahuta, Ngati Ingoa, and Ngati Ruanui. My hapu are Ngati Tokotoko, Ngati Te Oro, Ngati Whakamaungarangi, Ngati Kura, Ngati Tawhaki, Ngati Hereawai of Te Rohe a Koperu which extends from the Matamata Plains through to the Kaimai Ranges and over to the coastal regions of Tauranga Moana; Ngati Mahuta of Kaitotehe opposite Taupiri Maunga in the Pepepe Parish; Ngati Ingoa of Ngati Maniapoto and Ngati Hamua of Ngati Ruanui in South Taranaki.

I have a Bachelor of Arts in History from The University of Auckland and a Master of Arts Hons majoring in History also from The University of Auckland. For my Master of Arts Degree, I completed a 200 page study on the Kingitanga as seen through the eyes of its leadership entitled, "Rewi Maniapoto – The Changing Strategies of 19<sup>th</sup> Century Maori Political Leadership".

### **Commission**

The Waitangi Tribunal authorised counsel for the Ngati Hinerangi claimants, to commission Morehu McDonald to prepare a research report on behalf of the Ngati Hinerangi claimants. The report investigates Ngati Hinerangi grievances relating to the building of the Kaimai Tunnel and Deviation raised in the Wai 1226 Amended Statement of Claim. This report is prepared for the Tauranga Moana Stage 2 District Inquiry and covers the following matters:

- (a) the extent to which Māori were consulted in planning and construction of the tunnel
- (b) the extent of any related Māori protest
- (c) the direct impact of the project on land remaining in Māori ownership and/or use
- (d) the extent of employment or other economic benefits for Māori
- (e) any specific adverse environmental impacts affecting Māori
- (f) any other specific grievances raised by the statement of claim as amended, including whether Ngāti Hinerangi experienced spiritual damage to their maunga tapu

It was proposed as part of the casebook review of Tauranga Moana that this report will also need to be sufficiently comprehensive for later use in the Waikato-Raukawa Inquiry.

In the course of the writing of this report, the author uncovered previously unpublished evidence that he considered critical to the stage 2 inquiry. The evidence provided some concrete proof of the deliberate “targeting of Maori land” by the Crown for the development of Tauranga and the Bay of Plenty region. The Kaimai Tunnel and Deviation played a more pivotal and critical part in the development of Tauranga and the Bay of Plenty than perhaps previously realised. The author sought permission from the Waitangi Tribunal to write an extended report that would investigate the Crown’s role in the deliberate “targeting of Maori land. The extended report, therefore examines the forces and motivations behind the “targeting” of Maori land and the impact that this has had on Ngati Hinerangi in particular, as the main iwi and hapu of Tauranga Moana that was prejudicially affected by the building of the Kaimai Tunnel and deviation.

## **Structure and Sources**

The structure of the report on the Ngati Hinerangi grievances in relation to the building of the Kaimai Tunnel is divided into four parts:

**Part One** deals with the historical background of the Kaimai Tunnel and Deviation in relation to the development of railway in the Tauranga, Bay of Plenty and Waikato region. This section also examines the origins, the tribal relationships and mana whenua boundaries of Ngati Hinerangi in Tauranga Moana. Part One traces the impact of the Land Wars and the effects of raupatu, the confiscation of its lands, on Ngati Hinerangi. This section reviews the history of the Ngati Hinerangi land blocks affected and outlines the specific grievances of Ngati Hinerangi in relation to the Kaimai Tunnel and Deviation.

**Part Two** deals with the economic justifications for the Kaimai Tunnel and Deviation. This examines the economic rationale for the tunnel and deviation analysing the position of the key Government Departments involved namely the Ministry of Works and Development (MOW) and New Zealand Railways (NZR).

**Part Three** deals with the findings and recommendations of the Commission of Inquiry into land access to the Port of Tauranga and Bay of Plenty. Documented evidence is revealed that shows that the Commission deliberately “targeted Maori land and Maori people” to

bolster the economic development of Tauranga and the Bay of Plenty. The Commission of Inquiry's report is the "Smoking Gun" that clearly demonstrates and proves what Maori people have been saying for decades —the Crown deliberately targeted Maori land to bolster the economic development and urbanisation of Tauranga and the Bay of Plenty region.

**Part Four** deals with impact of the Kaimai Tunnel and Deviation on Maori land ownership. This examines the differences between how the Crown treated Ngati Hinerangi land owners and other Maori land owners at Waharoa. Ngati Hinerangi was not consulted or their written consent and permission sought for the building of the Kaimai Tunnel and deviation. The MOW entered Ngati Hinerangi lands for survey work on the tunnel investigations without permission and notification and the tunnel and deviation was put through Ngati Hinerangi lands without written consent or approval. The actions and inactions of the Crown in building the Kaimai Tunnel and Deviation are examined alongwith the Crown's breaches of the terms and principles of the Treaty of Waitangi.

## Sources

The sources of the report are a combination of primary sources from the records of the various Government departments involved in the building of the Kaimai Tunnel. These involve the key Government Departments in control of the project such as the Ministry of Works and Development from the Hamilton Office and central Government. The New Zealand Railways Department, which took over the operational control and running of the Kaimai Tunnel and Deviation once the construction stages, had been completed. The Maori Trustee office of the Maori Affairs Department based in Hamilton. A review of Cabinet papers pertaining to the Kaimai Tunnel and Deviation are also examined.

Sources for Ngati Hinerangi participation in the building of the Kaimai Tunnel and Deviation are virtually non-existent, and the writer has had to rely on information gathered from one on one interviews with Ngati Hinerangi kaumatua and other Maori who worked on the Kaimai tunnel project. Invaluable insights were provided by Ngati Hinerangi elders who contributed from their first hand recollections of the building of the Kaimai Tunnel and Deviation.



Secondary sources include books and publications on the Kaimai tunnel and Deviation by the Ministry of Works and Development and NZ Railways themselves. The Port of Tauranga also provided some secondary booklets on the Kaimai Tunnel and Deviation. Other Waitangi Tribunal reports have also contributed to providing an insight into the workings of the Public Works Act and the processes and procedures adopted by Government Departments at the time of the building of the Kaimai Tunnel and Deviation from 1965 to 1978.

### **Ngati Hinerangi Amended Statement of Claim – Wai 1226**

Ngati Hinerangi was not a participant in the Stage 1 inquiry of Te Raupatu o Tauranga Moana despite having previously registered a claim in 1993. Patrick Nicholas of Auckland submitted the first claim to the Waitangi Tribunal on 31 May 1993 “on behalf of Ngati Tokotoko.” Mr Nicholas stated: “This hapu is a section of Ngati Hinerangi.”<sup>1</sup> That claim was registered as Wai 356.

Subsequent to the publishing of the Waitangi Tribunal report on their findings of Te Raupatu o Tauranga Moana, Ngati Hinerangi in general were surprised to note that the Ngati Tokotoko Wai 356 claim had been withdrawn on 11 August 1995 and was classified in the tribunal report under “Withdrawn Claims”.<sup>2</sup>

Morehu McDonald registered a fresh claim on behalf of Ngati Hinerangi and its associated hapu of Ngati Tokotoko and Ngati Tangata with the Waitangi Tribunal on 3 February 2005, registered as Wai 1226. Ngati Hinerangi was included in the claimant group of Tauranga Moana for the Stage 2 inquiry. On 17 January 2006, the Waitangi Tribunal Memorandum Wai 215 #2.450, set 10 February 2006 as the file date for the submission of amended Statements of Claim for the Tauranga Moana stage two inquiry.

Following are extracts of the Ngati Hinerangi Amended Statement of Claim that relate to Ngati Hinerangi’s grievances about the building of the Kaimai Tunnel and deviation.

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<sup>1</sup> Waitangi Tribunal Document, Wai 356, 31 May 1993, Patrick Nicholas

<sup>2</sup> Waitangi Tribunal, Te Raupatu o Tauranga Moana Report, 2004, p17

## **NGATI HINERANGI AMENDED STATEMENT OF CLAIM**

### **SPECIFIC CLAIMS**

#### **A. CONFISCATION**

##### **Duty**

Under the principles of the Treaty of Waitangi, the Crown has a duty to guarantee the active protection of the lands, estates, forests, fisheries and taonga of Maori, their tino rangatiratanga, their customary rights and their rights and privileges as British subjects.

##### **Breach**

The confiscation of the Ngati Hinerangi and Ngati Tokotoko lands in Tauranga Moana land through the Te Puna – Katikati Purchase and the Confiscated Block under the New Zealand Settlements Act 1863 and the Tauranga Districts Acts 1867 and 1868, was a breach of the Treaty of Waitangi.

##### **Failures of the Crown to Protect Ngati Hinerangi and Ngati Tokotoko Lands**

As a result of the Crown's confiscation of Ngati Hinerangi and Ngati Tokotoko lands in Tauranga Moana, the Crown has failed to protect the whanau, iwi and hapu of Ngati Hinerangi and Ngati Tokotoko.

##### **Prejudice**

Consequently, Ngati Hinerangi and Ngati Tokotoko have suffered harm and have endured generations of severe social, economic, cultural and political detriment and prejudicial treatment and hardship due to the effects of the confiscation of their tribal lands in Tauranga Moana. Confiscated lands were taken by the Crown without agreement or consultation with Ngati Hinerangi and Ngati Tokotoko. Reserves promised to Ngati Hinerangi and Ngati Tokotoko by the Crown in the coastal region of Te Puna within the Te Puna-Katikati Purchase were systematically and deliberately alienated from Ngati Hinerangi and Ngati Tokotoko.

The Crown also systematically and deliberately alienated most of the lands returned to Ngati Hinerangi and Ngati Tokotoko in the inland Kaimai bush region.

## **B. TE PUNA-KATIKATI PURCHASE**

The Te Raupatu o Tauranga Moana Report records Ngati Hinerangi and Ngati Tokotoko as signatories of Deed No 462: The Pirirakau, Ngati Hinerangi and Ngati Tokotoko Deed, May 1871 for its tribal lands as part of the Te Puna-Katikati Purchase. The Crown paid the sum of \$471 as payment.

Ngati Hinerangi and their Pirirakau relations and allies claim they resisted the Crown's attempts to achieve a "forced purchase" of their interests in the Te Puna Block for 5 years. Ngaiterangi, Ngati Maru and Ngati Tamatera had sold their interests in the land in 1866. There were no reserves set aside for Ngati Hinerangi and Ngati Tokotoko as part of the signing of the Deed.

### **Prejudice**

Ngati Hinerangi and Ngati Tokotoko state they were prejudicially treated by the Crown and that the Crown used coercive measures to achieve its objective of a 'forced purchase' of its interests in the Te Puna-Katikati Purchase Block. .

## **C. Compulsory Acquisitions/ Public Works Takings**

### **Duty**

Under the Treaty of Waitangi the Crown had a duty to actively protect all Ngati Hinerangi and Ngati Tokotoko lands and resources and their rights and privileges as British subjects.

At all times Ngati Hinerangi and Ngati Tokotoko exercised their tino rangatiratanga over all their land and resources within their rohe as guaranteed under the principles and terms of the Treaty of Waitangi.

The Treaty guaranteed the undisturbed possession of all Ngati Hinerangi and Ngati Tokotoko lands, forests, estates and fisheries for as long as they wished.

### **Infrastructure Development, Urbanisation and Industrialisation**

The infrastructure development, together with the industrial and urban expansion of the Tauranga Moana region, increased rapidly during the Muldoon Think-Big era of the 1960s and 1970s.

With the demands of industrialisation and urbanisation came the need to develop the communication infrastructure in Tauranga Moana to assist in moving materials and resources such as timber from forestry and dairy products and other goods to the fast developing port facility at Tauranga.

### **D. THE KAIMAI TUNNEL**

#### **Breach**

Without consultation or agreement with Ngati Hinerangi and Ngati Tokotoko, the Crown determined in the early 1960s the need to link the railway network between the main trunk line in the Central North Island and Waikato region and the East Coast Trunk in the eastern and western Bay of Plenty.

Again without consultation or agreement with Ngati Hinerangi and Ngati Tokotoko, land for the Kaimai Tunnel was taken under the Public Works Act and work began on the project in the early 1960s. The Kaimai Tunnel was completed in 1978 at an estimated cost of \$56.5 million, which was projected to carry a million tons of freight in its first year.

Without consultation, or agreement from Ngati Hinerangi and Ngati Tokotoko, the Kaimai Tunnel went right through the sacred maunga of Ngati Hinerangi and Ngati Tokotoko from the Waikato side and emerged still within the Ngati Hinerangi traditional rohe in the vicinity of Aongatete Te Apata and Te Puna on the Tauranga side.

## **Prejudice**

Ngati Hinerangi and Ngati Tokotoko were not consulted about this project and regard the Kaimai Tunnel as a violation and spiritual injury of their maunga tapu.

The Kaimai Tunnel project was integral to the economic development of Tauranga City and its Port, yet Ngati Hinerangi's contribution to the project (and to the resulting economic growth and development of Tauranga City) has never been acknowledged. Nor have Ngati Hinerangi ever enjoyed even up to today, an equitable share of the prosperity that resulted from the project. Ngati Hinerangi and Ngati Tokotoko have received no compensation what so ever for the desecration of their maunga tapu.

About 90% of the entire length of the Kaimai Tunnel is located within the Tauranga Moana boundary and the claimants therefore state that it is imperative that the matter of the Kaimai Tunnel is addressed in the Tauranga Moana Stage Two Inquiry and that it is not held over to any other Inquiry. To do so would inflict further injury and further reinforce the Crown's disregard for the harm and economic hardship it has perpetrated on Ngati Hinerangi and Ngati Tokotoko.

## **East Coast Main Trunk Line**

### **Breach**

In breach of the duty of active protection, the Crown confiscated Ngati Hinerangi and Ngati Tokotoko lands in Tauranga Moana under the Public Works Act and the Railways Act for the Kaimai Tunnel and the extension of the East Coast Main Trunk line which emerged from the Kaimai maunga within the Ngati Hinerangi rohe in the vicinity of Aongatete Te Apata and Te Puna.

Without consultation or agreement, the Crown confiscated Ngati Hinerangi and Ngati Tokotoko land in the Te Puna Huharua area for the extension of the East Coast Main Trunk line.

### **Prejudice**

The Kaimai Tunnel exit in the vicinity of the Te Aongatete Te Apata on the Tauranga side and the extended East Coast Main Trunk line, runs directly through the traditional rohe of Ngati Hinerangi known as – Te Rohe o Koperu.

The Crown's compulsory and coercive Public Works Takings for the Kaimai Tunnel and the extension of the East Coast Main Trunk line extension in Te Apata through to Te Puna, is a continuation of the policies and practices actions and omissions that characterised the confiscation of Ngati Hinerangi and Ngati Tokotoko lands in the Te Puna-Katikati Purchase Block.

Ngati Hinerangi and Ngati Tokotoko have been forced to endure a modern-day form of confiscation under Public Works Takings which has inflicted much hurt and harm on Ngati Hinerangi and Ngati Tokotoko, and has contributed directly to the economic, social, cultural and political marginalisation of its people, whanau, hapu, and iwi.

## **E. INFRASTRUCTURE DEVELOPMENT**

### **Roads and Railways – Aongatete / Te Apata / Te Puna / Huharua / Omokoroa Breach**

In breach of the duty of active protection, the Crown confiscated Ngati Hinerangi and Ngati Tokotoko lands in Tauranga Moana under the Public Works Act for roads and railways within the traditional Ngati Hinerangi rohe on the eastern boundary at the Aongatete Te Apata to Huharua at Te Puna.

Without consultation or agreement, the Crown confiscated Ngati Hinerangi and Ngati Tokotoko lands in the Te Puna Huharua area for the development of roads and railways to keep pace with the ever-increasing demand from the burgeoning development of Tauranga Moana due to the rapid growth of industrialisation and an expanding urban population attracted by job opportunities.

### **Prejudice**

The roads and railways in the Aongatete Te Apata Te Puna and Huharua area run directly through the traditional rohe of Ngati Hinerangi known as – Te Rohe o Koperu.

The Crown's compulsory and coercive Public Works Takings for roads in the Aongatete Te Apata Te Puna and Huharua area, is a continuation of the policies and practices actions and omissions that characterised the confiscation of Ngati Hinerangi and Ngati Tokotoko lands in the Te Puna-Katikati Purchase Block.

Ngati Hinerangi and Ngati Tokotoko have been forced to endure a modern-day form of confiscation under Public Works Takings for roads and railways which has inflicted much hurt and harm on Ngati Hinerangi and Ngati Tokotoko, and has contributed directly to the economic, social, cultural and political marginalisation of its people, whanau, hapu, and iwi.

### **Stage 2 Inquiry Issues:**

Ngati Hinerangi is a claimant in the Stage 2 inquiry of Tauranga Moana and has participated in the joint preparation of the statement of issues for the Stage 2 inquiry alongwith other Tauranga Moana iwi and hapu claimants. A generic statement of issues for the Stage 2 inquiry has been produced by the collaborative efforts of claimant counsels. The framework for the Stage 2 inquiry has been categorised into the following broad Post 1886 Issues:

- Nineteenth Century alienations
- Twentieth Century land alienations, development and administration
- Rating and Urbanisation
- Public Works acquisitions
- Environmental degradation and local government
- Foreshore and seabed, Tauranga harbour and waterways
- Socio-economic issues

This report on “Ngati Hinerangi Grievances In Relation to the building of the Kaimai Tunnel and Deviation” focuses primarily on answering the generic questions and issues relating to the Public Works acquisitions as stated in the Joint Claimant Tauranga Moana Statement of Issues dated 24 February 2006.

## **PUBLIC WORKS ACQUISITIONS<sup>3</sup>**

### **Introduction**

**Māori freehold land was compulsorily acquired by government departments and local authorities in Tauranga for a variety of purposes including:**

- roads and motorway;
- schools and tertiary institutions;
- Tauranga Aerodrome/Airport;
- “better utilisation” (port development);
- water storage and water supplies;
- hydro development;
- railways including the Kaimai Tunnel;
- telecommunications;
- defence (rifle range);
- quarries;
- rubbish dump; and
- sewage outlets.

Government departments and local authorities also compulsorily acquired rights to erect power lines, gas pipelines, sewage pipelines and oxidation ponds on Māori owned land and/or reclaimed foreshore land.

### **Issues**

The claimants have raised a number of public works issues including:

How much Maori land was compulsorily acquired by the Crown and local authorities, post-1886? How were each iwi and hapu affected?

How much land compulsorily acquired by the Crown remains in Crown ownership?

How much land compulsorily acquired by the Crown remains vested in local authorities?

How much land compulsorily acquired has the Crown sold or alienated to third parties including local authorities?

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<sup>3</sup> Statement of Issues for the Tauranga Moana Stage 2 Inquiry, Tauranga Moana Claimants, 24 Feb 2006



## **Policy Issues**

There are approximately 290,000 acres in the Tauranga Inquiry District. By 1886 215,000 acres of land had passed out of Maori ownership, of that approximately 50,000 acres had been compulsorily acquired by way of confiscation. A further 93,000 acres was acquired in a compulsory fashion in the Te Puna-Katikati Crown purchase. 75,000 acres remained in Maori ownership as at 1886.<sup>4</sup> When the Crown compulsorily acquired land from Tauranga Maori during the 20<sup>th</sup> Century did it ever take into account that three-quarters of Tauranga Maori land had been alienated by 1886?

In acquiring Tauranga Maori land pursuant to Public Works Act legislation, did the Crown ever take into account that much of the land acquired from Tauranga Maori during the 19<sup>th</sup> Century had been acquired in a compulsory fashion?

- Are there examples of Maori land being targeted for and acquired for public works purposes in preference to non-Maori land?
- Did Tauranga Maori receive the same rights and privileges of British citizens, as non-Maori in relation to notifications, the compensation process and compensation awarded?
- On each of the occasions in which Maori land was compulsorily acquired in Tauranga, did the Crown ever consider alternative methods of alienation? Did the Crown ever consider alternative sites? Did the Crown ever consider alternative routes for roads and railway? Did the Crown ever consult with Maori owners to discuss alternative methods of alienation, sites and/or routes?

## **Consultation**

- Were Tauranga Maori ever consulted prior to the Crown enacting legislation which enabled it and/or local authorities to compulsorily acquire land?
- Were Tauranga Maori ever consulted prior to the compulsory acquisition or compulsory use of any of their lands? If so what was the extent and nature of that consultation?

### **Notification and Objections**

- What notification, if any was given to Tauranga Maori prior to the entry upon their land, commencement of construction and acquisition of their lands by Proclamation?
- Did the notice requirements take into account the realities of multiple/absentee ownership of Maori land? What steps, if any did the Crown take to ensure that notice was served on all owners?
- What opportunities if any were given to Tauranga Maori to object to the compulsory acquisition of their land?
- Did Tauranga Maori participate in any objection process?

### **Compensation**

- Was there a distinction between the compensation process for Maori land compulsorily acquired and non-Maori land? If there was a distinction did that place Tauranga Maori at a disadvantage?
- During compensation hearings did the Native Land Court/Maori Land Court ever hear evidence of the Maori cultural, spiritual and historical significance of the lands acquired?
- Were there delays by government departments in commencing compensation applications?
- Were there delays in the prosecution of compensation applications in the Native Land Court/Maori Land Courts?
- Were there delays in the Ministry of Works paying compensation?
- Was the role of the Maori Trustee in negotiating compensation on the owners behalf to the disadvantage of Tauranga Maori?
- At what date should valuations have been assessed at? That is at the date of entry, the date construction commenced, the date lands were acquired by Proclamation or shortly before the relevant Court hearings?
- To what extent was Maori culture, spiritual and historical values used in the valuation process?
- In all cases was interest assessed in addition to a principal sum? Were the rates of interest used adequate?
- Were the compensation awards and interest paid in a timely manner?

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<sup>4</sup> The Raupatu o Tauranga Moana Report, p 403, para 13.3.4

- Are there examples of disparities in the amount Maori owners received by way of compensation compared to the amount the Crown received when on selling the same lands?

#### **Recognition of Maori Interests**

- In the compulsory acquisition of Tauranga Maori land, did the Crown provide for the protection of sites of historical, spiritual or cultural significance to Tauranga Maori?
- Were any of the lands compulsorily acquired of historical, spiritual or cultural significance to Tauranga Maori?
- Were any waahi tapu in the lands compulsorily acquired?
- Were any waahi tapu left landlocked by compulsory acquisitions?
- Were any works, constructions or activities culturally offensive to Tauranga Maori?
- Were any places of cultural, historical or spiritual significance to Tauranga Maori damaged as a result of activity or construction on compulsorily acquired lands?

#### **Effect of Takings**

- When compulsorily acquiring Tauranga Maori land for public purposes, to what extent, if any, did the Crown consider the impact of such takings on the iwi and hapu affected?
- Was access to other Maori lands, waahi tapu, marae or places of historical, cultural or spiritual significance hampered by the compulsory acquisition of lands?
- To what extent were Maori economic aspirations affected by compulsory acquisitions?
- Has the compulsory acquisition of Tauranga Maori lands hampered access to the waters and resources of Tauranga Moana?
- Have the compulsory acquisition of lands and subsequent construction and development on those lands interfered with the ceremonial, economic and day-to-day lives of Tauranga Maori?
- Has more land been taken than what was required for the purpose of the public works?
- What has been the effect of centre-line proclamations and the subsequent uncertainty over what lands would be taken?

#### **Miscellaneous Matters**

- Are there examples of land which was compulsory acquired, being no longer required for the purpose for which it was taken?

- If so, has the relevant lands been offered back to Tauranga Maori in accordance with Public Works Act legislation?
- Did the Crown make specific promises at the time land was acquired to Tauranga Maori?
- If so have those specific promises been adhered to?
- To what extent has land been acquired by severance? What has happened to lands acquired by way of severance? Has any of the land acquired by way of severance been returned to Tauranga Maori?
- Did Tauranga Maori gift land to the Crown for public purposes? Did the Crown legally acquire those lands pursuant to Public Works Act legislation? Have the uses of those “gifted” land reflected the intentions of those who gifted the land?

## **Executive Summary**

Ngati Hinerangi are a unique iwi and hapu of Tainui origins. Their traditional rohe spans the Western side of the Kaimai Ranges on the Matamata Plains across the Kaimai Ranges to the coastal harbour of Tauranga Moana in the east. On the Western side of the Kaimai are the descendants of the Tainui tribes and on the eastern side of the Kaimai are the descendants of Mataatua, Takitimu and also Tainui tribes. Ngati Hinerangi are a Tainui tribe whose tribal rohe extends to the shores of Tauranga Moana. The Ngati Hinerangi hapu are Ngati Tokotoko, Ngati Tangata, Ngati Tamapango, Ngati Whakamaungarangi, Ngati Kura, and Ngati Te Riha. Their four maraes are situated in Okauia in Matamata. They are: Te Ohaki, Hinerangi Tawhaki, Tamapango and Tangata. Their collective iwi name is Ngati Hinerangi. Ngati Hinerangi have mana whenua rights of occupation in Tauranga Moana. Their mana whenua was established by their founding ancestor and Warrior Chief, Koperu, who came out from the West Coast Tainui settlements of Kawhia and Whaingaroa as part of the eastward and inland Tainui expansion. Koperu conquered the Nga Marama people who formerly occupied the Matamata region through to Tauranga. In a series of nine campaigns Koperu conquered the Nga Marama people and took over their territories right through to Tauranga. Koperu established his polity, his ahi ka, which is called Te Rohe a Koperu in the early 1500s and it is still in existence today with his descendants who still live in the Tauranga Moana settlements at Te Puna and Te Wairoa. Koperu left descendants in the Te Wairoa area at Pukehou, thereby establishing the hapu, Ngati Pango in Tauranga Moana

which was named after Koperu's father, Tamapango. Tokotoko the grandson of Koperu completed the annihilation of Nga Marama in the Matamata and coastal regions of Tauranga including Rereatukahia, Aongatete Apata to Omokoroa and Huharua in Te Puna. Tokotoko added to Koperu's dominion by establishing and extending his ahi ka in Tauranga Moana, his hapu was named Ngati Tokotoko.

Ngati Hinerangi were only challenged once in their 500 years occupation in Tauranga Moana by Ngaiterangi when they attacked the Ngati Tokotoko Pa of Huharua in the early 1830s. Ngati Hinerangi immediately retaliated and with the assistance of their Tainui relatives from Ngati Haua and Ngati Maru a huge army annihilated the Ngaiterangi at the Te Papa Pa in Tauranga. Thus Ngati Hinerangi held on to their lands right up until the time of the Pakeha. Following the Land Wars in the Waikato and Tauranga in 1864, all of the Ngati Hinerangi lands in Tauranga Moana were confiscated as part of the raupatu known as the Katikati – Te Puna Purchase and the Confiscated Block. Some lands were returned but this was set in the mountains and was not good for farming and could not sustain the people. Ngati Hinerangi were supporters of the Kingitanga, through their support of their relative Wiremu Tamihana, the Kingmaker who helped establish Potatau Te Wherowhero as the first Maori King.

Ngati Hinerangi responded to the forcible purchase of their lands in 1871 under the Katikati –Te Puna Purchase by petitioning the Crown in 1877 to have their lands made into a reserve and protected for their future descendants. The Crown ignored the pleas of Ngati Hinerangi leaders. In 1927 Ngati Hinerangi leaders again petitioned the Crown through the Sim Commission for the return of 20,000 acres of Ngati Hinerangi land in the Aongatete block. But this too was ignored by the Crown. In 1944, Ngati Hinerangi leaders once again petitioned the Crown for the return of the 20,000 acres of the Aongatete Block. This again was ignored by the Crown. Ngati Hinerangi have had to endure 140 years of having its voice and its grievances ignored by the Crown.

By the 1960s, the rapid economic growth of Tauranga and the Bay of Plenty led to the Port of Tauranga, local authorities and many powerful industrial groups, demanding that the Kaimai Tunnel and deviation be built through the Kaimai Ranges. With the push to build the Kaimai Tunnel and Deviation, the Crown continued in its arrogant manner to ignore Ngati Hinerangi as it had done in the past 140 years. The Crown did not consult with nor seek the

written consent and approval from Ngati Hinerangi before or after the building of the tunnel and deviation. Typically, the Crown used the draconian powers of the Public Works Act to construct the 9-km deviation right through the middle of Maurihiro maunga of the Kaimai, one of the most sacred maunga of Ngati Hinerangi. Nor did the Crown provide any compensation or any other economic benefits to Ngati Hinerangi as a result of their violation of the sacred maunga of Ngati Hinerangi. As a result Ngati Hinerangi have been prejudicially affected and marginalised, economically and socially, and the Crown has breached the terms and principles of the Treaty of Waitangi.

Ngati Hinerangi were never consulted about the building of the Kaimai Tunnel and deviation and therefore they were not able to register their opposition to the project. Some of the Ngati Hinerangi did have jobs at the tunnel but the benefits were only short lived and soon Ngati Hinerangi people were out of a job. Ngati Hinerangi did not achieve any economic benefits or any sustainable economic returns from the Kaimai Tunnel and deviation.

There is evidence that the building of the Kaimai Tunnel and deviation was not necessary. There were two alternative routes that were surveyed by the NZ Railways but were rejected on the basis that they were too expensive. The Kaimai Tunnel was a huge burden on the taxpayers, which was originally estimated to cost £5.7 million. This estimate was exceeded by 560% and the final cost was in excess of \$56 million. The Kaimai tunnel was a huge budgetary disaster and an example of Government Department incompetence and ministerial negligence. The Kaimai Tunnel did not need to be built. The two other alternative routes would have provided ample access to the Port of Tauranga and the Bay of Plenty.

However, other forces and motivations were at work. The Kaimai Tunnel represented the means by which the Port of Tauranga and other business and industrial interest groups could gain access to a wider population and geographical area called the Hinterland with a wider range of industries and economic developments. New industries were emerging in the timber industry, pulp and paper, motor oils, dairying, and superphosphates. The Kaimai Tunnel was vital to the Port of Tauranga by being able to lay claim to the wider rich farming country of the Waikato, and the forests in South Waikato and the central plateau in Taupo.

The Kaimai Tunnel was also needed to be able to capture the Government purse. The Port of Tauranga and business and industrial groups were desperate to secure Government taxpayer funding for the upgrading and development of its communication and transport network. To be able to secure such Government backing, the Port of Tauranga, and local authorities and business groups had to ensure such a project was of “national importance” and not just a local issue. There was fierce provincial rivalry for the Government to invest its tax payers money into other regions. The rivalry was akin to turf war. The Kaimai Tunnel was a major engineering feat that only the Government could fund. There was one major problem however, the NZ Railways and MOW initial reports stated that the tunnel would not be commercially viable and that at that stage the tunnel was not needed. Intense lobbying of the Government followed by vocal interest groups and those opposed to the project mostly because they would be outside the Tauranga and Bay of Plenty region.

A Commission of Inquiry was established and ended after only 7 days of hearings. The Commission supported the building of the Kaimai Tunnel and deviation and wrote a short report supporting the cost of the tunnel at £5 million. It was as though the matter was a fait accompli. The Commission did not question any of the economic arguments put to it other than what was told to it by the MOW and NZ Railways Department who both grossly under estimated the true costs by 560%. The final cost of the Kaimai Tunnel and deviation was \$56 million. The cost escalations were blamed on the incompetence of MOW for building the Kaimai Tunnel in-house and for not getting expert skilled professionals to build it in the first place.

The Commission of Inquiry report was an important document because it finally revealed what Maori people in Tauranga Moana have been alleging for decades – that Maori land was being deliberately targeted by the Crown and business and industrial interest groups for economic development. Maori found that they were paying again with their last remaining ancestral lands for the advancement of Pakeha society as had happened in the 1860s following the land wars. This amounted to neo-colonialism - a new form of raupatu – confiscation of Maori land to pave the way for the economic development of Tauranga in the 1960s and 1970s. The Commission report is the “smoking gun”, the proof that Maori land and its people were deliberately being targeted for their land

The most important feature of the Commission of Inquiry report was the statement of there being 667,000 acres of developable land. This was made up of 278,853 acres of Maori land and 398,581 of Crown land. The Commission stated in its report that “there are 667,000 additional acres of land yet undeveloped which could be served economically by the Port of Tauranga.” The Commission continued, “large areas of land now lying idle will have to be brought into production, established industries expanded, and new industries attracted to this highly productive and well favoured area.”

The impact of the Kaimai tunnel and deviation on Ngati Hinerangi has been devastating. Ngati Hinerangi land owners were treated differently from other Maori from the Waharoa area. There was no consultation, no notification, no land for land exchanges, and no compensation. The sacredness, mauri and the tapu of the Kaimai maunga was violated. Ngati Hinerangi’s vulnerability was exploited by the Crown to build a gross symbol of cultural insult - the Kaimai Tunnel. The Crown not only confiscated the land of Ngati Hinerangi but it deliberately set out to undermine and destroy Ngati Hinerangi land ownership and tino rangatiratanga. The confiscation of Ngati Hinerangi land in Tauranga Moana by the Crown split in two the traditional rohe of Ngati Hinerangi, Te Rohe a Koperu, making the once strong and resourceful Ngati Hinerangi weak and landless in Tauranga Moana. Ngati Hinerangi’s traditional rohe straddled both the Waikato and Tauranga Moana regions. But Ngati Hinerangi’s traditional rohe did not fit the Crown’s demarcation lines it had set out with the land-selling Ngaiterangi, Ngati Maru and Tawera who wrongly signed away Ngati Hinerangi lands in 1866. When the time came for the Crown to think about putting the Kaimai Tunnel and deviation through Ngati Hinerangi lands, once again the Crown ignored them just as it has done for the past 140 years. The grievances of Ngati Hinerangi in relation to the building of the Kaimai Tunnel and deviation can only be atoned for by full and proper compensation and by the return of the 20,000 acres of land taken in the Aongatete Block, and in other coastal settlements once owned by Ngati Hinerangi such as Huharua and Omokoroa.



## **Part One – Historical Background of the Kaimai Tunnel and Deviation**

### **1.1 Railway Development in Tauranga, Bay of Plenty and Waikato**

In most regions in New Zealand the establishment of direct railway links with major sea ports greatly assisted in the economic development of agriculture and in the export of primary produce and other products. Land access to and from a port by road and rail is essential for the prosperity of the industries and the people living within the area.<sup>5</sup> The development of railway access to Tauranga and the Bay of Plenty was a series of staggered development over a long and arduous period of time, and delays were attributed to the depression of the 1880s and the frequent changes of Government.

In the 1870s, the main trunk line had stretched from Auckland to Hamilton. By the mid 1870s the Pakeha population in Tauranga and the Bay of Plenty region had started to increase and they began pushing for a railway line. In 1877 a survey party investigated possible routes for a line from Hamilton to the rich goldfields of Te Aroha. Two years later in 1879, work began on the first part of the line to Morrinsville. The 27.3 km line from Hamilton to Morrinsville was completed in October 1884. The line from Morrinsville to Te Aroha was opened in 1886.

Sir George Grey turned the sod on the next stretch of the line from Te Aroha to Paeroa in 1878 but the line did not reach Paeroa until 1893. The next objective for the railway line network was to get from Paeroa to Waihi and then on to Katikati and ultimately Tauranga. In 1897 work started on the line running through the circuitous Karangahake Gorge. A 1052.7m tunnel had to be built for this leg of the railway line and in 1904, the railway lines to the gorge was opened. The tunnel was completed in 1905 and the line, which had been built from Waihi at the same time as the tunnel, was opened and the railway finally reached the Bay of Plenty. Railheads sprang up in different parts of the Bay of Plenty. The line from Mt Maunganui to Te Puke opened in 1913 and extended to Pongakawa by 1916.

The effects of the First World War slowed the development of the railway line in the Bay of Plenty. But with the completion of the Tauranga harbour bridge in 1924, the whole line

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<sup>5</sup> The Port of Tauranga booklet p25

from Waihi to Tauranga was finally opened in March 1928. The link through to Taneatua was opened in September of the same year. The line from Hamilton to Morrinsville and then through to Rotorua was completed in 1894. Other lines in the Waikato, such as the link to Cambridge, Tirau and Putaruru, built to service the growing dairy industry, was completed by 1884.

The main railway link to the Bay of Plenty, the East Coast Main Trunk line, entered the Bay of Plenty by an indirect route from the Hauraki Plains to Paeroa then through the difficult Karangahake Gorge with a tunnel section. Situated at the northern end of the Kaimai Ranges through a circuitous route with steep gradients, this greatly reduced the haulage load and therefore the economic value of the rail line itself. There was no rail route to the Bay of Plenty from the Volcanic Plateau in the Central North Island.

The main means of access to the Port of Tauranga built in the late 1950s at this time was by road transport. The exception was the railway service in the eastern Bay of Plenty which ran from Taneatua to Te Puke and then in to Tauranga.

There were many engineering problems to be overcome in establishing an efficient and cost effective road and rail transport system in the Bay of Plenty and Waikato region. These included the hilly terrain, the many swift flowing streams or wide rivers and heavy seasonal rainfall, land erosion, slips, flooding and earthquakes.

Despite such obstacles, the road and rail transport system was steadily developed. The building of rail lines and roads is an expensive exercise and successive Governments were sensitive to the high costs involved. The roads and railway lines also required regular maintenance and improvement that involved the outlay of high capital costs.

To ensure that railways were maintained and kept operating economically, legislation was enacted to protect rail traffic against competition from road transport where everybody within 40 miles of a port destination had to use the railway. For logs the distance was 50 miles and fresh vegetables and fresh meat were the exceptions to the rule. This was known as Regulation 29 (2) of the Transport Licensing Regulations 1960, which provided

protection for the railways in respect of road cartage in excess of certain distances, varying with the type of goods carried.”<sup>6</sup>

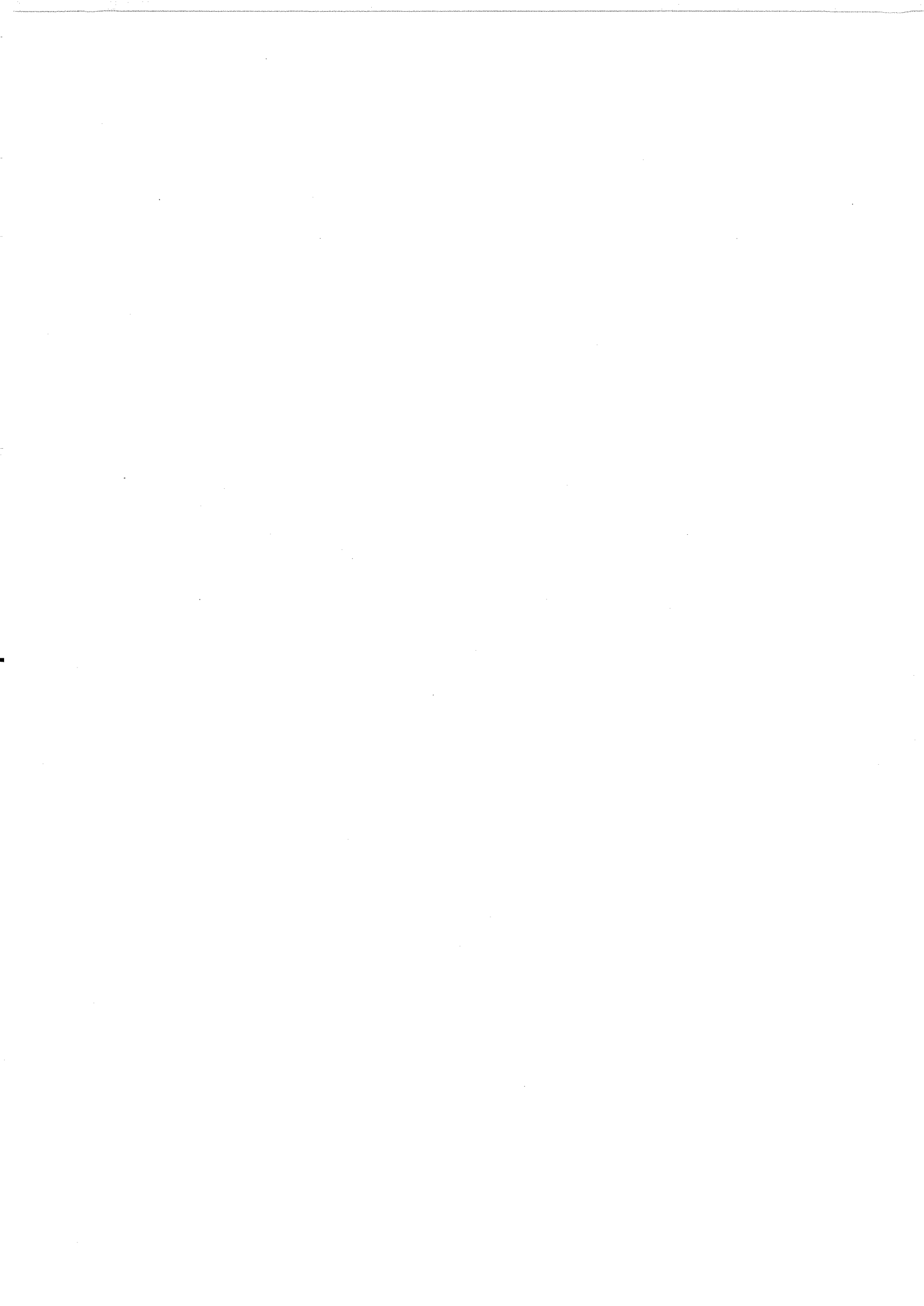
The growth of the forestry industry in the 1950s in the Bay of Plenty areas of Murupara, Taneatua and Kawerau, saw the renewed development of railway transport. To serve this burgeoning industry, three new rail routes affecting the transport of goods to the port of Tauranga for export were built. These were the 14.4km Hawkens-Kawerau line built in October 1953. The second was the 58.9 km branch from Kawerau to Murupara, and the third line was the 6.43 km line from the Mount to the Mt Maunganui deep-sea port which was opened in 1958.

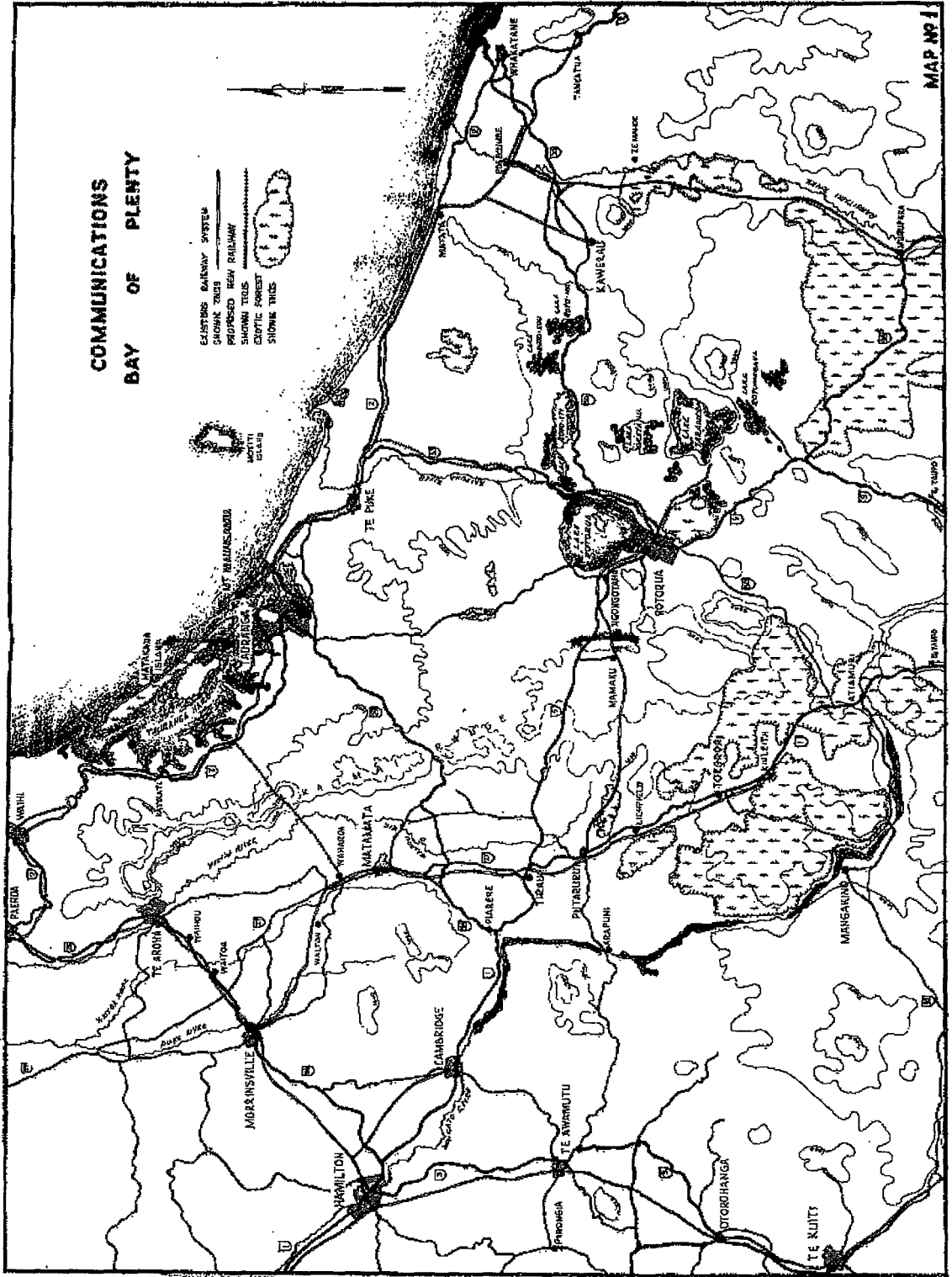
The Tauranga-Frankton line was rapidly becoming the second busiest provincial line second only to the North Island Main Trunk line.<sup>7</sup>

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<sup>6</sup> Ibid p21

<sup>7</sup> The Kaimai Railway Deviation – Ministry of Works 1976, p23





**Fig. 1 Communication System in the Bay Of Plenty  
Showing Existing and Proposed Railway Lines and the Kaimai Tunnel**

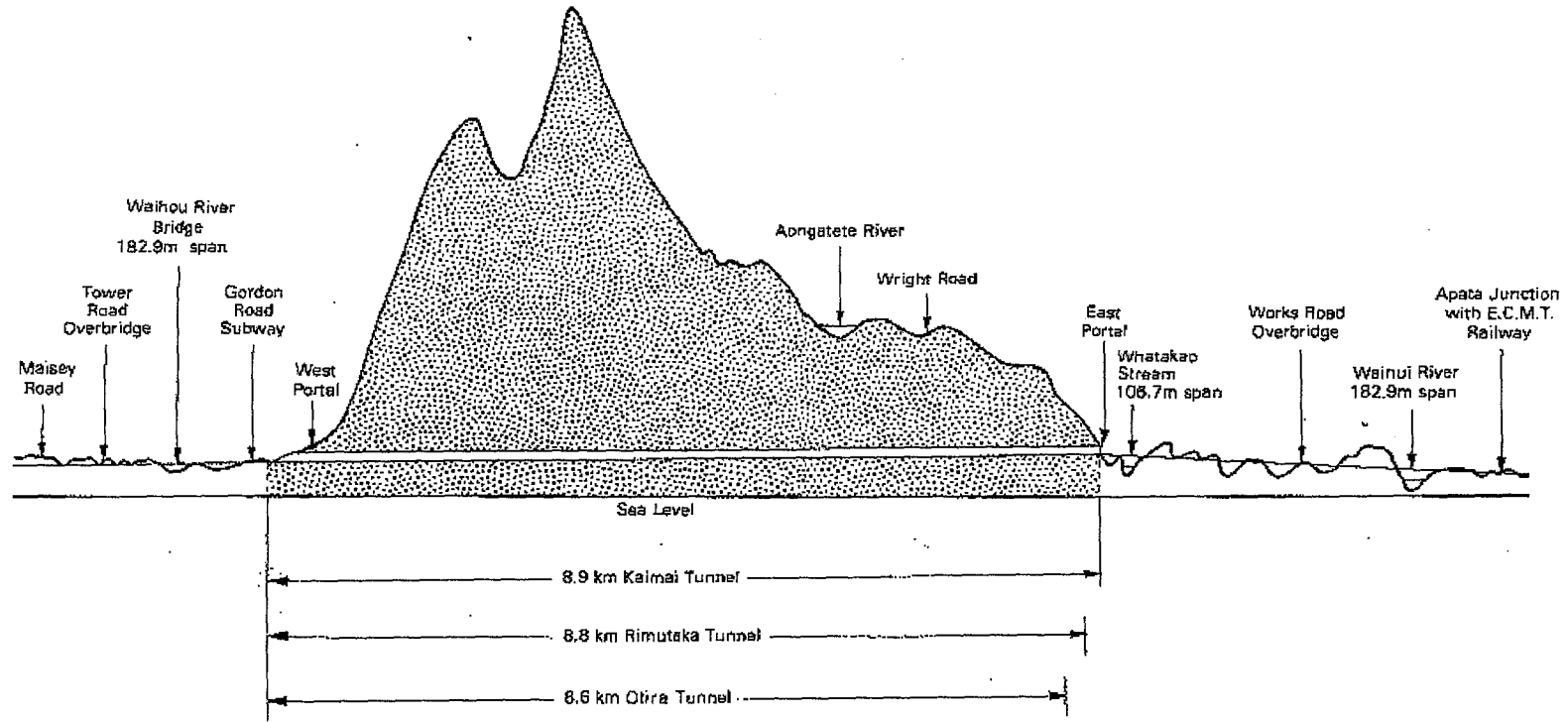
## 1.2 Physical Description of The Kaimai Tunnel and Deviation

The Kaimai deviation is 25 km long in total, including the tunnel itself which is 8.9 km and is the longest tunnel in New Zealand. Deviation is the term for the track leading up to the tunnel portals itself on both the western side of the Kaimai Ranges – i.e. Waharoa on the Matamata side and the eastern side of the Kaimai Ranges at Apata on the Tauranga side.

The entire deviation features 13 bridges and underpasses and six major culverts. The western approach from Waharoa to the Kaimai Ranges in the Te Hunga Block of the Maurihero Range to the western portal entrance is 11 km long and leaves the Rotorua line just north of the Waharoa township. The rail route runs across flat farm land towards the tunnel then passes under State Highway 27. The railway line crosses two stream bridges each 73.15 m long before it reaches the Tower Road over-bridge. Next it comes to the largest bridge on the western side of the tunnel 183 m long reinforced structure over the Waihou River. From the river onwards a 9 to 12 m high embankment over the flood plain takes the railway line up an easy grade to the tunnel mouth. On this section the line passes over the Gordon – Okauia road under the track.

The eastern approach to the tunnel from Apata, 20 km west of Tauranga is only 5 km long. However, the country is broken and steep and immediately leaving the eastern portal, the line crosses two bridges spanning the Whatakao Stream. One is 37.5 m long and begins only 3m from the portal. The line then crosses a 12 m high ridge and then crosses a second bridge 78 m long in 5 spans and is supported by concrete piers. A 38.5 deep cutting follows then the route travels towards the Wainui River. A further 1.6 km from the tunnel portal an over-bridge crosses Works Road over the line. At the Wainui River a 228.5 m long viaduct with considerable approach works, rises 33.5 above the river level. Past the Wainui Bridge is another over-bridge that takes Wainui South Road before the railway line joins the existing line at Apata.

Fig. 2. Physical Description of The Kaimai Tunnel and Deviation



This cross-section of the Kaimai Range, although not to scale, clearly shows the main features of the project. The deviation line from Wabaroa on the Waikato side of the range is shown at the left, approaching the western portal. At the right the line is shown leaving the eastern portal and running downhill to a junction with the Waihi-Tauranga line at Apata.

Below the cross-section the relative lengths of the Kaimai tunnel (the longest in New Zealand), the Rimutaka Tunnel and the Otira tunnel are shown. The completion of the Kaimai tunnel brought the total number of tunnels on New Zealand Railways to 190 — the aggregate length of those tunnels is 94.9 km.

## 1.3 History and Tradition of Ngati Hinerangi

### 1.3.1 Koperu – Founder of the Ngati Hinerangi Polity

Many writers and historians have erroneously claimed that Ngati Hinerangi is a hapu of Ngati Raukawa or Ngati Haua or they have claimed that Ngati Hinerangi are a remnant of the Nga Marama people who once occupied the Matamata and Tauranga regions. However, Ngati Hinerangi is not a hapu of Ngati Raukawa or Ngati Haua and Ngati Hinerangi does not originate from Nga Marama. **Ngati Hinerangi is emphatically an iwi, a tribe of Tainui descent, who are also known as - Nga Uri a Whatihua - the direct descendants of the Tainui chief, Whatihua.**

Ngati Hinerangi was first established by the renowned Warrior Chief, Koperu, the tribe's founding tupuna, who conquered and took possession of the lands of the Nga Marama people who originally lived in the Matamata and Tauranga regions. Koperu was descended from the Tainui paramount chief Tawhao, who was the direct descendant of Hoturoa, the commander of the Tainui canoe. Koperu was the grandson of Uenukuterangihoka and the great grandson of Whatihua. This direct descent from Whatihua, the elder brother of Turongo, is commemorated by Ngati Hinerangi who are also known as Nga Uri a Whatihua. Many other tribes in the eastern Waikato region descend from Whatihua and are closely related to Koperu and his descendants. These include: Ngati Tukorehe, Ngati Kauwhata, Ngati Rangi, Ngati Marutuahu, Ngati Tamatera, Ngati Whanaunga and Ngati Tamatepo.

The Ngati Hinerangi Warrior Chief, Koperu, was born in approximately the late 1400s or early 1500s and originally lived in the West Coast harbour regions of Whaingaroa and Kawhia. Koperu's father was Tamapango, who was a grandson of Whatihua. Tamapango was a contemporary of other leading Tainui warrior chiefs such as Tamaaio, Ihingarangi, Whakatere, and Takihiku who were part of the Tainui eastward wave of expansion into the interior regions of Maungatautari, Matamata, Kaimai, Kaokaoroa o Patetere and Hauraki.

Tamapango's father was Uenukuterangihoka who was also known as Uenukuwhangai as a result of his abandonment by his mother, Ruaputahanga, a puhi from Taranaki, who fled back to her people when Whatihua took another woman, Apakura, for his second wife. The



Ngati Hinerangi hapu, Ngati Tamapango, are named after Koperu's father who did not journey with his son Koperu to the eastern Waikato region. It is believed in Ngati Hinerangi history that the reason why all the four whareniui in Okauia are faced towards the west is in memory of their origins on the west coast settlements and in commemoration of Koperu's father Tamapango who remained in Whaingaro and Kawhia. On the Tauranga Moana side the hapu, Ngati Pango, have shortened the original name Ngati Tamapango to Ngati Pango. Ngati Tamapango descendants are located in both the Te Wairoa River area of Tauranga and in Okauia on the Matamata side of the Kaimai Ranges where they have a marae called Tamapango. The Okauia descendants adhere to the full name for the hapu and are known as Ngati Tamapango.

Ngati Hinerangi's polity and its ownership and mana whenua over the lands in Te Rohe a Koperu was established by the conquests of Nga Marama by Koperu in the early 1500s. To ensure his lands would be retained for his descendants, Koperu established his hapu of Ngati Pango as his ahi ka, to keep the fires burning in the vicinity of the Te Wairoa River in the Tauranga Moana district. Koperu himself occupied the pa Hamamatawaha in the Te Puna / Aongatete area to establish his ahi ka and to keep his fires alive and to ensure the retention of his hard fought territory for the use and ownership of his descendants. Koperu's mokopuna, notably the elder brother Tokotoko had the responsibility of ensuring Ngati Tokotoko and Ngati Hinerangi's polity in the Tauranga Moana area remained potent and able to defend itself. The Ngati Hinerangi strategy of establishing hapu in the regions that had been conquered to maintain their ahi ka was started by Koperu with the founding of the Ngati Pango hapu in Te Wairoa area in Tauranga Moana. This was continued by Koperu's grandson Tokotoko who established the Ngati Tokotoko hapu in the coastal settlements of Te Puna / Aongatete and Huharua and Omokoroa to maintain the ahi ka and ownership of the lands conquered by them from Nga Marama. It was through this process that the Ngati Hinerangi polity in Tauranga Moana was established and maintained over 500 years.

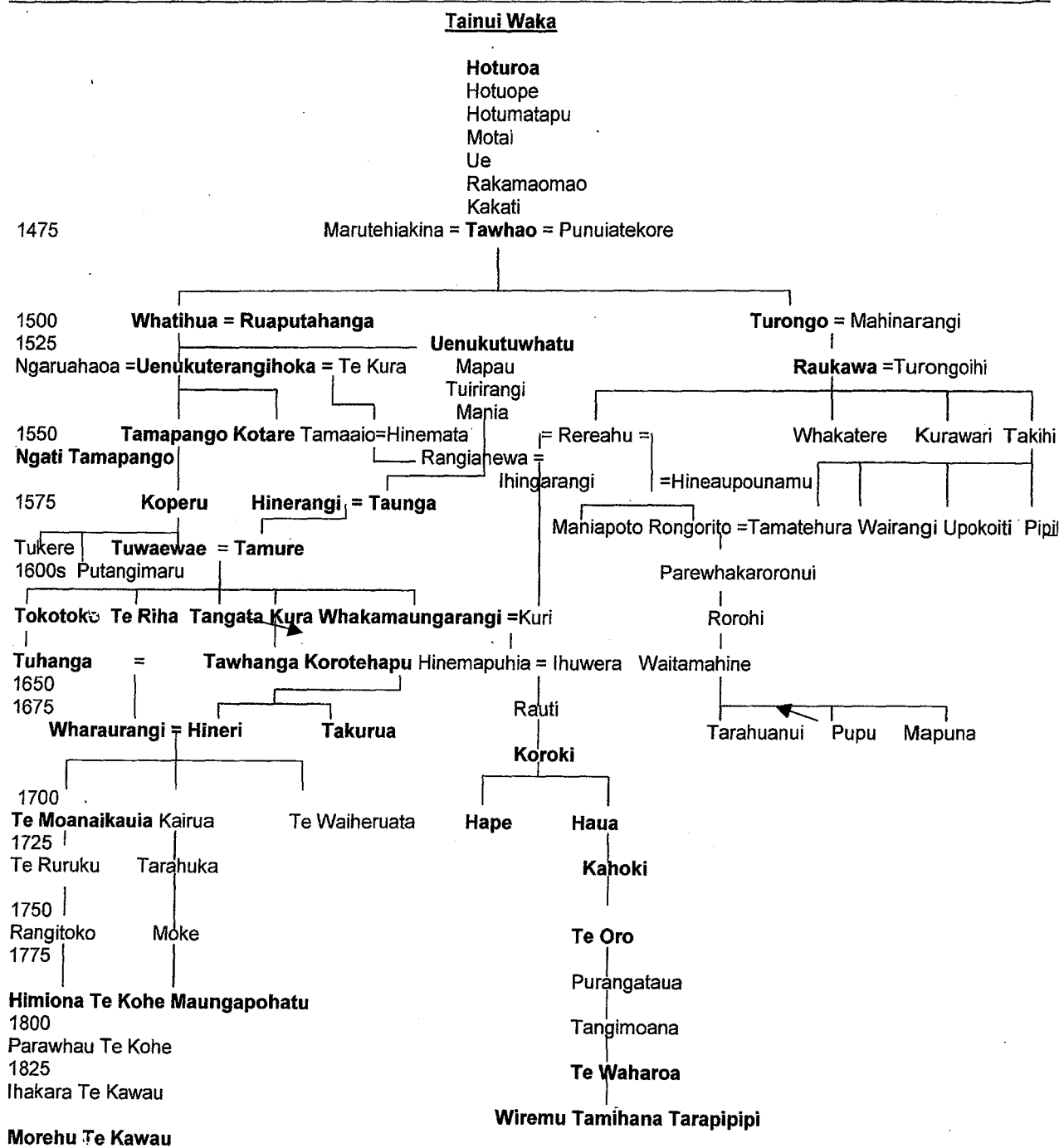
Koperu's daughter, Tuwaewae married Tamure, a renowned tohunga who was of both Tainui and Te Arawa descent. The name of the descendants of this union were collectively called Ngati Hinerangi. Tamure's mother was Hinerangi Marino, a chieftainess of Te Arawa who married Taunga Ki Te Marangai who was a direct descendant of the eldest son of Whatihua, Uenukutuwhatu. Tamure was a powerful tohunga and it is likely that he was responsible for the naming of the tribe, Ngati Hinerangi, to commemorate and honour his

mother, Hinerangi Marino. There are several theories as to why Hinerangi was chosen to be the eponymous ancestor for the name of the tribe by her descendants.

According to Ngati Hinerangi tradition, Hinerangi Marino was a powerful chieftainess in her own right. For her son, Tamure, to marry the daughter of one of the most powerful warrior chiefs, Koperu, he would have to be a high born rangatira and to have substantial mana in his own right.

It was also likely that survival and political strategy and astuteness on the part of Tamure played an important part in the decision to name the iwi as Ngati Hinerangi. This would mean that the descendants of Ngati Hinerangi would have a tangible kinship link to the people of Te Arawa and would therefore minimise the threat of encroachment from Te Arawa iwi and hapu or the advent of inter-tribal fighting between the two tribes. The other reason was for strategic purposes to secure allies and military support in times of need. It is a tribute to the political astuteness of their tupuna that Ngati Hinerangi has maintained its mana whenua and ownership status over its tribal lands and territories for over 500 years right up until the arrival of the Pakeha.

Koperu's daughter Tuwaewae and her husband Tamure had 5 children, Whakamaungarangi, Kura, Tokotoko, Te Riha and Tangata. Koperu's grandsons, Tokotoko, Te Riha and Tangata completed the conquest of Nga Marama by exterminating them entirely in the Te Rohe a Koperu. Tokotoko was the elder brother who had a son called Tuhaanga who then married Tawhanga and they had a son called Wharaurangi who then married Hineri, the daughter of the Ngati Ranginui chief, Korotehapu. They had Te Moanaikauia, Kairua and Te Waiheruata who are the founding ancestors of many of the leading families within the Tauranga Moana area today. Tokotoko was the eponymous ancestor of Ngati Tokotoko. By this Ngati Hinerangi took total ownership, control and authority of the Matamata and Tauranga regions of their tribal territory. Koperu's conquest was followed by the conquests of Tokotoko and his brothers which firmly established Ngati Hinerangi's ancestral tribal boundaries in Tauranga Moana. Their ownership of land in Tauranga Moana and rights of occupation was based firstly on conquest and then by the unbroken ancestral occupation of their tribal lands that continues right up to the present day.



**TE HONONGA O TE IWI ME NGA HAPU O NGATI HINERANGI**

**Ngati Tokotoko, Ngati Te Riha, Ngati Tangata, Ngati Tamapango, Ngati Kura, me Ngati Whakamaungarangi**

**Fig 3 Ngati Hinerangi Whakapapa**

### 1.3.2 Te Rohe a Koperu – The Ngati Hinerangi Tribal Boundaries

The Ngati Hinerangi tribal boundary – Te Rohe a Koperu – is an ancient boundary established and maintained for more than 500 years. According to Ngati Hinerangi tradition, the north western boundary of Te Rohe a Koperu was the Waipuna Stream which then went to the Mangakahika Stream to the Waihou River just south of Te Aroha and then ran east to Te Ara a Tamihana in the Kaimai Ranges. From the Thompson's Track, in the Kaimai Ranges, the boundary then ran east to the Tauranga side to the Waitekohe Stream and from here it ran to Hamamatewaha Pa and on to the coastline from Rereatukahia to Aongatete, Apata, Pahoia, Omokoroa and Huharua then inland to Te Irihanga in the south then to the Ngaumuwahine stream back to Whenuakura in the Kaimai region then back to the Waikato side in the west to Tuararaparaharaha and then again turning north to Mangawhero, to Turangaomoana to Te Aratiatia and then back again to Waipuna in the north..

The first recorded evidence about the origins of Ngati Hinerangi and the extent of their tribal boundaries was given by Ngati Hinerangi leaders themselves such as Morehu Te Kawau Himiona during the title of ownership investigations by the Native Land Court in January 1877 for the Okauia, Mangawhero, Te Karaka, Wairere and Tuararaparaharaha land blocks. Morehu Te Kawau's explanation was given to the conquest of Nga Marama by Koperu:

“ It was Koperu who first began the fighting on these lands from Patetere to the Aroha. He conquered the Nga Marama, to whom all the land originally belonged. After that he went in pursuit of Parure, a chief of Nga Marama, who had fled there. Koperu attacked and took a pa at Tauranga named Hamamatewaha. Parure escaped and fled to the Ngaiterangi tribe for protection. Koperu came back. He came back to his pa at Te Ratapiko and after a time went to Hauraki to Wharewera.”<sup>8</sup>

Hamamatewaha Pa is located on the eastern part of the boundary of Te Rohe a Koperu which then turns south from the Waitekohe Stream to the coastal areas of Rereatukahia, Aongatete, Apata, Pahoia, Omokoroa and Huharua before turning back inland to Te Irihanga Poripori, Ngaumuwahine then to the Kaimai Ranges to the Waikato.

Te Kawau continued:

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<sup>8</sup> WMB3 Te Kawau

“Koperu had not quite destroyed the Nga Marama in their first fights. After the death of Koperu his grandsons Tokotoko, Tangata and Te Riha left their former pas, separated themselves from Ngati Raukawa, and came to live at Okauia. Their pas were Opitokura, Ruapupu and others. They commenced to fight the remnant of Nga Marama.”<sup>9</sup>

Te Kawau further explained that his younger brother had feigned an attack by Nga Marama to ensure the retaliation by his elder brother:

“He [Tokotoko] and his army went to attack the Nga Marama on Waiharakeke. They exterminated them entirely. The Ngati Hinerangi obtained the “mana” over the land as far as Mangakahika. After the destruction of Nga Marama Tokotoko returned to his pa at Opitokura.”

“The Ngati Hinerangi became the owners of all these lands from Whenuakura South to Mnagakahika North. Our east boundary was Hamamatewaha. Our west boundary Waipuna.”<sup>10</sup>

On 7 April 1884, the Native Land Court sitting took place at Paeroa into the Maurihero Land Block. Maurihero B is the name of the land block that the Kaimai Tunnel passes through. The leading men of Ngati Hinerangi, Ngati Tokotoko and Ngati Tangata were present at the court sitting. These were Morehu Kawau Himiona, Pohoi Te Tahutika, Timi Te Rua, Te Kahukoti Te Waitangi, Karanama Te Waitangi. Pohoi Te Tahatika stated:

“I live at Te Puna Tauranga...I disputed Ngati Taka having any claim to this land...I object to Ngati Taka’s name being on the plan as they have no claim to this land. Tokotoko owned the whole of this and other blocks surrounding it ..Tokotoko and Tangata had equal rights- they jointly conquered these lands.”<sup>11</sup>

“Ngaiterangi conquered no portion of this block. Their conquest began at Maunganui and ended at Katikati. I never heard of a pa called Rangimarama on the Tauranga side of the range being taken by Ngaiterangi from Ngati Ranginui. All the land from Tauranga was formerly owned by Ngamarama. Tokotoko and Tangata conquered the land now before the Court. Ngati Ranginui conquered the land on the Tauranga side from Ngamarama. Ngati Ranginui overcame the remainder of [the] Ngamarama tribe. Tokotoko’s boundary was well known and admitted by Ngati Ranginui. Te Rangihouhiri overcame Ngati Ranginui. This range of hills is in the Tauranga District but Ngaiterangi have no claim to them. They were owned by the ancestors I have named. [i.e Tokotoko and Tangata].”<sup>12</sup>

Te Pohoi continued,

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<sup>9</sup> Ibid

<sup>10</sup> Ibid

<sup>11</sup> Hauraki MB 15, p213

<sup>12</sup> Ibid p216

"I am certain I am correct that Tokotoko and Tangata conquered Ngamarama who were living on this land. I cannot speak as to any genealogy of Ngamarama. I cannot speak of how far back with regard Ngamarama. I only speak of them in reference to Tokotoko and Tangata's time. I have heard that Ngaiterangi fought with Ngati Ranginui and conquered them on the Tauranga side but not within the boundaries of Tokotoko.

"Te Pohoi added,

"The three tribes I mentioned...Ngati Kaimaungaiou, Ngati Tama and Ngati Haumarua are hapu of one tribe called Ngamarama...these people formerly lived on Okauia on Waiharakeke and at Patetere also at Tauranga. The Ngamarama driven off this land were of the same tribe as those driven off Tauranga."<sup>13</sup>

Another leader of Ngati Hinerangi and Ngati Tokotoko was Te Kahukoti Te Waitangi who lived at Okauia. He stated'

"This land [Maurihero] and the land adjoining [Aongatete] were conquered by Tokotoko and Tangata from Ngamarama and Ranginui. Ngaiterangi conquered Ranginui from Tauranga side. Tokotoko and Tangata conquered the pa at Pukemanuka. Rangihouhiri was the principal conqueror of Tauranga but his conquests did not extend to this range..."<sup>14</sup>

"Koperu's conquest was the first conquest of Ngamarama after that Tokotoko and Tangata's. I never heard of Ngaiterangi having conquered Ngamarama. Ngaiterangi had no ancestral claim to this land. Ngati Hinerangi lived at Tauranga under this conquest."<sup>15</sup>

Karanama Te Waitangi, another leader of Ngati Hinerangi and Ngati Tokotoko stated in giving evidence to the Native Land Court:

"Ngati Hinerangi lands extended eastward of the range of hills marked on the plan Maurihero and Pawheronui and Pitoitoti, Te Pauapara, Hamamatewaha, Kauritutu. All these names [are] from the boundaries of the Ngati Hinerangi lands on the Tauranga side."<sup>16</sup>

"Okauia and Whakamarama to the south have been both awarded to Ngati Hinerangi and Waiharakeke to the west through the same ancestors as we now claim. Maungatotara has also been awarded to them. Mangawhero – a block to the south west of Okauia has also been awarded to Ngati Hinerangi. All the land surrounding the block [Maurihero] have been awarded to Ngati Hinerangi. This block [Maurihero] is situated in the centre of Ngati Hinerangi lands and has been mentioned at other Courts as situated, this land was conquered by our ancestors Tokotoko and Tangata."<sup>17</sup>

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<sup>13</sup> Ibid pp217-218

<sup>14</sup> Ibid pp222-223

<sup>15</sup> Ibid p224

<sup>16</sup> Ibid p225

<sup>17</sup> Ibid p226

The judgement for the Maurihero block was given by the Native Land Court on 21 April 1884. The block was awarded to the descendants of Tokotoko and Tangata.<sup>18</sup> Ngaiterangi claimants and Ngati Ranginui claimants were dismissed by the Court in favour of the descendants of Tokotoko and Tangata. The list of owners of the descendants of Tokotoko and Tangata were submitted as separate lists to the Court and a Court Order was issued on 12 May 1884 for the names to be inserted in a Certificate of Title the Ngati Tokotoko portion and the Ngati Tangata portion of the Maurihero Block.<sup>19</sup>

### **1.3.3 Ngati Hinerangi Mana Whenua in Tauranga Moana**

Ngati Hinerangi's mana whenua status and claim to their tribal territory in Tauranga Moana is unequivocally based on conquest, ancestral and customary territorial rights and authority and continuous, undisturbed and unbroken occupation of their tribal lands for over 500 years.

The mana whenua status of Ngati Hinerangi and its hapu of Ngati Tokotoko and Ngati Tangata is soundly stated above and clearly substantiated by the leaders of Ngati Hinerangi themselves in presenting their evidence under oath to the Native Land Court in its investigations into the title of ownership of the Maurihero Block.

All of the Ngati Hinerangi leadership in the duration of the court sitting were consistent in their evidence stating that the iwi of Ngati Hinerangi and its hapu Ngati Tokotoko and Tangata held mana whenua status in Tauranga Moana by conquest, continuous unbroken occupation and the exercising of their ancestral customary and territorial rights as tangata whenua to the resources, places and wahi tapu of their tribal rohe – Te Rohe a Koperu.

Pirakau and other Ngati Ranginui iwi and hapu in Tauranga Moana acknowledge the customary territorial rights of Ngati Hinerangi and Ngati Tokotoko in the Tauranga Moana region. In the “Wai 227 The Pirakau Historical Report”, Pirakau acknowledge the traditional occupation rights, the support and close kinship ties of Ngati Hinerangi and Ngati Tokotoko in Tauranga Moana and also acknowledge the traditional papakainga and settlements of Ngati Hinerangi and Ngati Tokotoko in Tauranga Moana. The reason for this is based on the tautoko and support provided to Takurua, the chief of Pirakau who was the

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<sup>18</sup> Ibid pp271-273

younger brother of Hineri who had married Wharaurangi, the grandson of Tokotoko and who was the chief of Ngati Hinerangi and Ngati Tokotoko,. After making his escape from the pursuing Ngaiterangi hapu, Te Whanau a Tauwhao, Takurua fled to his sister who was living at Okauia with her husband Wharaurangi of Ngati Tokotoko and Ngati Hinerangi.

In the Pirirakau Historical report, Pirirakau acknowledged the assistance given to them by Ngati Hinerangi and Ngati Tokotoko:

“Within a short time Takurua returned with a Ngati Tokotoko taua and defeated the Whanau a Tauwhao who had occupied his pa. This incident together with common descent...and intermarriage, provided Ngati Tokotoko with certain rights within the territory of Pirirakau.”<sup>20</sup>

Pirirakau, in their historical report state that the mana whenua over the land remained with Pirirakau. However, according to Ngati Hinerangi tradition the mana whenua over the land at the settlements occupied by Ngati Hinerangi and Ngati Tokotoko in Tauranga Moana was well and truly established by Koperu in his original conquest of Nga Marama 5 generations beforehand. Allowing for 25 years as a minimum for a generation this was more than 125 years before Takurua and the battle against the Ngaiterangi hapu Te Whanau a Tauwhao.

The Pirirakau report acknowledges Ngati Hinerangi and Ngati Tokotoko settlements in Tauranga Moana:

“Ngati Tokotoko occupied Huharua, a settlement located a short distance from Raropua, across the mouth of the Te Puna river. They also lived at Omokoroa, Pahoia and Te Ngarue near Rereatukahia. There was considerable interaction between the two groups around the common boundary at the top of the Te Hunga range, and during later troubles of the 19<sup>th</sup> century, Pirirakau would seek refuge with Ngati Tokotoko and the closely related Ngati Hinerangi at Okauia near present day Matamata.”<sup>21</sup>

The claim by Pirirakau that Ngati Hinerangi and Ngati Tokotoko did not have mana whenua over the lands they occupied in Tauranga Moana is categorically denied by Ngati Hinerangi. The test for whether an iwi and hapu has mana whenua over the lands is the means by which they gained interests in the land in the first place – i.e. by conquest, or the use of military strength; and secondly the means by which they were able to maintain their tino rangatiratanga – their ownership and authority over that land, their continuous occupation

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<sup>19</sup> Ibid pp309-311; Hauraki MB 16, pp15-16 & 37-39

<sup>20</sup> Wai 227 The Pirirakau Historical Report, Waitangi Tribunal Report, p23



of it, and the exercise of their control over the resources of the land, in the face of threats of military invasion from encroaching neighbouring tribes.

In the Pirirakau Report acknowledgement is made that Ngati Tokotoko occupied the settlements at Huharua, Pahoia, and Te Ngarue at Rereatukahia. In the story of the attack on the Huharua Pa and Ongarahu Pa on Plummer's Point in Te Puna, it is the war party from Ngati Hinerangi in Okauia that goes to seek utu, revenge for the slaughter of the Ngati Tokotoko relatives in Huharua Pa. Pirirakau did not participate in the revenge attacks on Ngaiterangi in Tauranga Moana. This act is carried out solely by the Ngati Hinerangi war party.

Later Ngati Hinerangi joined forces with their other Tainui relatives including Ngati Haua, Ngati Raukawa and Ngati Maru in a concerted attack on Te Papa Pa around the time of the battle of Taumatawiwi to punish Ngaiterangi for their unwarranted attacks on their settlements and people. The Ngati Hinerangi chief Morehu Te Kawau Himiona stated in the Native Court records of title investigations for the Okauia land block on 31 May 1979:

“We Ngati Hinerangi had mana. We had several pa in Okauia before Taumatawiwi and before Kaiwhititiki was occupied we left Okauia to build Matamata Pa. Huharua Pa belonged to Ngati Tokotoko, a hapu of ours. It was stormed by Ngaiterangi and the people fled to us at Okauia...Ngati Hinerangi held mana over our land.”<sup>22</sup>

According to Ngati Hinerangi tradition given by Hore Neri in the Native Land Court in 1879 it was not until after the Inter-tribal musket wars after the great battle of Taumatwiwi that Ngati Tokotoko, the Ngati Hinerangi hapu at Huharua Pa in Tauranga Moana, were attacked by Ngaiterangi. Hore Neri stated,<sup>23</sup>

“There was much fighting ending with the great Battle of Taumatawiwi after which Marutuahu returned to Hauraki. After that Ngati Haua, Ngati Hinerangi and all the Waikato tribes went to live at Matamata. After that Christianity was introduced. It was not until after the Waikato tribes had gone to live at Matamata that the Huharua Pa at Tauranga was taken.”

“The Ngati Hinerangi went from Matamata to Tauranga to avenge the slaughter of Ngati Tokotoko. When they got to Huharua they found entrails of those who had been killed and

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<sup>21</sup> Ibid p 23

<sup>22</sup> Waikato MB 3, p439

<sup>23</sup> WMB3 Okauia case pp444-447

eaten. The Ngati Hinerangi war party went to Otumoetai to a stream named Hakariao. A Pa called Te Papa was on the other side of the stream. They karakied and kindled a fire which they floated on the stream (a Maori ceremony). The Ngati Hinerangi were only a small party and could not attack the Pa and so came away.”

“Again they went back by another way and this time they succeeded in Killing Tuhotoariki and a number of the Ngaiterangi. After this they went again in great force having been joined by Ngati Haua and attacked and killed a number of the Ngaiterangi at Te Wairoa, Te Taumata.”

“After some time a great chief of Ngati Raukawa named Te Hiwi went to Tauranga to see some friends there. A Hapu of Ngaiterangi laid in wait for him and killed him at Kaitorenui. All the Ngati Raukawa, Ngati Haua, Ngati Maru and Ngati Paoa went to Tauranga and stormed and took Te Papa Pa. There was a great slaughter of Ngaiterangi on that occasion. Many of the dead bodies were thrown into the sea and floated as far away as Maunganui.”

“The war party then attacked Otumoetai but did not take it. Te Waharoa went into the Pa and made peace on behalf of Ngati Haua. After which Ngati Haua came home leaving the other tribes behind.”

“Ngati Hinerangi took part in all these fights.”

It is evident that by the Ngati Hinerangi historical account of this incident, that Ngati Hinerangi, through its own mana and close kinship ties with neighbouring tribes and hapu such as Ngati Haua, Ngati Maru and Ngati Paoa, was able to defend itself and its pa and tribal lands by calling on the support of its other relatives to avenge the attack and slaughter of their Ngati Tokotoko kin at Huharua Pa in Tauranga Moana. Ngati Hinerangi was therefore able to retain possession of their tribal pa and lands from encroachment from neighbouring iwi such as Ngaiterangi in the Tauranga Moana region.

Ngati Hinerangi through its hapu of Ngati Tokotoko and Ngati Pango have managed to maintain the ownership of their tribal territories in the Tauranga Moana region right up until the Raupatu of their lands by the Pakeha Colonial Government using the New Zealand Settlements Act of 1863 to confiscate their tribal lands, pa, urupa and wahi tapu in the Tauranga Moana region.

These retaliatory acts of utu by Ngati Hinerangi were the means by which iwi and hapu in traditional times were able to defend their territories from encroachment. To leave an attack unanswered was to invite eventual full-scale attack and annihilation by a neighbouring tribe or hapu in their desire to extend their own hegemony and take over some else's territory.

Ngati Hinerangi clearly exercised their tino rangatiratanga rights to defend their people and their settlements from encroachment. This is the means by which Ngati Hinerangi mana whenua was not only won but more importantly how Ngati Hinerangi tribal boundaries and territories were maintained right up until the raupatu by the Crown.

Pirirakau did not exercise any tino rangatiratanga rights in their not retaliating to the slaughter of the people at Huharua. The tino rangatiratanga rights and mana whenua rights were instead exercised by Ngati Hinerangi who drew on their traditional alliances with their Tainui relatives from Ngati Haua under the leadership of Te Waharoa, and together with Ngati Raukawa and Ngati Maru relatives they amassed a massive war party and undertook the ultimate in tino rangatiratanga, a war of annihilation against Ngaiterangi at their pa in Te Papa.

Ngati Hinerangi and Ngati Tokotoko mana whenua rights were originally established by Koperu in his conquest of Ngamarama in the early 1500s. His son Tokotoko completed the annihilation of Ngamarama from the western side of the Kaimai Ranges and drove them into the inland Kaimai Ranges and occupied their territories from Matamata and the western side of the Kaimai Ranges to the coastal settlements in the east stretching from Huharua at Te Puna, to Omokoroa, to Pahoia, Wainui, Te Ngarue and to Rereatukahia.

Ngati Hinerangi are not descended from Ngamarama as many historians, Maori and Pakeha alike, have erroneously written about in their many reports. Ngati Hinerangi are of Tainui descent of Nga Uri o Whatihua, descendants of Whatihua. The mana whenua of Ngati Hinerangi and Ngati Tokotoko descended from Koperu and his mokopuna more notably his grandsons, Tokotoko, Tangata and Te Riha.

Therefore the Pirirakau statement that “manawhenua over the land remained with Pirirakau” is not substantiated in the view of Ngati Hinerangi traditions. Furthermore at two critical times in the history of Pirirakau, Ngati Hinerangi has provided Pirirakau with the tautoko and support to withstand the invasion of their tribal territories and have assisted them in re-establishing and maintaining themselves on their lands. The first occasion was that of the re-establishment of the Pirirakau chief Takurua on his ancestral lands by the assistance of the Ngati Hinerangi chief, Wharaurangi and his war party. Wharaurangi, was Tokotoko’s grandson and he was married to Hineri, the elder sister of Takurua. With the assistance of

Wharaurangi's war party, Raropua, the ancestral pa of Takurua and his Ngati Ranginui people was recaptured from Ngaiterangi. The second occasion was the shelter and haven provided to the Pirirakau people at Okauia by Ngati Hinerangi in the face of the military attack by the British Army on their coastal and bush settlements in the mid 1860s. There was also the fact that the presence of Ngati Hinerangi in Tauranga Moana provided a buffer zone between Ngaiterangi and Ngati Ranginui and provided an important political alliance for Ngati Ranginui who were able to draw on the support of their allies from the powerful Tainui tribes who were represented in Tauranga Moana by Ngati Hinerangi and Ngati Tokotoko. Because of this Ngaiterangi were never able to complete their complete dominance over Tauranga Moana particularly in the area west of the Wairoa River through to just south of Katikati. It is for this reason that there are no Ngaiterangi or Ngati Ranginui marae in the area of Te Rohe a Koperu. This was the traditional territory of Ngati Hinerangi and its hapu Ngati Tokotoko.

The tribal territory of Ngati Hinerangi was acknowledged by Pirirakau. In a joint letter to Donald McLean on 11 January 1871, Ngati Hinerangi and Pirirakau described their mutual tribal boundaries. Two sketch maps of the two tribal boundaries were drawn in the margin of the letter and the boundaries were written as follows:

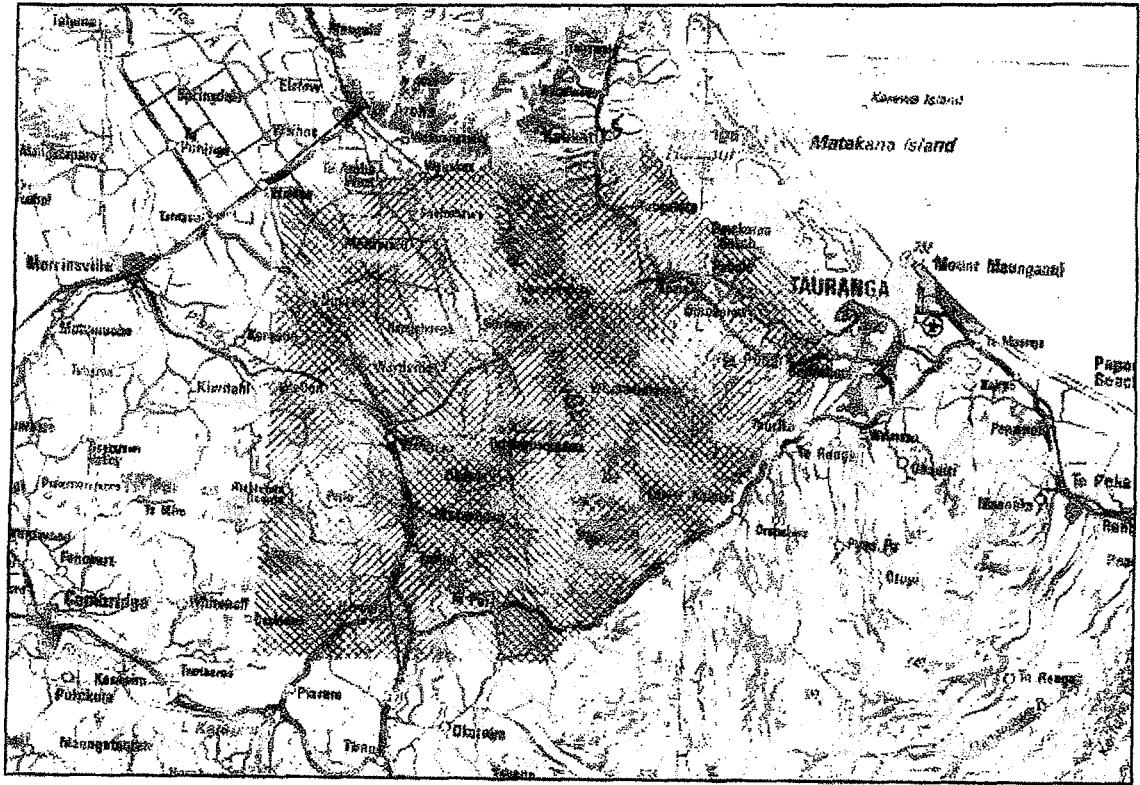
“The Pirirakau rohe boundary was from Te Puna River to Mangakaiwhiria then north to Te Mataiti then east to Waipapa then turning inland to Mokonui at Mangawhai then back to Te Puna River. The Ngati Hinerangi rohe boundary was – “the land commences at the sea coast of Tauranga Harbour at Pohatutea near Te Apata thence to Taukahakaha thence to Te Takapau then turning eastward to the sea coast at Wairakei near Aongatete.”

Also in 1867 Tauranga Commissioners Clarke and Mackay were assessing the return of land to Maori in Tauranga Moana. Mackay travelled inland to the Pirirakau settlement at Waiwhatawhata on November 6 and was told by Rawiri Tata, the Pirirakau leader, “Mr Mackay, I have heard your word. From the Wairoa to Waipapa belongs to me. I will not give it up.”<sup>24</sup>

In this Rawiri Tata reinforced the Pirirakau rohe boundary as extending only to Waipapa. This concurred with the joint letter and the drafting of the rohe boundaries between Ngati Hinerangi and Pirirakau as described above.

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<sup>24</sup> AJHR 1867 A20:28



**Fig 4a Te Rohe a Koperu - Ngati Hinerangi Tribal Boundary**

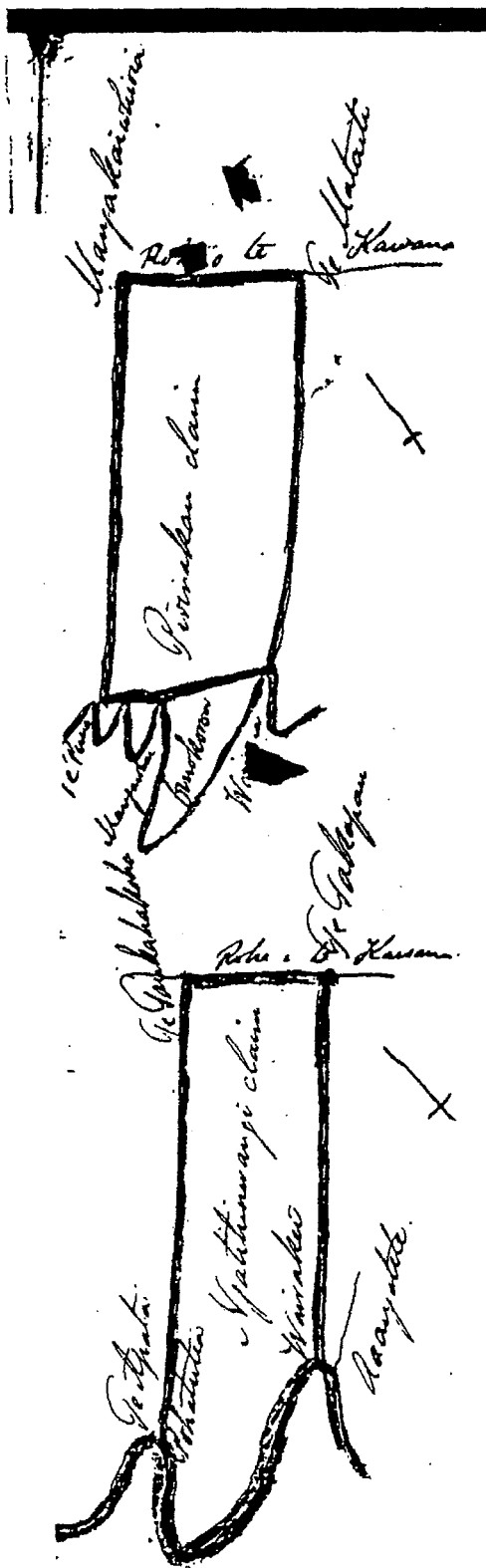


Fig. 4 Ngati Hinerangi & Pirirakau Rohe Boundaries  
Drawn up in a Joint Letter to the Crown 1871

Fig. 5. Huharua and other Settlements in Tauranga Moana 1860s

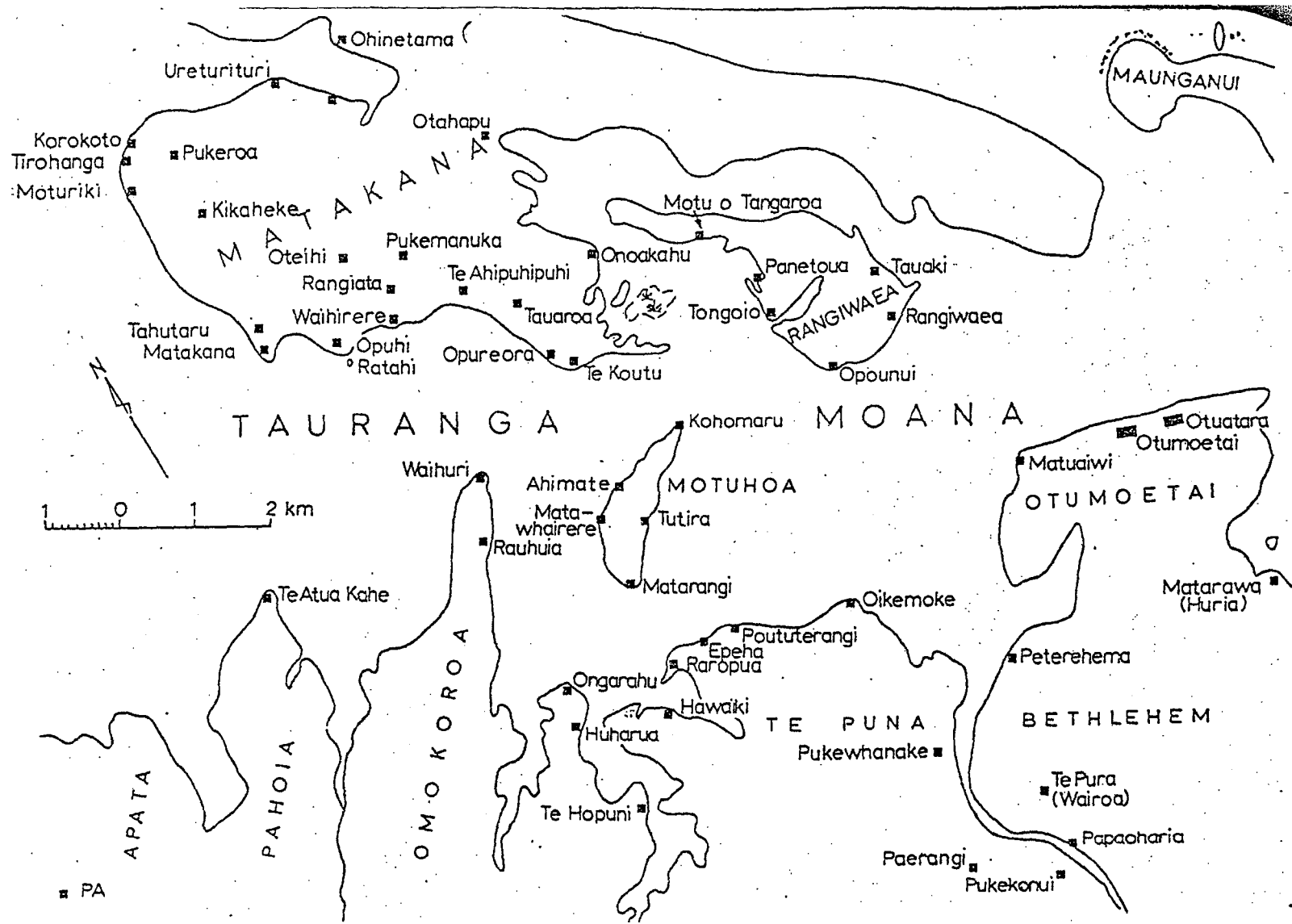
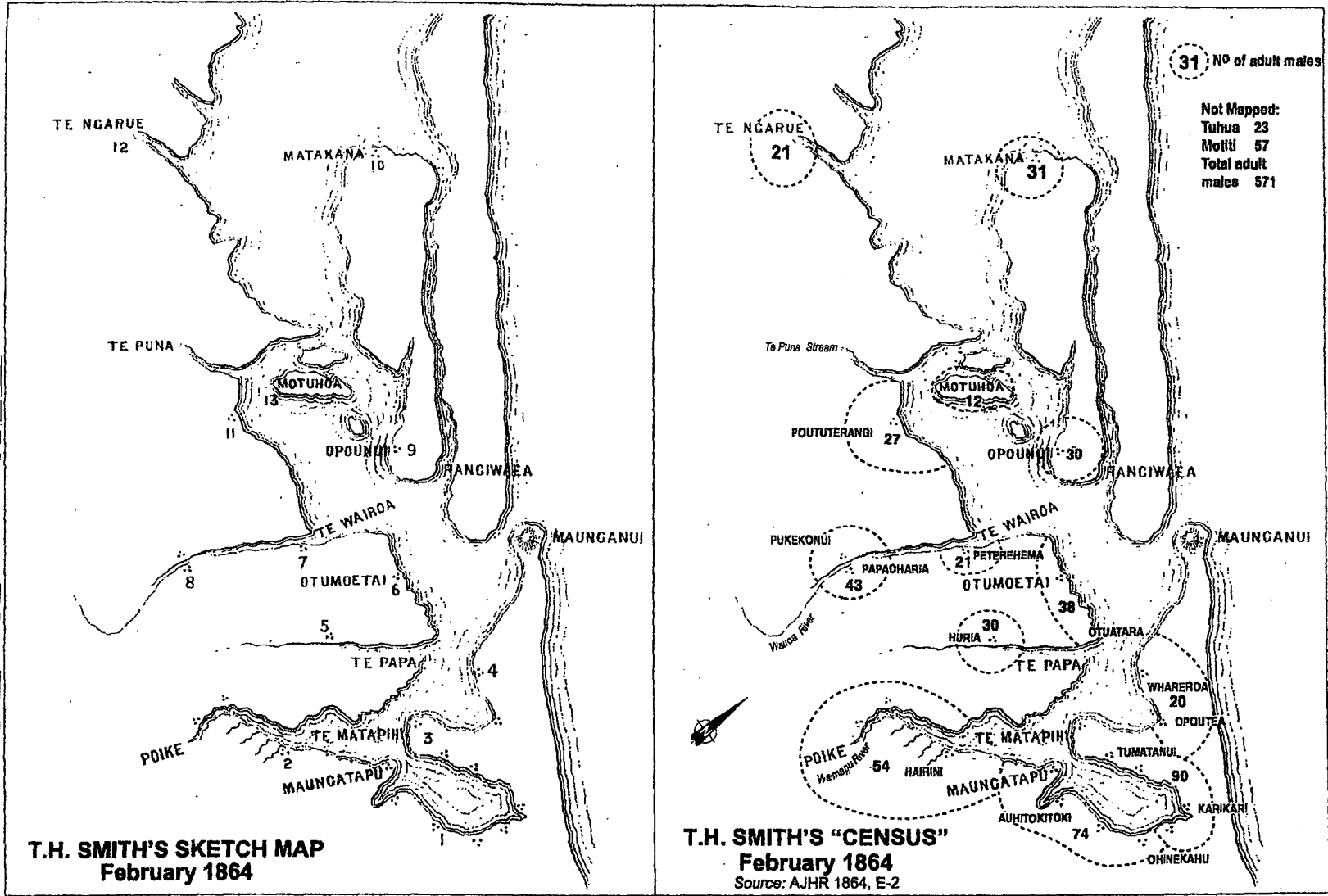


Fig 6. Census of Settlements in Tauranga Moana 1864





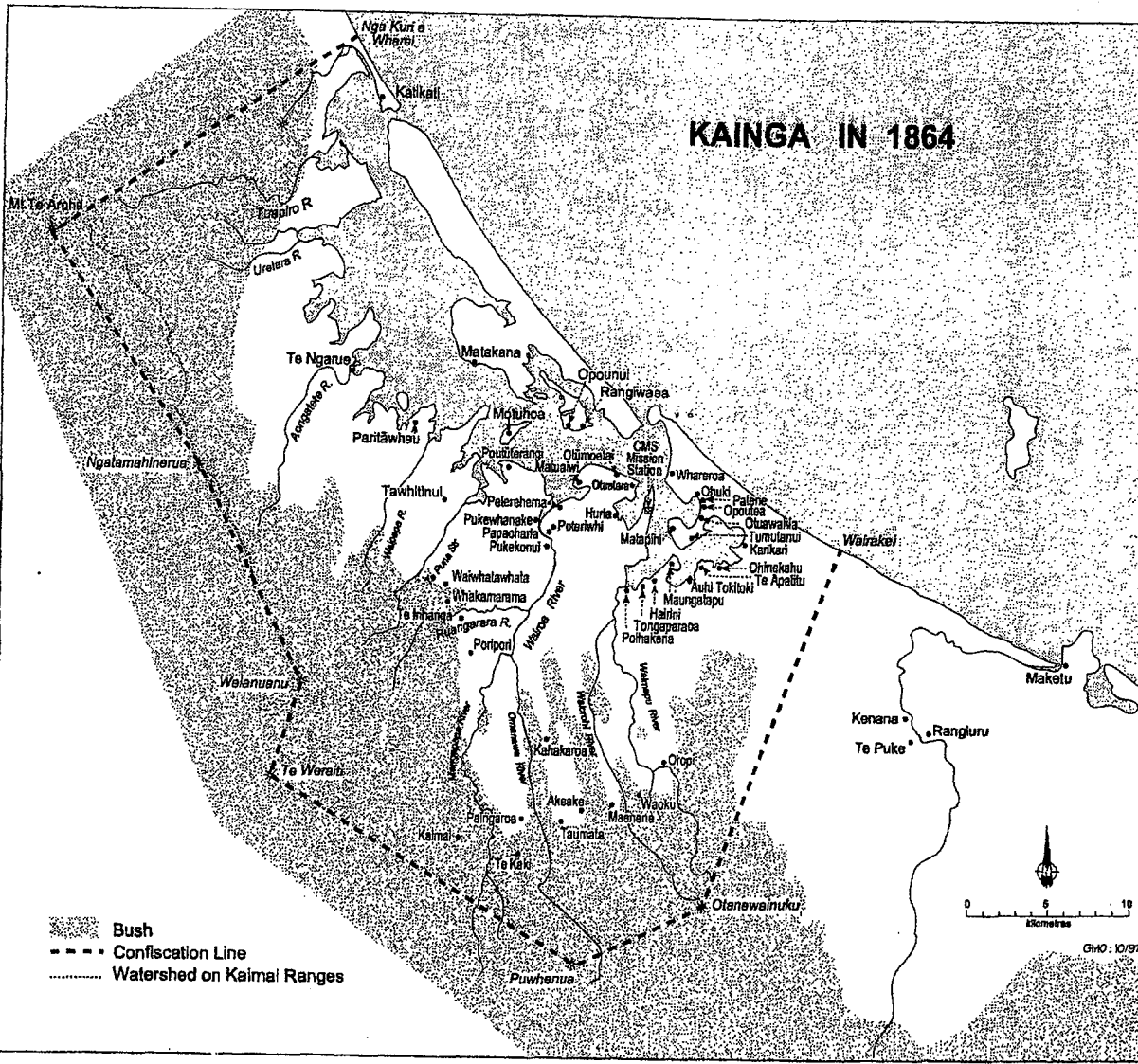


Fig 7. Kainga in Tauranga Moana 1864

SETTLEMENT	TRIBE	Joined Insurgents at Waikato	Total Adult Males
<u>East Side of Tauranga</u>			
<u>Harbour</u>			
Maungatapu	Ngatihe, Ngatiwhainoa )		
Ohinekahu	Te Whanauwhero )	5	74
Auhi Tokitoki	Ngatirakei Ngatirurea )		
Te Apititu	Te Matekiwaho )		
Poiki or Hairini (Hoisted King Flag)	Ngai te Ahi	16	30
Poihakena, Ranana	Ngatiruahine	3	11
Okaeke, Tongaparoa	Ngatitama, Ngatirehu	0	13
Te Matapihi, Tumatani	Te Rangihouhiri, Ngaitukai- rangi )		
Karikari, Te Mania	Ngapotiki, Ngatitapu, Nga- tuarere )	10	78
Te Rauwahine			
Otuawahia	Ngatipau	0	12
Opoutea	Ngatirawharo	0	20
<u>West Side of Tauranga</u>			
<u>Harbour</u>			
Huria	Ngaitamarawaho	18	30
Otumoetai W.	Patutahora	2	13
Otuatara (Hoisted King Flag)	Te Matewaitai	19	25
Peterehema	Ngatihangarau	19	21
Papaoharia, Poteriwhi	Ngatitamahapai Ngatirangi )		
Pukekonui, Purakautahi	Ngatipango, Ngatimotai )	30	43
Opounui	Te Ngare	4	30
Matakana	Ngaitamawhariua	30	31
Poututerangi (Hoisted King Flag)	Te Pirirakau	23	27
Te Ngarue	Ngatitokotoko	20	21
Motuhua	Te Pohoera	4	12
<u>Islands</u>			
Tuhua (Mayor Is.)	Te Urungawera	19	23
Motiti, Orangatia	Te Whanau o Tauwhao te Papaunahi	12	22
Otungahoro, etc.	Te Patuwai	0	35

SUMMARY:			
East side of Tauranga Harbour	...	...	34 out of 238
West side of Tauranga Harbour	...	...	169 out of 253
Islands	...	...	30 out of 80
TOTAL	...	...	<u>233 out of 571</u>

Extracted from report by T.H. Smith, Civil Commissioner, Tauranga, 11th February 1864.

Note: Smith's original spelling of names in this list has been transcribed here.

Fig 8. Census of Ngati Tokotoko in Tauranga Moana 1864

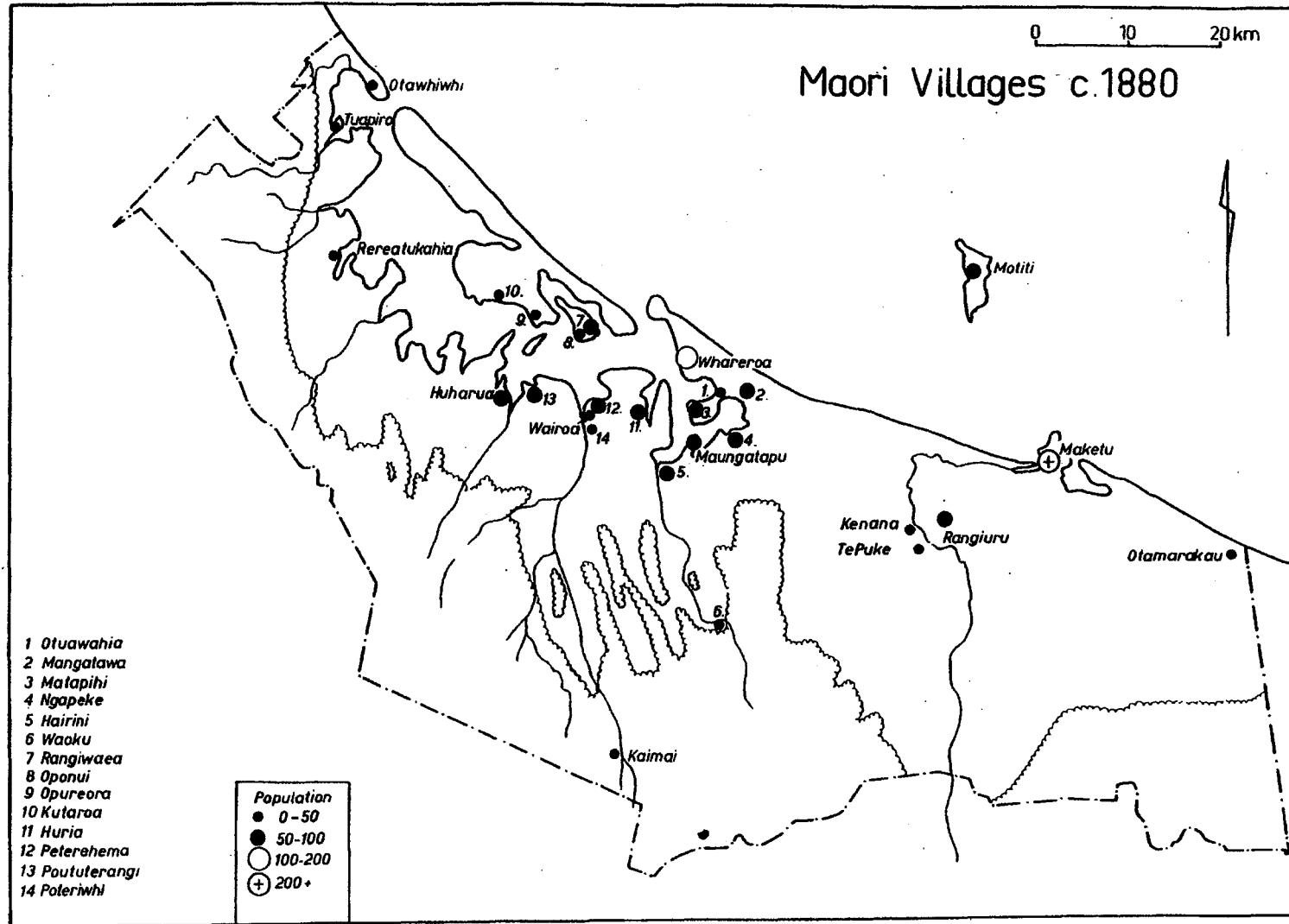


Fig 9. Villages in Tauranga Moana, 1880

Figure 10.

## **1.4 Ngati Hinerangi Traditional Land Ownership**

### **1.4.1 Ngati Hinerangi Traditional Communication System**

The access to the sea, with its plentiful resources of food, and the development of trade and interaction with other surrounding tribes, was also vitally important for the survival and development of Maori.

This was the case for the Ngati Hinerangi iwi who were the mana whenua and tangata whenua of the land in which the Kaimai Tunnel and Deviation was put through. For more than 500 years, Ngati Hinerangi had developed an intricate network of communication using tracks and mountain trails, bridges over streams and rivers, bridges over swamps, and river waka and coastal waka – to link the interior of the Waikato with the coastal region of Tauranga Moana. Wairere, Maurihoro and Aongatete - the area in the Kaimai Ranges where the Kaimai Tunnel and Deviation were put through, was already an integral part of the Ngati Hinerangi communication system.

This system incorporated the use of tracks and mountain trails, swamps and bridges, and transport using waka for both coastal and river travel, to transport products, cargo and human traffic from one point to another. The rivers and streams were an integral part of this intricate communication system. Traditional knowledge about the natural resources and the terrain of the Kaimai Maunga with its forests, and bird life, swamps, streams, rivers and mountain tracks and trails were accumulated and handed down by successive generations of Ngati Hinerangi. They were experts in bush craft and used military force to fiercely defend and maintain their traditional tracks and trails from attack or encroachment from other neighbouring tribes. Their survival depended on keeping their tracks and trails open and free from threats from outsiders. These tracks and trails were the life blood of Ngati Hinerangi. They ensured that Ngati Hinerangi could move quickly about their tribal rohe – Te Rohe a Koperu - their tribal homelands, to either defend their mana whenua status from encroachment, or to access the forest resources for mahinga kai or to access other strategic resources in the coastal and harbour region of Tauranga Moana.

The iwi and hapu of Ngati Hinerangi have maintained their tribal rohe from the encroachment of neighbouring tribes and hapu for more than 500 hundred years. A key part of ensuring the survival of the Ngati Hinerangi traditional tribal rohe known as Te Rohe a Koperu, is the rugged and mountainous Kaimai Ranges. To Ngati Hinerangi it was a source of food, shelter, transport, medicine, trade and refuge in times of conflict. Ngati Hinerangi history records major historical events where tupuna sought the protection of the maunga and as a result they survived being attacked and were later able to re-establish themselves and their traditional tribal lands.

Ngati Hinerangi history also records the development of tribal trails or tracks which were the traditional highways for the flow of trade in goods and produce into the interior and for the flow of goods and people to the coastal regions of Tauranga Moana. The tracks and trails were well known by people from all over the country choosing to travel from the interior of the Waikato region and vice versa. These trails were well known and utilised for communication, trade and transportation. In times of war, these trails took on an important military role in providing invading armies access to the interior from the coast.

Ngati Hinerangi therefore have known for centuries the strategic importance and value of their location as an iwi and hapu and have equally known and developed for centuries the utilisation of the traditional trails – such as Te Tuhi Track, Te Ohutu Track, the Wairere Track, the Te Ara Pohatu Track, the Thompson’s Track and the Tuahu Track. The Kaimai was interlaced with a series of trails and tracks that were the traditional highways for trade and the flow of human traffic to and from the interior and the exchange of goods and trade such as fish and shellfish for the stone tool implements such as obsidian. The traditional Maori tracks and trails in many cases were taken over by the Pakeha when they arrived in the Tauranga Moana and Waikato region. The knowledge of traversing and laying down the first roads over the physical landscape of the Tauranga Moana and Waikato regions, was first carried out by Ngati Hinerangi and their hapu as kaitiaki or guardians of the maunga, awa and ngahere of the Kaimai Ranges.

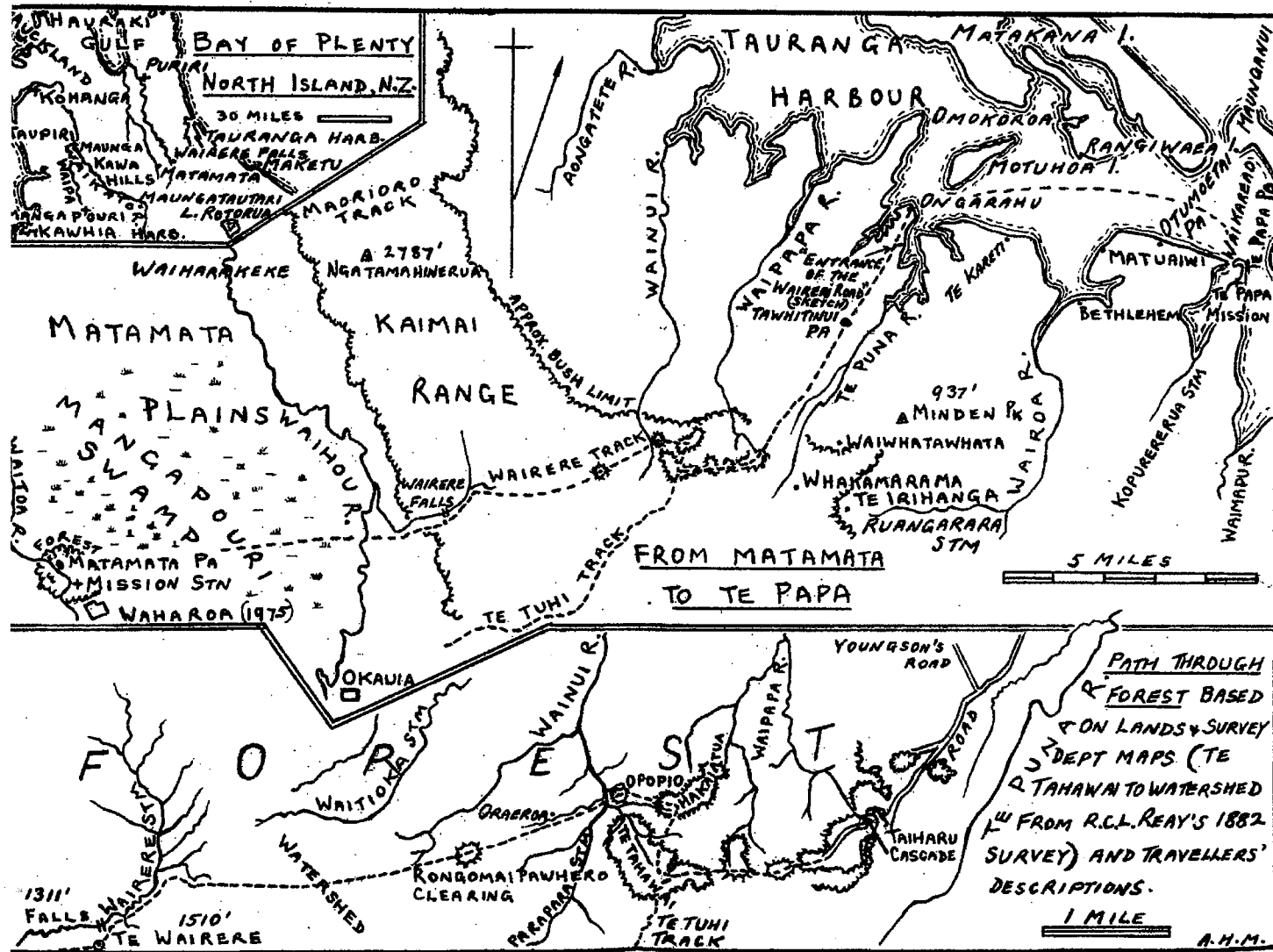


Fig 10. Ngati Hinerangi Tracks Through the Kaimai Ranges

There is ample evidence that missionaries, who in the early 1830s were some of the first Pakeha to explore the interior of the Waihou and Matamata region, were guided over the Kaimai Ranges by Maori guides using the traditional communication system of tracks and trails of Ngati Hinerangi. These same tracks and trails became the basis for the transport systems – the roads that the Pakeha eventually developed for the region’s transport and communication needs.

In 1856 a description of Matamata was written by JC Firth on his visit to the region. It was early summer when he sailed with three companions down the Hauraki Gulf in a little cutter called Thames.

“At various points, ruined Maori villages and rows of dilapidated fishing stakes spoke, indeed of busier scenes in days gone by, but only added to the feeling of utter solitude now.. The feathered tribes, however, were abundant in the luxuriant vegetation on the banks. Large numbers of wild ducks were floating lazily about and a curious variety of sounds, discordant and musical, from the denizens of the swamps on the one hand, or the inhabitants of the wooded ranges on the other, imparted some animation to the scene.”

“Leaving the cutter...the party started in a canoe manned by three Maoris who chanted as they paddled along. The silence was also broken by the singing of birds. The innumerable river reaches were fringed with flax, cabbage palms and toitoi. They thought the land good and the Maori inhabitants few and lazy.

“Four hours further paddling brought us to the foot of Mount Te Aroha whose dome-shaped peak of 2,300 feet high had been a landmark almost from our entering the river. After a walk of 12 miles they reached Waiharakeke where they again struck the river.

“From this point we observed on the summit of the Great Central Range, a pillar of volcanic conglomerate...about 100 feet high which we named the Moa’s Head. This was Tokatakanui or Great Flax Beater, in ancient times crowned by a Maori pa.

About 5 miles from Waiharakeke we saw the Wairere. In winter the water is abundant and the torrent rushes down with a thundering roar which can be heard a distance of some miles..an hour further on we entered better land, though of the same sandy nature as before. A large extent of country is covered by English grasses. Carried by cattle from an acre or two sown many years ago at a mission station at Matamata.

Before arriving at Nichol’s station we found the benefit of a Maori bridge or causeway across a deep swamp. This causeway is about 700 feet long. At each end the Maoris have erected a small hut in which they have placed what they call guardians of the bridge – the said guardians being two comical wooden figures about three feet in height and highly tattooed.<sup>25</sup>

There used to be an ancient 9-mile track through the swamp by which Maori waded often chest high to Waiharakeke noted for its cultivations and eeling grounds. Smothered by bush is the steep pathway by which Ngati Hinerangi had access over the ranges to the sea at Tauranga. Forests fringed the Waihou encircling every bend with trees.<sup>26</sup>

During the intertribal wars when the Tauranga Moana, Waikato and Hauraki and Ngati Maru tribes were under attack by the musket wielding Ngapuhi taua of Hongi Hika and Pomare, the tracks and trails across the Kaimai Ranges became important strategically and militarily. In times of war, the tracks and trails over the Kaimai Ranges brought death and destruction, and in times of peace, they brought trade and prosperity and freedom of movement between the different tribes. In Tauranga Moana, the intertribal rivalries were mostly kept in check from boiling over into open warfare by an astute system of alliances based on close kinship ties through intermarriage and a shared whakapapa or descent from common ancestors.

During the intertribal wars of the 1820s, the demand for muskets led to the Ngati Hinerangi people lending their swamp lands laden with flax to be harvested for the flax trade. Tons and tons of flax were cut in the Waiharakeke lands of Ngati Hinerangi and transported to Tauranga over the Tamihana Track or the Wairere Track to the flax traders at Tauranga. These same tracks were used to bring the first missionaries and traders into the tribal lands of Ngati Hinerangi and other neighbouring tribes in the Matamata region.

#### **1.4.2 Ngati Hinerangi Strategic Resources**

Ngati Hinerangi history records that there was frequent travel of their tupuna from one region of their rohe to another. The reasons for this were strategic, economic and political. The economic reasons were based on the need to both protect and exploit mahinga kai, food resources within the tribal rohe. Uppermost in this consideration were the seasonal gathering of food resources, known as mahinga kai. For Ngati Hinerangi this would range from gathering seafood in the summer months on the coastal villages at Huharua and Omokoroa in Te Puna to Te Apata through to Rereatukahia and to the harvesting of birds in the forest and water fowl from the swamps in the spring. This also demonstrated that Ngati Hinerangi tupuna were capable as conservationists, in preserving their food resources to

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<sup>25</sup> The Centennial History of the Matamata Plains – Whitcombe & Tombs 1951 CW Vennell et al pp49-51

<sup>26</sup> Ibid pp49



ensure there were adequate supplies for the future. Also in the Kaimai Ranges there was timber for houses and transport, and other necessities; and in the Matamata region, Ngati Hinerangi also had access to abundant supplies of the very important flax which grew in the Waiharakeke land blocks.

In strategic terms, the customary practice of mahinga kai, and gathering and using strategic resources, though it appeared to be transient, and therefore a disadvantage for Ngati Hinerangi, in fact it was a key factor which ensured the survival of the Ngati Hinerangi polity and ahi ka as a tribe and their hapu. Mahinga kai, meant that Ngati Hinerangi people were able to keep their home fires burning in the far reaches of their tribal rohe and it told neighbouring tribes to keep away and it prevented other hapu and iwi from overstepping the rohe boundaries between the various iwi and hapu.

In political terms, Ngati Hinerangi were able to maintain their tribal boundaries from encroachment for more than 500 years until the arrival of the Pakeha, through a variety of traditional practices and kinship intermarriages and interrelationships with neighbouring tribes. The uppermost requirement of acquiring and maintaining one's ahi ka, tino rangatiratanga, and ownership of tribal territory was by military force. Ngati Hinerangi acquired their tribal territory first and foremost by the conquest of the Nga Marama and driving them off their territory and occupying their lands from Matamata to Te Wairoa in Tauranga Moana. Ngati Hinerangi undisputedly had military power and were able to maintain their tribal rohe and territory by the use of military force. The ownership and ahi ka of the Ngati Hinerangi tribal territory was then solidified by their occupation of the lands and by the and the establishment of hapu of Ngati Hinerangi who lived in the area and maintained their sole usage rights of the lands and the resources of that region. The establishment of Ngati Hinerangi hapu throughout its tribal territory ensured the protection of its lands and resources and the maintenance of the balance of power between the neighbouring Ngati Ranginui and Ngaiterangi tribes and hapu. This provided security and peace of mind for Ngati Hinerangi hapu and the protection of their lands, food and other strategic resources.

### **1.4.3 The Kaimai Ranges - The Physical Landscape**

The Kaimai Ranges is a series of maunga running from the Coromandel Greenbelt to Mt Te Aroha in the north to the Mamaku Ranges to the south. The Kaimai are an historically important feature of the Ngati Hinerangi tribe and their hapu. The Kaimai Ranges are considered by Ngati Hinerangi to be sacred – a wahi tapu, that must be protected. Each of the maunga along the Kaimai Ranges are individually named. From the northern most boundary is Ngatamahinerua, Maurihoro, Te Hunga, Wairere, Te Weraiti, Whenuakura, and finally reaching Te Ara Pohatu in the South of the Te Rohe a Koperu tribal boundary.

As a physical feature, the Pakeha have viewed the Kaimai Ranges as a physical barrier, an impediment to progress and economic development and since their arrival they have sought to find a way over, around or through the mountainous Kaimai Ranges. However, for the Ngati Hinerangi, and their hapu, the Kaimai Ranges are not an impediment. The mountainous forests of the Kaimai Ranges, with its unique and rich flora and fauna, is the provider and sustainer of all things for Ngati Hinerangi. It is the provider of food in the form of bird life such as the tui, kakariki, kereru and many more different species of flora and fauna that were known to Ngati Hinerangi as their traditional food sources. These included among others pikopiko, mushrooms, kiore, huhu grubs, fresh water koura, tuna, and many more. It was the provider of shelter in the form of trees such as rimu and kahikatea, totara and also kauri to be used as material for buildings and other forms of construction. It is the provider of clothing in the form of kiekie and harakeke from the sheltering swamps. It is the provider of art and other visual art forms such as wood for carvings for wharenuui and pataka and also for providing dyes and colourings for carvings, and clothing. It is the provider of transport with the provision of totara and other trees for the building of waka. It is the provider of the means of war by the provision of hard woods such as kanuka and manuka for the making of weapons. It is also the means of sustaining life by the provision of firewood for heat and for cooking food. It is the provider of traditional and customary beliefs and practices by tribal elders who were entrusted with the transmission of esoteric knowledge for the maintenance of traditional Ngati Hinerangi society from one generation to another. It is the provider of rongoa Maori or medicines and herbal remedies for ailments and to protect life. It is the provider of sanctuary and security from enemies from outside and has been responsible for the survival of Ngati Hinerangi and

its hapu for nearly five hundred years. Ngati Hinerangi are the mana whenua and kaitiaki for the Kaimai Ranges from just south of Mt Te Aroha in the north to Whenuakura and Te Arapohatu in the south.



**Fig 11. Maurihero B Block – Te Hunga Ridge**

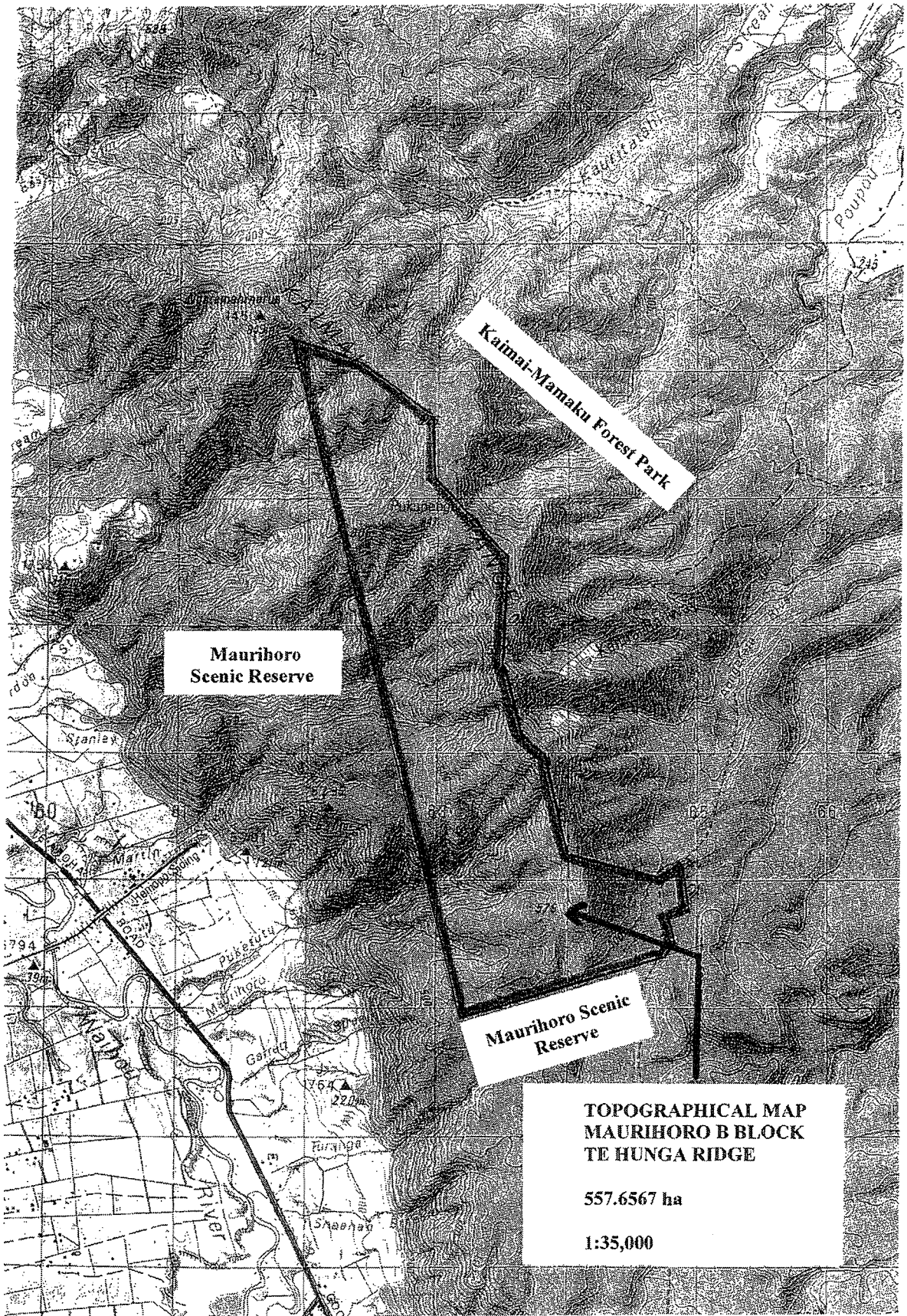


**Fig 12. Maurihero B Block – Te Hunga Ridge Southwest View  
over the Land where the Kaimai Railway Tunnel Passes Underneath**

#### **1.4.4 The Kaimai – Nga Maunga Tapu**

The Kaimai maunga is sacred to the iwi of Ngati Hinerangi and its hapu of Ngati Tokotoko, Ngati Tangata, Ngati Kura, Ngati Whakamaungarangi, and Ngati Te Riha. The Kaimai Ranges is revered by Ngati Hinerangi as a total and complete entity. It is closely interconnected with the identity of Ngati Hinerangi and is connected with the natural environment from which it emanates. The maunga, the forests, the rivers, and the people are all interconnected and interdependent on each other. Ngati Hinerangi are taught that to protect themselves they must also protect the land, their maunga, their forests and their rivers. The concept of kaitiakitanga is in-grained within Ngati Hinerangi as they live and have lived at the foot of their maunga, enveloped by their forests and immersed in the waters of their rivers since ancient times. This bond is sacred and is like the bond of a child to his mother by the umbilical cord. The child is dependent on the mother. The mother, in this case is Papatuanuku and is the provider and giver of life. To destroy the maunga, to destroy the forests, to destroy the waterways is to ultimately destroy yourselves. Ngati Hinerangi are committed to ensuring that they as a people survive with their resources and identity. The maunga, waters, wild life and the flora and fauna are regarded as taonga, treasures that have been handed down to them by their tupuna and every generation has a responsibility to retain and maintain these resources in tact for future generations for another 500 years yet to come.

The Kaimai Ranges are a series of mountains joined together as one. They are a whole and cannot be separated. The main maunga that Ngati Hinerangi recite in their waiata and whaikorero as their maunga tapu is Te Weraiti. But all the maunga are interconnected and are revered as being part of the same entity that has sustained and protected generations of Ngati Hinerangi over the centuries. The name of the maunga at the northern point of the Ngati Hinerangi boundary is known as Ngatamahinerua. This personifies the story of two women, some say a mother and a daughter who were travelling from somewhere from the Waikato on their way to Tauranga and the Bay of Plenty. The two women were told by a tohunga before setting out on their journey, that they were to cross over the Kaimai Ranges to be in the Tauranga region before sunrise, or else they would be turned to stone. They failed to cross the Kaimai Ranges in time and they were caught by the rays of the rising sun and turned to stone.



**Fig 13. The Maurihero Block and Nga Maunga Tapu of Ngati Hinerangi  
With the View of the Middle Line of the Kaimai Tunnel**

### **1.4.5 Ngati Hinerangi Settlements and Wahi Tapu on the Maurihero Land Block**

Following south, the next ridge from Ngatamahinerua is known as Te Hunga or Maurihero. This is an important part of Ngati Hinerangi lands, and it is where the tunnel runs through the maunga to Tauranga Moana in the east and Waikato in the west.

Ngati Hinerangi leaders gave evidence to the Native Land Court about the sacredness and wahi tapu and the settlements of occupation of the Maurihero Block by Ngati Hinerangi which was recorded in the Maurihero Land Block Judgement of 21 April 1884. The existence of wahi tapu sites are verified by the New Zealand Historic Places Trust Inventory Map of Wahi Tapu sites recorded as part of the Tauranga Moana district.

On 7 April 1884, the Native Land Court sitting took place at Paeroa into the Maurihero Land Block. The leading men of Ngati Hinerangi, Ngati Tokotoko and Ngati Tangata were present at the court sitting. These were Morehu Kawau Himiona, Pohoi Te Tahatika, Timi Te Rua, Te Kahukoti Te Waitangi, Karanama Te Waitangi. The iwi and hapu represented at the court sitting were Ngati Hinerangi, Ngati Tokotoko, Ngai Tamaiwhareua, Ngati Hinemarama, Ngati Haua, Ngai Te Rangi, and Ngati Tama.

The Native Land Court Judgement confirming Ngati Hinerangi's Mana Whenua status was held on 21 April 1884 for the Maurihero Land Block comprising 1384 acres. Evidence was given by Ngati Hinerangi kaumatua at the time of the Maori Land Court Hearing into the Title of the Maurihero Land Block. The Court Judgement was awarded to Ngati Hinerangi through their tupuna Tokotoko and Tangata. The Court Judgement also stated that other claimants from Ngaitamawhareua of Ngaiterangi had failed to establish their claim and were dismissed.

According to Pohoi Te Tahatika,

“Tokotoko and Tangata had equal rights – they jointly conquered these lands. ..this range at a certain part is called Hunga. Ngatamahinerua is the northern extremity and Hunga the middle portion and Wairere in the south. ...All Ngati Hinerangi are well acquainted with Hunga on this block.”

Fig 14 NZ Historic Places Trust Inventory of Pa sites and Wahi Tapu in Maurihero Block and Kaimai Ranges

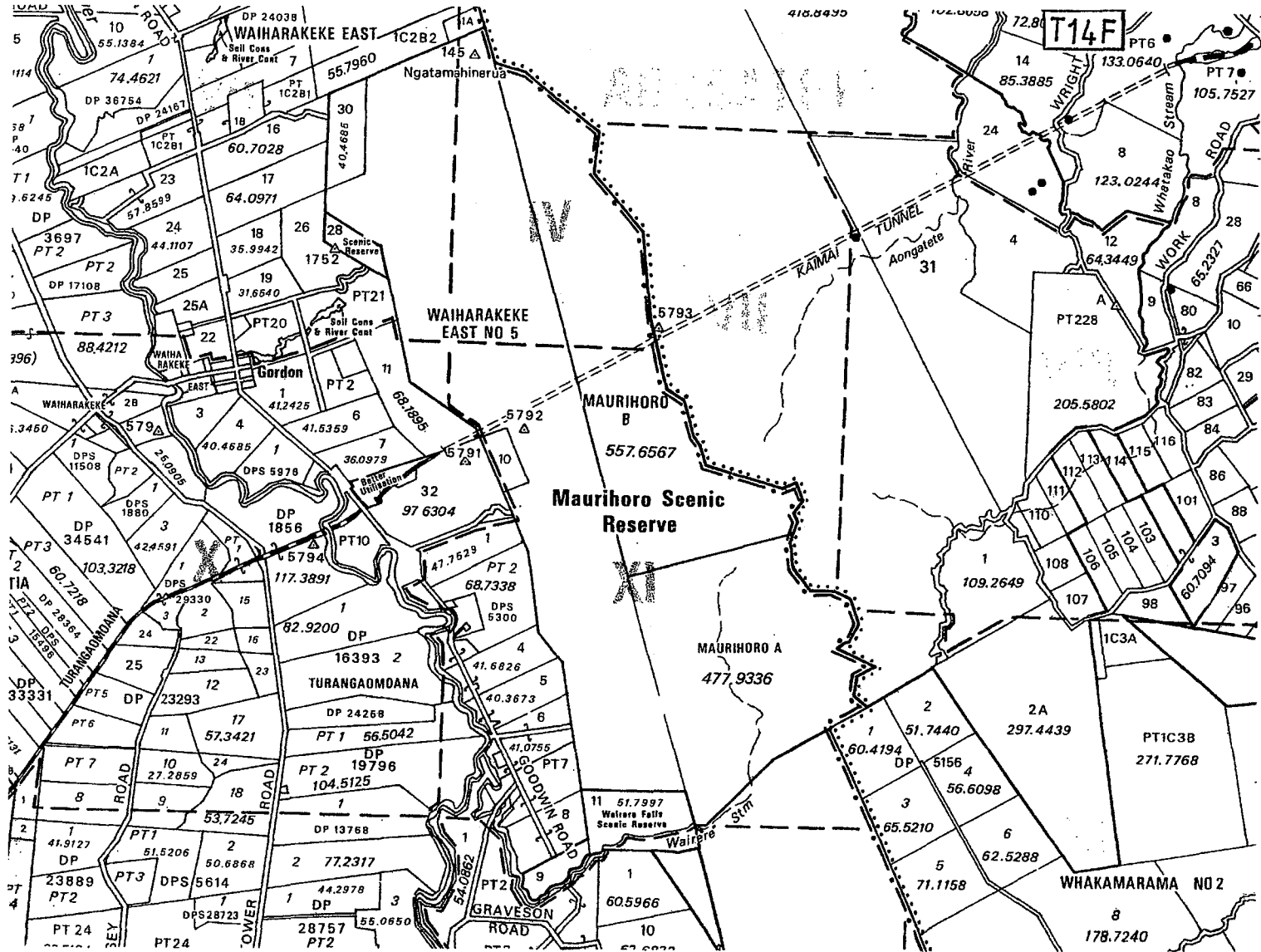
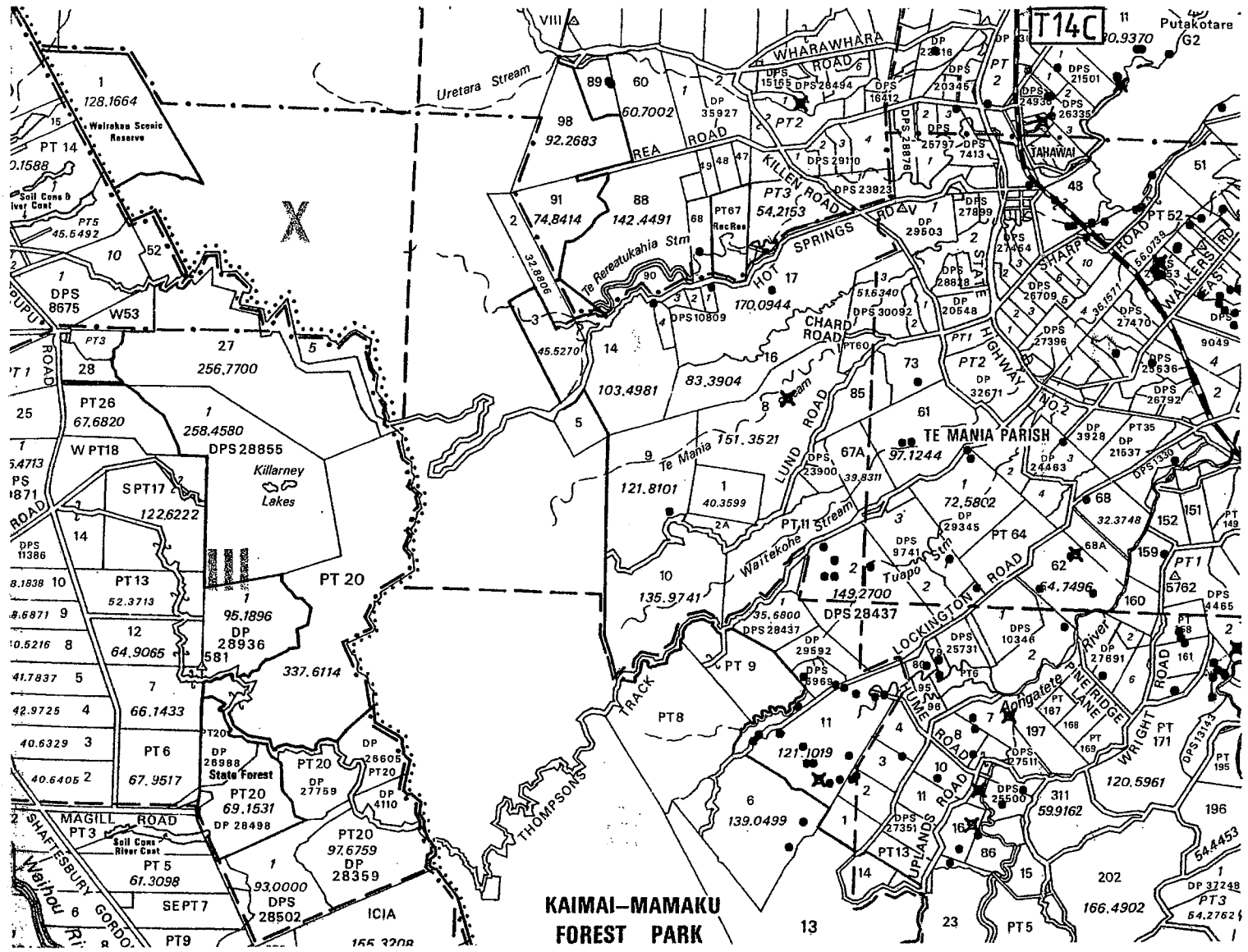




Fig 15. NZ Historic Places Trust Inventory of Pa Sites and Wahi Tapu  
 For the Aongatete Block and the Thompson's Track Area





According to Ngati Hinerangi history one of the first kainga settlements of Ngati Hinerangi was called Te Ahiroa, which was situated 2 miles from Maurihero on the eastern side of the Maurihero block in the adjoining Aongatete Block towards Tauranga. The boundaries of Maurihero were that the eastern boundary commenced at Te Mimi o Tuhanga to Weranga

“Ko Te Ahiroa te kainga tuatahi I nohoia ai e Ngati Hinerangi, e nga uri o Koperu tenei whenua. I muri mai ka mahia ko Te Umuokorongaehe koinei he kainga I te wa I tu ai te pakanga I Gate Pa I Tauranga.”<sup>27</sup>

“I am well acquainted with Te Ahiroa. Te Ahiroa is not in the block [Maurihero] it is on the Tauranga side of the Hill. Te Ahiroa is covered with bush in fact all land is on the eastern boundary [towards Tauranga] outside boundary of Maurihero. I have heard there is a road crossing the Hunga at Mawaetehuru... Nobody travels that road now – it is all overgrown... Myself and our hapu was aware of the existence of the block. I never heard of your ancestors [Ngai Te Rangi] having made any conquest near Te Ahiroa. Tarapakau was not killed at Te Ahiroa but at Wainui near the coast and Te Rereatukahia. There are some people buried at Te Ahiroa..”

Other Ngati Hinerangi settlements on the eastern side of the Maurihero Block are:

“Parewheronui is on the outside of this block as well as Pitoitoi a settlement belonging to Ngati Tokotoko and Ngati Hinerangi.”<sup>28</sup> Horohanga is another block to the east of the Whakamarama Block belonging to Ngati Hinerangi.

Pohoi Te Tahatika continued,

“This land does not belong to Tamapeke. ..Ngaiterangi conquered no portion of this block. Their conquest began at Maunganui and ended at Katikati. I never heard of a pa called Rangimarama on the Tauranga side of the range being taken by Ngaiterangi from Ngati Ranginui. All the land from Tauranga was formerly owned by Ngamarama. Tokotoko and Tangata conquered the land now before the Court. Ngati Ranginui conquered the land on the Tauranga side from Ngamarama. Ngati Ranginui overcame the remainder of [the] Ngamarama tribe. Tokotoko’s boundary was well known and admitted by Ngati Ranginui. Te Rangihouhiri overcame Ngati Ranginui. This range of hills is in the Tauranga District but Ngaiterangi have no claim to them. They were owned by the ancestors I have named. [i.e Tokotoko and Tangata].

“The range of hills as shown on the plan is between Tauranga and Waihou but is near Waihou. This land and the land adjoining were conquered by Tokotoko and Tangata from Ngamarama and Ranginui. Ngaiterangi conquered Ranginui from Tauranga side. Tokotoko and Tangata conquered the pa at Pukemanuka. Rangihouhiri was the principal conqueror of Tauranga but his conquests did not extend to this range. ..Paretoenga and Ngatupara were of

<sup>27</sup> Ngati Hinerangi Historical documents, “Nga Mana me nga Tohu o Tenei Whenua.”

<sup>28</sup> Hauraki MB 15 – Judgement 12 June 1884 p215

Ngati Hinerangi. Te Tahatika, the father of Pohoi, Maihi Hoki and others. Te Ahiroa is outside [the boundary of Tokotoko and Tangata]. I have lived there, it is partly fern and forest. The settlement is on the edge of the bush. The peaches you have mentioned are there, the forest on Te Ahiroa is not a continuation of these ranges. Ngai Tamawharenui would not be allowed by my tribe to catch eels in these streams. Had I known or seen you I would have turned you off. I have never heard of you catching pigs on this block or in its vicinity. Tarapahau was not killed by your tribe on this block- he died at Wainui, Te Aru was killed at Katikati.”<sup>29</sup>

‘What I have said about Tokotoko and Tangata conquering this land is true – the whole of the land was held between them – this land at Okauia and lands further south, Maungatotara. All the lands conquered by Tokotoko and Tangata were held jointly by them. ...I never heard Ngati Hinerangi say that Tokotoko had no claim to this land. Tokotoko and Tangata had equal rights. Koperu’s conquest was the first conquest of Ngamarama after that Tokotoko and Tangata I never heard of Ngaiterangi having conquered Ngamarama. Ngaiterangi had no ancestral claim to this land. Ngati Hinerangi lived at Tauranga under this conquest.’

“After the confiscation line was laid down, when this line was laid down they stole a portion of our lands.”<sup>30</sup>

Further evidence by Ngati Hinerangi was given by Karanama Te Waitangi,

“I live at Okauia and come from Tauranga. Ngati Tokotoko of Ngati Hinerangi tribe. I know this land before the court. I know where Maurihoro proper is to the north east of Ngatamahinerua [trig] station.. This block before the Court was surveyed by Mr Shepherd. I went with him to make the survey. It was Te Pohoi who made application for the survey. ...The surveyor told me that the hapu named in the application was Ngati Tokotoko and the name of the tribe Ngati Hinerangi and no portion was cut off for Ngaitamaiwhareua.. Ngati Hinerangi has other land not included in this block which have been mentioned at other Courts at the Court in Shortland, Waiharakeke East and West. Ngati Hinerangi lands extended eastward of the range of hills marked on the plan Maurihoro and Pawheronui and Pitoitoi, Te Pauapara, Hamamatewaha, Kauritutu. All these names [are] from the boundaries of the Ngati Hinerangi lands on the Tauranga side.”<sup>31</sup>

“Okauia and Whakamarama to the south have been both awarded to Ngati Hinerangi and Waiharakeke to the west through the same ancestors as we now claim. Maungatotara has also been awarded to them. Mangawhero – a block to the south west of Okauia has also been awarded to Ngati Hinerangi. All the land surrounding the block [Maurihoro] have been awarded to Ngati Hinerangi. This block [Maurihoro] is situated in the centre of Ngati Hinerangi lands and has been mentioned at other Courts as situated, this land was conquered by our ancestors Tokotoko and Tangata. I do not go into the particulars as the evidence is already before the Court.”<sup>32</sup>

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<sup>29</sup> Ibid pp222-223

<sup>30</sup> Ibid p224

<sup>31</sup> Ibid p225

<sup>32</sup> Ibid p226

“At the time that Tokotoko and Tangata made their conquests Ngati Ranginui were living at Te Wairoa Tauranga. At the time I heard that Ngaiterangi were at Whaiapu. Our ancestors having conquered up to a certain point and living there was the cause of our ancestral boundaries. Tokotoko and Tangata did not proceed as far as Wairoa where Ngati Ranginui were living. When Ngaiterangi arrived at Tauranga they waged war with Ngati Ranginui, this was after the conquest by Ngati Hinerangi. We have also fought with Ngaiterangi and have claim to lands through conquests. “<sup>33</sup>

#### **1.4.6 Te Tapu o Te Wairere**

The next mountain point of the Kaimai Ranges which is sacred and tapu to Ngati Hinerangi is the area surrounding the Wairere Falls. The proximity of the Wairere Falls to the Maurihero Block is important as the two blocks are seen as being connected as one entity and therefore what happened at one area affected the other.

The tapu and sacredness of Ngati Hinerangi in relation to the Wairere Falls and the surrounding area has been established for over a thousand years. More than a thousand years ago according to Ngati Hinerangi tradition, in about 900 AD, the Ngati Hinerangi tribal territory of present day Matamata – Kaimai – Wairere – Kaokaoroa o Patetere – Turanga Moana area, was discovered by the great Eastern Polynesian navigator and explorer, Ngahue.<sup>34</sup> He was a rangatira who came from Hawaiki and Rarotonga, and according to tradition handed down, Ngahue killed a Moa at the foot of the Wairere Falls.

According to leading Ethnologist Roger Duff, this was the earliest known reference of a Maori reference to the long extinct giant Moa bird.<sup>35</sup> It is for this reason and other traditions and history that Wairere is a Wahi Tapu of high cultural significance for Ngati Hinerangi. It is also the burial place for Ngati Hinerangi chiefs.

According to tradition Ngahue was a contemporary of Kupe, another of the great Eastern Polynesian explorers, and Ngahue was pushed out of Rarotonga as a result of disputes over land. He is said to have journeyed across Te Moana nui a Kiwa on the back of a fish. He is said to have made landfall after Maui had fished up Te Ika a Maui in earlier times.

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<sup>33</sup> Ibid p229

<sup>34</sup> Land of the Three Rivers – CW Vennell 1976 pp13

<sup>35</sup> Ibid

From Rarotonga, Ngahue landed at the Eastern end of the Bay of Plenty and then journeyed on his fish back up to Tauranga Moana where, according to tradition, he became the first ancestor to establish the link and trail of contact between Ngati Hinerangi in the Kaimai-Matamata- Wairere- Okauia region with Tauranga Moana; and what became later a virtual highway for Maori journeying to and from Tauranga Moana for trade, kai moana, movements of war parties, and the means of communication with kinfolk in Tauranga Moana.

From Tauranga Moana, according to tradition, Ngahue then went inland through the forest on the western side of the Kaimai ranges and over into the eastern side of the Kaimai ranges. He arrived at the foot of the Wairere Falls, and set foot on what were to become the traditional tribal homelands of Ngati Hinerangi and the associated hapu. From the Wairere Falls, Ngahue then turned south to Lake Taupo, undoubtedly traversing, the Ngati Hinerangi whenua of Okauia, Wairere, Mangawhero, and other wahi tapu such as our mountains, forests, rivers, streams and thermal pools.

Ngahue went from Lake Taupo on to Kapiti Island. From here he crossed the Moana o Raukawa, the Cook Strait and landed on Te Waka a Maui, the South Island. Ngahue eventually reached the Arahura River on the West Coast of the South Island where he discovered pounamu – jade or greenstone – which was the most precious treasure for Maori. Ngahue took a piece of Pounamu with him when he left.

Ngahue then retraced his steps and returned to Te Ika a Maui in the North Island and arrived back at the Wairere Falls. It was at the foot of the Wairere Falls that Ngahue came across a Moa eating the young fern shoots which grew on the edge of the forest and the swamps of the Wairere. Ngahue killed the giant bird and ate it, finding the flesh of the Moa to be very agreeable. Ngahue put some of the Moa bird's flesh into a calabash and returned with it back to Rarotonga together with the prized pounamu as treasures and proof of his epic voyage and discoveries in the new land of Aotearoa.

According to tradition, on his return to Rarotonga, Ngahue told his people of a large and empty land where there were giant birds, and other wild birds as a forest foods and fish and eels in abundance. It is for this reason that Te Wairere is considered sacred to Ngati Hinerangi who are the guardians of nga tapuwae a o tatou tupuna, the sacred footsteps of

our Polynesian navigator and explorer ancestor, Ngahue, who first established the ancient trails of our ancestors more than a thousand years ago with his arrival from Hawaiki. The people of Tainui under the command of Hoturoa heard the news of a great land with abundant resources from Ngahue and decided with other iwi to travel across Te Moananui a Kiwa to take possession of the land told to them by Ngahue, their courageous ocean navigator and explorer. The Tainui waka made landfall at Whangaparaoa on the East Coast initially then sailed north to Tauranga and after a brief stop then carried on to the west coast of Aotearoa and took possession of Kawhia, and other west coast harbour areas. Eventually, the Tainui people spread eastward. Koperu's conquest of the Nga Marama once again united Tainui people with the Wairere region. Under the Ngati Hinerangi founding ancestor, Koperu, established Te Rohe a Koperu which extended from Matamata on the western side of the Kaimai Ranges to Te Puna, and Huharua and Omokoroa and Pahoia, Apata and Aongatete to Rereatukahia on the coast of the Tauranga Moana harbour.

## **1.5 Pakeha Colonialism – Land Wars and Confiscation**

Governor George Grey and the settler politicians of the Colonial Government were ultimately responsible for provoking and causing the war in Taranaki, Waikato and Tauranga Moana. Their actions and inactions wreaked death and destruction on thousands of innocent Taranaki, Waikato and Tauranga Moana people between 1863-64. Their policies and practices of raupatu, land confiscation, and the forcible establishment of Pakeha military settlements caused severe loss of lands, loss of mana, loss of leadership, loss of cohesive social structure, loss of language, loss of cultural practices and belief systems for Ngati Hinerangi. The Land Wars and the raupatu inflicted suffering, the decline of health status, demoralisation and hardship on Ngati Hinerangi which resulted in their marginalisation, economically, socially, and politically. Ngati Hinerangi iwi, hapu, marae, have never recovered from this ordeal and their kaumatua, kuia, pakeke, rangatahi and mokopuna have had to endure ongoing suffering over successive generations right up to the present and most likely into the future.

Ngati Hinerangi were forced into a defensive war fighting for their very survival of their family and their future generations against overwhelming odds stacked in the favour of Grey and the Settler Colonial Government who were intent on annihilating Maori and of taking

possession of Maori land. Governor Grey and the Settler Colonial Government and their desire to acquire Maori land by force was the cause of the war in the Waikato and in Tauranga Moana which Ngati Hinerangi by its Tainui tribal affiliations was drawn into fighting British troops and Colonial militia intent on their utter destruction.

By the time of the start of the building of the Kaimai tunnel and deviation in 1965, the majority of the Ngati Hinerangi lands in Tauranga Moana were either in Crown ownership or private Pakeha ownership. These included the land blocks of Wairere, Maurihoro, Aongatete, Apata and Te Puna which are part of the Ngati Hinerangi tribal rohe boundaries – Te Rohe a Koperu – and which were also the land used for the Kaimai Tunnel and Deviation.

Ngati Hinerangi has always disputed the means by which Ngati Hinerangi lands were alienated to the Crown and private European title. The disputed ownership of Ngati Hinerangi lands owned by the Crown and the means by which it acquired these land blocks are the basis for the Ngati Hinerangi claim to the Waitangi Tribunal. This is also the reason why Ngati Hinerangi today oppose the building of the Kaimai Tunnel and deviation right through their maunga at Maurihoro in the Kaimai Ranges and seek redress and compensation from the Crown for its breaches of the terms and principles of the Treaty of Waitangi.

### **1.5.1 Ngati Hinerangi Support For the Kingitanga**

The invasion of the Waikato in July 1863 signalled the start of the Land Wars and the battle for supremacy between Maori tino rangatiratanga and Pakeha Colonialism. Land hungry settlers were determined to put an end to the King Movement which had been established in 1858 with the election of Potatau Te Wherowhero of Waikato – Tainui, as the first Maori King. The Governor, Sir George Grey prepared for a show-down between the Kingitanga and Pakeha Colonialism and began setting the stage by amassing a huge army of more than 10,000 British troops fresh from the Crimean War in Europe and settler militia. Grey also prepared special legislation through the newly formed Settler Government to confiscate Maori land as punishment for Maori classifying them as rebels and their actions as treason and insurrection. Maori land was Grey's major objective. It was needed to pay reparations

for the war itself and to feed the land hungry settlers who were immigrating by the boat load to the fledgling colony on the promise of acquiring cheap Maori land. The war in the Waikato ended in April 1864 and then Grey turned his attention to Tauranga. The Battle of Gate Pa and the Battle of Te Ranga resulted.

Ngati Hinerangi supported the Kingitanga and participated in the defence of their homelands by the invading British Army and settler militia. They were labelled “Hauhau”, “rebels” or “unsurrendered rebels” and had their lands in the Te Puna block confiscated by the Crown as punishment for resisting the Pakeha invasion of their ancestral lands. Ngati Hinerangi fought in Gate Pa and at the battle of Te Ranga in 1864.

Ngati Hinerangi claim that the Pakeha invasion of their tribal lands was unlawful and unjust and a breach of the Treaty of Waitangi. Ngati Hinerangi also claim that the subsequent confiscation of their tribal lands in Te Rohe a Koperu in Tauranga Moana was the basis by which the Crown ownership and private Pakeha ownership was forcibly established in the lands affected by the building of the Kaimai Tunnel and Deviation. The confiscation of Ngati Hinerangi lands in Tauranga Moana also stripped Ngati Hinerangi of its valuable coastal regions and settlements on the harbour that stretched from Rereatukahia to Waitekohe in the north, to Aongatete, to Te Hopai, to Pahoia, to Omokoroa and then to Huharua Pa in Te Puna in the south. The area of Ngati Hinerangi tribal lands taken by the confiscation by the Katikati Te Puna Purchase was disproportionately higher than other iwi involved in the fighting and was estimated to be about 70% of the total land mass of 93,188 acres as was determined by the Sim Commission. Ngati Hinerangi’s ownership of the Katikati Te Puna Block was therefore equivalent to about 65,000 acres of land which included the inland Kaimai forested region through to the coastal land on the Tauranga Moana harbour.

### **1.5.2 Forced Acquisition - The Katikati – Te Puna Purchase**

The confiscation of the Katikati - Te Puna Block was not agreed to by Ngati Hinerangi. It was agreed to by Ngaiterangi who sold land in the Te Puna Block that they did not have any right to sell.

On 20 July 1866 Mackay was instructed by Whitaker to complete the purchase agreements with Hauraki tribes for their claims in the Katikati Te Puna Purchase. On 10 August 1866, the Ngati Paoa transaction was completed with Turton 1877, Deed No.458; the Tawera transaction was completed on 14 August 1866 with Turton 1877, Deed No. 459; the Ngati Tamatera and Ngati Maru and Ngati Whanaunga transaction was completed on 3 September 1866 with the Turton 1877 Deed No. 460; and the Ngaiterangi transaction was completed on 3 November 1866 with Turton 1877 Deed No. 462.

Ngati Hinerangi and Ngati Tokotoko together with Pirirakau did not agree to the purchase at the time when Ngaiterangi, Ngati Maru and Hauraki, Ngati Paoa and Tawera had all agreed to the purchase by the Crown of their interests in the Katikati Te Puna Block. Together Ngati Hinerangi and Ngati Tokotoko with their Pirirakau allies withdrew to try to avoid being forced to sell their land in the Te Puna Katikati Block. They withdrew initially to their inland settlements in the bush of the Kaimai Ranges at settlements such as Whakamarama, Te Irihanga, Poripori and Te Kumete. The British and Colonial military forces then undertook a deliberate campaign aimed at wiping the Maori out altogether. They employed a scorched earth policy used in other colonial wars such as America against the Native American Indian tribes. The military sent columns of soldiers into the remote Kaimai bush to pursue and destroy supporters of the Kingitanga, the Ngati Hinerangi and Ngati Tokotoko alongwith Pirirakau. This was called the Bush Campaign. The settlements of Whakamarama were food producing centres growing acres of crops for Ngati Hinerangi and Pirirakau whanau who had retreated away from the coastal regions for safety after the Battles of Gate Pa and Te Ranga. The scorched earth policy was in fact a war crime against the Ngati Hinerangi and Ngati Tokotoko and Pirirakau because it was deliberately aimed at non-combatants, the babies and very young to the infirm and old people, to also women. The aim was not to seek out Maori fighters under arms. The aim was to destroy the crops of the people to bring them to the brink of starvation so that they would be forced to surrender and acknowledge the supremacy of the Crown and the White Settler government. Their lands would also be subject to confiscation under the New Zealand Settlements Act and be handed over to Pakeha soldiers as payment for their part in fighting against Maori or they were to be on sold to Pakeha settlers who were being encouraged to emigrate from England in their droves.



In the face of the onslaught of the British and Colonial forces Bush Campaign, Pirirakau retreated for safety further into the Kaimai bush to the Okauia settlement of Ngati Hinerangi. They took up a defensive position on the Okauia side of the Kaimai Ranges and lived there for some five years in an effort to resist the Pakeha pressure to sell their land.

Combined with Pirirakau, Ngati Hinerangi and Ngati Tokotoko had adhered to the precepts of the Kingitanga Movement and when Ngaiterangi moved to sell their land to the Governor they resisted the surveyors and eventually hostilities led to open warfare fought in the rugged Kaimai bush.

Between 1864 to 1870, for six hard years the Ngati Hinerangi and Ngati Tokotoko had held out in defiance of the rule of the Pakeha and in support of King Tawhiao's aukati line imposed as a border between Maori and Pakeha. In 1870 Te Kooti, the Prophet warrior came to visit the Ngati Hinerangi and stayed with his men as a guest in Okauia. A meeting followed with Joshua Firth and later Te Kooti and his men travelled on to Tapapa where Colonial forces tried unsuccessfully to lay an ambush for Te Kooti and his men. Te Kooti and his men escaped after a brief skirmish.

However, after 6 years it was evident that the hardship of existence as unsundered rebels and Hauhau and other tactics employed by the Crown was beginning to work. The Pirirakau and Ngati Hinerangi were more than likely on the brink of utter starvation not to mention being under enormous emotional stress and despair. Under these circumstances of extreme hardship and out of concern for the health, safety and well-being of their people, the leaders of Ngati Hinerangi and Ngati Tokotoko and Pirirakau formulated a plan to alleviate their hardship by selling a portion of their lands to the Crown. They had to survive.

On 16 May 1871, a separate transaction was agreed between Ngati Hinerangi, Ngati Tokotoko and Pirirakau with the signing of the Turton 1877 Deed No. 462 and recorded payment of £471 by HT Clarke to "the Chiefs and People of the Tribe Pirirakau and Ngati Hinerangi. The signatories were Kepa Ringatu, Paratene, Te Kahukoti, Pukutoia, James Portier, Hori Teira and Henry T Clarke.<sup>36</sup>

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<sup>36</sup> The Allocation of Reserves for Maori in the Tauranga Confiscated Lands, Vol 1, Evelyn Stokes, 1997, University of Waikato, pp52-53

Ngati Hinerangi land in Te Rohe a Koperu in Tauranga Moana was confiscated by the Crown by Order-in-Council in the aftermath of the fighting between Maori and the British troops on 18 May 1865 under the provisions of the New Zealand Settlement Act 1863. This Proclamation was gazetted on 27 June 1865 and validated in the Tauranga District Lands Acts of 1867 and 1868. The Proclamation described “All the lands of the Ngai Te Rangi tribe as being confiscated. The Native Land Court was denied jurisdiction until after 1886 because customary title had been extinguished and Tauranga Commissioner HT Brabant had completed his task of returning land to the iwi and hapu of Tauranga Moana.<sup>37</sup>

There are approximately 290,000 acres in the Tauranga Inquiry District. By 1886 215,000 acres of land had passed out of Maori ownership, of that approximately 50,000 acres had been compulsorily acquired by way of confiscation. A further 93,188 acres was acquired in a compulsory fashion in the Te Puna-Katikati Crown purchase. 75,000 acres remained in Maori ownership as at 1886.<sup>38</sup>

There were two blocks of confiscated land in Tauranga as a result of the punishment meted out by the Crown on Tauranga Moana Maori. These were:

1. The Confiscation Block between the Wairoa and Waimapu Rivers estimated to contain 50,000 acres;
2. The Katikati Te Puna Purchase which was estimated to contain 93,188 acres.

The majority of Ngati Hinerangi's tribal lands in Tauranga Moana were in the Te Puna block. Ngati Hinerangi were not the major protagonists in the Lands Wars in Tauranga Moana and yet they suffered disproportionately more loss of land than other tribes such as Ngaiterangi who became “friendlies” with the Government and signed away the Katikati Te Puna Block to the Crown when they had no right to do so.

On 10 April 1866 the Attorney General, Whitaker instructed Civil Commissioners of Tauranga, James Mackay and Henry Tacy Clarke to convene a meeting between the Crown and Tauranga Moana Maori to finalise the purchase of confiscated lands in the Katikati and

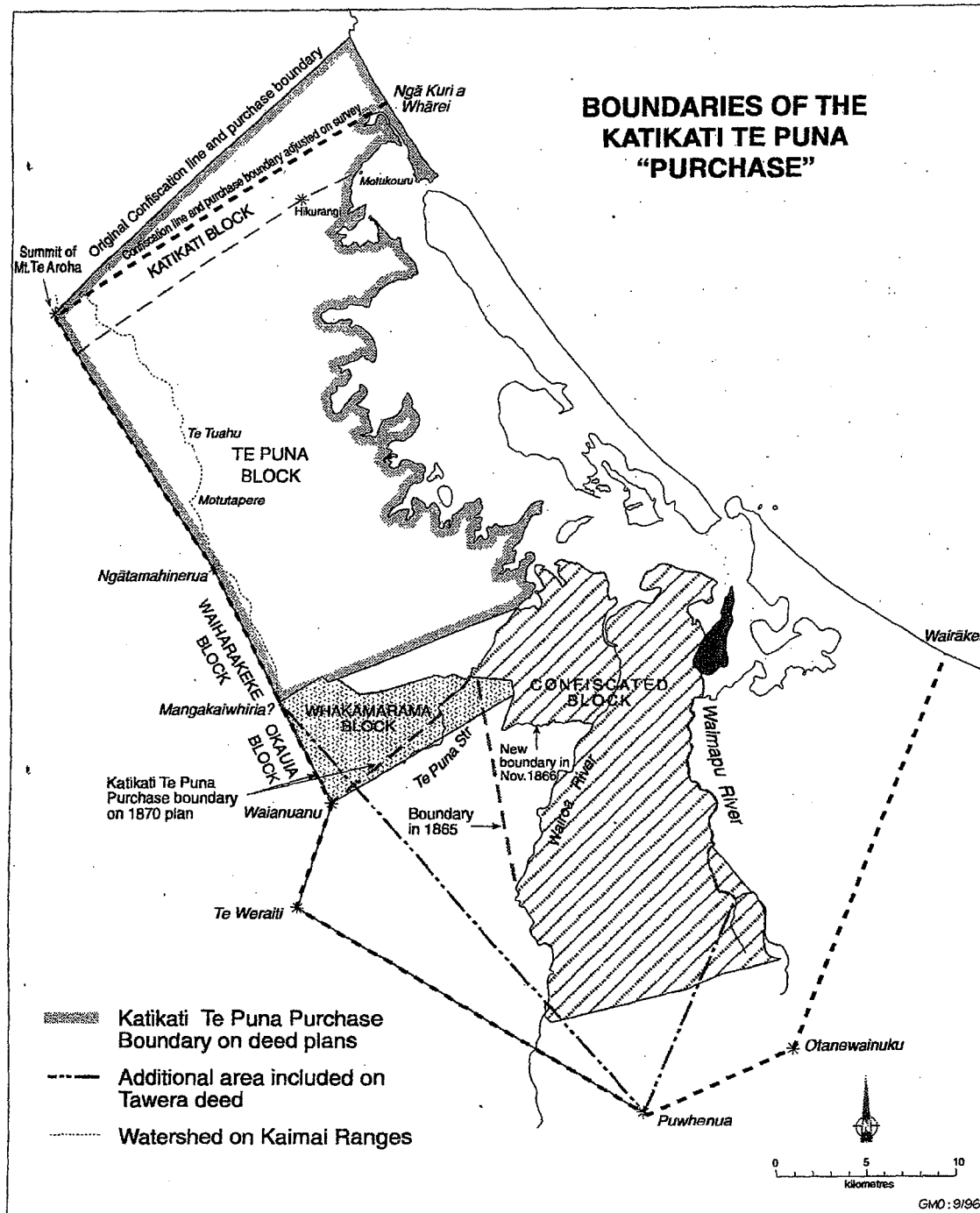
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<sup>37</sup> Historical Report on Tauranga Moana Lands – V O'Malley & A Ward, June 1993, p55

<sup>38</sup> The Raupatu o Tauranga Moana Report, p 403, para 13.3.4

Te Puna Blocks, to be known as the Katikati Te Puna Purchase. From this time onwards the land passed out of Maori hands and into the hands of the Crown who then gave some back as reserves to Maori and retained the rest in the ownership of the Crown particularly the forested Aongatete Block.

But the majority was alienated to individual Pakeha ownership for military settlements or to friendly Ngaiterangi Maori who had ingratiated themselves with the Pakeha and were able to obtain land grants in areas that were not their ancestral lands. This is particularly the case of the land grants given to Maori in the Parish of Apata and the Parish of Te Mania, who were able to establish themselves in the area that were the traditional ancestral and tribal lands belonging to Ngati Hinerangi and Ngati Tokotoko.



**Fig 16. Boundaries of Katikati Te Puna Purchase and The Confiscated Block**



### **1.5.3 The Pirirakau, Ngati Hinerangi, and Ngati Tokotoko Deed, 1871**

In the more than 500 year ownership of its territories in Tauranga Moana, Ngati Hinerangi only experienced one challenge from Ngaiterangi which was during the time of the Musket Wars in the 1820s. The arrival of the Pakeha had upset the traditional balance of power between the various tribes especially with the advent of the musket which was used to deadly effect by Ngapuhi in their attacks on Maori in the Tauranga, Waikato and Bay of Plenty regions. The attack by the Ngaiterangi hapu, Te Whanau a Tauwhao, on Ngati Tokotoko at Huharua in the late 1820s did not alter the balance of power between the different iwi and hapu groupings in the Te Puna Block. The massive retaliatory attack by a combined army of Ngati Hinerangi and their Tainui relatives from Ngati Haua, Ngati Raukawa and Ngati Maru on the Ngaiterangi pa at Te Papa was evidence of the ability of Ngati Hinerangi to maintain its tino rangatiratanga and ownership of its tribal territories in the Te Puna block lands.

However, with the invasion of the Waikato in July 1863 by the British Army, the balance of power was to change dramatically and irrevocably so. After the end of the Waikato Land Wars, in April 1864, the British Army sought to bring the Tauranga Moana tribes under Pakeha rule and as in the Waikato, land confiscation was to be the punishment and the enduring legacy of Maori resistance to Pakeha Colonialism.

On 14 August through to 3 November 1866, the Crown under Governor Grey concluded “full and final settlements” between the Ngati Paoa, Hauraki tribes and Ngaiterangi agreeing to relinquish the ownership of the lands in Tauranga Moana to the Crown. Ngati Hinerangi and Ngati Tokotoko and Pirirakau, refused to accept the loss of their lands by confiscation under a “forced purchase” of their tribal lands.

However, after 6 years of resistance, and suffering from dire hardship, poverty and starvation, some Ngati Hinerangi and Ngati Tokotoko and Pirirakau leaders wrote to ask the Crown to purchase their lands in the Te Puna Block. They asked for £400 each.

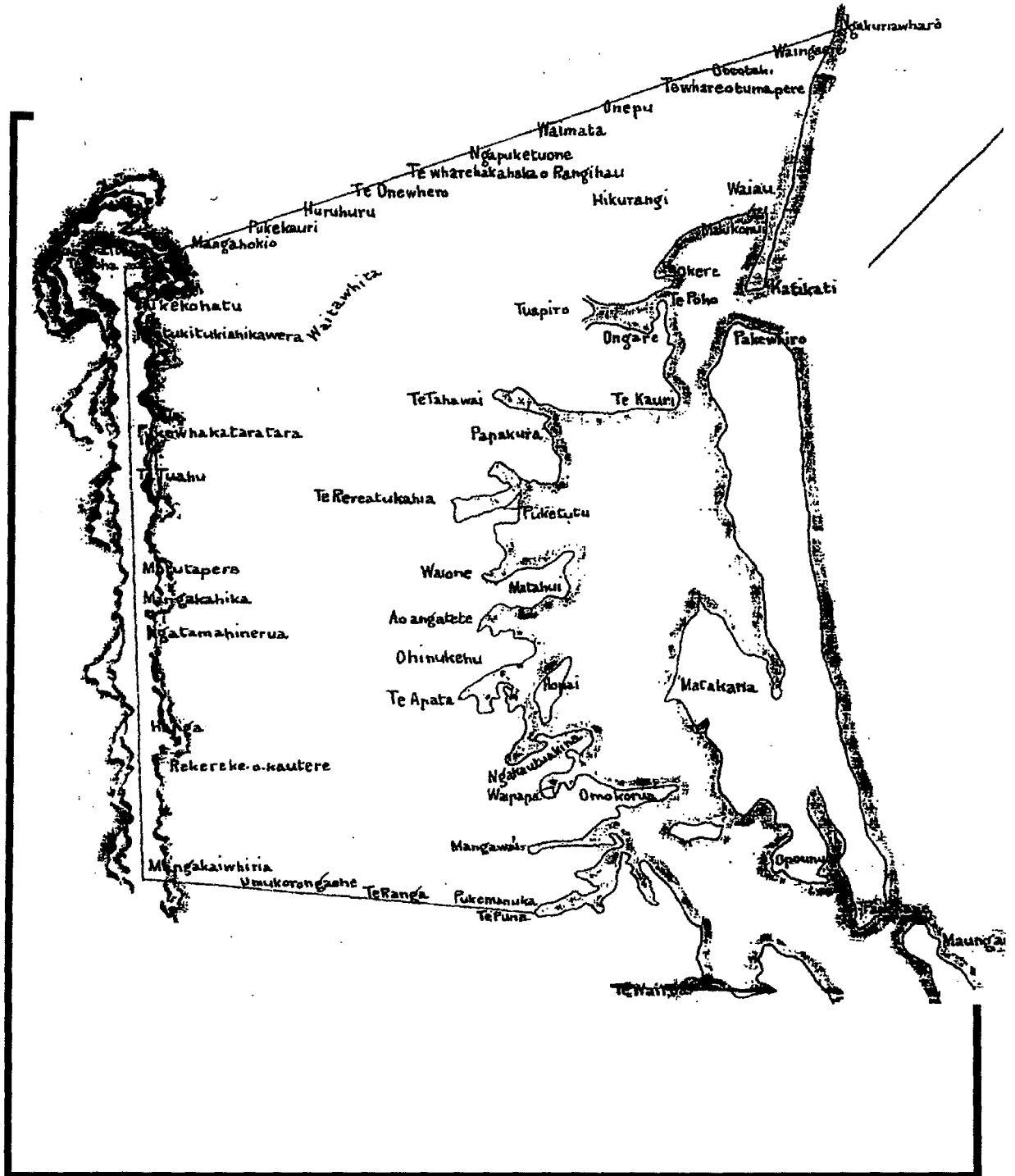


Fig 18. Plan of the “Ngati Hinerangi, Ngati Tokotoko & Pirirakau Purchase Deed”, 16 May 1871

Ngati Hinerangi and Pirirakau both wrote up and drew a diagram of their tribal rohe boundaries to assist the Crown to decide to make the purchase. The Crown agreed and drew up a Deed of Sale to pay the tribes £471 as a full and final settlement.

Ngati Hinerangi's ownership to the lands in the Te Puna block was established with the Crown in 1871 and was further consummated with the Crown by the Te Puna and Katikati Deed No. 462 which was the "forced purchase" of Ngati Hinerangi interests in the Te Puna Block.

Ngati Hinerangi leaders viewed the payment of £471 to the individuals of Ngati Hinerangi in May 1871 under Deed No 462 as "blood money" for the devastating effects caused by the Crown's unjust confiscation of 10,000 acres of Ngati Hinerangi tribal lands as part of the Katikati Te Puna Purchase.

The reasons for this were firstly, that the supposed sale of Ngati Hinerangi tribal lands in Katikati Te Puna Block had been carried out by the Crown and its agents in August 1866 using the Ngaiterangi friendly chiefs authority to carry out the wholesale purchase of the Katikati Te Puna Block. Secondly, the Ngati Hinerangi and Pirirakau Deed of sale was not consummated until 5 years after the original sale by Ngaiterangi in August 1866. The lapse of time of 5 years strengthens the Ngati Hinerangi case of the £471 being accepted as *compensation* not as what the Crown had manipulated the situation to be which was that of a "full and final sale".

The actions of the Crown and its agents focused on devising policies and practices of "deception", and they employed "divide and rule" tactics among the Tauranga Moana iwi and hapu to implement them. They "targeted individual friendly chiefs, using threats and intimidation, and bribery, as well as personal payment and gratuities from the Crown. They also employed tactics of secretive negotiations away from the democratic processes of the tribe, aimed at deliberately undermining traditional and customary Maori practices of democratic decision-making. In its place they utilised "buying out" land purchasing strategies to get around any unwilling sellers. Their actions, policies and practices were designed to systematically and permanently dislocate, disenfranchise and marginalise iwi, hapu, such as Ngati Hinerangi and Ngati Tokotoko, from their ancestral tribal homelands, marae and whanau.



The land required for the Kaimai Tunnel and Kaimai Deviation ran through Ngati Hinerangi tribal lands, through Te Rohe a Koperu, the traditional rohe of Ngati Hinerangi. The land blocks traversed by the Middle Line of the Kaimai Tunnel and Deviation extended from Waharoa township on the western side of the Kaimai Ranges to Apata on the eastern Tauranga side of the Kaimai Ranges.

The names of these land blocks were Matamata North and Matamata South, Turangaomoana, Waiharakeke, Wairere, Maurihoro, Aongatete and Apata. On the Waikato side they had been acquired by the Crown by the 1880s and on the eastern side of the Kaimai Ranges in Tauranga, the lands had been confiscated as part of the Katikati – Te Puna Purchase in 1866 under the New Zealand Settlements Act, 1863.

The land blocks that are reviewed in this report are those blocks that are within the Tauranga Moana Inquiry District. However, in order to draw a comparison between the Crown's treatment of Ngati Hinerangi interests and those of other Maori land interests, this report will later review the Maori land affected in the Waharoa area.

#### 1.5.4 Ngati Hinerangi Petition For a Reserve and Protection By the Crown

Following the forced acquisition of their tribal lands by the Crown, Ngati Hinerangi leaders were alarmed and wrote a petition to the Governor asking for a Ngati Hinerangi Reserve and for protection by the Governor to ensure their lands could be retained for future generations.

A petition was sent to the Governor on 9 July 1877 by Parawhau and six others on behalf of Ngati Hinerangi requesting him to “impose up on (their lands) a legal restriction so that it may be a permanent possession for us and our children after us.”<sup>39</sup>

The Ngati Hinerangi Petition sent to the Governor on 9 July 1877, is proof that Ngati Hinerangi leadership, the tribe and its associated hapu did not agree or accept in any shape or form the raupatu, or confiscation of their tribal lands in the Katikati Purchase and permanent loss of their tribal lands.

The Ngati Hinerangi Petition to the Governor July 9 1877 stated: <sup>40</sup>

“Raropua  
Tauranga  
July 9 1877

To the Governor of New Zealand  
Father Salutations to you under the Grace of God.

We now submit to you our lands with a request that you will impose upon it a legal restriction so that if may be a permanent possession for us and our children after us.

This piece of land is south of Hauraki in the Provincial District of Auckland. The boundaries commence at Huakaramu, Waiharakeke thence along Waihou, Wharekaahu, Puketutu – Pareranui, Te Wairere, Tukurua, Te Wharangi, Waiteariki, thence to Papaueke, Paruparu, Marohapuku thence again along the Waihou river to its junction with the Mangawhero thence still following the Waihou, Opitokura, Te Whauwhau, Paretarewarewa, all the banks of the Waihou, Tuaraparaharaha, Te Kapa a Hinerangi, Putakakariki thence it turns in an Easterly direction , Haukapa, Whenuakura, kaketeuri, Te Iringa o te patu a te Wakaiti, Mahauroa, Mangatotara, Ngaumuwahine, Tauwharawhara, Maungakaiwhiria, Te Parapara, Waitioka, Parekakariki, Kaioi, Te Ahiroa, Te Aroaro o Paretapu, Te Poupou Whakaporo, Nga kuri a Mauehu, Puapuatapotu, Tauerepioke, Mangakahika, Huakaramua, the commencing point.

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<sup>39</sup> DOSLI files 5/28

<sup>40</sup> RDB 4829

Father the Governor we intend by sending in this list of names of places to you to return to you the lands which were held by the Governor as permanent lands for us and proclaimed on the 26<sup>th</sup> day of July in the year of our lord 1873 and it is the same lands

You are withholding of which you revoked by proclamation dated the 6<sup>th</sup> September 1876.

Now we the tribe owning the lands give back the lands into your custody so that none of us the owners may be able to sell it to any other person.

Te Parawhau and 6 others –  
From the tribe of Ngati Hinerangi.

This also confirmed Ngati Hinerangi's non acceptance of the "Deed of Sale" by a few Ngati Hinerangi and Ngati Tokotoko leaders to the permanent sale and loss of their tribal lands in the Katikati Te Puna Block.

According to Evelyn Stokes, "The Crown's failure to have the inland boundary along the Kaimai Range surveyed led some local people, Ngati Hinerangi in particular, to believe there was still Maori land between the Crown Purchase and the Confiscation boundary.

Stokes reiterated, that "their land extended from the Waihou River on the Waikato side and over the Kaimai Ranges into part of the Tauranga confiscated lands in the Katikati Te Puna Block, an area of some 10,000 acres."<sup>41</sup>

Commissioner Brabant was asked to comment and did so on 4 October 1877, apologising for the delay as Te Parawhau and his people had been away in the Waikato:

Brabant stated -

"They state that they apply to have the land they refer to made a reserve because it belongs to them and is being sold to Mr Mackay and Mr Whitaker Junior by the Waikato tribes whereas they wish to keep it for their children. It is not acknowledged to be the exclusive property of the Ngati Hinerangi but portions of it are claimed by various hapu and individuals – a small portion of one boundary as given I think overlaps the Katikati purchase and is the property of Government."

"If the natives therefore wished to have their title to these lands proved they would have to apply both to the Native Land Courts and the Commissioner of Tauranga Lands. I do not see

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<sup>41</sup> Allocation of Reserves, E Stokes p56

how the Ngati Hinerangi can have the land reserved unless they first prove their title to it. A title they no doubt have, but not an exclusive one.”<sup>42</sup>

Brabant’s notes on the meeting with Ngati Hinerangi on 1 October 1877 indicated that other claimants, who were represented by Hamiora Paki stated that Ngati Pango had rights which were acknowledged by Parawhau and this was because the two hapu are of the same descent group and from the same tribal and ancestral origins.

At the meeting Ngati Pango representative, Tohatoha stated:

“ We sent our petition because Ngati Maru, Ngati Raukawa, Ngaiterangi and Ngati Ranginui are selling the land to Mackay and Whitaker (Junior) of Waikato. Waihou side has been surveyed but not this side. It was sold last July to Mr Mackay – Warbrick was with him – but we understood that Mr Whitaker was the real purchaser.”

Te Parawhau stated that “the people who are selling land” included Ngati Tokotoko, Ngati Tamatera, Ngati Haua and Ngati Raukawa:

“They are selling land which does not belong to them and have spent the money. They have sold to the Europeans of Cambridge – Mr Mackay and Mr Whitaker Junior – Warbrick was arranging it at Tauranga.”<sup>43</sup>

According to Evelyn Stokes, “Enoka Whanake was also present and acknowledged that part of the Ngati Hinerangi claim had been sold to Government by Ngaiterangi in the Katikati Te Puna Block. Some of the places referred to including Mangatotara, and Ngaumuwahine were inside the Tauranga confiscation line but not in the Katikati Te Puna Block. These lands were subsequently investigated by Commissioner Brabant in the 1880s and were part of the returned Lands. However, at the 1877 meeting Ngati Raukawa claims to the area were also aired. Ngati Hinerangi did not get their reserve and their lands outside the confiscation line were taken through the investigation of title process in the Native Land Court in 1879 (See Okauia Block, Waikato Minute Book 3/311-449 and 4/1-41, 176-195, 276).

Brabant made a record of the meeting with Ngati Hinerangi over their Petition to the Governor on 9 July 1877 as follows:

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<sup>42</sup> DOSLI files 5/28

<sup>43</sup> Ibid

Hamiora Paki of Ngati Hinerangi:

“Says that Ngati Pango are left out. They own all the land.

Parawhau:

“Says that Hamiora is right. Te Tepu Wati ? (dead) is a claimant also Te Maihi.”

Tohatoha:

The boundary is partly in Tauranga district and partly in Waikato on the banks of the Waihou. I say this land belongs to Ngati Hinerangi – Ngati Pango have a claim, Ngati Tawhaki was a claimant. This is an old boundary. It is a well known one. We sent our petition because Ngati Maru, Ngati Raukawa and Ngaiterangi and Ngati Rangi were selling the land to Mackay and Whitaker (Senior) of Waikato. Waihou side has been surveyed but not this side. It was sold last July to Mr Mackay- Warbrick was with him- but we understand that Mr Whitaker was the real purchaser.”

The supposed “full and final” Deed of Sale of Ngati Hinerangi tribal lands in the Katikati Te Puna Purchase Block were clearly not signed with the full support and agreement of Ngati Hinerangi tribe and hapu leaders and chiefs. They were instead the actions of a few individuals who were exploited and manipulated by the Crown and its agents to achieve the appearance of a legitimate sale. The £471 given in payment to these individuals were again a tool used by the Crown and its agents to falsely give the appearance of a legitimate sale. The transactions and the handing over of the money was not transparent and open for the whole tribe and hapu to be a part of the negotiations. Instead they were carried out in secret and with stealth in Auckland away from the marae and papakainga of Ngati Hinerangi and the few individuals involved travelled to Auckland to consummate the arrangements carried out in secret by the Crown and its agents.

The before mentioned actions and inactions of the Crown and its agents in carrying out the Ngati Hinerangi Deed of Sale in Auckland, was deliberately designed to dislocate and disenfranchise Ngati Hinerangi permanently and irreversibly from its tribal homelands.

Ngati Hinerangi refutes and refuses to accept that the Pirirakau and Ngati Hinerangi and Ngati Tokotoko Deed of Sale of May 1871 No 462 was a “full and final sale”. The Crown and its agents used punitive practices in devising deliberate policies of “deception”, and “divide and rule” tactics. The “targeted individual friendly chiefs and leading men who were susceptible to threat, intimidation, and bribery in the way of personal payment from the Crown.” They employed policies and practices of secretive negotiations away from the democratic processes of the tribal marae and hapu and these resulted in the undermining of

traditional and customary Maori practices of democratic decision-making. The Crown developed a “buying off” land purchasing strategy which systematically and permanently dislocated, disenfranchised and marginalised Ngati Hinerangi iwi, hapu, marae and whanau from their tribal homelands.

Instead Ngati Hinerangi leaders at the time, saw that their tribal lands were unjustly sold away for money by the friendly Ngaiterangi who had become Queenites and had sold Ngati Hinerangi tribal lands without any ancestral right to do so. They also saw that the Crown, had acted unjustly and illegally under the Treaty of Waitangi, by confiscating Ngati Hinerangi tribal lands on the pretext of a supposed “purchase” of the Katikati Te Puna Block.

The phrase “purchase” was supposed to imply an acceptance and willingness on the part of the Maori owners to the agreed full and final Deed of Sale of lands. This was supposed to give the appearance of being a legitimate sale and an “unobstructed purchase” of Maori land by willing sellers.

But Ngati Hinerangi were not willing sellers. The real circumstances as to the purported sale of the Pirirakau and Ngati Hinerangi lands in the Katikati -Te Puna Purchase were revealed by themselves in the joint letter that they wrote to Donald McLean.

“In January 1871, a group of Pirirakau and Ngati Hinerangi wrote to the Native Minister, Donald McLean, explaining that they had never accepted money for their land in the Te Puna block and added: “Kia mohio koe e te Makarini e whakaetanga tenei na matou kia koutou ara ki te Kawanatanga.”<sup>44</sup>

This was translated to mean the acceptance of the authority of the Government, however, not all Ngati Hinerangi and certainly not all Pirirakau were represented as being in agreement in the final Deed of Sale.

The fact that Ngati Hinerangi were not “willing sellers” and actively campaigned for the protection and retention of their tribal lands is also demonstrated by the July 1877 Ngati Hinerangi Petition sent to the Governor asking that Ngati Hinerangi lands be protected for all time for Ngati Hinerangi and its future descendants.

The Ngaiterangi who went to Auckland in August 1866 to negotiate and who agreed to the Katikati Te Puna Purchase and were paid £1000 by the Crown were listed as:

Hamiora Tu, Mere, Raniera Te Hiahia, Mere Taka, Ranapia, Wiremu Patene, Wiremu Parera, Hohepa Hikataia, Tamati Mauuao, Tomika Te Mutu, Turere, Maihi Pohepohe, Tawaewae Paerata, Rini Te Matekapua, Te Patu, Arama Karaka, Whati, Pikaka and Hohaia. Six of the Ngaiterangi chiefs had met Grey in May 1866 and on 26 August HT Clarke paid £1000 for the Katikati Purchase:

Hohepa Hikutaia, Tomika Te Mutu, Hamiora Tu, Wiremu Parera, Te Patu Turere, Raniera Te Hiahia, Wiremu Patene, Pikake.

According to Keith Sorrenson (1957), the land purchasing method of the Katikati Te Puna Block “ the friendly Ngaiterangi chiefs went to Auckland rather than remain in Tauranga and were conducted at night and in secret.”<sup>45</sup>

However, the Ngaiterangi claims to the lands in the Katikati te Puna Block was fiercely disputed by Ngati Hinerangi, Ngati Paoa, Pirirakau, Tawera and Hauraki tribes and as a result the Crown changed its tactics of a wholesale buy-out using the Ngaiterangi friendly chiefs, and instead targeted other individual claimants and aimed at buying them out individually.

As a result the Deeds of Sale for Ngati Paoa and Tawera iwi was finalised in August 1866, the Ngati Maru and Ngati Tamatera Deed was also finalised in September 1866 and the Ngaiterangi Deed was finalised in November 1866.

Ngaiterangi believed they were entitled to sell the land of the Katikati Te Puna Block to the Crown because they had ancestral rights and rights of conquest over Ngati Ranginui.<sup>46</sup> Ngati Ranginui together with Pirirakau and Ngati Hinerangi and Ngati Tokotoko have denied that Ngaiterangi held exclusive rights to the lands north of the Wairoa River up and including the Te Puna area.

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<sup>44</sup> Te Raupatu o Tauranga Moana Report – Waitangi Tribunal, p 252.

<sup>45</sup> Sorrenson 1957 Ngati Kahu, Ngati Pango, Ngati Rangi Wai 42A Report pp81-87

<sup>46</sup> HT Clarke Under-secretary to Native Minister 15 May 1877 AJHR 1877 G1:27

Ngati Hinerangi land sales in the Katikati Te Puna Blocks were “unauthorised sales” by individuals who were not representative of Ngati Hinerangi wishes and sought only personal gain for themselves and these individuals were likely placed under “duress” by the actions of the Crown and its agents in agreeing to the supposed Deeds of Sale.

Ngati Hinerangi further contend that all their petitions and attempts at redress of the confiscation of Ngati Hinerangi lands in the Katikati Te Puna Block have been totally ignored by the Crown and its agents for over 140 years and that it is time the Crown and its agents today faced up to its responsibilities to correct the injustices perpetrated on Ngati Hinerangi. Consequently Ngati Hinerangi seek compensation and the return of the 20,000 acres in the Aongatete Block which is part of the Kaimai – Mamaku State Forest.



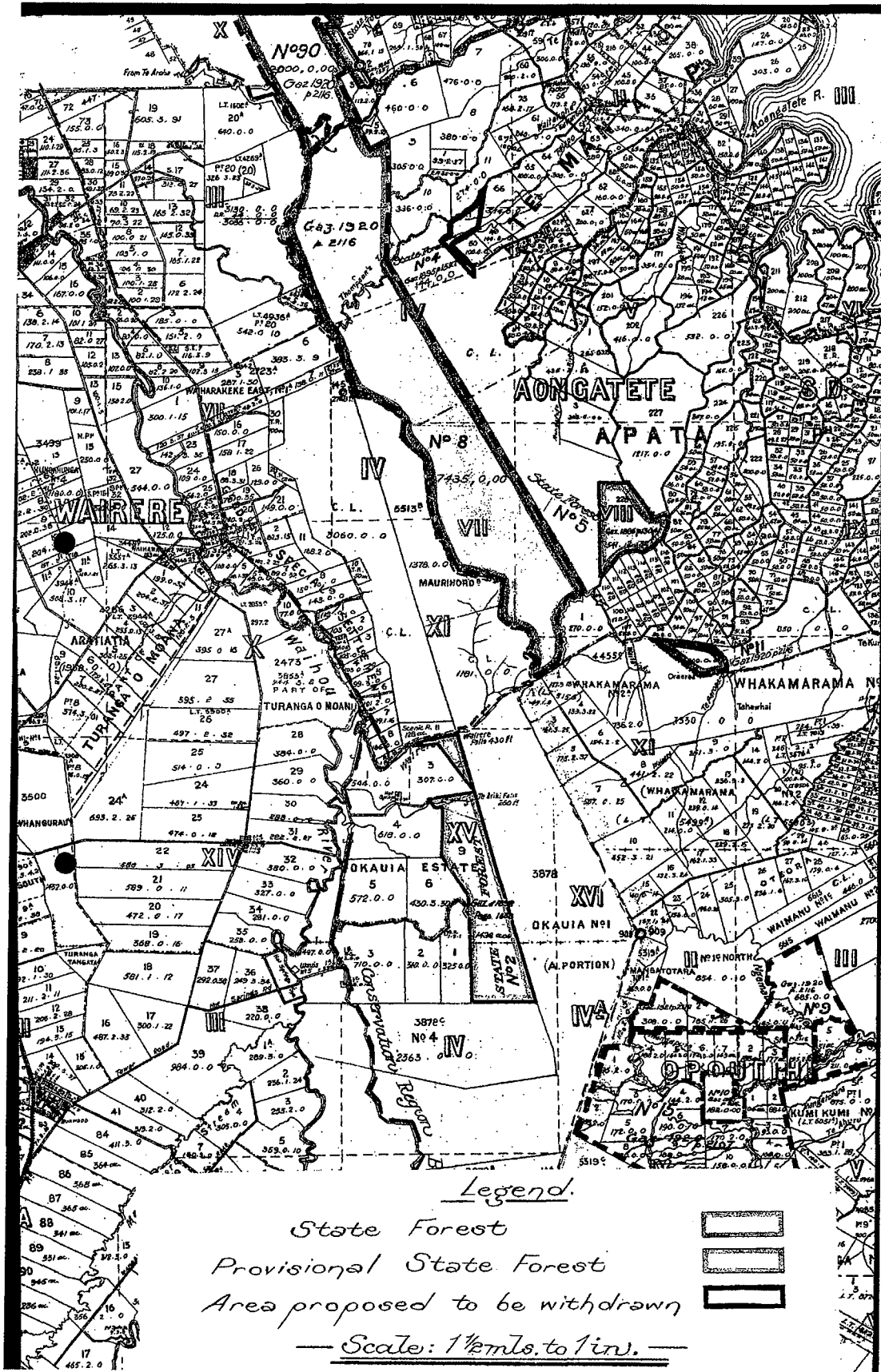


Fig 19. Aongatete Block – Part of the Kaimai – Mamaku State Forest

### **1.5.5 Ngati Hinerangi and Ngati Tokotoko Reserves and Returned Lands**

According to Evelyn Stokes in her Report Te Raupatu o Tauranga Moana, lands returned to Maori in the Katikati Te Puna Purchase totalled 6909 acres. Ngati Tokotoko received a mere 400 acres and a further 130 acres was designated but not appropriated to Ngati Tokotoko. The combined total of returned land to Maori in both the Katikati Te Puna Purchase and the 50,000 Confiscated Block was 708.2.22. The Ngati Hinerangi and Ngati Tokotoko share of the Returned Lands was a mere 530 acres. The majority of Ngati Hinerangi lands in the Katikati Te Puna Block was classed as Forest land which at this time the Commissioners stated that it was “not yet defined”.

This was a gross insult to Ngati Hinerangi who has found itself being punished more severely by the wholesale confiscation of its lands than the Ngaiterangi, especially as Ngati Hinerangi and Ngati Tokotoko had never initiated any of the fighting but were merely supporting others of their Tauranga kin in defence of their homelands from Pakeha Colonialism. Ngati Hinerangi and Ngati Tokotoko’s reserves were based in the Parish of Te Puna in Omokoroa under Lot 52, Lot 53, Lot 173, Lot 187, and Lot 188.

Confiscated land outside the township of Tauranga and Greerton was designated as the Parish of Te Puna and Te Papa. Te Puna Parish included the land across the Wairoa River as far as the Te Puna Stream which was the eastern boundary of the Te Puna – Katikati blocks. There were several types of reserves made in this area which included native reserves, lands awarded to hapu “in trust”, grants to individuals, and half-caste awards.

Evelyn Stokes listed 7 Reserves (totalling 1067 acres) that were awarded ‘in trust’ for hapu in Te Puna Parish, these included Ngati Tokotoko, along with Pirirakau.<sup>47</sup>

Most of the Reserved land was on or near the coast or inner harbour from Te Puna to Katikati.

Ngati Tokotoko was named as a recipient of a 400 acre block at Omokoroa and a 130 acre block on the northern side of the Wairoa River. When the reserves recorded in these deeds were awarded, a few of them were designated for the use of the named hapu. However

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<sup>47</sup> Waitangi Tribunal Report – Te Raupatu o Tauranga Moana, p274

unlike the Ngati Tokotoko award, they were not recorded as being re-conveyed for the use of the hapu in the Ngaiterangi Deed.<sup>48</sup>

Ngati Hinerangi estimate that about 20,000 acres of land in the Katikati Te Puna Purchase Block of 80,000 acres<sup>49</sup> rightfully belongs to Ngati Hinerangi. From the 20,000 acres that should have been returned to Ngati Hinerangi and Ngati Tokotoko only 530 acres were designated to be returned. However, the coastal Ngati Hinerangi and Ngati Tokotoko lands were never in effect returned as the land was alienated by the Crown as soon as it was “returned” to its Maori owners.

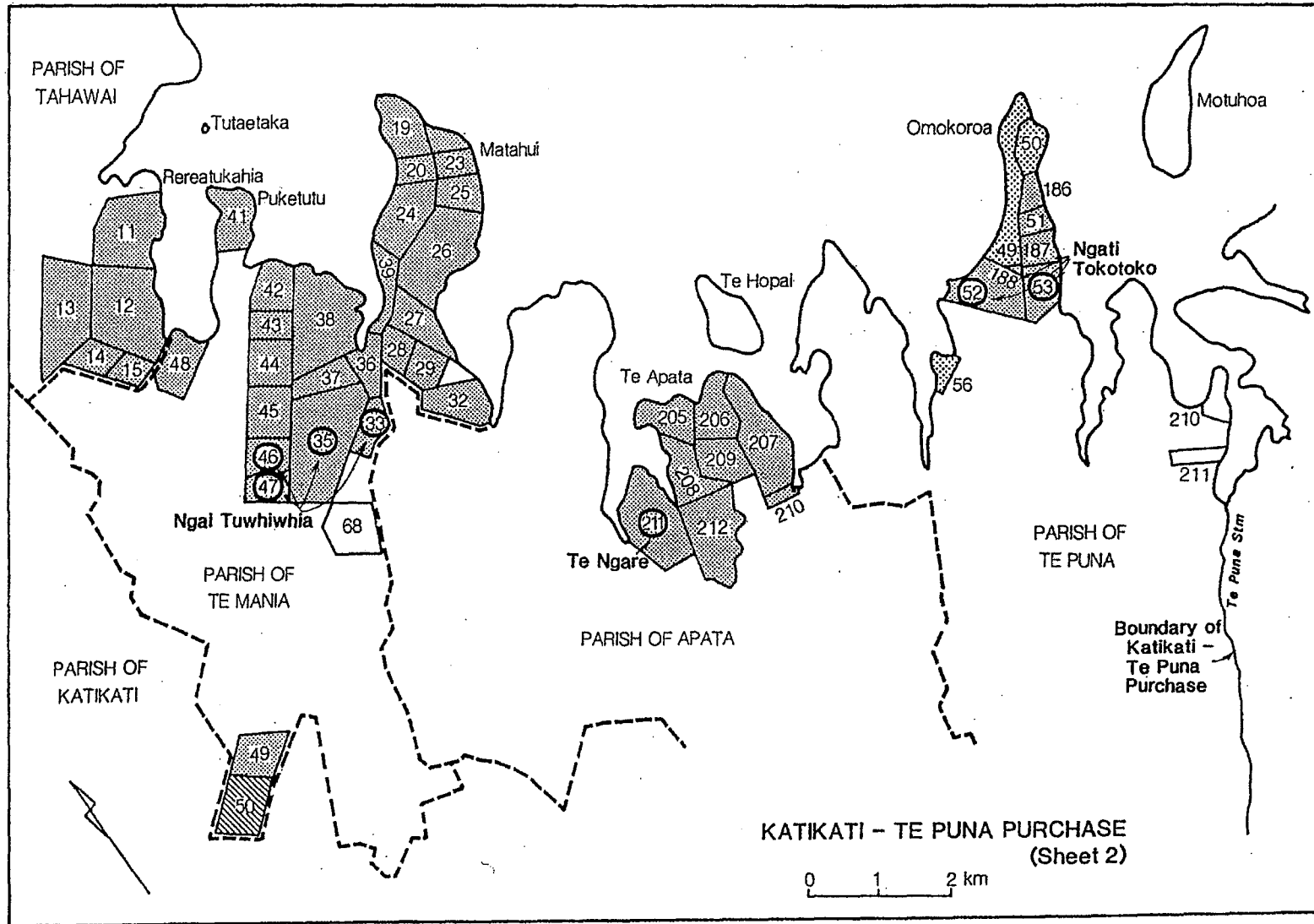
By the time the Kaimai Tunnel and deviation was built, Ngati Hinerangi and Ngati Tokotoko had lost all of their customary and ancestral lands in Aongatete, Apata and Omokoroa and Te Puna regions. The forcible “purchase” of their lands by the Crown just under a hundred years earlier, had paved the way for the Crown to disregard the Ngati Hinerangi tangata whenua status and mana whenua status in the Aongatete and Maurihiro land blocks. In doing so the Crown did not bother seeking any written consent or approval from Ngati Hinerangi and nor did they pay any compensation for violating the tapu of the Kaimai Maunga.

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<sup>48</sup> Ibid p 276

<sup>49</sup> Te Raupatu o Tauranga Moana – Evelyn Stokes p256

Fig 20a. Ngati Tokotoko Reserves in Omokoroa, Te Puna



### **1.5.6 The Kaimai and Gold-mining**

Following the military subjugation of the iwi and hapu of Tauranga Moana by the British Army and the subsequent confiscation of their lands in the raupatu of Tauranga Moana, Ngati Hinerangi resisted on-going Pakeha pressures to acquire their lands. After acquiring Ngati Hinerangi land from the Crown, Pakeha settlers next started to pressure the Government to open up the Kaimai Ranges for Gold Mining exploration. Gold had been discovered in the Coromandel region in 1852 and exploration for gold had steadily moved down the mountain ranges until gold was discovered in Waihi in 1878 and later at Te Aroha in 1881. This started a gold fever frenzy among settlers in the Tauranga area who pressured the Crown to open the Kaimai Ranges at the back of Tauranga for exploration for gold mining. In the 1880s Ngaiterangi leaders were paid by Pakeha to support the Kaimai Ranges being opened up for exploration for gold mining. Ngati Hinerangi leaders resisted the Ngaiterangi and the Pakeha speculators and refused to agree to the Kaimai Ranges being opened up for exploration of gold mining. By refusing to agree to the Pakeha exploration companies, Ngati Hinerangi were continuing to exercise their tino rangatiratanga rights as owners of the Maurihero Block and other parts of the Kaimai Ranges. The Native Land Court recognised Ngati Tokotoko and Ngati Tangata, as hapu of Ngati Hinerangi, as the sole rightful owners of Maurihero. The Ngaiterangi claims were dismissed. This substantiates Ngati Hinerangi claim that Ngaiterangi had no claim to the lands within Te Rohe a Koperu and certainly Ngaiterangi had no claim to the lands of Maurihero or Aongatete situated in the Kaimai Ranges.

This was the case during the 1880s when Pakeha gold prospectors were urging the Government to open up the Kaimai for gold exploration. Ngati Hinerangi and its associated hapu of Ngati Pango and Ngati Tokotoko resisted this move. In doing so, Ngati Hinerangi and Ngati Pango spokesmen at the time spoke against the likes of Ngaiterangi who were supportive of the Pakeha gold prospecting ambitions mainly because they had already been promised payment for agreeing to support the Pakeha ambitions to open up the Kaimai for gold prospecting. Though the attempts to open up the Kaimai were resisted, this showed the willingness of Ngaiterangi to become willing land sellers of other tribe's whenua and in areas where they had no mana whenua authority. Ngaiterangi was resisted by Ngati Hinerangi and Ngati Pango leaders at the time.

At the Wairoa Meeting on 5 August 1876, about 700 Maori had gathered to decide the issue of prospecting for gold in the Kaimai including Maurihoro and Te Hunga blocks within Ngati Hinerangi tribal lands. Tauranga Commissioner, Brabant attended the meeting. He recorded the Ngati Hinerangi chief, Ngatupara speaking against the Ngaiterangi chief, Hori Tupaea and his desire to open the Kaimai to the Pakeha for gold prospecting:

“ Hori Tupaea:

There is no wrong in this; this is making of covenant. You gave this land away for prospecting when I was away. I called this meeting to let you hear I had consented to open the block.

Tupara: (Ngati Hinerangi)

Is it the King's command that it shall not be opened? (a voice, yes) Very well: I own land adjoining Kaimai; if you like to give your own land all right but don't be avaricious and give away what does not belong to you, I am speaking to you Hori Tupaea.”

The majority at the meeting voted in favour of opening the Kaimai for gold prospecting but because of the few such as Ngati Hinerangi who objected, the proposal did not proceed on a large scale to affect the Kaimai region.

### **1.5.7 History of the Maurihoro B Block**

In respect to the Kaimai Tunnel itself, the 9Km (15 ½ mile) tunnel runs from the western portal through to the eastern portal right through the Ngati Hinerangi, Ngati Tokotoko and Ngati Tangata owned land block of Maurihoro. The name of the block is called Maurihoro B and is divided into two lists of owners – List A & List B based on hapu membership of Ngati Tokotoko and Ngati Tangata. List A is Ngati Tangata and comprises 452 owners and contains a total area of 241.7011 hecatres. List B is Ngati Tokotoko and comprises 524 owners and contains a total area of 315.8914. The combined land area is 557.5921 hectares with a total number of owners being 976. The block is administered by an Ahuwhenua Trust which was established on 30 March 1998 under the Te Ture Whenua Maori Act, 1993. Suffice to say that there was no administering body in place at the time in the early 1960s when the Kaimai Tunnel and Deviation was being planned and constructed.

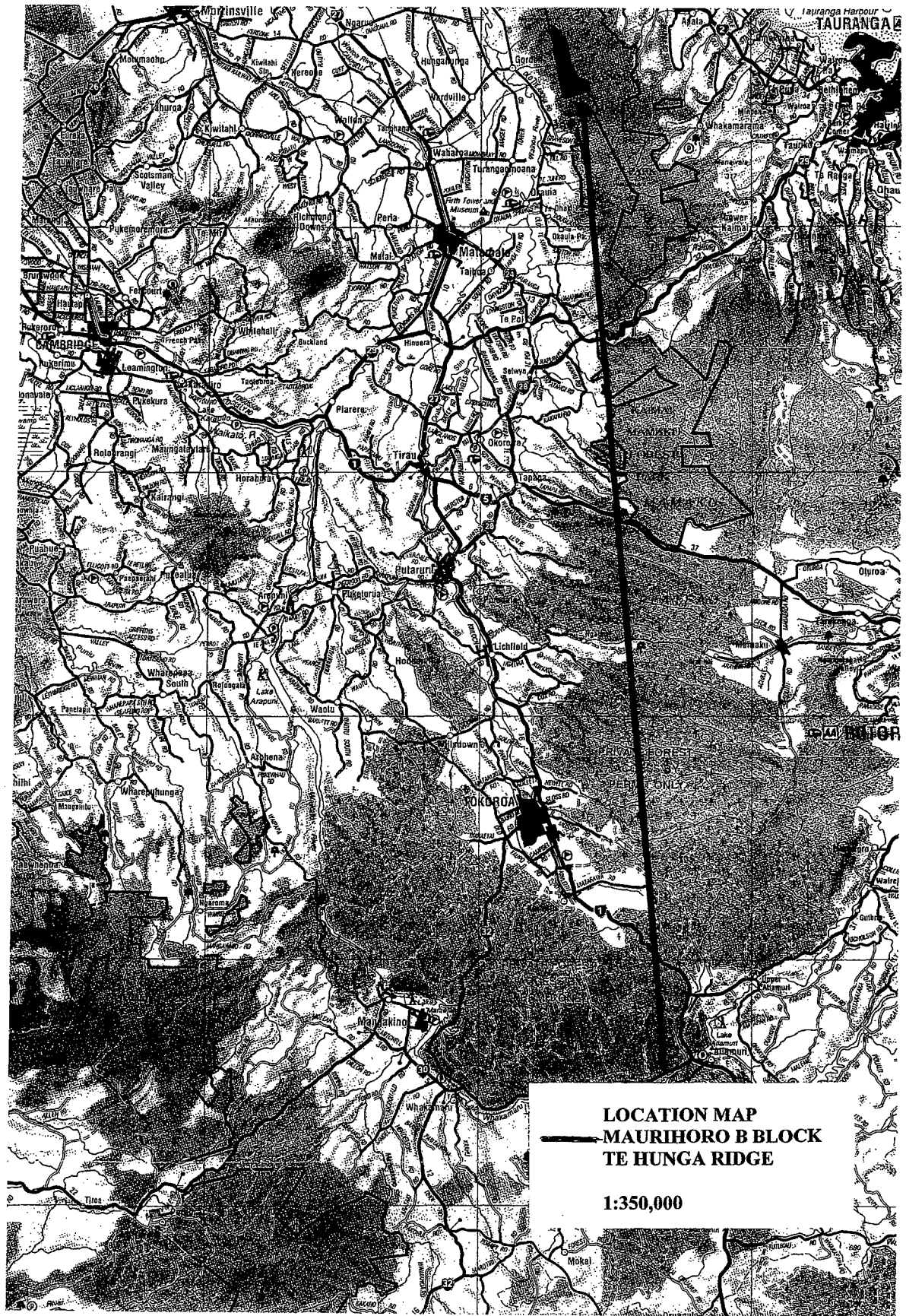


Fig 20. Location of Maurihero B Block

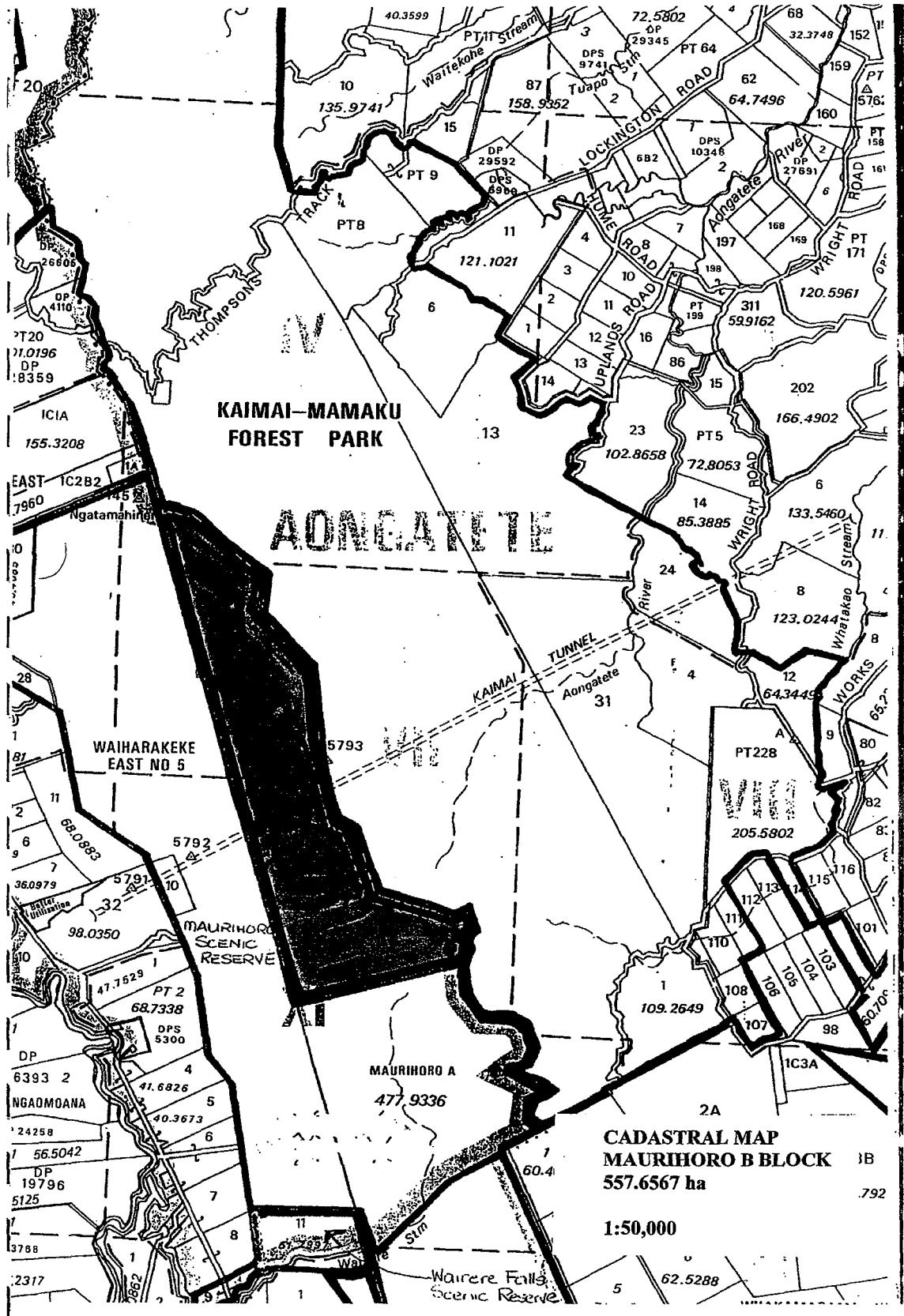


Fig 20a. Maurihero B Land Block



The ridge it specifically went through is known as Te Hunga. Maurihero and Te Hunga are part of a central and prominent land mass within the Kaimai Ranges which are considered to be very tapu to Ngati Hinerangi because of their early occupation by Ngati Hinerangi tupuna and the existence of urupa and burial of tupuna in remote caves and crevasses within the mountain ranges.

It was the practice of Ngati Hinerangi to bury their dead, especially their chiefs within the inaccessible reaches of the mountainous Kaimai Ranges right from the most northern parts of our rohe at Te Ara a Tamihana to Maurihero, Wairere, Okauia, Te Weraiti, and Whenua a Kura, and Te Ara Pohatu.

This practice was continued right through to the time of Wiremu Tamihana who was buried in the Kaimai Ranges in and around the Maurihero area. This is the reason why this land is considered tapu. Many of our whanau while out pig hunting in this region have spoken about the discovery of burial caves and of koiwi in remote inaccessible places in the Maurihero and Wairere area. Ngati Hinerangi have viewed the Kaimai Ranges as their burial grounds for their rangatira and for this reason they are considered tapu and any attempt to dislodge their ownership of these mountains is resisted.

By the early 1960s, all of these blocks were in Crown ownership except for one block, known as Maurihero or the Te Hunga range, which remained specifically in the ownership of Ngati Tokotoko and Ngati Tangata of Ngati Hinerangi.

Maurihero is a wahi tapu for Ngati Hinerangi because of the many pa sites and urupa and burial grounds that exist in the area. According to Te Kahukoti Te Waitangi during the hearings in the Native Land Court in to the Maurihero Block in 1874,

“Some of the pa and urupa in the Maurihero Block are at Wheronui. Some of Ngati Hinerangi are buried there.”<sup>50</sup>

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<sup>50</sup> Hauraki MB No 15, Maurihero Title Investigation, pp220

### **1.5.8 Ngati Hinerangi Petitions for The Return of the Aongatete Block**

Despite the well-established ownership of Ngati Hinerangi in the Aongatete Block, Ngati Hinerangi was not allocated any reserves in the block and instead 660 acres were allocated to other people from other tribes.<sup>51</sup>

Evelyn Stokes wrote in her report on *The Allocation of Reserves for Maori in the Tauranga Confiscated lands, Vol 1*, that the two Tauranga Civil Commissioners, Mackay and Clarke produced a list of reserves in the confiscated block in July 1866 outlined as a “Memorandum of outstanding promises, engagements etc” which suggests that many of the claims were “settled” on the basis of individual applications:

“Mr Foley do. With respect to the survey of land reserved for Karora and Ngati Tokotoko at Omokoroa.”<sup>52</sup> “Ngati Tokotoko promised 50 acres up the Puna River in the confiscated block.”<sup>53</sup>

Therefore, quite clearly from the above, the Crown had made promises of reserves of 50 acres for Ngati Tokotoko as a hapu in the Omokoroa area and up the Te Puna river. These reserves were, however, put in the names of a few individuals so that the Crown could easily expedite the alienation of the land without having to go through the Native Land Court and the establishment of a Certificate of Title to the land.

According to Stokes’ Report, in “1871, Clarke as Commissioner of Tauranga Lands was instructed to compile for Parliament a report on lands granted to “Friendly Natives, and Returned Rebels and lands surrendered to Natives.” Ngati Tokotoko appears on the following list extracted from Clarke’s list dated 29 June 1871 (DOSLI files 2/11). Stokes stated that it should be noted that although lot numbers are included, not all these awards were actually granted as some changes were made later, and in other cases arrangements had been made to sell before grants were awarded.”<sup>54</sup>

Under Description of Lands, No 5, Lands Awarded to Natives within the Te Puna and Katikati purchased block, was estimated to contain 80,000 acres. The total returned to Maori was 6909

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<sup>51</sup> Ibid p103

<sup>52</sup> Ibid p105

<sup>53</sup> Ibid p105

acres. Under the Parish of Te Puna, Lots 52,53, 187,188 of 400 acres was listed to Te Makaka, Te Puru and others, also Lot 51 was listed to Te Puru and other and totalled 25 acres. Listed under Ngati Tokotoko was 130 acres which were termed to be “Unappropriated.”<sup>55</sup>

Parish of Te Puna – Ngati Tokotoko – Lots 52, 53, 187 and 188 (400acres), granted to Patuhoe, Te Makaka and Te Puru.

Lot 211 (50 acres) vested in 22 owners at Te Ngare<sup>56</sup>

Total area (acres) 450

Without the protection of the Native Land Court, the Crown was able to alienate Ngati Tokotoko reserves to Pakeha settlers prior to 1886. Ngati Hinerangi did not even have a chance to register any ownership of title as this was denied them by the confiscation process under the New Zealand Settlements Act 1863.

It was not until 41 years later that the Sim Commission’s investigation into the confiscation of Tauranga Moana provided an opportunity for Ngati Hinerangi and Ngati Tokotoko to air their grievances about the confiscation of their lands in Tauranga Moana.

On 25 January 1927 James Douglas again lodged a petition to Parliament on behalf of Ngati Hinerangi for the return of the Aongatete Block containing some 14,000 acres in the Aongatete West District Parish of Papa, Tauranga:<sup>57</sup>

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<sup>54</sup> The Allocation of Reserves in the Tauranga Confiscated lands, Evelyn Stokes, p112

<sup>55</sup> Ibid p118

<sup>56</sup> Ibid p195 Fig 27

## PETITION

### **TO THE HONOURABLE MEMBER AND HIS HONOURABLE ASSEMBLY**

This is a prayer from us to Parliament in regard to a certain piece of land named Maurihoro B XI Block, containing 14,000 acres more or less, situated in Aongatete West District Parish of Papa, Tauranga.

Under the authority for enquiry into the confiscated lands we claim that this land belongs to us, that is, to the Ngati Hinerangi tribe. Our parents lived on this land in fact our permanent home is at Okauia, near Matamata. We object to the confiscation of this land because our parents did not take part in the war during that time but some remained under the protection of the Queen and others remained neutral and lived at Okauia.”

“Wherefore we the Ngati Hinerangi request that this land be restored to us. We emphatically say that this land was unjustly confiscated.”

“We had previously applied to have the title of this land investigated by the Native land Court. The Registrar however, informed us that as it was confiscated land the application would not be granted. We therefore ask the Government to allow this land to be enquired into by the Commissioners which will sit at Tauranga or at any other place appointed for the hearing of this case.

Enough

(Sgd) James Douglas

Spokesman for Ngati Hinerangi

January 25/1/27

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<sup>57</sup> RDB 52901

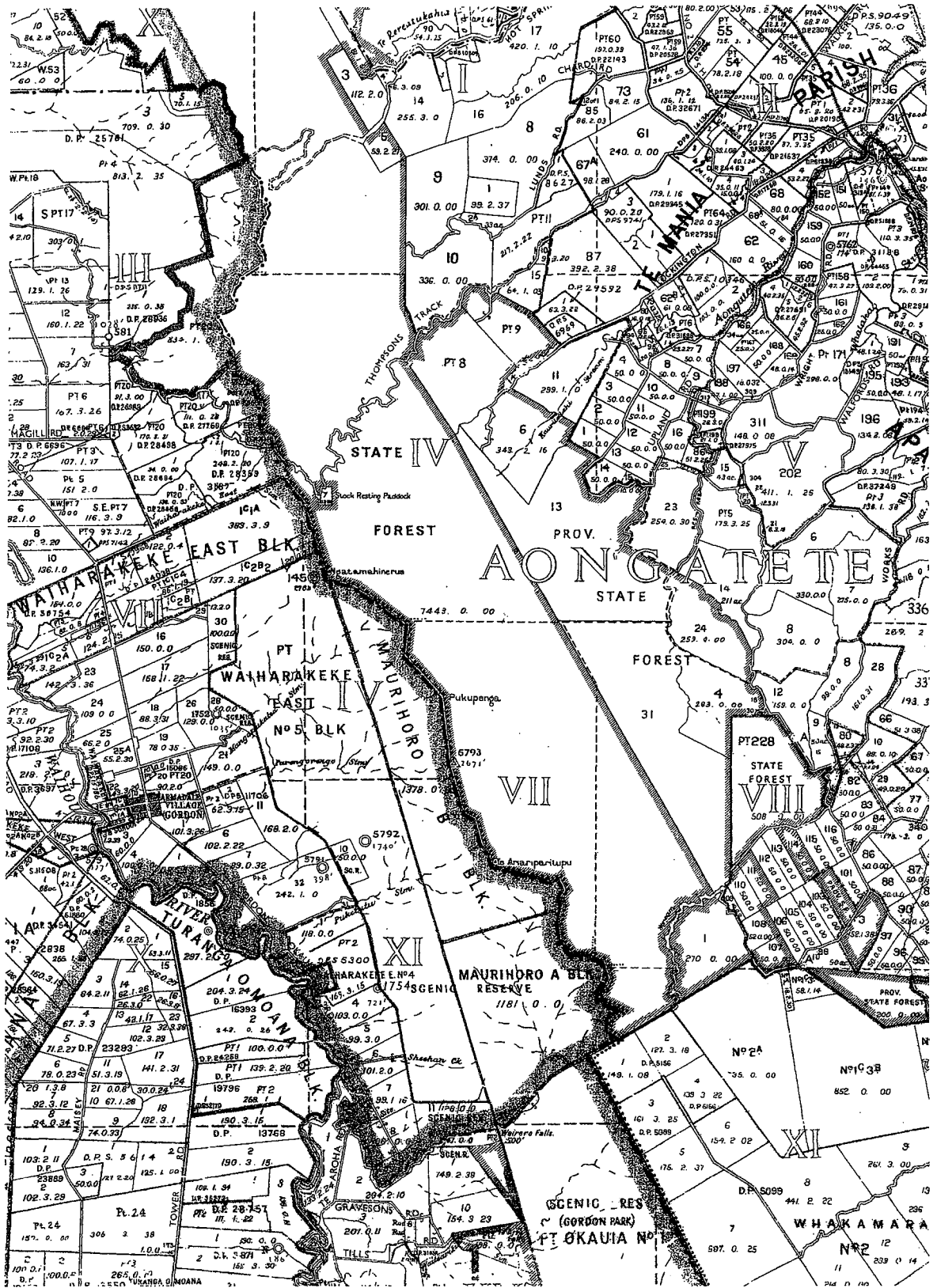


Fig 21. Aongatete Block Part of Provisional State Forest

The Sim Commission hearing at Tauranga lasted for a total of 2 and half days from 31 March – 2 April 1927.

The Sim Commission findings in relation to the raupatu of Tauranga lands “amounted to a more or less total acceptance of the arguments put forward by Taylor that Tauranga Maori or at least a significant proportion of them were engaged in rebellion against Her Majesty’s authority after the 1<sup>st</sup> January 1863 and their case therefore came within the terms of the New Zealand Settlements Act 1863.”<sup>58</sup>

Four petitions concerning the Tauranga raupatu had been referred to the Commission for investigation, the first two were forwarded to Parliament in 1920. The petitions were from:

1. Ngati Makamaka Hapu – Rotohiko Pakana and 8 others complained that they were landless descendants of loyalists whose lands had been confiscated during the land Wars and prayed for a grant of 1050 acres of Crown land adjacent to the Whakamarama No 1 Block.

2. Ngaitamarawaho Hapu – George Hall and 9 others were along the same lines  
Waitaha Tribe – Hautapu Wharehira and 23 others in 1923 complained that a disproportionate amount of their land had been confiscated in comparison to the few of their numbers who had joined the rebels at Gate Pa.

Ngati Ranginui tribe – Nepia Kohu and 648 others in 1923 stated that their lands had been confiscated to pay for the misdeeds of others.

Vincent O’Malley stated that a “further petition was submitted from James Douglas and the Ngati Hinerangi tribe concerning the Maurihero Block was also heard during the Tauranga sitting even though it was not included in the schedule of petitions referred to the Commission and no reference was made to it in the final report.”<sup>59</sup>

O’Malley continued:

“On the morning of 1 April (1923) Mita Karaka and James Douglas both gave evidence concerning the Maurihero Block, which straddled the inland boundary line of the confiscation district. Douglas claimed that about 8-9,000 acres of the block fell within the confiscation district and that Ngati Hinerangi had never been recompensed for the land so taken. However, the petition was not presented to Parliament until January 1927 (too late to be included in the Commission’s schedule) and no report was made concerning it.”<sup>60</sup>

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<sup>58</sup> The Aftermath of the Tauranga Raupatu, 1864-1981, Vincent O’Malley, p117-123

<sup>59</sup> The Aftermath of the Tauranga Raupatu, 1864-1981, Vincent O’Malley, p118

<sup>60</sup> Ibid p121

Smith, Counsel acting for the Maori Claimants, contended to the Sim Commission:

“that the Tauranga confiscation was unjustified or if found to be justified was excessive were presumably not made in jest, even if the Commissioners failed to take them seriously.”

O'Malley further stated that Smith largely “confined himself to suggesting that the purchase of the Katikati and Te Puna Blocks was made at an undervalue.”<sup>61</sup>

In 1879 the Commissioner of Tauranga Lands, JA Wilson reported that 16,825 acres of land had been sold at an average price of less than two shillings and ten pence per acre.

The Sim Commission consequently “revealed an unwillingness to consider Smith’s contention that there had been nothing voluntary about this cession (by Tauranga Maori) and ignored considerable evidence that many Maori had not been a party to Governor Grey’s surrender ‘agreement’ and had in fact opposed it whole-heartedly.

O'Malley stated that “Taylor’s case for the Crown was straightforward. The unprovoked and unjustified intervention of the Tauranga tribes in the Waikato War and the subsequent fighting at Gate Pa and Te Ranga were more than sufficient acts of rebellion to justify confiscating some of their lands.”

“Taylor contended that “although the Tauranga District had been formally proclaimed under the New Zealand Settlement Act, there was no real confiscation in the district at all since the Ngai Te Rangi tribe voluntarily ceded its lands to the Crown “quite independently of the surrender of its arms in the most certain definite and unequivocal way.”

O'Malley went on to state “ it was in its rather offhand dismissal of the Tauranga petitions that the Commission revealed most fully its failure to come to terms with what it was that many of the claimants were saying.

The Commission failed to grasp what the petitioners were asserting that in regard to the purchase of the Katikati Te Puna Blocks, the various claimants “were seeking – as a

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<sup>61</sup> Ibid p126-127

separate and distinct iwi - to have the merits of their own claims assessed by the Commission, rather than being subsumed under those of Ngaiterangi once again.”<sup>62</sup>

According to O’Malley, “the Commissioners were obviously rather bewildered by this emphasis on the distinctiveness of the different iwi ..”

The Commission tried to argue that the silence of the Petitioners between 1865 and 1923 was “in itself strong evidence that the claim now made is without merit.”

However, in adopting this attitude the Crown was simply continuing its behaviour of ignoring the validity of the Maori claimants rights. The Commission wanted to continue to describe “Tauranga Maori as belonging to the Ngaiterangi tribe” because of convenience sake but this was far from the truth.

O’Malley stated that “James Douglas had given evidence before the Sim Commission in 1927 and stated that the matter raised in his petition on behalf of Ngati Hinerangi had not been pressed further at that time. His tribe claimed the 20,000 acre Aongatete Block (part of the Katikati-Te Puna Purchase) had been sold to the Crown by those who were not its rightful owners and requested the return of the lands or adequate compensation in lieu of this.”

O’Malley concluded

“These were only the beginnings of a fresh wave of Parliamentary petitions and appeals to ministers.”

According to O’Malley,

“Ngati Hinerangi’s claim to the Aongatete Block was rejected on the grounds of the 1871 deed signed with the Crown – even though only a handful of Chiefs had been a party to this.”<sup>63</sup>

This is the Turton Deed No 462 between the Crown and six chiefs of the Pirirakau, Ngati Hinerangi and Ngati Tokotoko tribes who received according to O’Malley “belated recognition from the Crown of their claims in the district when they were paid £471 in respect of the Katikati Te Puna Block in 1871.”

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<sup>62</sup> Ibid p127

<sup>63</sup> Ibid p144



McLean apparently hoped that such a payment 'would secure Tauranga from any further annoyance from that tribe.' However, O'Malley is doubtful "whether these six members of 'that tribe' (meaning Pirirakau which in practice seems to have been a label used to refer to all of the 'malcontents of all the tribes round about') were acting in accordance with the wishes of their fellow tribesmen and women appears doubtful given both the small number who signed the deed and the continued Pirirakau (and Ngati Hinerangi and Ngati Tokotoko renunciation of the Katikati Te Puna Purchase subsequent to this."<sup>64</sup>

The proof of the Crown's antagonistic attitude to Pirirakau, Ngati Hinerangi and Ngati Tokotoko is seen in the fact that "it was some years later, where lands temporarily reserved for Pirirakau out of the confiscation block had still not been awarded to them on the grounds that they had yet to make a satisfactory submission to the Queen's law."<sup>65</sup>

Between 1944-46 Parliament was again inundated with a flood of new petitions from tribes such as Ngati Hinerangi carrying the same message as earlier petitions to return the confiscated Maori land to its rightful owners.

James Douglas submitted another petition this time in the name of Hinerangi Tawhaki. This was essentially the same tribe but with the addition of Tawhaki. The Government officials were puzzled by the added name but were able to deduce that Ngati Hinerangi Tawhaki was a recent aberration and that it was still referring to the Ngati Hinerangi tribe who James Douglas represented in his 1927 petition.

In the case of this Ngati Hinerangi petition, James Douglas was the same petitioner and he refers in this petition to the previous petition that he submitted to the Royal Commission sitting at Tauranga in 1927: <sup>66</sup>

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<sup>64</sup> Ibid p50

<sup>65</sup> Ibid p50

<sup>66</sup> RDB

PETITION No. 108/1944

IN THE GENERAL ASSEMBLY OF NEW ZEALAND 1944

To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled.

May it please your Honourable House:-

The Humble Petition of the undersigned JAMES DOUGLAS of Okauia near Matamata in the Dominion of New Zealand, Farmer, Showeth as follows:-

1. That your Petitioner is a member of and represents the Ngati Hinerangi Tawhaki Tribe and resides at Okauia near Matamata, Waikato, Auckland, New Zealand.
2. That the said Tribe were the original owners of (inter alia) all that piece of land containing approximately TWENTY THOUSAND (20,000) ACRES being the Aongatete Block, parish of Te Apata Tauranga District being bounded as follows: Commencing at the Trig Station marked Ngatamahinerua; Along the South line to Mimiha o Tuwhanga; Thence to the East along the Whakamarama No. 2 Block to Umukorongaehe; Thence to the North to the Waitekohe Settlement and Thompson's Track; Thence along Thompson's Track to the starting Point as the same is more particularly delineated by the Plan annexed hereto edged red.
3. THAT in or about the year 1864, War broke out at the Gate Pa, Tauranga and the said Tribe being anxious to avoid hostilities largely vacated the said land but continued to occupy several portions on the borders.
4. THAT when the above War ended, the Government purchased the said land (inter alia). The Vendors were shown as the Ngati Paoa, Ngati Maru and Ngati Tamatera Tribes. These Tribes while they owned other land, had no interest of any sort in the said Aongatete Block and had no authority to sell sale.
5. THAT the above facts are well known to the members of the said Ngati Hinerangi Tawhaki Tribe.
6. THE position was raised before the Royal Commission sitting at Tauranga in 1927 but this matter was apparently not pressed further.
7. YOUR Petitioner considers that the said Ngati Hinerangi Tawhaki Tribe have been wrongfully deprived of the said piece of land containing 20,000 acres.

WHEREFORE your Petitioner prays:

THAT the said lands be restored to the said Ngati Hinerangi Tawhaki Tribe or alternatively that adequate compensation be paid in lieu of same.

AND your Petitioner as in duty bound will ever pray

(sgd) James Douglas

Okauia, near Matamata  
Waikato, Auckland  
NEW ZEALAND

The 1944 Ngati Hinerangi Petition by James Douglas was treated in the same manner as the many other Tauranga petitions sent to Parliament. Despite the huge number of petitions, the subsequent review of the Tauranga claims drew another blank response from the Government. On 1 December 1948, Tipi Ropiha, the Under Secretary for the Minister of Maori Affairs drafted a memorandum that stated:<sup>67</sup>

“The petitioning parties have alleged no grounds of complaint additional to those made before the Commission of 1927. I cannot see that any good purpose would be served by referring the matter to another tribunal. After some sixty years without complaint the Maoris asked for an investigation. The investigation was granted and duly conducted with the result that the Maoris failed to establish even a prima facie case of injustice warranting detailed investigation.”

“A further careful and detailed investigation of each claim has now been made in this office; but the information available serves only to deepen the impression that...none of the claims has sufficient merit to warrant reference to a Royal Commission.”

O’Malley concluded that “Ngati Hinerangi’s claim to the Aongatete Block was rejected on the ground of the 1871 deed signed with the Crown – even though only a handful of chiefs had been party to this.”<sup>68</sup>

From 1944 until 1993, a period of 49 years went by before Ngati Hinerangi’s and Ngati Tokotoko’s land claims were reactivated with the lodging of a claim to the Waitangi Tribunal by Patrick Nicholas of Ngati Tokotoko on 2 June 1993. Five years later in 1998, the Maurihero B Trust was formed under the Te Ture Whenua Maori Act, 1993 to oversee the administration of the Maurihero B Block.

The Aongatete Block, referred in the two James Douglas Petitions of 1927 to the Sims Commission and later to Parliament in 1944, comprised 20,000 acres. Ever since the block has remained in Crown ownership and is now part of the Kaimai-Mamaku State Forest Park which was proclaimed in the NZ Gazette of 23 October 1975.

The land for the Kaimai Tunnel and Deviation was taken by the Public Works Act 1928. The authorisation for the Kaimai Tunnel and Deviation was made under the provisions of the Finance Act (No 2) 1964. The Proclamation Defining the Middle Line of the Waharoa-

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<sup>67</sup> The Aftermath of the Tauranga Raupatu 1864-1981, Vincent O’Malley, June 1995, p143

<sup>68</sup> Ibid, p143-144

Apata (Kaimai Deviation) Railway was announced in the New Zealand Gazette on 19 August 1965.<sup>69</sup>

All this was done without the consent and approval of Ngati Hinerangi, the tangata whenua and mana whenua of the land involved in the building of the Kaimai Tunnel and Deviation.

The consistent theme that emerges from the collective Ngati Hinerangi experience over successive generations, is that at every time when Ngati Hinerangi has tried to communicate with the Crown about their grievances in relation to the loss of their lands, they have been ignored by the Crown and its agents. This was certainly the case in terms of the land in the Kaimai known as the Aongatete Block which was confiscated and is now part of the Kaimai – Mamaku State Forest Park.

This ingrained attitude on behalf of the Crown of ignoring Ngati Hinerangi, has continued unabated from the 1870s when the first request for a Ngati Hinerangi reserve was ignored by the Crown, up until the building of the Kaimai tunnel and deviation where Ngati Hinerangi were once again completely and deliberately ignored. The work proceeded without Ngati Hinerangi's consent or approval.

Ngati Hinerangi contend that it was the Crown's confiscation of its lands in the Katikati Te Puna Block, but more particularly the 20,000 acre Aongatete Block, and its unwillingness to respond to the numerous Ngati Hinerangi petitions about this block, that created the historical injustice in the first place. Ever since this historical injustice Ngati Hinerangi petitions and pleas have been ignored and as a result they have been prejudicially affected by this, right up to and including the building of the Kaimai Tunnel and Deviation.

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<sup>69</sup> NZ Gazette 19 August 1965 No 45 p1322.

## **Part Two – Economic Justification for the Kaimai Tunnel and Deviation**

### **2.1 Economic Growth and Development in Tauranga, Bay of Plenty and Waikato**

The story of the building of the Kaimai Tunnel and the Kaimai Deviation revolves around two factors. Firstly, the economic growth and development of new industries in the Bay of Plenty, Waikato and Central North Plateau. Secondly, the building of the Port of Tauranga as a final destination deep sea wharf for products and produce to meet the export and import demands of these new industries. A corollary to these two factors was the growth of population and urbanisation; and the inherent demands of the new industries for an efficient transport and communication system to service their infrastructural needs in the rapidly expanding Waikato, Tauranga and Bay of Plenty region.

Proposals for the building of a railway line over the Kaimai Ranges to improve access to the Bay of Plenty are said to have begun as early as 1911. Representations were made to have a railway built between Matamata and Tauranga when Sir Joseph Ward was Prime Minister in 1911. Initial proposals were for a railway line running over the Kaimai “saddle” but this was dismissed as impractical.<sup>70</sup>

In 1913 the suggestion for building a two-mile tunnel, with six miles of limited grades on the western side, was mooted. This proposal was similarly dismissed and was to be soon overshadowed by the outbreak of the First World War, 1914-18. However, in 1913 another significant event took place that was to eventually reawaken interest in building a rail link between the Waikato and Thames Valley areas and Tauranga and the Bay of Plenty region.<sup>71</sup>

### **2.2 Development of Forest, Timber, Pulp and Paper Industries**

The event was the Royal Commission on Forestry in 1913, which was largely responsible for prompting the widespread planting of exotic pine trees in the South Waikato-Bay of

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<sup>70</sup> Ibid p43

Plenty hinterland.<sup>72</sup> The harvesting of the pine forests fifty years on was to have a dramatic impact on the economic development of Tauranga and the Bay of Plenty creating a demand for improved transport in the region. The Commission was required to look at all aspects of forestry in New Zealand, including the probable demand for timber and whether the State's forests should be expanded. At that time pine forests amounted to only 26,305 hectares. As a result of the Commission report, a scheme was drawn up in 1915 for planting 104,412 hectares of the Kaingaroa Plains. Between 1923 and 1936, 152,167 hectares had been planted in exotics.<sup>73</sup>

At the same time, private companies were planting pines in the central North Island where the land was cheap due to a cobalt deficiency. This led to the establishment of the two main areas of planting interests which centred on the private plantings of Tokoroa and the State's Kaingaroa forest north-east of Taupo in the Central North Island plateau. The smaller private forests in the east and south of Kawerau were also established during this time and eventually led to the establishment of the region's first sizeable timber processing plant. A company called Timberlands was established in 1931 and in 1937 the Whakatane Board Mills plant, making cardboard was opened.<sup>74</sup>

Forest Products Ltd was formed and in 1941 the company had opened its first wallboard factory in Auckland. In 1953 due to the success of its timber products a new plant at Kinleith next to Tokoroa was producing pulp and paper as well as sawn timber. In 1961 the Whakatane Board Mills entered into a merger with NZ Forest Products who were the owners of the second largest pine forest in the Tokoroa area.

The development in forestry, alongwith other economic developments such as wood products and dairying, were to be a major influence in the decision to build the Kaimai Tunnel and Deviation

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<sup>71</sup> Ibid p16

<sup>72</sup> Ibid p 43

<sup>73</sup> Ibid p16

<sup>74</sup> Ibid p16

## **2.3 Business and Community Support**

Another critical factor in the building of the Kaimai Tunnel was public opinion and support from community and business interest groups in Tauranga, Bay of Plenty and the Waikato region. The Farmers' Union petitioned the Government for an extension of the railway system between the East Coast and Matamata. In 1920, a deputation of Tauranga residents asked for a report on the railway route over the Kaimai Ranges and the Public Works District Engineer at Tauranga made a survey for a railway.<sup>75</sup> However, it was not until after the Second World War that interest in improving rail access from the Waikato and Thames Valley to Tauranga and the Bay of Plenty, was re-ignited.

By the 1950s the State forests on the Kaingaroa Plains were reaching maturity. This resulted in the development of processing timber and paper mills by the Tasman Pulp and Paper Company at Kawerau and by New Zealand Forest Products at Kinleith. This in turn created the impetus for another significant event in the building of the Kaimai Tunnel. This was the decision to build the Port of Tauranga. The maturing of exotic pines and the development of timber products created the need for a deep water port facilities at Tauranga to export timber products to growing overseas markets.

The Kaimai Tunnel was not just a local issue for the people living in Matamata and Tauranga. It was a national issue that involved big business, local authorities and Central Government. It was to be symbolic of the future direction for the economic development of the country.

## **2.4 Development of the Port of Tauranga**

The building of the Kaimai Tunnel and Deviation begins to take a new turn with the establishment of the Port of Tauranga as a deep water Port for international import and export shipping. The first major step towards the Port of Tauranga being established as the second major port of New Zealand after Auckland, came with the setting up of the Bay of

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<sup>75</sup> Ibid p 43

Plenty Harbours Committee of Inquiry in November 1950.<sup>76</sup> The purpose of the Commission was to recommend the best site in the Bay of Plenty for a port to service the products of the forests and mills in the Waikato, the Kaingaroa Plains and Kawerau. The Commission reported back its findings and recommended the building of a deep sea wharf at Mount Maunganui in Tauranga.

In September 1952, after site investigations, trial designs and consultations, world-wide tenders were called for the construction of a breastwork wharf, 372m long. After several calls for tenders, all were declined and on 29 May 1953 the Government gave instructions for the Ministry of Works to begin building the wharf.<sup>77</sup>

On 30 November 1953, WS Goosman, Minister of Works, drove the first pile and on 5 December 1954, the first ship berthed at the new wharf. By agreement with the Tauranga Harbour Board, the Government built and financed the wharf, while the Board repaid the capital cost, plus interest, over the next 30 years.

The Port of Tauranga claimed,

“Trade potential for the Port of Tauranga was optimistically assessed as a result of the growth in log export to Japan and Korea. The first trial shipment of 158 tonnes was shipped to Japan on 24 November 1957. Shipments shot up from 13,667 tonnes to 85,155 tonnes in 1959 and timber shipments increased by 24% marking the beginning of a spectacular trade which reached a peak of 1,623,880 tonnes in 1973.”

According to the Port of Tauranga,

“The unprecedented overall trade growth disproved the pessimistic predictions of those many organisations which in 1966 strenuously opposed proposals for full development of the port as an unrestricted final outlet for primary exports originating in the Waikato/Bay of Plenty region.”

“The establishment of the Port of Tauranga as a major deep sea wharf for import and export shipping of products, “endorsed in every respect the recommendations of earlier hearings associated with the development of the Bay of Plenty and its port.”

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<sup>76</sup> Our Port History to Modern Day, Port of Tauranga, p6

<sup>77</sup> Ibid p6



Tauranga business leaders began openly stating that it was critical for the port's success to gain access to the exotic pine forests and timber milling industries in the Waikato and Kaingaroa Plains. They saw the Kaimai Tunnel as a vital necessity not just in local terms but in the interests of the nation as a whole.

The reason for this is explained by Mr RA Owens, head of the Bay's chief stevedoring firm, who told the Commission of Inquiry in improved access to the Port of Tauranga,

“Industrial concerns would not continue to establish themselves in the Bay or in the Tauranga area, unless the port could provide for an area that made the industries economic in themselves. The area needed must be such that industry could provide enough of its own commodity to make the venture successful.”<sup>78</sup>

“There must be a reasonable area of distribution around the port before industrial concerns will establish themselves. This means that all interests must have a reasonable range of hinterland on which they can draw. This hinterland will, in its turn, bring the revenue necessary to ensure that the port is run economically and does not become a burden on the ratepayers; also that the taxpayer is assured of a return of his money within the due period.”

It is at this point that the concept of “the hinterland” as an economic sphere of influence, begins to take shape as the basis for an economic philosophy that drove the factions who supported the Kaimai Tunnel and Deviation.

There were a number of Royal Commissions of Inquiry into the development of the Port of Tauranga which all effectively gave “the green light” for the building of the port to go ahead.<sup>79</sup>

The various Commissions included –

- The 1950 Tauranga Port Commission of Inquiry
- The 1961 Trotter Report on cool storage
- The 1963 McKillop Report on Port access.

The development of the Port of Tauranga spurred a renewed interest in the building of the Kaimai Tunnel. It also revealed who were the main protagonists in support of the Kaimai Tunnel and Deviation.

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<sup>78</sup> Bay of Plenty Times article, “Improved Access to Tauranga’s Port a vital necessity” 1965

## 2.5 Increasing Pressure on Government for the Kaimai Tunnel

By 1952, pressure once again began to mount to get the Kaimai Tunnel scheme back on the Government's list of priorities. Several plans were discussed and in 1955 road and rail access from the Waikato / Thames Valley to Port Maunganui was studied and a 2.5 mile long tunnel was proposed.<sup>80</sup>

At the same time as the Commissions of Inquiry were looking at the development of the Port of Tauranga, the focus was brought to bear once again on the subject of the Kaimai Tunnel. It was a long held belief by business leaders, interest groups, provincial newspapers and their editors, local bodies and their communities in Tauranga and the Bay of Plenty, that a rail line over or through the Kaimai Ranges was essential for the growth, expansion and development of Tauranga. The proposal for a tunnel through the Kaimai Ranges once again gathered momentum.

In 1956 provincial newspapers and their editorials began to speculate on the issue of a tunnel and in the same year Federated Farmers also began to press for a proposed site for the tunnel and asked for ultimate costings and a time when the construction of the tunnel would begin. This led to editorials and calls for a full commission of Inquiry into the building of the Kaimai Tunnel.

The Holland Government received deputations from several interested parties but were reluctant to commit themselves to an expensive, and controversial tunnel building project. There was widespread opposition to the Kaimai Tunnel and indeed the Port of Tauranga which was seen in tandem as a threat to the viability of the country's major sea port at Auckland. The major arguments were essentially based on economics. The Auckland Harbour Board argued that the Port of Tauranga would draw shipping trade away from Auckland. The Auckland Harbour Board also by extension of their argument, believed that the building of the Kaimai Tunnel would undermine the economic scale and viability of its economic base, the Auckland hinterland that stretched down into the Waikato and Thames Valley regions.

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<sup>79</sup> Ibid Port of Tauranga p6

As well as this there was growing opposition from local authorities outside the reach of the Kaimai Tunnel and the Port of Tauranga, such as in the Thames Valley and Paeroa districts. The local authorities in the Thames Valley put up the Firth of Thames as an alternative location for a second sea port and argued that “this would be more economical than the proposed Kaimai Tunnel.”<sup>81</sup>

The Government decided that a Commission of Inquiry was not necessary. In the meantime, however, the Ministry of Works had already begun investigations into the building of the Kaimai Tunnel. This brought about a raft of new investigation reports and Commissions of Inquiry which included:

- The 1957 Railways Commission
- The 1958 Kaimai Tunnel Report
- The 1963 Commission of Inquiry into “Improved Access by land to the Port of Tauranga and the Bay of Plenty.”

**The 1957 Railways Commission concluded that the Kaimai Tunnel project “would not be economic on the basis of rail traffic expected in 1960. In addition the improvement in state highways was weakening the case for a Kaimai Tunnel.”<sup>82</sup>**

In 1958 a Labour Government was elected and the Minister of Railways, Michael Moohan, on behalf of the Tauranga electorate, asked for the publication of the Kaimai Tunnel Report which had been promised during the election. The Tauranga Harbour Board also asked for details about the Kaimai Tunnel report.

The Government’s reply echoed the findings of the 1958 Kaimai Tunnel Report, **“Although enthusiasm for the provision of improved rail access to the Port of Tauranga is fairly widespread in adjacent areas the implementation of expensive railway development works could only be justified by a substantial increase in demand for railway services. But the project should be reviewed if expansion of trade in the Bay of Plenty warranted this in the near future.”**

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<sup>80</sup> Ibid p6

<sup>81</sup> Ibid p6

<sup>82</sup> Ibid p6

The Government's deferment of the Kaimai Tunnel project brought about a vocal protest from the interest groups and local bodies in the Tauranga, Bay of Plenty and Waikato region. The decision to defer the Kaimai Tunnel was attacked in representations to the Government at this time. In March 1960, the Minister of Railways received a deputation asking that "the Kaimai Tunnel project be reviewed in the light of the rapid development of the Bay of Plenty." **But in May the same year a MOW investigating engineer "saw no real change...to warrant reopening of the proposal."**

In the next few months, following a series of newspaper articles criticising the Government's deferment and amid accusations that the Government was the cause of the Port of Tauranga "facing loss of trade", the Minister of Railways, Mr Moohan was urged by the Tauranga Harbour Board to restart the Kaimai Tunnel project.

In August 1960, Cabinet asked MOW and New Zealand Railways "to submit a paper covering the estimated cost to construct and operate the same...[the Kaimai Tunnel]." In December 1960, a "Report on Investigations" indicated that 1964 could be a critical year for industry's transportation of goods to Mt Maunganui. The building of the Kaimai Tunnel was recommended by the then District Commissioner of Works for Hamilton, Mr CJW Parsons."

In June 1961, the NZ Railways Report presented "a strong case for the tunnel"<sup>83</sup> and a provisional assessment of costs of the tunnel and approaches was started by MOW. Construction costs for the Kaimai Tunnel was produced by MOW in August 1961 that was estimated at about five million pounds.

In 1962, the MOW and NZ Railways continued to refine their estimates and planning for the tunnel with the provisions that "a first class port would demand first class road and rail facilities – neither would exclude the other."<sup>84</sup>

Newspaper and public opinion oscillated between those local bodies, communities and business interests directly within the reach of the proposed Kaimai Tunnel and those outside

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<sup>83</sup> Ibid p7

<sup>84</sup> Ibid p7

of the reach of the proposed Kaimai Tunnel. Slowly but surely the momentum began to gather for the support of the Kaimai tunnel.

## **2.6 The Link between the Port of Tauranga and the Kaimai Tunnel**

It was clear that the interest groups who were pushing for the building of the Kaimai Tunnel and deviation were the same groups pushing for the development of the Port of Tauranga. One year after the Commission of Inquiry made its report to Government in February 1963, the Tauranga Harbour Board provided economic evidence to justify their decisions about supporting the Kaimai Tunnel in a report to the Minister of Labour, Mr TF Shand on 10 June 1964,

“Our Board’s submissions...we believe are of vital importance to the economy of the port and the Bay of Plenty and Central Waikato.”<sup>85</sup>

The Tauranga Harbour was making submissions directly to the Minister of Labour because of their concern at Cabinet’s deferment of the decision to proceed with the building of the Kaimai Tunnel. Their aim was to bring pressure to bear on Cabinet to reaffirm their commitment to building the Kaimai Tunnel and deviation.

“We consider that the detailed survey and investigation of the Kaimai Deviation should be put in hand as soon as possible and when completed this deviation be proceeded with.”<sup>86</sup>

Why was the Kaimai Tunnel so important to the Port of Tauranga?

The Board explained in its submissions,

“We are in these submissions setting out briefly the importance of the Port of Tauranga to the rapidly developing areas of the Bay of Plenty and Central Waikato. It is felt by primary producers and industry generally who are domiciled in the above areas, that they should be entitled to the benefits of direct exporting and importing which at present is enjoyed by many other districts in New Zealand.”<sup>87</sup>

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<sup>85</sup> AATE 10f 56/5 MOW – Letter Tauranga Harbour Board to Min. of Labour dated 10 June 1964.

<sup>86</sup> Ibis p3

<sup>87</sup> Ibid p6

The report stated under the heading “Trade Pattern”, that the Port of Tauranga “serves an area of approximately one fifth of the North Island.”<sup>88</sup>

Under the heading “**Industrial Development**”, the Board asserted,

“The Bay of Plenty is one of the most important industrial areas in New Zealand especially from the point of view of exports, containing in addition to many small industries, two phosphate plants, the Whakatane Board Mills, the Tasman Pulp & Paper Company, New Zealand Forest Products Ltd, New Zealand Forest Service and several dairy factories for which the Port of Tauranga is essential to their economic development.”

The report illustrated the Port of Tauranga’s “sphere of economic influence” and listed the major trading activities that accessed the port emphasising the importance of the wider “hinterland” area and population that it serviced:

#### **Superphosphates:**

In 1963 some 84,304 tons of phosphate, potash and sulphur were imported for the Bay of Plenty Fertilisers Co and the superphosphate manufactured was distributed to areas extending from Paeroa in the north to Taupo in the south and Hicks Bay in the east, Tokoroa, Putaruru and Cambridge in the west. “The Bay of Plenty Fertiliser Co Ltd has already resolved to duplicate its works capacity to meet the needs of the vast hinterland of the area.”

#### **Motor Spirits and Oil**

“All the Companies have storage tanks at Mt Maunganui, and combined they distributed to the hinterland some 200,000 tons of petrol and oil in 1963 which indicates the efficiency of the port and the centrality of the area as a distribution point to the Bay of Plenty and Central Waikato.”

#### **Wheat**

Two of flourmills have been established in the Port area and distribute some 50,000 tons annually of flour, poultry mashes, stock foods and feed wheat.

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<sup>88</sup> Ibid p

The areas of distribution of the above products follow a fairly general pattern covering the Coromandel peninsular in the north, Hamilton in the west, Taumaranui in the south and around Hicks Bay in the east.

### **Dairy Products -**

The Dairy Companies of the Bay of Plenty area could export 30,000 tons of butter and “when the Kaimai tunnel is constructed a further 31,000 tons of butter, 25,750 tons of milk powder, and 3,600 tons of cheese could be exported through the Port from the Eastern Waikato.”

### **Cool Storage and Dry Storage**

With the building of cool storage and dry storage facilities at the Port there would be a substantial increase of exports for milk solids, such as buttermilk powder, skim milk powder, full cream milk powder whey powder and casein. The Port facilities would also be used for meat exports.

The Commission of Inquiry stated in its report in the last paragraph of the section entitled - General,

“Most of New Zealand’s exports of forestry products are from the Bay of Plenty and the adjacent area. Some million of pounds have been expended on the existing road and rail networks, rolling stock, and road vehicles. In its deliberations your Commission has endeavoured to have full regard to the maximum utilisation of this present investment, bearing in mind the importance to the national economy of lower transportation costs.”<sup>89</sup>

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<sup>89</sup> Report of the Commission of Inquiry in to Improved Land Access to the Port of Tauranga, p10

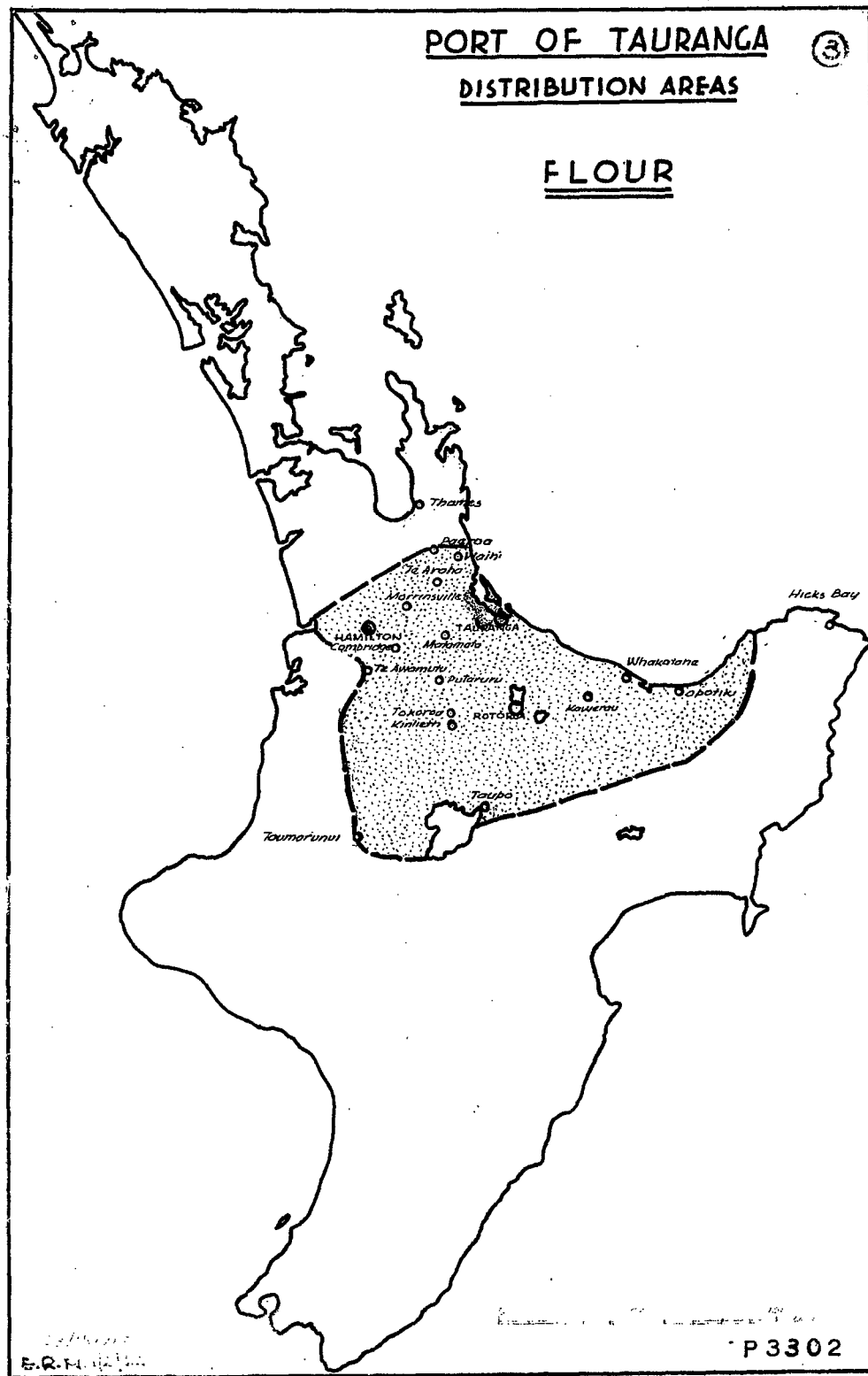


Fig 22. Distribution of Products from Waikato, Tauranga and Bay of Plenty



FLOW OF LIVESTOCK

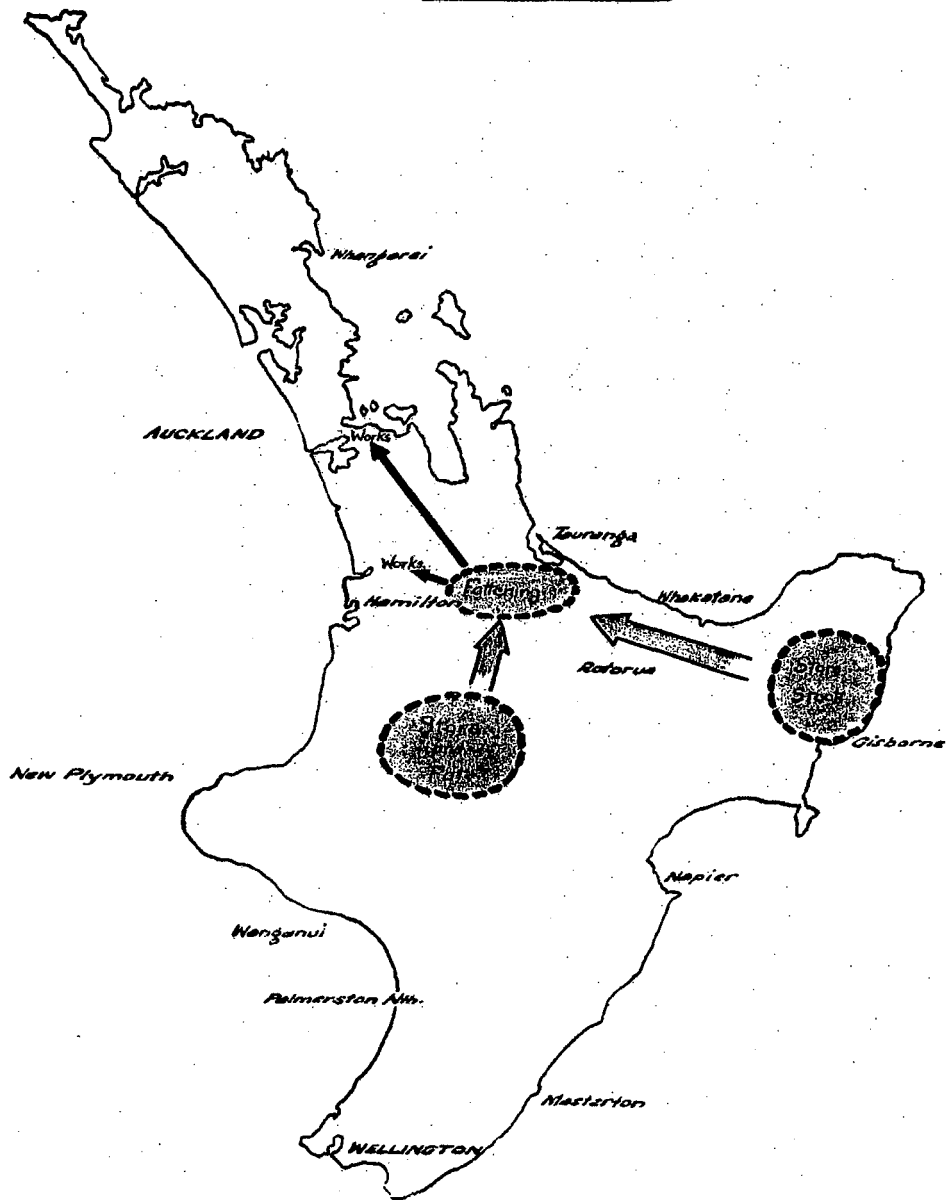


Fig 24 Flow of Livestock in Waikato, Tauranga and Bay of Plenty

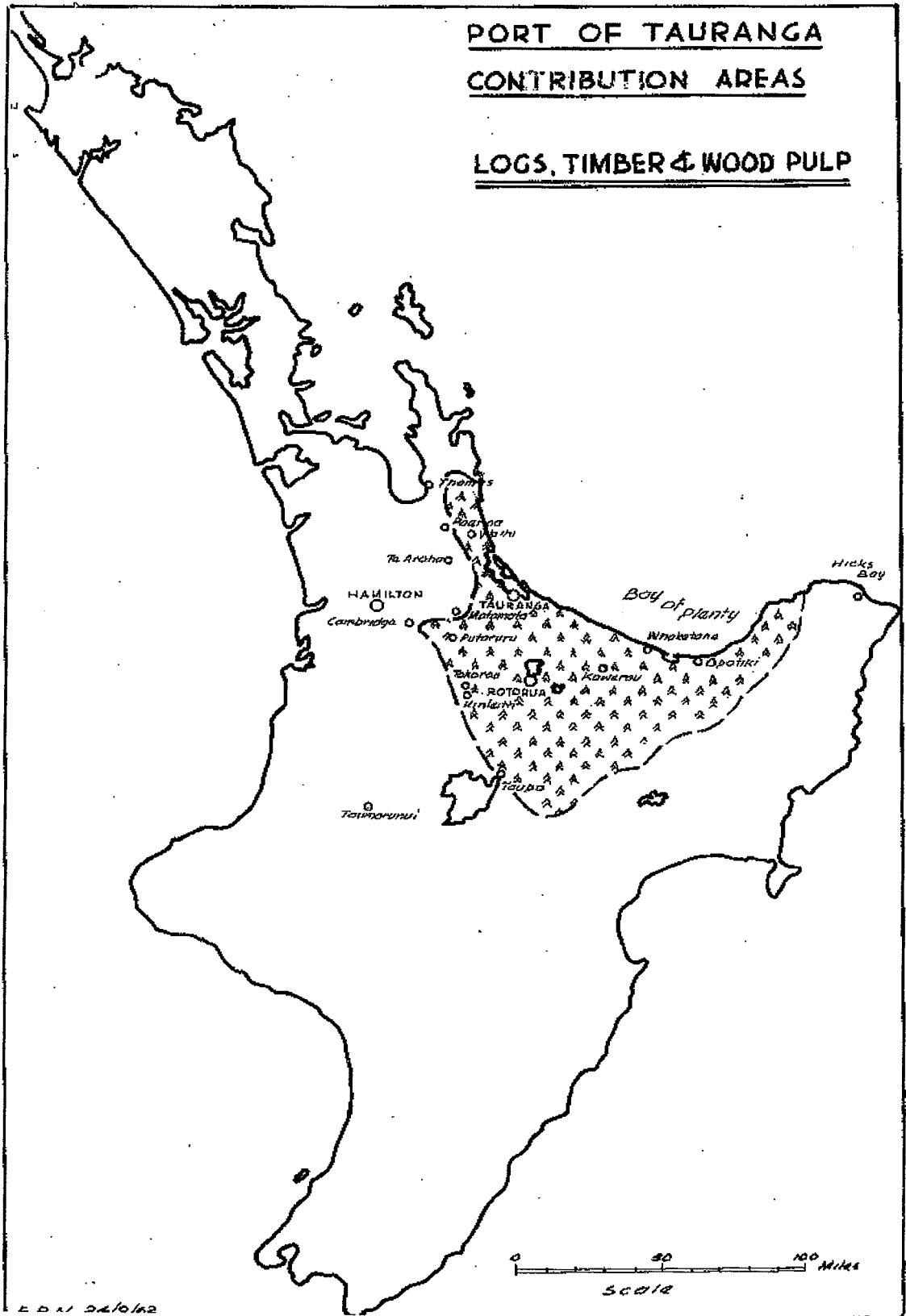


Fig 23. Forest Products from Waikato, Tauranga and Bay of Plenty

CARTAGE OF LOGS AND TIMBER  
TO  
TAURANGA

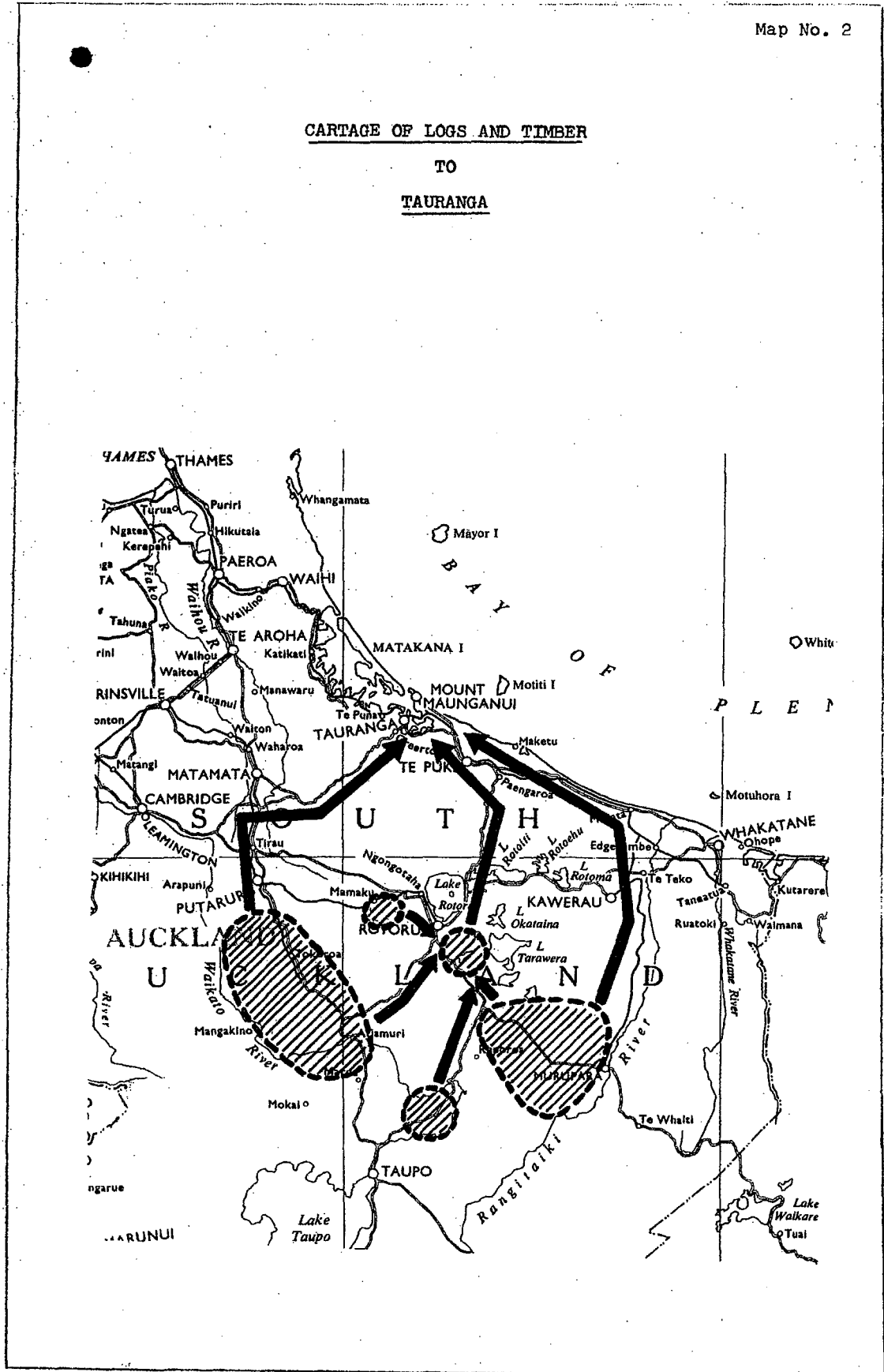


Fig 25. Forestry Industries in Waikato, Tauranga and Bay of Plenty

## **2.7 Population Growth as an Economic Factor**

The submissions of the Port of Tauranga Harbour Board also highlighted other factors that were driving the economic development of the Port of Tauranga and the Bay of Plenty. Population forecasts for the Bay of Plenty estimated that the population of the Bay of Plenty in 1965 would be 149,500 and by 1980 this would increase to 216,250. The Coromandel area was estimated by 1980 to have a population of 27,950.

The Board stated, "The Waikato region a large proportion of which will be served by the Port when the Kaimai tunnel is constructed is estimated by 1980 to have a population of 288,650. The estimate of population for 1965 of this region is 199,050."

The Board continued, "From the above figures it can be seen that the Port of Tauranga even at the present time serves a large population, and by 1980 could serve a population of approximately 500,000."

This clearly demonstrates the thinking of the Board of the Port of Tauranga as to the importance of the Kaimai Tunnel and deviation project. The Kaimai Tunnel would provide them with a legitimate claim that it was serving a much wider population base than just Tauranga and the Bay of Plenty. It could therefore make legitimate calls on the Government to fund its economic and infrastructural development because it was in the national interest not merely for local interests. The aspiring Port of Tauranga and Tauranga local bodies joined forces to exert pressure on Government to invest in the economic development of their region.

## **2.8 Local Interest or National Development Project**

To achieve its goals of securing the injection of Government funding, the Port of Tauranga and local authorities had to persuade the Government that the developments such as the Port of Tauranga and the Kaimai Tunnel were not merely local developments for local interested parties but that they were essential for the national development of the country's economy as a whole. The matter became a question of whether it was a local development with limited economic benefits to just local interested parties or that it was a development project of national importance and significance that would bring economic benefits to the whole country or at least to a sizeable portion of the country.

The Port of Tauranga in their submissions were keen to emphasise the Port's wider sphere of influence and talked about serving the needs of primary producers and industries in an expanded hinterland that went from Coromandel in the north to Hamilton in the central Waikato region, Taupo in the south, Hicks Bay in the east and Putaruru and Cambridge in the West. The Port also emphasised the growing population that it serviced in this hinterland and sphere of influence and estimated the population of its hinterland to be over 500,000 by 1980.

## **2.9 The Economics of the Tauranga Hinterland**

By adopting the strategy of developing the concept of the hinterland and an expanded population base, the Port of Tauranga and even the Tauranga local bodies themselves were able to legitimately call on the Government to provide for their economic development as part of the national development of an essential and strategic resource – the Port of Tauranga. However, to be able to lay claim to the hinterland with its expanded population base and extended industrial sphere of influence, the Port of Tauranga and the Tauranga local bodies needed the Kaimai Tunnel and Deviation. Without the Kaimai Tunnel and Deviation, the Port of Tauranga and the Tauranga local bodies could not claim to be connected to the wider hinterland or the extended industrial base that was developing in Central Waikato, Rotorua and in the Central Plateau - Taupo region.

The Commission of Inquiry's report on the Port of Tauranga, however, was ambivalent. It is clear that the Commission did not actually have a position on the Port of Tauranga. The report does not have a stated position of the Commission in relation to the Port of Tauranga. What followed was a series of statements from the Commissioners about the lack of data, and that "accurate information regarding the future of the Port of Tauranga was not available."<sup>90</sup>

The Commission of Inquiry report acknowledged several model tests and investigations by Tauranga based shipping companies, Producer Boards and the Tauranga Harbour Board itself, into the viability of working secondary ports. The Commission hesitantly stated something close to a position when it stated:

"If a favourable decision can be reached in regard to the future of Tauranga as a port of final loading, we are of the opinion that further benefits will accrue to the Bay of Plenty and contiguous areas by the construction of the rail tunnel deviation."<sup>91</sup>

The Commission's report concluded with a section titled, "Protection of Existing Traffic Operators", whereby it gave assurances to the roading lobbyists that, "the rights of existing road operators should be fully protected." It also recommended that regulations 29 (2) of the Transport Licensing Regulations 1960, providing protection for the railways in respect of road cartage in excess of certain distances, varying with the type of goods carried."<sup>92</sup>

The development of the hinterland of Tauranga was therefore totally dependent on the outcome of the Kaimai Tunnel debate. The Kaimai Tunnel would open up a greater sphere of influence and economic activity for the Port of Tauranga. The Tauranga and Bay of Plenty Local Bodies stood to gain access to the Government Purse if it could persuade Cabinet that the Kaimai Tunnel and deviation was in the national interest. The concept of the hinterland, therefore, referred to an economic theory whereby the Government invested in the development of key strategic regional resources and assets for the national good of the country, and that returns would come back to the Government in the form of new sustainable economic growth utilising the industries, businesses, resource and economic activities in that region.

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<sup>90</sup> Ibid p19

<sup>91</sup> Ibid p20

<sup>92</sup> Ibid p21

For the Port of Tauranga to be successful and economically viable it needed the Kaimai Tunnel. It appeared the important objective was not so much the economic viability of the Kaimai Tunnel and Deviation itself. Rather the wider objective was to capture the central and northern Waikato regions with its growing industries and population of what was predominantly a farming area, to be an integral part of the development of the Tauranga hinterland. To achieve this the Port of Tauranga needed the Kaimai Tunnel,

## **2.10 The Hinterland Concept and Pressure on Maori Land**

It is evident that the economic and political forces at work in the issue of the building of the Kaimai Tunnel and Deviation were more interested in using the Kaimai Tunnel and the Deviation as a means of attracting Government spending to the area to spur ahead the development of the wider hinterland of Tauranga, Bay of Plenty and Waikato. The viability of the Kaimai Tunnel was not its concern. That was up to the Government. What was important was the Government spending in the area on infrastructure – roads, bridges, communications, and the railway tunnel was the vehicle to attract the Government purse.

The Kaimai Tunnel was merely the means of injecting public funded economic growth and development into Tauranga as had happened in the 1860s and 1870s when the first railways were put through the country. It is no coincidence therefore that during this time of intense economic development in the 1960s and 1970s that increased pressure on Maori land occurred in the Tauranga, Bay of Plenty and Waikato region. For iwi and hapu in Tauranga Moana, the hinterland concept with its allied economic strategies for regional growth and development was a major threat.

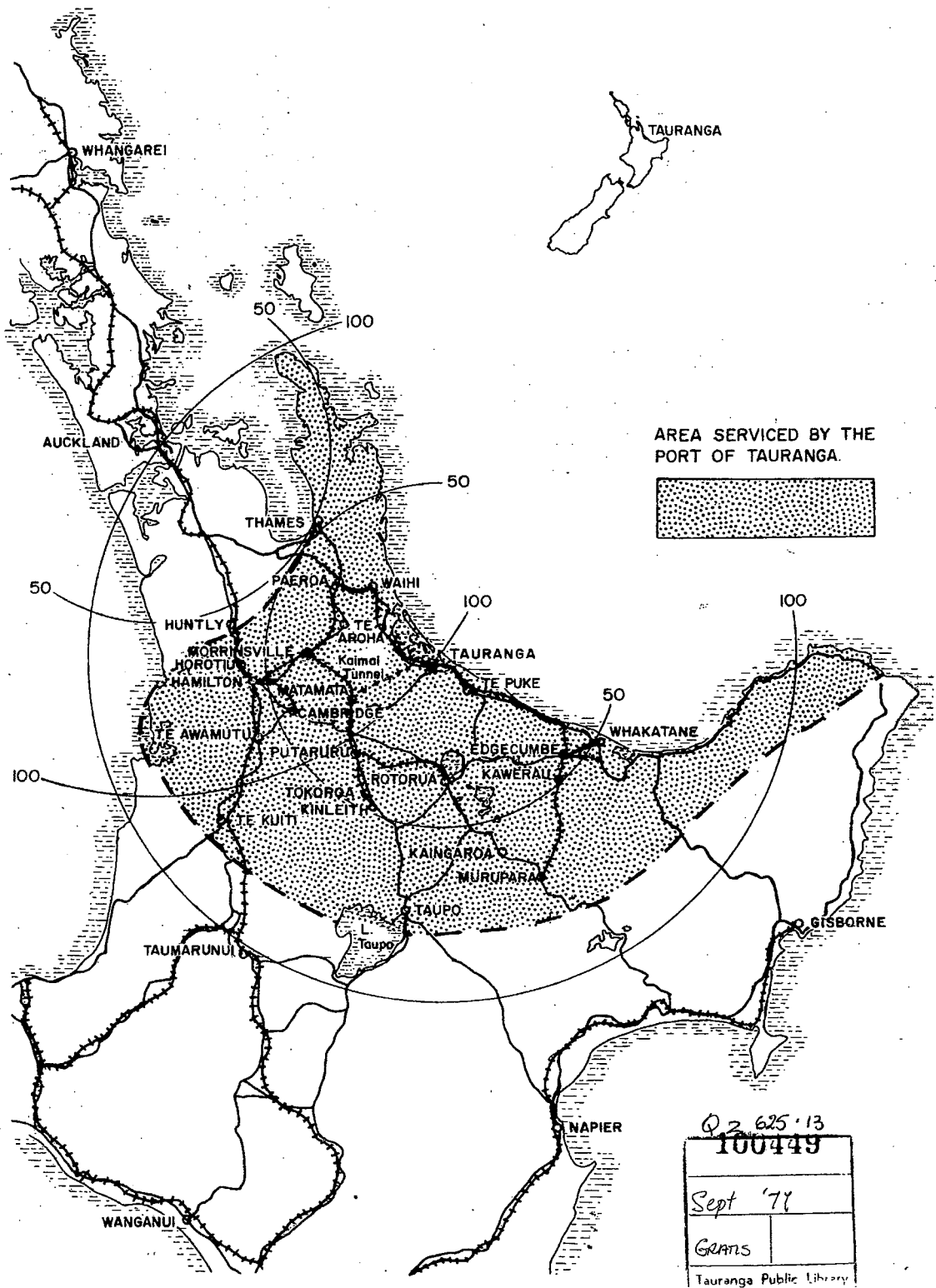


Fig 26. Hinterland of the Port of Tauranga



FIG. 8

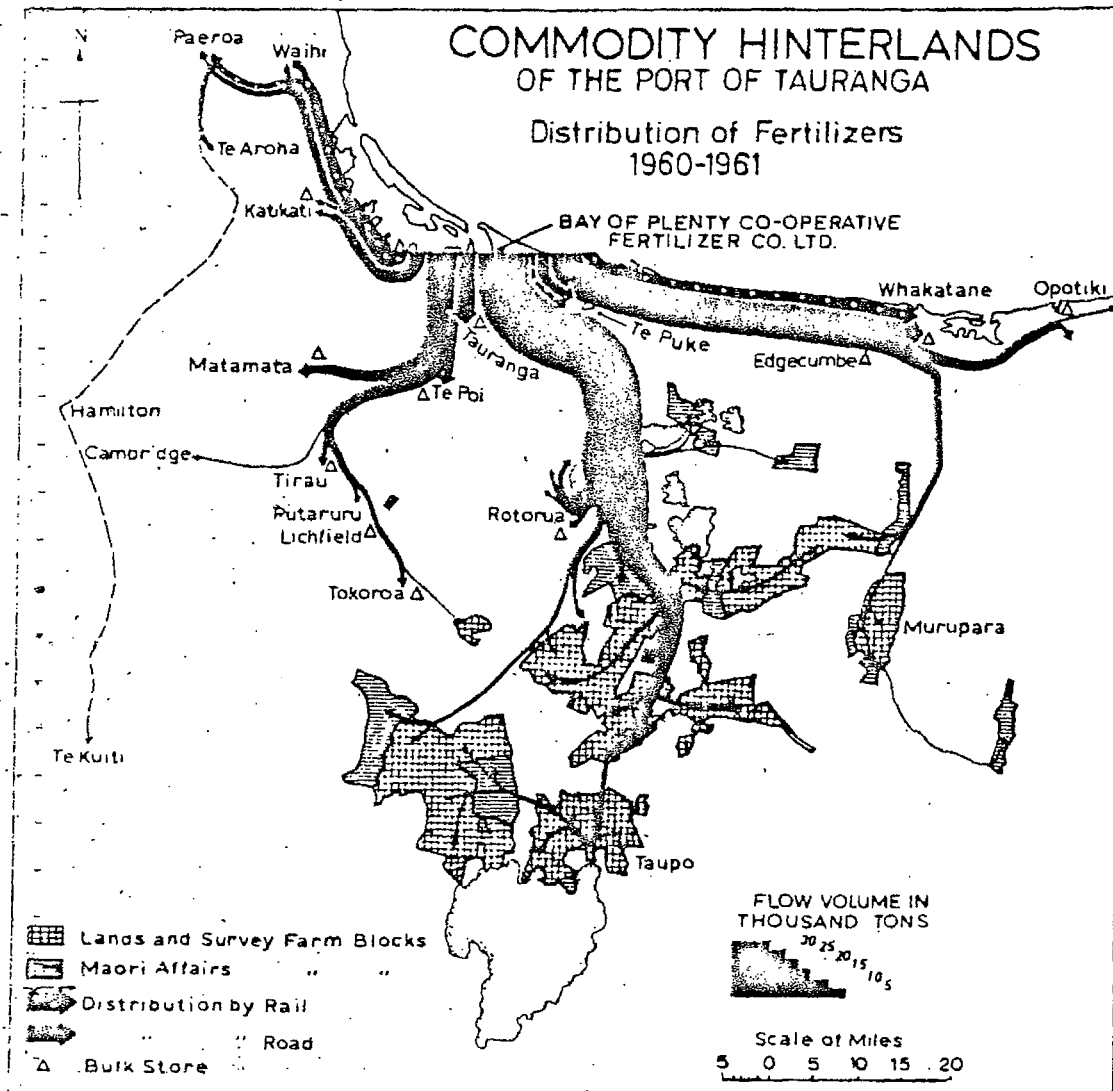
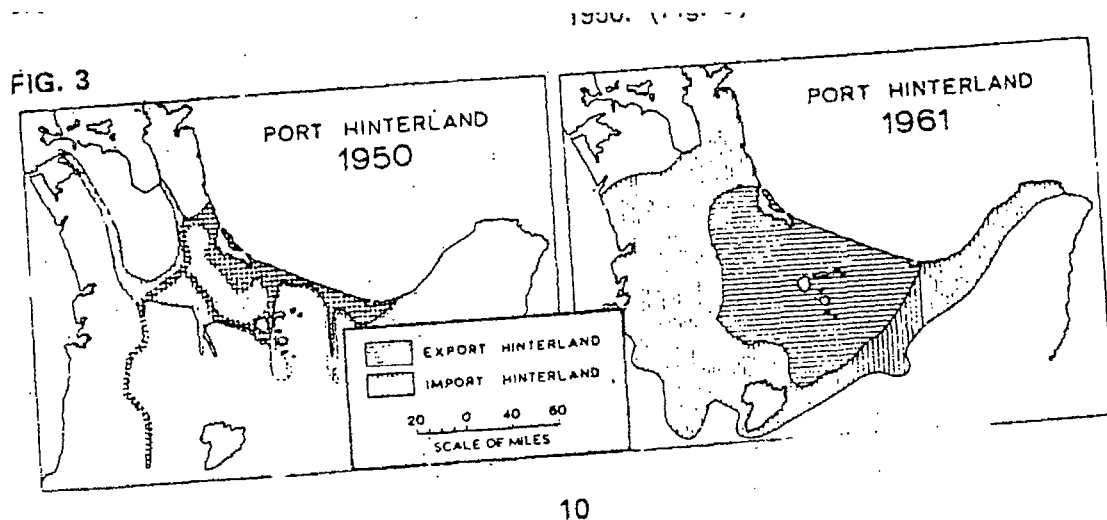


Fig 27. Commodity Hinterlands of the Port of Tauranga



**Fig 28. Port of Tauranga Hinterland 1950 -1961**

## **2.11 The Clash Between the Auckland and Tauranga Hinterlands**

The hinterland concept was also seen as a threat by other areas not directly in the sphere of the economic influence of the Port of Tauranga. Those regions who were in competition for the Government's injection of capital for economic development such as the Port of Auckland and the Thames Valley, argued that its own hinterland was being threatened by the establishment of the Port of Tauranga as a viable second deep sea port. The Auckland Harbour Board argued that they would lose business from shipping and goods and products being sent to Tauranga instead of Auckland. This led to the growth of opposition to the Port of Tauranga concept and opposition was also directed at the building of the Kaimai Tunnel. To a certain degree, a kind of turf war developed between the Auckland Harbour, the Thames Valley local authorities, Raglan, and Rotorua local bodies who faced off against Tauranga, the Bay of Plenty and Central Waikato local authorities and their interest groups such as Federated Farmers and Chambers of Commerce.

The Kaimai Tunnel was therefore a very political and volatile issue that involved parochial communities, competing economic forces, and vociferous local authorities keen to protect their turf from any downturn in Government spending in their area and to encourage new economic growth and activity. The building of the Kaimai Tunnel therefore, had widespread

ramifications at the national level, at an economic level, at a political level and at a local level.

## **2.12 Local Authorities Support For the Hinterland Concept and the Kaimai Tunnel**

It was clear that the Port of Tauranga and the Tauranga Local Authorities had a shared vision of the development of the Tauranga and Bay of Plenty hinterland. They were working closely together, along with local authorities in Piako and Matamata, to exert political pressure on the Government in regard to supporting the Kaimai Tunnel project.

Two years after the Commission of Inquiry was appointed in 1962, the Bay of Plenty Local Bodies Association (representing Tauranga, Whakatane, Rotorua and Taupo Counties and the Cities of Tauranga and Rotorua and the various Boroughs supporting the Tunnel proposal) wrote a letter from DS Mitchell, Mayor of Tauranga City Council and CA Moore Chairman of Tauranga County Council to the Prime Minister Mr KJ Holyoake on 23 July 1964 under the heading – Improved Access to Port of Tauranga Kaimai Rail Tunnel - expressing their concern over Cabinet’s deferment of the construction of the Kaimai Tunnel.

The letter from the Bay of Plenty Local Bodies Association stated,

‘The purpose of this letter is to inform you Sir, that it is our desire to co-operate with the Government in the National interest in this matter. Our experience as Bay of Plenty Local Bodies involved in the development of the Murupara project and the Port of Mount Maunganui, a project of National and Local importance by formal declaration, gives us considerable confidence in this form of Central and Local Government partnership where National development is involved.’<sup>93</sup>

The Tauranga Local Bodies continued in their letter,

‘The Bay of Plenty Local Bodies faced as they are with intense development, explosive increase of population, and far greater degree of road usage than most places sees its problem as intimately related to the National Development. The Paeroa area critics in our opinion, overlook the great importance the Railway Tunnel has to **National Development** in the Matamata and Piako Counties alone, and the strong support which comes from those Bodies. Indeed its ultimate major service will no doubt be to the increasing Industrial development of the Putaruru – Tokoroa Kinleith area and the accelerated primary

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<sup>93</sup> Ibid – Letter from Tauranga Local Bodies to PM KJ Holyoake, 23 July 1964, p1

production of the Upper Thames Valley area of the Piako and Matamata Counties, as well as the Waikato and Northern King Country.”

In conclusion to their letter, the Bay of Plenty local Bodies stated,

“We submit Sir, that the problem is one of National as well as Local importance and we are now greatly in need of Government decision to improve our Highway and Railway access to permit Local Bodies to confidently proceed with the equally important task of Local development to accommodate the substantial population and do their part in developing National resources and promoting Overseas Trade.”

In the Appendix To Letter to the Rt Hon The Prime Minister from the Bay of Plenty Local Bodies Re Kaimai Tunnel - The Bay of Plenty Local Bodies sought to answer questions about local ambitions and criticisms against the Kaimai Tunnel,

“Questions

(2) *It has been suggested that the proposal for the Kaimai Tunnel has arisen from the Local to the National plane and expresses Local ambitions and Political pressures:*

Such a statement completely ignores the underlying and fundamental reason for the development of the Port of Tauranga arising from the National need to capitalise upon the National investment in the Murupara Forest and to encourage the industrialisation of the privately owned forests at Kinleith and in the areas generally. A commission of Inquiry set up by the Government strongly recommended the development of the Port of Tauranga in 1950. The work was declared one of National and Local importance and this policy has been supported ever since by every successive Government of whatever Party. The work at the outset was classified first as of National importance and secondly as of complimentary Local importance and this partnership arrangement all along has, and continues to determine the Local Bodies relations with Central Government. Local ambitions have not brought pressure to bear upon the Government – The whole matter was an open question until exhaustive evidence was placed before the Commission of Inquiry resulting in an independent finding in favour of the Rail Tunnel.”

“Conscious of the need to work together as Local Bodies with the Government to meet extraordinary speed at which development is forecasted in this Region and is actually taking place, the Local Bodies have grouped together recently as the Bay of Plenty Local Bodies Association corresponding with the No.3 Roads District. This desire to co-operate at Local level to more effectively meet development responsibilities of the Region was further manifest by the establishing last month of the overall Bay of Plenty Catchment Commission. ...Irrespective of the degree of local benefit it was realised that this action was both in the Local and National interest.”

“It is now the considered view that as the next stage of the National and Local development of the Bay of Plenty District full effect should be given to the findings of the Commission of Inquiry.”<sup>94</sup>

However, despite the denials, it was evident from statements in their letter to the Prime Minister that the Bay of Plenty Local Bodies were working hand in glove with the Port of Tauranga Harbour Board in jointly exerting political pressure on the Government.

In a response to question No 1 in the Appendix on - “Should the decision on the Kaimai Tunnel await the Government decision on the recommendation on Shipping, Ports, Transport and other Services Report dated February 1964”, the Tauranga Local Bodies Stated,

“This question is more fully covered in the Tauranga Harbour Board’s letter to the Hon Mr Shand of 10.6.64 and referred to in the covering letter to the Prime Minister.”<sup>95</sup>

The Bay of Plenty Local Bodies Appendix in their letter to the Prime Minister also sought to answer another critical question – “Economic Effectiveness of Rail Transport via Kaimai as compared with current conditions without the Kaimai Tunnel.”

The Local Bodies stated that although there was “very good evidence given on this point by the Ministry of Works, Railways, Transport Department and Transport Alliance in particular, it is rather difficult to resolve the data.”

“The Kaimai Tunnel according to NZ Railways saves 200,000 pounds in annual transport costs based upon actual traffic volume figures for 1962 projected to 1970 – i.e. 800,000 tons per annum – This is regarded as a National Transport saving.”<sup>96</sup>

In other words the Bay of Plenty Local Bodies were unable to provide a convincing answer to their own question about the economic viability of the proposed Kaimai Tunnel. All they could do was parrot the words of NZ Railways that it had submitted to the Commission of Inquiry two years earlier.

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<sup>94</sup> Ibid Appendix p2

<sup>95</sup> Ibid p1

<sup>96</sup> Ibid p3

Other local authorities outside of the immediate Tauranga, Bay of Plenty and Central Waikato regions, stated their vigorous opposition to the Kaimai Tunnel and deviation proposal.

### **2.13 Local Authorities in Opposition to the Kaimai Tunnel and Deviation**

The assertion by NZ Railways of the Kaimai Tunnel and Deviation being economically viable and a great economic proposition was vehemently opposed by other local authorities and interest groups outside the Tauranga, Bay of Plenty and Central Waikato regions.

The main group of those opposed to the Kaimai Tunnel and Deviation were those affected by the closure of railways lines and regions that would be by-passed in favour of supporting the growth and development in the Port of Tauranga and the Bay of Plenty. This group called themselves the Thames Valley Territorial Local Authorities Association and comprised the local authorities in Paeroa, Thames Valley, Waihi and Rotorua. Provincial newspapers of these areas supported the stance of their respective local authority.

The opposition from this group of local authorities and their interest groups intensified after the Commission of Inquiry Report was released in February 1963. The Hauraki Plains Gazette editorial dated July 22 1963 made some especially poignant and perhaps prophetic comments about the Kaimai tunnel,

“The very clear truth is that the construction of the Kaimai link would in itself, not only be a great waste of public money, the losses of operating which would have to be borne in perpetuity by all New Zealanders, but it would actually retard and delay progress in the Bay of Plenty...”

“We must really face the facts. Although the time has not yet come it will when roading facilities are improved-all the railways in the Thames Valley and through the Karangahake Gorge to Waihi – in fact all the lines from Frankton to Tauranga and Rotorua-will become redundant and they are rapidly becoming so.”

“In exactly the same way, in the course of time so the Kaimai tunnel rail link would become a national liability and a hindrance to progress.”

Following the release of the Commission of Inquiry’s report a 16-man strong delegation representing various organisations in the Thames Valley met the deputy Prime Minister, Mr

Marshall and the Minister of Railways Mr McAlpine in Wellington to make known their determined opposition to the Kaimai Tunnel.

The Mayor of Paeroa Mr EW Lee stated,

*“The Government should hesitate before it spends another cracker on railways.*

The Mayor of Waihi Mr C Christensen stated,

“If road transport is the cheaper method of transport then there is no need for the Kaimai Tunnel.” Mr Christensen said “it was being proved in other countries that railways become obsolete and that better and cheaper transport was by means of the road.”<sup>97</sup>

The Paeroa -Thames Valley-Waihi lobby group opposing the Kaimai tunnel passed a resolution at a public meeting to discuss the impact of the commission’s report stating, “That the meeting deplores any decision to proceed with the tunnel without due consideration to the total national cost of the proposal...”<sup>98</sup>

The Mayor of Paeroa, Mr EW Lee described the commission’s report with the recommendation of the closing of the Paeroa-Apata line as a “Bombshell”.

Mr RM Donovan, solicitor for the Paeroa District Council stated that “the commission’s report contained no economic evidence in favour of establishing a new railway line and expensive tunnel.”<sup>99</sup>

“The country is not justified in acting without further consideration on the report of the commission of inquiry.”

Mr Donovan said the commission had never looked at or been required to look at the effect of the Kaimai tunnel on the Thames Valley area.

He said, “ The Commission had found it difficult to justify the tunnel from a local point of view and had admitted its uncertainty as regards the future of the port of Tauranga.

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<sup>97</sup> Hauraki Plains Gazette 29 May 1963

<sup>98</sup> NZ Herald July 14 1964

As a reaction to the adverse response from the local authorities in the Thames Valley area, on July 7 1964 Cabinet deferred its decision on the Kaimai rail tunnel to hold further discussions with interested parties opposed to the tunnel.

The delay drew an angry and vociferous response from parties in favour of the Kaimai tunnel in the Port of Tauranga and the Bay of Plenty.

## **2.14 Turf War**

What developed was a bitter turf war between local bodies from Thames Valley to Rotorua all advocating that their own local area was more deserving than anywhere else for a port and or railway development.

Thames Valley Territorial Local Authorities Association – sent telegrams to the Prime Minister, the Minister of Railways and the MP for Hauraki, Mr A Kinsella protesting at the tone of submissions from the Tauranga Harbour Board, that it had said that the local bodies in the Thames Valley were in favour of the tunnel. The association reiterated its strong opposition to a tunnel.

The NZ Herald stated , on 15 July 1964,

“The Kaimai question has risen from the local to the national plane: Should 5m pounds be invested in improving rail access from a predominantly farming area to what is primarily a timber port? Local ambitions and political pressures are beside the point.

Thames Star 22 July 1964 – stated: “ The prime reason for the Kaimai proposal is to find an outlet for the forest and other products of the Lower Waikato and relieve the pressure and haulage on existing rail and road services to Auckland and Tauranga.”

“The alternative is a port on the Firth of Thames to serve the Thames Valley and the Lower Waikato.”

Though there was initial opposition to the Kaimai Tunnel project, after the Commission of Inquiry’s Report was released, those councils directly affected went on the offensive. Their aim was to hold on to the current railway system that then existed. Their arguments was

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<sup>99</sup> Waikato Times July 14 1964.



that their towns and surrounding areas would suffer as a result of the Kaimai Tunnel. The Commission's recommendations to close the Paeroa-Waihi-Apata railway line was seen as "a bombshell".

The Association of Thames Valley Councils was formed and deputations met with the deputy Prime Minister to protest at the closing proposal which was seen as much grimmer than people realise."

They were "determined to fight to the bitter end".

NZ Herald Oct 14 1962: Rotorua Council opposed the Kaimai tunnel and instead preferred the alternative Rotorua route No 3.

NZ Herald Oct 3 1962 - Frankton-Tauranga line is busiest provincial line.

However, for councils and interest groups in Tauranga there was an understandably different viewpoint. The Tauranga and Mt Maunganui County Councils made "urgent representations to the Ministers of the Crown for an early and favourable decision on the Kaimai tunnel." They called for "immediate Government action" and claimed the delay in the decision was "slowing the development of industry".

The Matamata Council and other Waikato local bodies in the vicinity of the Kaimai Tunnel, supported the proposal. There was intense and strong vocal support in these areas for the tunnel by the public, farmers and local industries.

Councils for their respective regions castigated each other for supporting or disapproving of the Kaimai proposal. The Kaimai Tunnel galvanised public opinion and drew vociferous and heated debate from its citizens and the elected councillors of the various local bodies.

The Government for its part was gun shy and reluctant to be drawn one way or the other. As a result the Government delayed any final decision about the Kaimai tunnel and completed at least three investigations before it was persuaded to give its approval to proceed with the building of the Kaimai Tunnel.

In the face of such vocal opposition from ratepayers and local bodies in the regions affected, the Government of the day took the easier route of putting a Commission of Inquiry in place

to investigate the issues of improving access to Tauranga. The recommendations of the Commission of Inquiry was to be the political solution to the vexing question of the Kaimai Tunnel project.

## **Part Three - The Commission of Inquiry into Improved Access by Land to the Port of Tauranga and the Bay of Plenty**

### **3.1 A Political Solution**

It was in this atmosphere of divided public opinion, and local body and regional interest group political machinations, that the Government appointed a Commission of Inquiry. Pursuant to the Commissions of Inquiry Act 1908 and by an Order in Council on 23 August 1962, a three man Royal Commission of Inquiry - "To Inquire into and report on diverse matters related to the Improved Access by Land to the Port of Tauranga and the Bay of Plenty."<sup>100</sup>

The Government wanted to show that it took the matter of the land access to the Port of Tauranga and the Bay of Plenty and the question of the building of the Kaimai Tunnel seriously. However, this did not appear to be the case when, in setting the terms of reference for the Commission of Inquiry, the Order in Council gave the Commission just two months until the 30<sup>th</sup> November 1962 to submit its report. This date was later extended by Order of Council until 28 February 1963.

The Government of the day was aware of the polarised feelings about the Kaimai Tunnel within the respective constituents and did not wish to alienate any of their potential voting public. The Government was also reluctant to splash out on such an expensive project and established the Commission of Inquiry to investigate the better access for the newly built Tauranga Port facilities and the spreading impact of urbanisation on the transport infrastructure of the Tauranga area.

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<sup>100</sup> Ibid p7

The Commission of Inquiry was a political solution to a potentially volatile and divisive issue that successive Governments had tried to defer. It was to be no surprise, however, that the recommendations of the Commission supported the need for the building of the Kaimai Tunnel and the Kaimai Deviation. The Commission was a means of shifting the political heat of a volatile public issue away from the Government.

In many ways the shortness of the report and the brevity of its findings, appear to indicate that the favourable findings of the Commission of Inquiry to the land access issues of the Port of Tauranga and the Bay of Plenty, were almost a *fait accompli*. The major question of how all the recommendations for improved road and rail access to the Port of Tauranga and Bay of Plenty were to be paid for was not investigated in detail by the Commission.

The Commission was not, however, short in making its recommendations as to who should finance the road and railway developments. It was to be the Government, as part of its commitment to policies supporting economic growth and development for the Tauranga, Bay of Plenty and Waikato region and for the country's economic development as a whole. However, due to the huge expense of such an engineering feat, successive Governments were reluctant to commit themselves to the building of the Kaimai Tunnel and Deviation.

### **3.2 Composition of The Commission of Inquiry**

The Commission of Inquiry was appointed under warrant by his Excellency, Sir Bernard Ferguson and the appointment and terms of reference were gazetted on 23 August 1962.<sup>101</sup> The Chairman of the Commission was Edgar McKillop, a Civil Engineer of Wellington; and Member Commissioners were Alan Millward, the Mayor of Wanganui and a Company Manager and Robert Stannard, a Public Accountant of Wellington.

All persons or organisations wishing to make submissions were invited to do so by newspaper advertisements and were requested to make these submissions if possible in writing.

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<sup>101</sup> Report of Commission of Inquiry into Improved Access by land to the Port of Tauranga and Bay of Plenty, 25 February 1963, p 9

The Commission sat in Tauranga from 1 October 1962 to 5 October 1962 and from 15-17 October 1962, a total of 7 days. Thirty-eight organisations or individuals gave evidence and the submissions in many cases were prepared in considerable detail.

Evidence on land access to the Port of Tauranga was provided by a number of organisations. There were a total of 38 organisations or individuals who gave evidence to the Commission which were listed in Appendix A of the report. These included private businesses, ratepayers and residents associations, county councils, Chamber of Commerce, Federated Farmers and major New Zealand companies such as Tasman Pulp and Paper Co, and New Zealand Forest Products. Among the Government Departments making submissions were the Ministry of Works, New Zealand Railways, Department of Lands and Survey, Transport Department, Oil industry and the Tauranga Harbour Board.

### **3.3 Terms of Reference and Answers Provided By the Commission**

The Order in Council appointing the three-man Commission of Inquiry stated that the terms of reference for the inquiry was - "to inquire into and report on the following matters:<sup>102</sup> The Commission gave its report to the Government in February 1963 answering the 5 questions it had been charged with investigating:

1. Whether development of the Port of Tauranga and of industries in the Bay of Plenty or in any are served or likely to be served by the Port of Tauranga are such as to require major changes or major improvements to existing means of access by land to such port and the Bay of Plenty:

*Answer:*

*We consider major improvements are required to the roading system and major changes to the railway system in the Bay of Plenty.*

2. Whether any changes should be by construction of new railways, by construction of new roads, by combinations of new railways and roads, or by modifications of existing rail or road facilities.

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<sup>102</sup> Ibid p5

*Answer:*

*We consider that the roading proposals placed before the Commission by the Ministry of Works should be fully supported.*

*We consider that the recommendations made to the Commission by the New Zealand Railways in regard to the Kaimai Deviation and the consequent closing of the Paeroa-Apata section of the East Coast Trunk Railway should be fully supported.*

*We consider that the proposed Rotorua-Paeroa rail link is not essential at the present time and this should be reviewed when the operating difficulties of the existing line over the Mamaku Hills justify the additional expenditure involved.*

*We consider that the proposed Rotorua-Waipā Extension has much to commend it and we recommend that it should be submitted to the Government jointly by the two Departments principally concerned, viz, New Zealand Railways and New Zealand Forest Service.*

3. The particular works which should be recommended and the importance and priority of these in relation to the whole and to one another.

*Answer:*

*We consider that the whole of the immediate roading programme recommended by the Ministry of Works as set out in this report should be completed as soon as finance available from National Roads Board will permit and over a period not exceeding six years. This period should be shortened if, as a matter of Government policy, loan or other moneys become available for roading improvements.*

*We consider that the detailed survey and investigation of the Kaimai Deviation should be put in hand as soon as possible and when completed this deviation be proceeded with. Information from the Railways Department suggests that of the total sum required 2,400,000 pounds can be found from Railways Reserve Funds and we recommend that the balance be financed by National Development Loan moneys.*

4. The timing of any works recommended, having regard to the transportation load they will require to bear, their financing, and the capacity of the port which they will serve:

*Answer:*

*We consider that we have dealt with this question in our answers to question 2 and 3.*

5. Any legislation required to give effect to any recommendations made by you as a result of the inquiry.

*Answer:*

*Legislation should be sought*

- (a) to authorise the construction of the Kaimai Deviation, and*
- (b) to protect the interests of existing traffic operators against the restriction imposed by regulation 29 (2) of the Transport Licensing Regulations 1960, should such legislation be required to give effect to our recommendations.*

### **3.4 Failure of the Commission of Inquiry to Fully Investigate the Economic Viability of the Kaimai Tunnel and Deviation**

The Commission of Inquiry's report stated that all submissions made in writing, totalled 261 pages and together with a copy of the transcript of evidence, totalled 367 pages. In contrast the Commission's report to the Government was only 26 pages in length. It was submitted to the Governor-General, Sir Bernard Ferguson, on 25 February 1963. The shortness of the length of the final report reflected the Commission's final recommendations which were equally short and to the point. The frugality of the written report was matched only by the shortness of the hearing time allocated to hear submissions – only 7 days. The hastiness of the hearing time and the shortness of the final report meant that insufficient time was given by the Commission to properly consider the complexities of the wider issues involved in the building of the Kaimai Tunnel and Deviation and indeed the question of land

access to the Port of Tauranga and Bay of Plenty. It was as though the Commission had already made up its mind and that the end result was a forgone conclusion.

It is apparent, however, that the Commission of Inquiry failed in its duty to properly and fully investigate the economic viability of the Kaimai Tunnel and Deviation. The Commission failed therefore to deliver on its terms of reference. Point number five of the terms of reference, which dealt with the question of financing roading and railway improvements the Commission recommended stated,

“The timing of any works recommended, having regard to the transportation load they will require to bear, their financing, and the capacity of the port they will serve.”

The Commission’s glib response was:

“Answer:

We consider that we have dealt with this question in our answers to questions 2 and 3.”<sup>103</sup>

An examination of the Commission’s answer for Point 2 and 3 of the terms of reference revealed the Commission’s thinking as to how it proposed the Government was to finance the roading and railway improvements (in particular the Kaimai Deviation). Based on information from NZ Railways, of the total £5 million required £2.4 million could be found from the Railways Reserve Funds and the Commission recommended the balance be financed by National Development Loan moneys.

The Commission’s response was understandably evasive mainly due to the fact that the Government departments involved, the MOW and NZ Railways, had failed to provide sound economic justifications for their proposals. In the absence of any such economic justifications, the Commission made its roading and railway recommendations based on the financial information provided from these departments.

As a result the Commission failed to answer the central questions of the inquiry whether the Kaimai Tunnel and the Kaimai Deviation was economically viable and more importantly

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<sup>103</sup> Report of Commission of Inquiry – Improved land access to the Port of Tauranga and bay of Plenty, p22

how was the project to be paid for. The Commission was specifically asked in its terms of reference to consider in their recommendations,

“The timing of any works recommended ...[and] their financing...”

In other words whether the recommendations were economically viable based on any financial analysis, or financial justifications. In regard to the Kaimai Tunnel and the Kaimai Deviation, the Commission simply failed to provide answers for the Government on the critical question of whether the project was economically viable, and it also failed to provide any financial analysis or financial justifications for their recommendations.

The Commission appeared to readily accept the information of the Government Departments, the MOW & D and NZ Railways, that the Kaimai Tunnel and Deviation was urgently needed and that it was in the national interest for it to be built. It is evident that the Commission had been persuaded by the combined rhetoric of the big business lobby groups, the Port of Tauranga, and the local authorities of Tauranga and the Bay of Plenty, and the MOW and NZ Railways.

### **3.5 Maori Non-Participation in the Commission of Inquiry**

The Commission of Inquiry failed to provide a forum for Maori to participate in the commission hearings. No iwi or hapu within the Tauranga Moana region provided any submissions to the Inquiry, and yet the decisions made by the Commission had profound and long-lasting effects on Maori people in Tauranga Moana. In particular, there do not appear to be any submissions made to the Commission of Inquiry from Maori representing whanau or hapu or iwi groupings or on behalf of Maori landowners.

The reason for this is that throughout the 1960s and early 1970s Maori were made to feel inferior and second-class citizens and as a result were not included in Local and central Government planning and development. Their opinions were not valued by the Crown and its agencies. There was no assistance or consultation provided to Ngati Hinerangi or other Tauranga Moana iwi and hapu to enable them to understand the issues of the inquiry so that they could properly register their thoughts and also participate in the project as an equal partner as guaranteed to them under the terms and principles of the Treaty of Waitangi.



Most of the archival material that remains in the National Archives of the Commission of Inquiry are the submissions presented to the Commission by the Government departments such as MOW, NZ Railways and the Department of Lands and Survey.

### **3.6 The Roothing Position**

In the Commission of Inquiry's Report, the Commission relied heavily on the evidence provided by the New Zealand Railways, Ministry of Works and the Port of Tauranga. Therefore, it is important that the submissions of MOW, the NZ Railways and the Port of Tauranga are properly analysed and understood because it is from these submissions that the Commission based their recommendations on the building of the Kaimai Tunnel and Deviation..

The Commission's Report was divided into three major parts acknowledging the key essential areas of the region's transport system – roading, railways and the Port of Tauranga which were represented in submissions respectively by the MOW, NZ Railways and the Port of Tauranga.

The Commission looked at the main roading system in the Bay of Plenty and the Port of Tauranga and concluded that “a considerable amount of money had to be spent on them to enable them to carry the traffic which is now using the Port and which is certain to increase within the next four years.”<sup>104</sup>

The Commission's view about roading was that they supported MOW's detailed list of priorities and thought the selection of roads should be left to the District Roads Council. The Commission stated, “We would nevertheless urge that such selection give all possible priority to those roads serving important export industries.”<sup>105</sup>

In their submissions to the Commission of Inquiry, the Ministry of Works provided a comprehensive range of experts with details on road usage, railway routes and traffic projections and economic justifications and costings.

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<sup>104</sup> Ibid p10

<sup>105</sup> Ibid p10

The MOW provided an analysis of proposed routes from A-N a total of 15 proposed routes with a mileage rating to the Port of Tauranga. The Commission stated that it “supports the recommendations of the MOW involving an expenditure of £3 million in accordance with the following table.

The Commission asserted that,

“the immediate roading programme proposed by MOW and endorsed by the Commission would enable the main roading system to be brought up to Class 1 standard within a short period of years, with consequent benefits to the road transport industry in the Bay of Plenty and the community generally.”<sup>106</sup>

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<sup>106</sup> Ibid p13

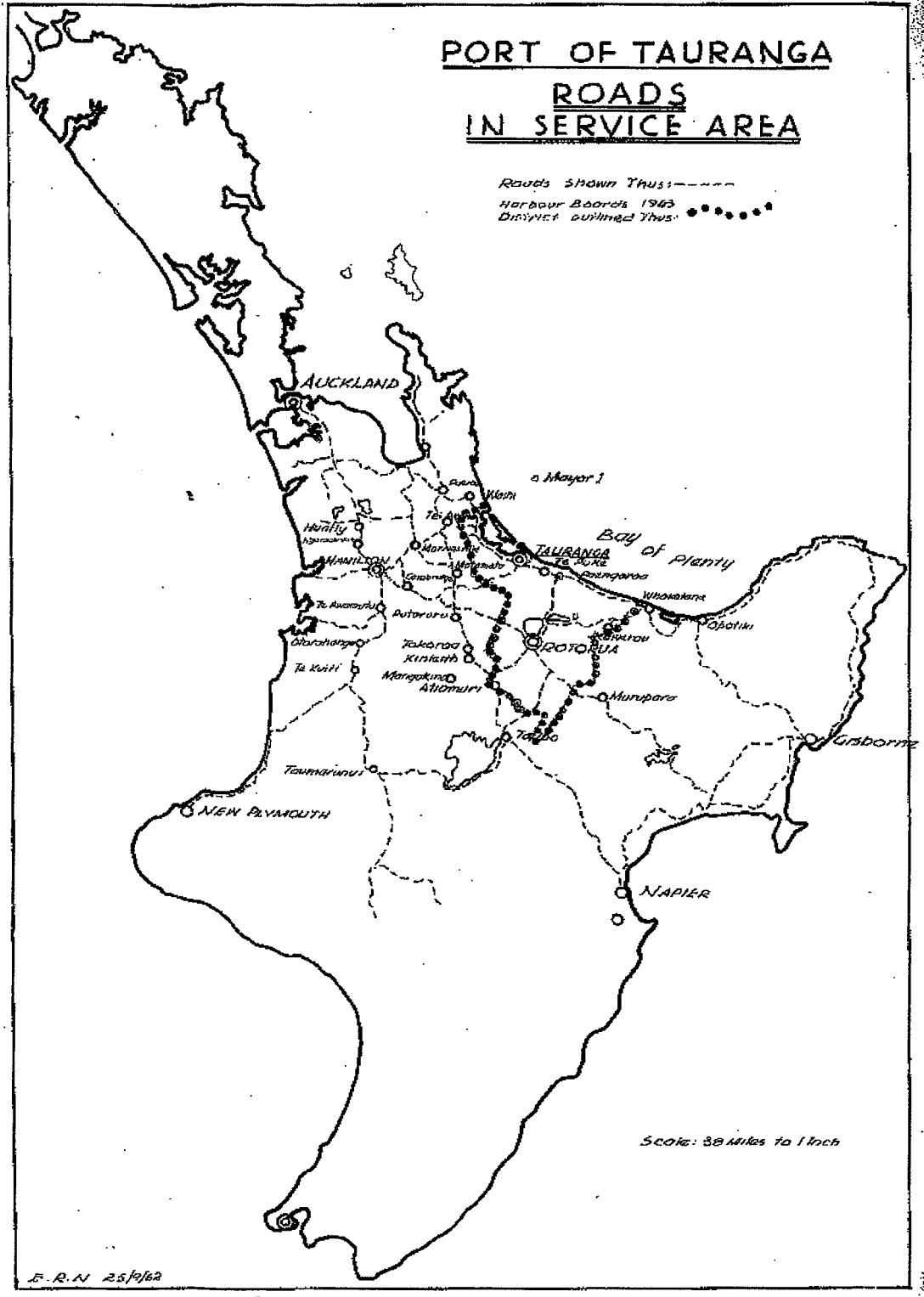
6. TABLE OF WORKS:Inner Ring:

State Highway	Length Miles	Section	Type of Work	Cost £
2	15½	Te Maunga to Paengaroa	Complete (a) work approved ) (b) railway over- ) bridge )	210,000
33	22½	Paengaroa Te Ngae	Strengthen pavement (a) Paengaroa 3 miles (b) Hill section 3 miles	50,000 50,000
30	10	Te Ngae Waipa Mill	Improve	40,000
30	21	Waipa Mill Atiamuri	Reconstruct including bridges	400,000
1	28	Atiamuri Putaruru	(a) Complete present Programme (b) Crawler lanes	240,000 50,000
New	14½	Detour Putaruru to Raparapa Rd	New construction Bridge and Strengthening	340,000
29	19½	Raparapa Rd to Tauranga	Heavy reconstruction	600,000
2	7½	Tauranga Te Maunga	New Junction S.H. 2 and 29	20,000
Total miles of existing Inner Ring route - 143½				
Total miles via Detour - 139				
Total Cost				<u>£2,000,000</u>

Radial Routes

State Highway	Length Miles	Section	Type of Work	Cost £
2	12½	Paengaroa Otamarakau	Pavement strengthening	200,000
2	38	Tauranga Waihi	Bridges 3 Railway 1 River	150,000
1	14	Putaruru Cambridge	Strengthening reconstruction	250,000
5	28	Ngongataha Tirau	Part reconstruction Part pavement	300,000
	1¾	Te Maunga Hewletts Rd	New Construction	100,000
Total cost of radial routes				<u>£1,000,000</u>
<u>GRAND TOTAL</u>				<u>£3,000,000</u>

Fig 29. Roading Table of Works For Funding



**Fig 30. State Highways in Waikato and Bay of Plenty**

### **3.7 MOW Submissions and Evidence on Roothing**

An array of MOW civil and roading engineers presented evidence to the Commission of Inquiry. Mr FF Abey, Resident Engineer, Tauranga gave evidence comprising a definition of the State Highways giving access to the Bay of Plenty and to the Port of Tauranga are considered two separate systems. The first system or "inner ring" has the primary object of giving access to the port from the Rotorua area and the Upper Waikato as far as Atiamuri. The second system consists of radials which connect at various points to the inner ring and link with centres outside the Bay of Plenty.

The MOW also surveyed the current traffic densities, standards of alignment, grading and pavement strengths of roads serving the Port of Tauranga and the Bay of Plenty. Graphs were then extrapolated to give the projected traffic flow and demands into the 1970s on the Inner Ring and Radial roading network. District Commissioner of Works for Hamilton Mr Parsons evidence outlined a detailed roading programme with recommendations to the then Main Highways Board and subsequent National Roads Board for funding improvements to road serving the rapidly expanding Port of Tauranga and Bay of Plenty region. Mr Abey stated in his evidence that the total expenditure required to raise the inner ring and radial roads to class 1 status was £3 million and this would not necessarily produce a high class road.

Mr AG Begg, Chief Highways Engineer, Roothing Division, gave evidence to show the anticipated traffic growth in the Bay of Plenty region from 1970-80. The growth and development of roading in the area was estimated to cost 3 million pounds over a four year which was based on average £240,000 per annum.

The MOW Inspecting Engineer, Mr DJB Halley specialising in current methods of financing with the National Roads Board, in his evidence to the Commission believed that the actual annual costs of improvements required to meet the increases in traffic between 1970 and 1980 was £750,000. The National Roads Board would contribute £400,000 leaving a shortfall of £350,000 per annum. The actual projected costs for the total roading programme was estimated at £5.36 million and under the system of payment through the National Roads Board it would have taken some 15 years to pay for the total roading

development programme. The estimated costs for the roading development in the Port of Tauranga and the Bay of Plenty was based on three main headings:

1. With the existing railway system alone
2. With the Kaimai Tunnel in use
3. With the Kaimai Tunnel and the Paengaroa to Rotorua railway both in use.

### **3.8 Payment for Roading Development**

The central issue therefore was who was to pay for the shortfall in the costs for the road and railway developments envisaged for the Port of Tauranga and Bay of Plenty developments. The Tauranga County Councils and the major business interests in their areas were all in open competition with other councils, local bodies and business interests right throughout the country to try to attract the National and District Roads Boards to upgrade roads to improve business developments taking place within their regions. In essence what was taking place was a fierce battle for Government funding from the Consolidated Fund to bring that money in to play to develop the infrastructure in each of the competing regions from North Auckland, Auckland, Waikato, to the East Cape, Wellington, the Nelson Districts and the South Island.

The great dilemma taking place was that the allocation from the National Roads Board and the District Road Council “will not be able to meet in full the 3 million pound programme within the funds available for State highways in the 4 year period up to 31 March 1967.”<sup>107</sup>

The answer was simply that the Government would meet the shortfall. The Commission of Inquiry Chairman Mr ER McKilltop, identified the dilemma facing MOW in the Tauranga and Bay of Plenty area. He asked Mr Parsons from MOW in the public hearing of his evidence.<sup>108</sup>

Mr Parsons: We would require £750,000 per annum... £400,000 from the National Roads Board, leaving a balance of £350,000 per annum to find from some other source for the 4 year period.

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<sup>107</sup> Ibid p6 – Evidence of DJB Hay

The Chairman: So you are short of £350,000 for four years now?

Mr Parsons: Now, yes.

Mr Halley in his evidence identified the main sources of income for the National Roads Board as at 31 March 1962:

1.	Petrol tax	17.4
1.	Licence fees paid for heavy traffic fees	2.78
2.	Fees for vehicle registrations	2.53
3.	Mileage tax	0.58
4.	Tyre tax	<u>0.02</u>
	Total motor revenue	<u>£23.25 million</u>

The allocation of revenue for roads was governed by the National Roads Amendment Act 1959 which required that revenue derived each year from the above sources shall be allocated in the following manner:

(a)	Boroughs and independent town districts	14%
(b)	Counties and town districts forming part of a county	30%
(c)	Maintenance and construction of state highways & motorways	51%
(d)	the balance was reserved for subsequent allocations at the discretion of the Board	5%

Mr Halley in his evidence drew the Commission's attention to the functions of the National Roads Board as laid down in the National Roads Act whereby it is required "to give effect to any special matter of roading policy communicated to it by the Government."<sup>109</sup> He also noted that "special traffic and road conditions brought about by extraordinary industrial development" applied in the case of the Bay of Plenty.

Mr Halley summed up his thoughts in his closing remarks clearly stating that what was required was a political solution – in other words a clear decision was needed from the

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<sup>108</sup> Ibid p3 – Evidence of Mr Parsons

<sup>109</sup> Ibid p2

Government whether they were going to fund the shortfall of costs themselves out of the Consolidated Fund or by any other means. Mr Halley stated:

“The Board will not be able to overcome the roading problem brought about by the accelerated development such as is taking place in the Bay of Plenty unless it gets more money.”<sup>110</sup>

A political solution was needed. This was to draw widespread opposition from business leaders, local bodies, politicians and communities in other regions competing for the same resources and more importantly, Government funding.

### **3.9 Economic Arguments for the Kaimai Tunnel by MOW and NZ Railways**

The Commission’s recommendations for the building of the Kaimai Tunnel and Deviation was based on data and rationale from key Government Departments and Tauranga based interested parties . These mainly included the Ministry of Works, New Zealand Railways the Tauranga City Councils and the Port of Tauranga. The departments provided evidence to the Commission of Inquiry during the Public Hearings that took place in Tauranga from 1-5 October and 15-16 October 1962. The Commission relied heavily on the economic arguments presented by the Government departments for their decisions.

Following is an outline of the economic arguments presented to the Commission of Inquiry by these key Government Departments, the Ministry of Works and Development (MOW) and New Zealand Railways (NZ Railways) and key parties such as the Port of Tauranga Harbour Board.

The District Commissioner of Works, in Hamilton, Mr CJW Parsons, acted as Counsel for MOW during the proceedings of the Commission of Inquiry. In doing so Mr Parsons, a registered Civil Engineer, stated the MOW terms of reference in relation to its role in the providing economic justifications for the building of the Kaimai Tunnel,

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<sup>110</sup> Ibid p8



“The Commissioner of Works desires me to draw to the attention of the Commission that the normal advisory functions of the Ministry of Works to the Government include investigation, co-ordination and priority of recommendation of all State works. This is exercised under the Ministry of Works Act 1943.”<sup>111</sup>

Mr Parsons went on to further state,

“The Ministry of Works submissions will therefore deal mainly with basic engineering and financial aspects of highway access problems together with the basic engineering of the rail routes investigated.”<sup>112</sup>

It is at this point, that the importance of Government policies come to the fore in the debate about the building of the Kaimai Tunnel. Without the support of the Government of the day and the allocation for the required funding, the road and rail developments taking place in Tauranga and the Bay of Plenty would have stalled and been lost to pressures from other competing centres such as in the South Island, Auckland and North Auckland. The complete support and buy-in of the Government was required to ensure that the rapid economic expansion taking place in the Bay of Plenty and the Waikato area could be adequately serviced by having its own deep sea port at Tauranga. The Kaimai Tunnel was a vital link in the chain for the development of the whole area. The tunnel ensured the infrastructural development of the new industries rapidly expanding in the Tauranga, Bay of Plenty and Waikato region would be paid for by Central Government.

Mr Parsons’s evidence to the Commission on the Kaimai Tunnel stated,

“This was investigated and reported upon in 1960 by Mr JB Jackson, then Resident Engineer, Tauranga and No2C Districts Roads Council did not proceed with any recommendation in the light of that report.”

Mr Parsons outlined the salient features of that report as follows:

“The point was made that the Kaimai Range has a pronounced escarpment on the western face with a relatively gentle slope on the eastern face and therefore a tunnel to give real relief from the 1,500ft climb would need to be many miles long. The report indicated that it would take a five mile tunnel to save 800ft of climb and tunnelling of road width dimension

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<sup>111</sup> AATE 1220 A934 – Evidence of MOW District Commissioner, CJW Parsons, submissions to Commission of Inquiry, p1

<sup>112</sup> Ibid p2

(about 28ft) width would probably be of the order of £300 per lineal feet, which for a 25,000 ft length would cost £7.5million.”<sup>113</sup>

The report stated that the District Roads Council were of the opinion, that such a vast sum was far beyond the demands of the roading needs especially as any tunnel restricted the width for passing purposes and the use of crawler lanes for slow traffic for an alignment over the hill instead could be provided as a better alternative. The report was primarily the reason the MOW decided not to proceed with the building of the Kaimai Tunnel and Deviation in 1960.

### **3.10 Access for Te Aroha via Thompson’s Track**

Unbeknown to Ngati Hinerangi iwi and hapu, Mr Parsons evidence to the Commission also revealed that “from time to time representations have been made to the Government for improved access from Te Aroha to the vicinity of Katikati via either Thompson’s or Tuahu Tracks.”<sup>114</sup> Again as with the Kaimai Tunnel and Deviation no discussion was entered into with Ngati Hinerangi iwi and hapu as the mana whenua and tangata whenua of the immediate region about such plans. The Thompson’s track and Tuahu tracks are considered to be wahi tapu and are situated in the tribal rohe of Ngati Hinerangi.

Mr Parsons continued,

“These representations have received Ministerial consideration and the Hon Mr Semple when Minister of Works advised the Member of Parliament for the District at that time that “any routes selected in this area would be approximately 1,600 feet high and would be as high as the existing Kaimai-Tauranga route.” He also stated that “it would not greatly shorten the distance from Tauranga to Hamilton or from Katikati to Auckland but it would greatly shorten the distance from Katikati to Te Aroha.”<sup>115</sup>

Mr Semple also stated,

“The opinion has been expressed that if there had been any demand for either the Tahu [Tuahu] Track route or the Thompson’s Track route, they would have been kept open instead of being allowed to fall into absolute disuse. The production value is stated to be nil, and if this new route was constructed with Government funds then the question could arise as to who would have to maintain it.”<sup>116</sup>

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<sup>113</sup> Ibid p8

<sup>114</sup> Ibid p7

<sup>115</sup> Ibid p7

This statement is of great concern for the Ngati Hinerangi claimants because it demonstrates the process by which Government and local bodies combine to take over Maori owned and developed resources and systems that were once an intricate part of a traditional transport and communication network system of tracks and trails rivers, swamps and waterways. In this case the Thompson's Track is a wahi tapu of Ngati Hinerangi who controlled the access and trails and trade routes from the interior Waikato region to the coastal area of Tauranga Moana. No consideration is shown in these Ministerial representations about the need to protect these wahi tapu or to seek consent and permission from Ngati Hinerangi as the tangata whenua of the area.

### **3.11 NZ Railways and Evidence Provided For Alternative Railway Routes**

Submissions to the Commission of Inquiry for the Railways Department by counsel Mr JHO Tiller, indicated that NZ Railways had investigated three alternative railway routes, one of which was the Waharoa – Apata Deviation and Kaimai Tunnel. The implications of having two other alternative railway routes is that this meant that the Kaimai Tunnel and Deviation did not have to occur. The Port of Tauranga could have been linked through a railway route from Rotorua to Paengaroa or via Kinleith to Rotorua railway and the building of the Kaimai Tunnel and Deviation did not have to proceed. The Ngati Hinerangi iwi and hapu , the mana whenua of the area where the Kaimai tunnel was put through the Kaimai Ranges, were not told of the two other alternative routes over the Kaimai Ranges. The implications of the alternative routes suggest that the Government had less expensive alternatives which it chose to ignore in favour of the Kaimai Tunnel.

Mr JHO Tiller stated,

“The evidence presented before the commission left no ground for doubt that additional transport facilities were an urgent necessity, even more between the Bay of Plenty and the Waikato than between the Bay of Plenty and Rotorua.”

Mr Tiller also stated that “it seemed there could be no doubt either that immediate improvements to access were essential and in the public interest in the case of both road and rail. Mr Tiller submitted that “the Railways Department witnesses had proved the economic

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<sup>116</sup> Ibid p7

of the Kaimai deviation – that the figures they had produced justified the Kaimai tunnel and the Paengaroa-Rotorua railway.” Mr Tiller stated that “the need for the rail access by means of the Kaimai deviation was unquestioned. The Kaimai deviation was an attractive economic proposition. The Paengaroa-Rotorua link was secondary to and dependent on the prior approval of the Kaimai deviation. But he stated that it would not be a proposition without the Kaimai.”<sup>117</sup>

Submissions on behalf of the Ministry of Works to the Commission of Inquiry on the carrying out of surveys for locating railway routes and connections was made by Allan Greenwood, District Civil Engineer of the Ministry of Works, Hamilton.<sup>118</sup> Mr Greenwood’s submissions focused on the following recommended railway routes:

**(a) Waharoa-Apata (Via Kaimai Tunnel)**

A connection through the Kaimai Ranges from the existing railway system in the Thames Valley to the East Coast Main Trunk Railway in the Bay of Plenty that would be more direct than the present route via Waihi.

Mr Greenwood stated in his submissions gave the Commission his analysis of the pro and cons of each route. In regard to the Waharoa-Apata (via Kaimai Tunnel), “initially a route was located giving the shortest possible tunnel (3 ¼ miles) which went through the Kaimai Range slightly south of the Thompson’s Track and had approaches graded at 1 in 70 compensated from Waharoa and Wainui North. The objection to this route however was that in order to achieve this result the tunnel itself had to rise on the ruling gradient from the Thames Valley side. This created unacceptable working conditions and the Railways Department asked for investigation of a more direct line between Waharoa and Apata with the tunnel on a level gradient. This was found to be practicable.

The route described in the MOW submissions to the Commission commenced at Waharoa (170 ft) and proceeding in a north-easterly direction falling to cross the Waihou River and thence rising to the Western Tunnel portal, approximately 1½ miles south of Gordon. This route then passes under the Kaimai Range by Tunnel for 5 ½ miles, to the Eastern portal, in the valley of the Whatakao Stream. Thence by falling grade, across Wainui River to join the E.C.M.T. Railway, west of Apata Station at junction 15M (75ft).

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<sup>117</sup> Waikato Times, Oct 18, 1962,

<sup>118</sup> AATE 1220 A934

The estimated cost for the Waharoa-Gordon-Apata (Via Kaimai Tunnel) based on 15 miles of railway, of which 5½ miles was Tunnel amounted to 5 million pounds.

**(b) Rotorua-Paengaroa Railway**

A connection between Rotorua and the East Coast Main Trunk Railway.

After exhaustive investigations of the escarpment to the north of Rotorua, and the valley of the Kaituna River, a route was found rising to a height of only 950 ft or approximately 50ft above Lake Rotorua and following the valley of the Kaituna River on a grade of 1 in 70 compensated to Paengaroa. This route follows the line of the Te Ngae-Paengaroa highway crossing the river 4 times.

The route commenced at the Rotorua Station yard through to the Paengaroa Station Yard was estimated at a distance of 27 miles at a cost of £3.14 million.

**(c) Kinleith-Rotorua Railway**

An extension of the Putaruru-Kinleith Railway to Rotorua

This location is in very heavy earthwork with several tunnels and high viaducts which were necessary to achieve this gradient. A tunnel was required through the ridge between the Waipa State Mill and Whakarewarewa and the high cost of the line, brought about principally by these tunnels and viaducts resulted in this proposition being dropped.

This route was 31 miles in distance and commenced at Kinleith and went via the Upper Atiamuri Forest then to the Waipa State Mill thence by tunnel via Ngapuna to the Rotorua Station Yard. This line was estimated to cost £6.5 million. This was the least favoured line because of the high costs and the steepness and curvature of the terrain.

**3.12 Lack of Consultation with Ngati Hinerangi about Alternative Routes**

The question of alternative routes being explored by MOW is important because it demonstrates that there was essentially no need to cut a tunnel right through the middle of the Kaimai Range destroying the mana and tapu of the maunga in the process.

In fact there were several other options other than a tunnel. However, Ngati Hinerangi were never consulted about this and therefore the opportunity to provide a rail link to the Port of Tauranga from another route other than going right through the middle, was missed. However, there was more at stake other than a railway link to the Port of Tauranga.

The greater goal was the establishment of the hinterland – the economic zone and the economic power that would derive from the Kaimai Tunnel bringing in to its sphere of influence, the rich Waikato farming communities, the newly established forestry industries of the south Waikato and the Central North Island Volcanic plateau forests at Kaingaroa and Taupo.

The ultimate goal was the ability to create wealth. In doing so the proponents of the Port of Tauranga seized on what Pakeha in generations preceding them had done – capture as much cheap land, preferably Maori land first and then avail themselves of land owned by the Crown. This process is known as colonialism, where the majority culture of invaders takes over the resources – the land – of a country to derive economic wealth and prosperity in the name of progress displacing the tangata whenua, the Maori, and rendering their beliefs and cultural values and practices as obsolete to be done away with.

For more than 150 years Maori have had to endure this process which has resulted in the marginalisation of removal from their tribal lands, forests, water ways and harbours and coastal lands and has created widespread social dislocation and cultural disenfranchisement of Maori from their own culture, language and beliefs, values and cultural practices.

### **3.13 The Position of MOW & NZ Railways to the Building of the Kaimai Tunnel and Deviation**

In 1958 renewed calls for a tunnel through the Kaimai Ranges to connect the Waikato and Bay of Plenty, prompted the Commissioner of Works, Mr F Hanson and the General Manager of Railways Mr AT Gandell to prepare a report dated April 1958. The report stated that “the volume of traffic likely to be carried by the deviation was directly related to the rate of development of the Port of Tauranga (Mt Maunganui) and that the pattern at the

port was not sufficiently clear and assured at present to allow of its future influence on transport being predicted.”<sup>119</sup>

The report also said “the existing railway was by no means congested – so it recommended that the Government review the project when transport requirements to and from the Bay of Plenty became more clearly defined.”

Two alternative routes were considered, route A of 21 miles from Waharoa to Aongatete and Route D of 15 miles from Waharoa to Apata, the latter being favoured on account of reduced length.<sup>120</sup>

This did not, however, deter the interest groups lobbying for the building of the Kaimai tunnel and in 1960 the Minister of Railways received a deputation demanding that the Kaimai tunnel proposal be reviewed in light of the region’s rapid economic growth.

In June 1961, Hamilton District Office, MOW prepared a preliminary assessment of cost on route D.

On 10 May 1962, MR JT Gilkinson, Commissioners of Works, wrote to the District Works Commissioner in Hamilton to advise him of Cabinet’s decision to defer the decision to build the Kaimai Deviation “to enable further reports to be submitted on the basis of which it could assess the relative costs of access to Port Tauranga by road and rail.”<sup>121</sup>

Mr Gilkinson outlines in his letter his requirements for an economic study of the estimated costs for the road and rail improvements stating ,

“Analyses should show expenditures of overseas funds, route mileages on the most suitable locations, periods required for construction of road and rail access and interim arrangements pending completion.”

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<sup>119</sup> Kaimai – Southern Press Ltd, Bob Scott, p26

<sup>120</sup> AATE A934 10f 56/5 – MOW, Commissioner of Works, Hamilton, CJ Parsons Preliminary Report, p1

<sup>121</sup> Ibid 56/3 MOW, Letter from JT Gilkinson, Commissioner of Works, to District Commissioner, Hamilton

He goes on to state that, "It would be pleasant to be able to offer to send a team to your District to carry out this economic study, but unfortunately no such team is available. I believe Mr Abey is well equipped to make such a study and request, therefore, that you arrange for such relief as he may need to enable him to do it. The Director of Roading will give whatever assistance he can as will other sections of Head Office."

Mr Gilkinson ominously requested that the District Commissioner in Hamilton, "Reports should be drafted with the possibility in mind that large parts of them may be required to be used as evidence at Public Hearings. Boldness of illustration and brevity of argument and conclusion would for that purpose be imperative."

Mr Gilkinson's comments were ominous because in the first place it confirmed that the MOW and NZ Railways had not undertaken any serious economic analysis or justifications on which to base their decision for constructing the Kaimai Tunnel and deviation. They had instead relied on one person Mr Abey, a Civil Engineer in Hamilton to come up with all the arguments. His admission that "no such team is available" to carry out such an economic study was a glaring admission that for the amount of public funding involved bordered on being "irresponsible" and "unprofessional" in today's terms.

The Commissioner's direction for "boldness of illustration and brevity of argument and conclusion" was a cynical disregard for the high level of public interest in the Kaimai tunnel and deviation issue. In today's terms was a direction to provide pretty pictures for public consumption and an avoidance of any controversial economic information or analyses that could be critical in winning Cabinet's final approval to proceed with the Kaimai tunnel and deviation. The establishment of the Commission of Inquiry in August 1962 was the result of the agitation into Improved Access by Land to the Port of Tauranga and Bay of Plenty.

In submissions to the Commission of Inquiry made by counsel for the NZ Railways Department, Mr JHO Tiller, stated, that "the evidence presented before the commission left no ground for doubt that additional transport facilities were an urgent necessity even more between the Bay of Plenty and the Waikato than between the Bay of Plenty and Rotorua."

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<sup>122</sup> Waikato Times 18 October 1962



Mr Tiller stated that “there could be no doubt either that immediate access were essential and in the public interest in the case of both road and rail. He submitted that the Railways Department witnesses had proved the economics of the Kaimai Deviation – that the figures they produced justified the Kaimai tunnel and the Paengaroa – Rotorua railway.

Mr Tiller submitted that “the need for rail access by means of the Kaimai Deviation was unquestioned. All the responsible organisations represented at the hearing with the exception of the Road Transport Alliance had asked for improvements at an early date.”

He submitted, “The Kaimai Deviation was an attractive economic proposition.”<sup>123</sup>

Prior to 31 March 1974, the MOW & D was responsible for new railway lines which were financed under Vote: Railway Construction and the MOW&D. After 1974 the MOW & D continued to arrange for the construction work but the Railways Department obtained the requisite authorisation with all costs charged directly to Vote: Railway. The change over of the present system occurred on 1 April 1974. It is for this reason that the submissions of the New Zealand Railways Department were presented to the Commission of Inquiry on a combined basis with the MOW&D and the New Zealand Railways Department.

The position of the New Zealand Railways Department was presented to the Commission of Inquiry by the commercial manager for the NZ Government Railways Department, Mr Ivan Thomas. Mr Thomas told the Commission “the Frankton-Tauranga section of the railway had become the heaviest provincial line in the North Island and was carrying a density of freight traffic surpassed only on the main trunk line.”<sup>124</sup>

Mr AG Harris District Civil Engineer for MOW, Hamilton presented evidence on proposed routes for a new Kaimai Tunnel and Deviation. In giving his evidence in regard to exploratory investigations of rail access routes over or through the Kaimai Ranges, Mr Harris told the Commission that “the standard of information available for such reconnaissance was sufficient for initial assessment purposes only.”<sup>125</sup>

The MOW District Commissioner of Works, Hamilton, Mr CJW Parsons supported Mr Harris in drawing the Commission of Inquiry’s attention “to the urgent need for more

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<sup>123</sup> Ibid

<sup>124</sup> AATE 1220 A934 56/4 MOW, Hamilton – Waikato Times October 3, 1962

<sup>125</sup> AATE 1220 A034 Summary of Proceedings, MOW Submissions & Evidence, by AG Harris, p2

detailed and completed surveys in the event of the Commission recommending construction of either rail routes.”<sup>126</sup> Mr Parsons told the Commission that the estimated cost for the improved railway access [via the Kaimai Deviation] was to be “about £5 million”.<sup>127</sup>

Mr Parsons noted that the New Zealand Railways stated a case “for improved rail access on the basis of the obsolescence of certain sections of the existing system and the improvement in finance which would accrue to them on the basis of existing freight with allowance for increase equivalent to average national annual increase.”<sup>128</sup>

MOW and the New Zealand Railways, were united on the central question of the economic viability of the new railway access and therefore the economic justification for the building of the Kaimai Tunnel and Deviation.

The New Zealand Railways Department Chief Civil Engineer, Mr C Clark told the Commission of Inquiry under cross-examination, that construction of the 5 million pound Kaimai Tunnel and Deviation – (the railway line from Waharoa in the west in Matamata to Apata in the east on the Tauranga side of the Kaimai Ranges) – would take four years to build and was “urgently required”. Mr Clark also told the Commission, “If the decision to proceed was delayed however, relaying on the Paeroa-Apata railway line would have to go ahead and this money would be wasted if the Kaimai Deviation was then later given the “green light”. Mr Clark continued to the Commission that the obsolete lines “were not an economic proposition.”.

**‘Give us the Kaimai route and it will be economical...the £5 million we will expend there can be justified as a saving compared with our existing routes.’ He told the Commission, “If the tunnel was put through it could stand on its own two feet. It would not be dependent on a complete monopoly and could pay on a proposition of traffic at comparable rates.”<sup>129</sup>**

The NZ Railways Department estimated costs for the Kaimai Tunnel and Deviation were:<sup>130</sup>

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<sup>126</sup> Ibid p2

<sup>127</sup> Ibid p3

<sup>128</sup> Ibid pp2-3

<sup>129</sup> Waikato Times Oct 2, 1962.

<sup>130</sup> Ibid

1. Apata Approach	(Tauranga side)	221,000
2. Waharoa Approach	(Waikato side)	533,000
3. Formation Work	(Incl. Kaimai Tunnel)	<u>4,409,000</u>
	Total Cost	<u>£5,163,000</u>

Additional costs included:

1. Track cost	375,000
2. Signals & Communications	94,000
3. Contingencies	<u>122,000</u>
	Total Costs
	<u>£591,000</u>

### 3.14 The Position of the Government

It was clear from ministerial papers and statements of the time, that although the Government accepted all the findings of the report of the Commission of Inquiry in its recommendations to build the Kaimai Tunnel and Deviation, it still wished to proceed cautiously.

On 20 May 1963, after receipt of the Commission of Inquiry report, the Secretary of the Cabinet wrote to the Minister of Works from the Prime Minister's Office, Wellington stating, under the following heading:<sup>131</sup>

“Access to the Port of Tauranga and the Bay of Plenty

At the meeting on 13 May 1963 Cabinet:

- (a) approved the expenditure of £7,000 for a photogrammetric survey of possible rail routes between Waharoa and Apata; the project to be referred back to Cabinet for further consideration when firm estimates of cost are available;
- (b) agreed that no action is necessary at present to promote legislation to provide for the railway deviation;
- (c) declined to approve at this stage the construction of the Kaimai Deviation
- (e) agreed that action should be taken in due course (should the railway deviation be approved)

<sup>131</sup> AAVK 17297 W3182 Box 8 081 /100/55 -

“Construction of the 15½ mile (9 kms) Kaimai railway deviation to give improved rail access to the Bay of Plenty district has been approved by the Government. This was announced by the Minister of Railways, Mr JK McAlpine, who said the decision followed a recommendation made in February 1963 by a Commission of Inquiry, subsequent detailed surveys and investigations by the Ministry of Works, the Railways Department and Treasury, and very full consideration of all technical and economic aspects of the scheme. A route 15½ miles long, including a 5½ mile tunnel under the Kaimai Range, has been selected ...as the most suitable and economic location having regard to both construction and future maintenance.”<sup>132</sup>

The Minister of Railways added that “these reduction in haulage distances would not only enable valuable savings to be obtained in railway operating costs, but would be of substantial advantage to industry generally in reducing rail freight charges between the Bay of Plenty area and all parts of New Zealand.”

The building of the Kaimai Tunnel and the Deviation was lauded by the press at the time of the opening of the Kaimai Tunnel and Deviation as a “national achievement which owes no allegiance to any political party. The project has proceeded through the administration of four successive governments.”<sup>133</sup>

According to confidential papers of AR Perry, the Secretary of the Cabinet, a letter was sent from the Prime Minister’s Office, Wellington, dated 15 September 1964, addressed to the Minister of Railways, the General Manager of NZ Government Railways, and copies sent to the Ministers of Transport, and Works, the Secretary to the Treasury, Controller and Auditor-General and Law Draftsman.

Titled “Kaimai Railway Deviation” – CM (64) 35 the letter stated, “At the meeting on 7 September 1964, Cabinet: <sup>134</sup>

- (d) approved the construction of the Kaimai Railway deviation at an estimated cost of £5,717,000 ;

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<sup>132</sup> AAVK 17297 W3182 Box 8 081 /100/55 – NZ Railways dept – Press Release Minister of Railways

<sup>133</sup> Matamata Chronicle June 21 1976

<sup>134</sup> Ibid 081/100/55 – AR Perry letter to Minister of Railways, Cabinet Sec, PM’s Office, 15 September 1964

- (e) approved the calling of tenders when plans and specifications are completed;
- (f) directed that expenditure on the project is to be limited to a total of £500,000 for the financial years 1964-65 and 1965-66;
- (g) directed that the existing track between Paeroa and Apata should be used to exhaustion and that only the minimum amount should be spent on maintenance
- (h) approved the introduction of authorising legislation during the current session;
- (i) noted:
  - (i) that there will be no acceleration of roading proposals in the area and that the expenditure of 3 million pounds supported by the Commission of Inquiry into improved access to the port of Tauranga and the Bay of Plenty is likely to be spread over a period of six years
  - (ii) that it is intended to close the Paeroa-Apata section of the existing line on completion of the deviation;
  - (iii) that after the Paeroa-Apata section of the existing line is closed existing mileages, where these are less than the new route, will be the basis of charging rail freights between the Thames-Paeroa-Te Aroha area and the Tauranga-Mt Maunganui area; also that the transport by road and freight between the Tairua-Hikuai-Waihi Beach area and Tauranga or Mt Maunganui will not be opposed
- (g) agreed that action should be taken to protect the interests of existing traffic operators.

The Cabinet approval of expenditure on the Kaimai tunnel and deviation of \$11,43,000 in September 1964 was then followed by a decision in November to defer construction for six months. Cabinet approval was finally granted for expenditure of \$710,000 in the 1965-66 financial year and in July 1965 a completion date of October 1970 was forecast. On 2 October 1965, the Minister of Works Mr Allen turned the first sod at Apata on the eastern side of the Kaimai Ranges, as a gesture that the Kaimai tunnel was finally approved for construction.<sup>135</sup>

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<sup>135</sup> MOW Kaimai Deviation Booklet p31

At a later Cabinet meeting on 1 April 1968, the projected rate of expenditure for the Kaimai Tunnel Railway Deviation was revised to a total amount of \$16, 210,000 which was approved in principle with the following breakdown:<sup>136</sup>

To 1968	\$1,540,000
1968-69	\$1,460,000
1969-70	\$4,000,000
1970-71	\$5,000,000
1971-72	\$4,000,000
1972-73	210,000

In his press statement the Minister of Railways emphasised the savings the new 15½ mile railway would bring and would replace 35 miles of the present “tortuous” line between Paeroa and Apata upon which it would be necessary to expend more than 3 million pounds on its maintenance.

The Minister said that “the railway line between Frankton and Tauranga was now the busiest provincial line in New Zealand and that industrial development in the area was such that the traffic was expected, even on conservative estimates, to double by 1982.”<sup>137</sup>

“It is clear that prudent provision of the adequate transport facilities, and their adaptation to future requirements, made construction of the Kaimai railway deviation a necessity, “ according to Mr McAlpine.

“The Government has supported this view by approving the project and authorising the calling of tenders for various parts of the work when detail plans and specifications are ready”, he said.

In effect the Government gave its approval to the report and recommendations of the Commission of Inquiry and by implication the Government also supported its view expressed under the seemingly innocent title of “General” that:

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<sup>136</sup> Ibid - 081 /100/55 – NZ Government Railways, GM, I Thomas to Chief Civil Engineer, 5 April 1968

<sup>137</sup> Ibid – NZ Railways dept – Press Release Minister of Railways

**“... large areas of land now lying idle will have to be brought into production, established industries expanded, and new industries attracted to this highly productive and well favoured area.”**

The implications of this statement in the Commission of Inquiry report in regard to the impact on Maori land in Tauranga Moana, is discussed later in this report.

However, for the Government, the Kaimai Tunnel and Deviation, was of great national importance. It took about 12 years to complete, and was opened by Prime Minister Robert Muldoon on 12 September 1978.

At the opening ceremony Mr Muldoon said that **“at a cost of \$56 million, the Waikato and the Bay of Plenty now have a railway system which is the main artery for heavy haulage. A direct east-west link is provided between the rich, productive agricultural and forestry areas of the Waikato and Bay of Plenty.”**

Mr Muldoon said that the Kaimai Tunnel was an entirely Ministry of Works and Development undertaking. He said the Kaimai Deviation was the culmination of aspirations which have been voiced almost continuously throughout this century for better communications. Muldoon said, “These have been provided at great cost.”<sup>138</sup>

However, the full and final amount for the construction of the Kaimai Tunnel and Deviation was variously reported in the press of the day as \$53 million by the New Zealand Herald and \$56 million by the Matamata Chronicle in September 12 1978 at the time of the opening of the Kaimai Tunnel and Kaimai Deviation.

The purchase of a tunnel boring machine bought in 1969 for \$1.55 million including spares bored 55 % of the tunnel length from the eastern portal on the Tauranga side. The machine was withdrawn in July 1976 and was not used since, greatly added to the costs. This proved an expensive capital expenditure and there were no immediate requests to purchase a second-hand tunnel boring machine.

### **3.15 Budget Blow-out of Expenditure Costs Approved by Cabinet**

However, the reality of the building of the Kaimai Tunnel and Deviation was that it represented a massive budgetary blow-out. It was a gross act of ministerial and financial

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<sup>138</sup> Ibid

negligence and a burden on the public purse at such a time when anticipated inflationary pressures signalled there should be a curtailing of Government capital expenditure.

Treasury papers dated 29 April 1977 indicate that previous Cabinet approvals for funding on 7 September 1964 was \$11,434,000. The project had total expenditure of \$29,837,000 prior to 31 March 1974. The current estimated cost to completion was \$50,511,000 requiring a further authorisation of \$20,638,000.<sup>139</sup>

It is important, firstly, to realise that the actual costs for the Kaimai Tunnel and Deviation were subject partially to inflationary increases, and the introduction of the metric and dollar systems and the subsequent wage and interest rate increases that resulted. The Kaimai Deviation and Kaimai Tunnel is quoted at the outset as being 15 miles in length with the tunnel being 5½ miles long.

Based on submission from the Minister of Works to Cabinet dated 15 February 1965 the original spread of expenditure for the Kaimai R1, Deviation was submitted to Cabinet for approval as outlined below:<sup>140</sup>

**Table of Costs for the Kaimai Deviation project.**

1964-65.1	10,050
1965-66	353,450
1966-67	932,500
1967-68	1,333,000
1968-69	1,416,000
1969-70	1,250,000
1970-71	<u>422,000</u>
Total	<b><u>£5,717,000</u></b>

In his submissions to Cabinet, the Minister of Works commented on the reasons for the increased costs,

<sup>139</sup> Ibid AAVK 17297 W3182 Box 8 081 /100/55 – NZ Railways dept – Memo Minister of Railways

<sup>140</sup> Ibid – Memo Minister of Works to Cabinet 15 Feb 1965, p2



“Attention is drawn to the fact that this estimate was prepared in February 1964 and that no revision has been made to allow for the subsequent wage increase. The reason for this is that at this stage of investigation it is impossible to accurately assess tunnelling costs which could vary over a range wider than the 6% wage award. It is considered preferable to defer any revision of the estimate until the drilling investigations mentioned ...above have been completed. These will be carried out by Ministry of Works and will provide information on which a more accurate estimate can be based and moreover, will enable prospective tenderers to more accurately assess their own prices.”

However, the Minister of Works suggested there were mitigating circumstances whereby the Government would be justified in the approving the increased Kaimai Tunnel and Deviation costs.

The Minister of Works continued,

“At first glance it would appear inappropriate to request approval for work of this magnitude at a time when there is good reasons for curtailment of Government capital expenditure

- (j) If this work is not carried out then Railways Department will be faced with heavy expenditure on maintenance and renewals on existing lines within the next few years. This expenditure which amounts to almost one-third of the estimated cost of the Kaimai Deviation can practically all be avoided if this work proceeds now.
- (k) From the national viewpoint the savings in internal transport costs emphasised in the report of the Commission of Inquiry is important particularly as it applies in large measure to exports.
- (l) Approval at this stage has little affect on immediate expenditure. Major expenditure will commence in 18 months time if a tunnel contract is then let followed by three years averaging 1 - 1/3 millions.”<sup>141</sup>

Therefore, the original estimated costs for the Kaimai Deviation as set out in 1962 by the MOW above was £5 million. But by the early 1970s, the estimated costs to the completion of the project had escalated to \$50,511,000 dollars. This massive budgetary blow-out was partly explained by the inflationary increases of wages in this period. However, even after allowing for inflationary increases of wages and the change-over of the New Zealand currency to dollars part-way through the construction of the Kaimai Deviation, the final completion costs of \$50million represented a massive 500 % increase on the original estimated cost of 5million pounds

How did the Government of the day manage to withstand any adverse fall-out over this massive budget overrun?

The only explanation put forward on 20 May 1976 by TM Small, the General Manager of NZ Railways in a memo to the Minister of Railways where he stated,

(c) "At the changeover to the present system on 1 April 1974 approvals were held for \$29,873,000. Of this amount \$16,210,000 was authorised by Cabinet on 2 April 1969 (CM 68/11/22 refers) and \$13,663,000 by the Minister of Works and Development.

(d) The current estimated cost to completion is \$50,511,000 requiring a further financial authorisation of \$20,638,000.

## 2. Proposal

Authority is sought for the additional expenditure of \$20,638,000 for the Kaimai Tunnel and Deviation.

### Comments:

(a) The increased costs are mainly due to the unforeseeable site difficulties experienced in the nine kilometre tunnel which is the major work on the deviation resulting in increased man-hours with costs affected by a high level of inflation. Over the eight years since the Cabinet authorisation was obtained the MOW and D Construction Cost Index has increased by over 150%."

Instead of the original 5million pounds estimated by MOW & D, the current estimated cost to completion was in fact \$50,511,000. In today's terms this was a massive budgetary blow-out and would have spelt political disaster for the Government of the day. A negative backlash from the public or opposition did not occur. For the Opposition party, both parties had terms in office during the life-span of the project and had in effect provided their approval for the completion of the project. The public outcry did not eventuate because of the powerful political and economic support of big businesses in the area, interested parties and support from local authorities. Opposition that did occur was generally from local authorities who were to miss out or be passed over by the economic developments taking place in the Waikato and Bay of Plenty. The support, politically and economically was

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<sup>141</sup> Ibid p2A

robust enough to withstand any fallout from the massive budgetary overruns that occurred on the building of the Kaimai Tunnel and Deviation.

### **3.16 Commission's Economic Justifications for the Kaimai Tunnel and Deviation**

The Commission of Inquiry based the recommendations of its report in specific terms on the information provided from the MOW and the NZ Railways Department. The Railways Department submitted tables covering the operation of existing traffic only, comparing the distances between Tauranga and other centres by rail and estimating the reduced distances if the tunnel proposition was adopted. See Table over page.

**TABLE OF TUNNEL DISTANCES**

#### **Proposed Kaimai Deviaton**

Between	And	Present Mileage (miles)	Proposed Mileage (miles)	Mileage Reduction (miles)
Auckland	Tauranga	179	147	32
Auckland	Te Puke	193	161	32
Auckland	Kawerau	232	200	32
Auckland	Awakeri	230	198	32
Auckland	Taneatua	239	207	32
Kinleith	Tauranga	132	70	62

Kinleith	Mt. Maunganui	141	79	62
Rotorua	Tauranga	146	84	62
Rotorua	Mt. Maunganui	155	93	62

The Commission noted from supplementary information supplied from the Railways Department that as a result of the building of the Kaimai Deviation, the growth of traffic carried by rail on the Bay of Plenty lines would increase by over 50% between 1962-70.

The report stated,

These forecasts are based on data supplied by the larger industries and on the estimates of port tonnage quoted by the Tauranga Harbour Board.”<sup>142</sup>

The Commission also furnished another table in its report showing the present rail distances between Mount Maunganui and other centres and the amount of reduced distances that would apply if the Kaimai Deviation was constructed. The table also compares these distances with the present rail mileage to Auckland.

**Fig 34. Table of Tunnel Distances**

Kaimai Deviation

From	Present Mileage by Rail to Mt. Maunganui	Mileage by Proposed Kaimai Deviation to Mt. Maunganui	Present Mileage by Rail to Auckland
Morrinsville	86	54	102
Waharoa	102	40	118
Putaruru	123	61	139
Kinleith	141	79	160
Rotorua	155	93	171
Cambridge	112	80	100
Frankton	104	72	85
Te Awamutu	120	88	100

<sup>142</sup> Ibid p16

## DISTANCES IN MILES TO MOUNT MAUNGANUI

BEFORE & AFTER KAIMAI RAIL TUNNEL

	BY RAIL			BY ROAD
	BEFORE	AFTER	DIFF:	
AUCKLAND	186	154	32	136
THAMES	77	95	18	73
PAEROA	59	77	18	53
MORRINSVILLE	82	50	32	60
TE AROHA	69	63	6	66
HOROTIU	107	75	32	85
HAMILTON	99	67	32	77
WAIHI *	46	29	17	37
CAMBRIDGE	108	76	32	58
WAHAROA	98	37	61	39
TE AWAMUTU	116	84	32	71
MATAMATA	102	40	62	34
TE KUITI	141	109	32	95
PUTARURU	120	58	62	50
TAURANGA	8	8	-	12
TOKOROA	133	71	62	65
KINLEITH	138	76	62	69
RANGIURU	16	16	-	15
ROTORUA	151	89	62	53
TAUMARUNUI	190	158	32	148
TAUPO * * *	138	76	62	105
EDGECUMBE	46	46	-	40
KAWERAU	52	52	-	60
WHAKATANE * *	50	50	-	56
MATATA	38	38	-	40

*	KATIKATI	} NEAREST RAILHEAD
**	AWAKERI	
***	KINLEITH	

Fig 31. Table of Tunnel Distances Saved by Kaimai Tunnel

### **3.17 Commission of Inquiry Recommendations**

The Commission of Inquiry's report ended this section on the Kaimai Deviation by stating 'It is our recommendation, therefore, that the necessary surveys and investigations of this route should be put in hand immediately. It would probably be two years before these are completed at which time we would recommend that the construction of the deviation be proceeded with. ... We should state that an important consideration which influenced us in making the recommendation is the avoidance of heavy expenditure, viz, £1.8 million on the existing line.'<sup>143</sup>

- **Proposed Closing of Paeroa-Apata Section**

In reference to the proposal for the Paeroa-Apata Railway line, the Commission based its recommendation on that made by Railways Department. The Commission report stated,

"On completion of the Kaimai Deviation, the existing line from Paeroa to Apata would cease to function as the connection between the Bay of Plenty and the North Island railway system and its only remaining value would be to serve the towns of Waihi and Katikati. Both towns are reasonably close by good roads to other stations on the railway system and are served by direct goods road route services operating to Auckland. Because of the limited value of this Paeroa-Apata line, and its costly operation as a branch, it would be closed." The Commission simply added at the end of the statement quoted above, "Your Commission supports this recommendation."<sup>144</sup>

- **Proposed Rotorua-Paengaroa Rail Link**

As far as the Rotorua-Paengaroa Rail link was concerned, the Commission stated,

"Your Commission does not consider the construction of the proposed Rotorua-Paengaroa railway link to be of the same importance as the construction of the Kaimai Deviation." The Commission argued that traffic demands "could be handled efficiently ... by road transport from Rotorua to the Port of Tauranga."<sup>145</sup>

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<sup>143</sup> Ibid p16

The Commission's report stated,

“Construction of the Rotorua-Paengaroa rail link should, therefore, be deferred and considered in conjunction with the possible closing of the existing line over the Mamaku Hills when operating difficulties fully justify the considerable additional expenditure involved, viz, approximately £3 million.”<sup>146</sup>

- **Proposed Rotorua-Waipā Extension**

For the third proposal submitted to the Commission by the Railways Department, the Commission considered it was unable to make a firm recommendation. The Commission felt that the Rotorua-Waipā line was connected to the Paengaroa-Rotorua line. It had previously recommended that the Paengaroa-Rotorua line should be deferred and so it felt that the Rotorua-Waipā line should also be deferred. The Commission recommended instead that the Railways Department and Forest Service make joint representations to Government on constructing this extension. Estimated construction costs were set at £325,000.

In a memo titled Kaimai Tunnel and Deviation from TM Small the General Manager of NZ Railways Department to the minister of Railways, dated 1976, “the current estimated cost to completion is \$50,511,00 requiring a further authorisation of \$20,638,000.”<sup>147</sup>

### **3.18 Position of NZ Railways – Response to Commission's Report**

A study of the Commission of Inquiry Report as to its position on railways was also potentially controversial. By the Commission's own admissions, it appears that there are insufficient economic justifications for its recommendations. The first comment of concern from the Commission's report is the following statement,

“We do not agree that the Bay of Plenty should be without an efficient railway system, and we make this observation irrespective of whether or not the area develops to the degree and in the manner we anticipate.”<sup>148</sup>

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<sup>144</sup> Ibid p18

<sup>145</sup> Ibid p18

<sup>146</sup> Ibid p18

<sup>147</sup> AAQB 17306 W4073 3 19/467/0/22 NZR Railways Department Head Office Memo, – 23/1852/2 ,TM Small General Manager for the Minister of Railways, p1



If the area did not develop economically then it would be difficult for NZ Railways to enable the railway line to Tauranga to pay its own way and in the end it could become a drain on the nation's finances. If this was to eventuate this would be a political disaster for the Government of the day, especially as there was already strong opposition to the Kaimai Tunnel and the Kaimai Deviation.

The second comment by the Commission stated,

“Regarded purely as a commercial proposition from the Railways point of view, it is admittedly difficult to justify at the present time the expenditure of some 5,000,000 million pounds on the Kaimai Deviation, as any savings in operating costs on the shorter hauls are liable to be balanced by lower freight revenues over the shorter distances.”<sup>149</sup>

This comment by the Commission was also worrying because NZ Railways, from their investigations, had told the Commission that the Kaimai Deviation “is admittedly difficult to justify... as a commercial proposition”. Yet the Commission made the recommendation to proceed with the building of the Kaimai Tunnel and Deviation. The Commission proceeds to hide behind its standard mantra of the Kaimai tunnel being justified on the basis of “the broader national viewpoint”.

In explaining its position on the issue of savings on all internal transport costs as far as shorter hauls are concerned, the Commission stated,

*“Although an accurate assessment of the position [of the benefits of shorter hauls to Mount Maunganui] is not at this time possible, your Commission considers it would be reasonable to assume that the volume of traffic now being carried by rail to the Bay of Plenty will double in 20 years time and possibly within a shorter period.” The Commission also earlier stated, “No allowance has been made in these forecasts [industry data for expected traffic carried by rail on the Bay of Plenty lines] for the possible diversion of traffic goods.”*

However, the ambivalence and admissions of lack of detail from the Commission did not stop there. In making its recommendations for the Kaimai Deviation, the Commission stated,

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<sup>148</sup> Ibid p13

<sup>149</sup> Ibid p17

*“It is our recommendation, therefore, that the necessary surveys and investigations of this route [Kaimai Deviation] should be put in hand immediately. It would probably be two years before these are completed, at which time we would recommend that the construction of the deviation be proceeded with.”*

The Commission then continued on to say,

“We make this statement regardless of whether or not the Port of Tauranga will be used as a port of final loading or whether or not a freezing works is established near the port.”

The Commission earlier states somewhat simplistically,

“The justification for the construction of the Kaimai Deviation lies mainly in overcoming the Kaimai Range barrier and providing an efficient link between the Bay of Plenty and the rest of the North Island – in particular reducing the distance which produce and goods can take even if these continue to be transported in increasing quantities to the Port of Auckland and elsewhere.”

The Commission’s statements, appear simplistic in advancing justifications on the Kaimai Deviation. Their major justification is “mainly in overcoming” the physical barrier of the Kaimai Ranges. The second part of the above statement is further evidence of the Commission being contradictory saying the Kaimai Deviation should proceed “regardless of whether or not the Port of Tauranga gets used as a port of final loading.”

The Commission also lacked conclusive financial detail and “accurate information” regarding the future of the Port of Tauranga. It also stated that until “certain model tests and investigations are completed” for the Tauranga Harbour Board, “it will not be known whether the Port can be made physically capable of accommodating large overseas vessels.” The Commission again took the ambivalent stance of stating, “..on the information available it would appear that considerable improvements could be effected at a reasonable cost.”

The above mentioned admissions by the Commission shows a degree of lack of detail in regard to the Commission’s justifications for their recommendations.

When the Commission came to review the evidence in relation to the Port of Tauranga, the Commission once again took an ambivalent and less than convincing tack.

“It became evident as the inquiry proceeded that accurate information regarding the future of the Port of Tauranga was not available.”<sup>150</sup> The Commission made the worrying assertion,

“Even if these improvement [to the port of Tauranga as a deep sea wharf] are carried out and the Wallingford report is favourable, it is not known whether the Producer Boards will require shipping companies to use Tauranga as a port of final loading”<sup>151</sup> The Commission went on to state that the Producer Boards have recently set up special committees of inquiry to ascertain the most economical way that produce generally can be loaded and shipped from New Zealand. The Commission also stated that the “question of working secondary ports were to come under review and that the investigations of these committees will not be completed for some time.”<sup>152</sup>

The Commission also stated that in regard to another industry, the Freezing Works, that “there was still some obscurity regarding the possible establishment of a freezing works in the Bay of Plenty.”<sup>153</sup> The growth of the freezing works industry in the Bay of Plenty represented another major industry that was uncertain about accessing the Port of Tauranga as a final port destination for its products. The Commission reported that the New Zealand Meat Producers Board had set up an investigation committee to investigate this issue and reported to the Board in July 19662 just prior to the inauguration of the Commission of Inquiry. The results of the Producers investigation was that “killing facilities only are to be considered at the present time.”<sup>154</sup> This was not a favourable result from a potentially important growth industry that was expanding exponentially in relation to the country’s rapidly growing population.

Having stated the importance of the Port of Tauranga and the question of the building of the Kaimai Deviation, the Commission then contradicted itself stating:

*“In many respects the future development of the Port of Tauranga bears only indirectly on the question of the Kaimai Tunnel and Deviation. It must be remembered that if Tauranga does not become a port of final loading the carriage of general produce and stock, either*

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<sup>150</sup> Ibid p19

<sup>151</sup> Ibid p19

<sup>152</sup> Ibid p20

<sup>153</sup> Ibid p20

<sup>154</sup> Ibid p20

*processed at a works in the Bay of Plenty or sent alive to the existing works in the Auckland area, represents revenue to the Railways Department, much of which would be lost if this form of produce were loaded at the Port of Tauranga.”*

The Commission continued,

*“If the port does not become a port of final loading the necessity for an efficient rail link from the Bay of Plenty to Auckland and outside area therefore still remains.”*

Again this conclusion by the Commission appears to be contradictory and trying to place a bet both ways and ignores the fundamental question stated in its terms of reference of “whether development of the Port of Tauranga and of industries in the Bay of Plenty or in any area served or likely to be served by the Port of Tauranga are such as to require major changes or major improvements to existing means of access by land to such port and the Bay of Plenty.”

By the Commission’s own words there were too many unknowns and vital accurate economic information did not appear to be available to them. The question remains as to why the Commission felt compelled, despite the lack of robust economic evidence, to recommend the building of the Kaimai Tunnel and Deviation?

### **3.19 The Economic Viability of the Kaimai Tunnel**

At the stage of the sitting of the Inquiry there were significant “unknowns” facts that were not substantiated and information that was not accurate about critical issues that would ultimately have a significant impact on the commercial viability of the Kaimai Tunnel and Deviation. Indeed the NZ Railways had stated categorically and the Commission had in fact reported that the Kaimai Deviation was not commercially viable.

The question remains then why did the Commission support the building of the Kaimai Tunnel and Deviation when all information appeared to indicate that the project was not commercially viable? Did other factors come in to play in the decision making process and if so what were these factors?

It is difficult to understand, on the basis of these admissions by the Commission, how and why they were able to make the recommendations at the end of their inquiry.

The Commission's recommendations were based on submissions by NZ Railways and its working knowledge of the state of its railway system throughout the Waikato and Bay of Plenty Region. The existing railway system before the Kaimai Tunnel involved an antiquated line stretching from Auckland to Paeroa to Apata and then into the Bay of Plenty through Tauranga and eventually meeting the Port of Tauranga at Mount Maunganui.

However, the course was steeply graded, restricting train loads, and required expensive maintenance which by modern standards, the line was fast becoming obsolete.<sup>155</sup>

NZ Railways was first asked to investigate the Kaimai project in September 1955 and in August 1956 the Kaimai Tunnel Report was completed by the Branch Lines Committee. The data in the report was revised to become the basis of the joint submissions to Government by the General Manager of NZ Railways and the Commissioner of Works.

In August 1960, NZ Railways investigated a railway from Kinleith via Rotorua to Paengaroa to solve the problems of the cross flow of traffic to the Port of Tauranga and the Bay of Plenty. The Kinleith-Rotorua line was considered by NZ Railways to be too high in costs that the Kaimai Tunnel was viewed as the less expensive option<sup>156</sup>. Though the NZ Railways supported the Kaimai Tunnel and the Rotorua-Paengaroa line being built, the Commission of Inquiry rejected this as being too expensive.

The Commission was very sensitive about the economic justifications for the Kaimai Tunnel and other recommendations it made about railways in general. On this basis, the Commission stated,

*"From the broader national viewpoint, however, such an objection does not apply. ...Your Commission considers it would be reasonable to assume that the volume of traffic now being carried by rail in the Bay of Plenty will double in 20 years time and possibly within a shorter period. Consideration, therefore, of the position of the railway system in the Bay of Plenty is now overdue. The physical limitations of the existing lines are of increasing*

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<sup>155</sup> NZ Railway Office Advocate, Article – "The Kaimai Deviation", FK Froggatt, p89

<sup>156</sup> Ibid p89

*embarrassment to railway operation and should, we consider, be removed as soon as possible*<sup>157</sup>

The Commission continued, *“The existing railway system in the Bay of Plenty have been in service for a lengthy period – the principal lines for up to 70 years. They were located in the first instance in such a manner as would enable construction to be carried out at the lowest possible cost, and later development has been on a piecemeal basis. This is understandable as at the date of the major construction the development of the Bay of Plenty was only commencing and important new industries now flourishing were not envisaged.”*<sup>158</sup>

### **3.20 MOW Report on Economic Justifications**

On 6 May 1963, two months after the Commission of Inquiry had tabled their report, Mr RA Simpson, Investigating Engineer of the MOW wrote to the Commissioner of Works in Hamilton, “You have asked for a report on the economic justification for the Kaimai Railway Deviation.”<sup>159</sup> Mr Simpson in this letter confirmed that the Commission of Inquiry had made their recommendations for road and railway improvements without due regard to any robust or in-depth financial analysis or economic justifications.

Mr Simpson stated that “evidence on the cost of the 15 mile deviation including the 5½ mile Tunnel, trackwork and services, and on capital expenditure otherwise required to keep the existing line in operation were given at the Commission of Inquiry.”

Mr Simpson also stated that “evidence was given on the relative operating costs and freight charges by both the actual and the proposed routes.”

Mr Simpson continued, “In making these recommendations the Commission did not present any detailed cost and operation analysis in support of its conclusions. In order that a joint submission can be made to Cabinet by the Minister of Railways and the Minister of Works on the Kaimai railway deviation, it is desirable that the overall economics of this deviation in relation to the economics of the existing line be set out, from both the NZ Railways and national viewpoints.”

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<sup>157</sup> Ibid p17

<sup>158</sup> Ibid p16

<sup>159</sup> AATE A934 10f 56/5 – Letter Mr RA Simpson to Commissioner of Works, 6 May 1963, p1

Mr Simpson's report then proceeded to back-up and support the findings of the Commission of Inquiry. His report looked at the following areas:

- Estimated Freight
- Capital Costs
- Interest on Capital
- Operating Costs
- Reduction in Railway Revenues
- Comparison of Yearly Financial Position with and without the Kaimai Deviation
- Effect of Additional Traffic Accruing to the Kaimai Deviation
- National Benefit
- Date of Commencement of Construction

Not surprisingly, Mr Simpson's report endorsed the recommendations of the Commission of Inquiry. The report summary stated, "*The economics of rail operations are found to support the construction of the Kaimai railway deviation at the earliest possible date from a Railways and National viewpoint. Early commencement will avoid capital expenditure on the existing rail route and enable the pattern and timing of road development to be better integrated with the final rail pattern to the benefit of the overall national transport system.*"

Mr Simpson ended his report recommending that Cabinet approval be sought:

- (a) for the construction of the Kaimai Railway Deviation at an estimated cost of 5million pounds, work to proceed on completion of survey, detailed estimates to be submitted when the route is finalised.
- (b) For the closing of the Paeroa-Apata section of the existing line on completion of the Kaimai Deviation
- (c) For the immediate approval of £7,000 to complete surveys to finalise the route
- (d) For the necessary legislation to be prepared

All the above were discussed and agreed with the NZ Railways Department.

The Simpson report endorsed the Commission's findings that "*the new route would shorten the rail haul between Waikato and Tauranga by 32 miles, and between Kinleith /Rotorua and Tauranga by 62 miles.*"

*“The rail tonnage carried over the Paeroa-Tauranga section of the railway to and from the Bay of Plenty increased from 317,000 tons in 1952 to 612,000 tons in 1962, this trend carried forward to 1982 gives a close approximation to the forecast of the Commission that the freight tonnage would be doubled in 20 years, i.e. by 1982 the tonnage carried by rail to and from either side of the Kaimai range would approximate 1,224,000 tons.”*

Simpson noted that “in this same period from 1952-1962 trade at the port of Tauranga grew from a negligible 40,000 tons to 750,000 tons of cargo.”

Simpson noted however that “there would be problems in maintaining the full growth of traffic on the existing line in the future due not only to the potential capacity of the line but also to the strong road competition by shorter routes, and it will be necessary to reduce the profitability of the route by lowering some freight charges in order to counter road competition and maintain the freight growth.

A further point was the estimated cost of the Kaimai deviation. Simpson stated prophetically, *“The cost of the tunnel [5million pounds] is the one item which could introduce an element of uncertainty into the estimates. The estimate is directly based on the cost of the Lyttleton tunnel, which being a smaller work should offer a conservative basis for estimating the cost of the Kaimai tunnel.”*

This was a poignant comment by Simpson because this was in fact the very area – the actual building of the tunnel – where there was a major underestimation of costs.

The Simpson report agreed with the findings of the Commission that the Kaimai deviation would also result in a reduction of railway revenues. *“If the Kaimai Deviation is constructed, the freight rates on goods will be adjusted to allow for the shorter transport mileage, resulting in a reduction in revenue as compared with income earned on the existing route.”* Savings in Operating costs with the existing route was according to the NZ Railways forecasts at 200,000 pounds per annum at 1970 when the traffic would be at its peak of 782,000 tons.



'Based on present freight rates, the loss of revenue in respect of the tonnages in 1970 would amount to £150,000 per annum. The total of the annual losses in Railways income would amount to £1.76 million by 1982, according to Simpson.

Simpson also reiterated that the NZ Railways faced competition from road transport which would be unaffected by the Kaimai deviation. It was estimated that 614,000 tons of goods were transported by road in 1962. Forecasts by NZ Railways indicated that this traffic would rise to 958,000 tons by 1970 an increase of 344,000 tons. Also the movement of freight via the Kaimai deviation was not expected to bring in "an additional return to the Railways but may indeed involve a slight loss."

Despite this the Simpson Report optimistically stated, "There is no reason to doubt that substantial additional tonnages will be available to the new line such as will place it in a sound financial position from the outset." He added, "...the addition of only 100,000 tons of freight would be sufficient to enable the deviation to show a surplus of income over expenditure by 1972 and for earlier debts incurred during construction and first operation to be wiped out by 1982 including full payment of interest on capital."

In hindsight, the reality was somewhat different from these optimistic statements. The Kaimai Tunnel and Deviation incurred a massive budgetary blow-out with estimated costs to completion leaping by an incredulous 560% to \$56.5million.

Simpson also declared somewhat prematurely in his report, "Construction of the Kaimai Railway Deviation is fully justified on operational and financial grounds as a railway development."

This statement however, flew in the face of even some of Simpson's own findings which showed that there was likely to be a reduction railway revenues and that the railways would incur losses as a result. Simpson's report also highlighted the National Benefit by the fact that "the local benefit to consignors of freight will not be as high as might be anticipated as substantial special rates have already been introduced into this section of the railway services. Savings in operation costs of nearly £200,000 rising to £300,000 by 1982 were predicted which would represent a total reduction in national transport costs of £3.43 million."

“Simpson stated, “There will be substantial local and national reductions in transport costs which support a Kaimai Railway development as a work of national importance.”

The Simpson Report tried to provide economic justifications for the recommendations of the Commission of Inquiry, but the report itself cast serious doubts on the economic viability of the Kaimai tunnel and deviation. This should have resulted in the project being shelved altogether. The fact that the project continued without anyone knowing the full costs of the project and whether it was economically viable showed the level of ministerial negligence and departmental incompetence that existed at this time.

### **3.21 The “Smoking Gun” – the Commission of Inquiry’s Deliberate Targeting of Maori and Crown Lands**

The Commission of Inquiry’s 26 page report that was submitted on 25 February 1963, is the “Smoking Gun” for the post 1963 urbanisation and development of Tauranga Moana. Furthermore this report categorically establishes the Commission of Inquiry as being responsible in deliberately targeting Maori land and Crown land for economic and urban development in Tauranga Moana.

The Commission’s report reveals that Maori land and Crown land together were deliberately targeted by the Commission of Inquiry and big business. The Commission stated in its report that there was “667,000 acres” available as “developable” land in Tauranga Moana.

*“Your Commission is informed that there are 667,000 additional acres of land yet undeveloped which could be served economically by the Port of Tauranga.”*

The Commission report further stated that:

*“There is no reason to believe that the Bay of Plenty will not share in this increase (of population) ...and ...your Commission considers that if the Bay of Plenty is to share the population growth expected in New Zealand, large areas of land now lying idle will have to be brought into production, established industries expanded and new industries attracted to this highly productive and well favoured area.”*

The Commission based its thinking on “certain confirming information” that was supplied principally by Government Departments. (See table below). By this and the Government’s acceptance of the Commission’s report, the Government had contributed and had also aligned itself with the assertions made by the Commission. It was the Government departments who supplied the information to the Commission. This led the Commission to make the following statement which was to have dramatic and prophetic ramifications for the nation and more importantly for Tauranga Moana iwi and Ngati Hinerangi in particular:

***“Your Commission is informed that there are 667,000 additional acres of land yet undeveloped which could be served economically by the Port of Tauranga.”***

The Commission’s statement of there being “667,000 additional acres of land yet undeveloped” was written in the report under the innocuous heading of “General” and this was based on “the evidence given at the public hearing.” The amount of land quoted is seemingly so great that the writer was intrigued to know how the figure was arrived at and who had presented the evidence to the Commission.

The Commission report implied that the evidence given at the public hearing “has been authoritatively stated by the Government Statistician and others.” The truth is that one of the Commission members himself Mr Alan Millward, of Wanganui, specifically requested the information. The Railways Department and Maori Affairs Department were directly contacted by the Commission member, Alan Millward to provide the information to the Commission, on request from Mr Millward.

From a search of NZ Railways Department files, the source of the information on how the figure of 667,000 acres of undeveloped land was arrived at, has been found. A letter from Commissioner Mr EA Millward has been found asking for the information on undeveloped lands in the Bay of Plenty and Waikato regions. The result of Mr Millward’s information request to the Railway’s Department is comprised of a request from the Maori Affairs Department and Crown lands. The figure of 667,000 acres is based on a combination of Maori land and Crown land from Tauranga, the Bay of Plenty and Waikato.

What was the purpose of the Commission's statement, "Your Commission is informed that there are 667,000 additional acres of land yet undeveloped" that there are "large areas of land now lying idle"<sup>160</sup>

Was this an innocent remark or was it a calculated remark designed to generate a specific response from those developers and big business interest groups agitating for the building of the Kaimai Tunnel? Did this mean that Mr Millward was in fact displaying a bias for the building of the Kaimai Tunnel and therefore was a breach of the Commission's Orders in Council? Was this a case of a premeditated outcome from business people with a self interest in acquiring and developing Maori lands in Tauranga for profit. Did Mr Millward therefore unduly influence the findings of the Commission?

In fact the 667,000 acres mentioned in the report is misleading and is in fact erroneous. The figure is based on the combined total amount of Maori and Crown lands in Tauranga, the Bay of Plenty and the Waikato. Yet the suggestion is that the land is in the Tauranga area. The net effect is to over-inflate the amount of land available. By drawing on land in Waikato, the land figures are increased significantly. The claim of 667,000 acres is almost an inflammatory statement. In the form of a Commission of Inquiry Report, the 667,000 acres appears to be almost like an advertisement for land sales and or development in the Tauranga, Bay of Plenty and Waikato regions.

The Commission of Inquiry's statement of "667,000 additional acres of land yet undeveloped" that there are "large areas of land now lying idle"<sup>161</sup> being available for development were taken up by the press:

Waikato Times Sept 31 1963 –

*"A rail tunnel through the rugged Kaimai Range – first suggested by settlers more than half a century ago – is now likely to become a reality."*

*"The tunnel question came into prominence when development of the Port of Tauranga started in 1956. But the question of whether a tunnel should be put through the Kaimai*

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<sup>160</sup> Ibid p10

<sup>161</sup> Ibid p10

*Ranges, a formidable natural barrier, to the deep water port of Tauranga seems to hinge on one question: Is it in the national interest?"*

*"By the turn of the century – in 37 years – the present population of NZ will be about doubled. The Bay of Plenty and the Waikato two of the fastest growing areas in the country, will share prominently in this expected increase. **Large areas of now-idle land will be brought into production, established industries will be expanded and new industries attracted to the area. Hundreds of thousands of acres now un-developed could economically be served by the port of Tauranga.**"*

The Commission failed to declare in its report how it arrived at the figure of "667,000 additional acres of land yet undeveloped".

The report also contained many controversial statements and assertions which serve to reveal the true thinking of the political and business leaders of the day. The decisions made by these leaders had a devastating impact on land remaining in Maori ownership and its use within the Tauranga, Bay of Plenty and Waikato region. This report asserts that, in fact, the Commission's Report was "**the Smoking Gun**" for the rapid loss of Maori land in Tauranga, Bay of Plenty and the Waikato in the face of economic development of new export and import industries. For this reason, therefore, a full examination of the Commission's Report is required.

### **3.22 Undeveloped and Idle Lands**

The Commission noted that from evidence given at the 7 day public hearing, it appeared that "there was an inadequate appreciation generally in regard to the likely future development of the Bay of Plenty."<sup>162</sup> The Commission based its comments on Government statisticians who believed that the present population projections would be doubled in some 37 years to the end of the century in 2000. The conclusions drawn by the Commission was that "there is no reason to believe that the Bay of Plenty will not share in this increase – indeed in the last decade it has led New Zealand in this respect."<sup>163</sup>

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<sup>162</sup> Report of the Commission of Inquiry into Improved Access by Land..” 1963, p10

<sup>163</sup> Ibid p10

A key issue taken into consideration by the Commission, was the population growth, actual and forecast in the Bay of Plenty 1926-80. The Commission published a table showing a summary of the population growth of the Bay of Plenty from 1926-80. The table showed the figures for the actual and forecast for both Maori and non-Maori within this period. The table showed that in 1926 Maori numbered 10,462 or just under half of the 24,196 for the non-Maori population. In 1961 the non-Maori population ratio had increased to 99,000 and Maori only numbered 33,000 or a third of the non-Maori population. However, by 1980, the Maori population had grown to 65,000 and non-Maori comprised 140,000 or just under half of the total population of 205,000 in the Bay of Plenty region.

**Summary of Population Growth, Actual and Forecast.**  
**Bay of Plenty Region, 1926-80<sup>164</sup>**

<b>Year</b>	<b>Non-Maoris</b>	<b>Maoris</b>	<b>Total</b>
1926	24,196	10,462	34,658
1936	33,374	14,088	47,462
1945	39,044	16,731	56,675
1951	57,020	20,758	77,778
1956	78,586	26,118	104,704
1961	99,000	33,000	132,000
1966	116,000	41,000	157,000
1980	140,000	65,000	205,000

The Commission's highlighting of the ethnic composition of the Bay of Plenty in respect to Maori and non-Maori appears at first to be unrelated and just a mere population graph. It is recalled that there appeared to be no submissions made to the Commission from Maori iwi and hapu during the hearings. Therefore the reason for its inclusion seems quite out of place. However, when it is taken together with the Commission's statements about "large areas of land now lying idle", it becomes clearer that what the Commission is promoting is an economic argument for the two major ingredients for economic development. cheap "undeveloped" and "idle" land and the availability of cheap Maori labour as a ready made workforce to develop industries and businesses. These two factors have been the hall mark of Pakeha Colonialism since Pakeha first arrived in Aotearoa and it is akin to the modern

<sup>164</sup> Ibid p10

day economic arguments for businesses relocating to where there is both cheap land and cheap labour readily available. The availability of cheap land and readily accessible cheap labour was essentially the trigger for the rapid acceleration in the economic development of Tauranga and the Bay of Plenty.

Pakeha speculators were rampant and irrepressible during the nineteenth century following the Land Wars buying up huge tracts of Maori land. And when the Native Lands Act, 1909, was introduced, further tracts of Maori land were taken by the Crown “for better utilisation” or as waste land particularly in the Waikato and Bay of Plenty regions. These speculators were spurred on by Government legislation and the Native Land Court who was more interested in alienating as much Maori land as possible into the hands of Pakeha settlers to the detriment of the local hapu and iwi in the region such as Ngati Hinerangi.

The Commission’s statement of the Maori population and the availability of areas of “large areas of land now lying idle”<sup>165</sup> was significant in that it appeared that the Commission was in fact “targeting Maori people and Maori land. The terms used such as “undeveloped land” and “large areas of land lying idle” are the phrases used by Pakeha to describe Maori land ownership which they wanted to possess for themselves. It is significant from the statements in the Commission’s Report that the Commission appeared to be “targeting” Maori both in terms of the size of population and also in terms of the amount of “undeveloped” and idle land available.

Curiously, one of the most controversial statements by the Commission was made under the innocuous title of “General”. The Commission of Inquiry report stated that “it has been necessary for the Commission to obtain in certain instances supplementary information following that submitted during the public hearing.”<sup>166</sup> One such example of supplementary information obtained by the Commission was contained in the following statement, “Your Commission is informed that there are 667,000 additional acres of land yet undeveloped which could be served economically by the Port of Tauranga.”<sup>167</sup>

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<sup>165</sup> Ibid p10

<sup>166</sup> Ibid p9

<sup>167</sup> Ibid p10

The Commission's source for the statement about the 667,000 acres of undeveloped land in Tauranga does not however, appear to have been attributed by any of the 38 organisations listed in the Appendices. Nor is it listed in Appendix D<sup>168</sup> under Schedule of Exhibits Tabled at the Hearing as follows:

- Appendix A: Regional Plan showing 70-mile transportation sectors from Port of Tauranga and adjacent ports together with investigated rail routes
- Appendix B: Area plan showing Inner Ring and Arterial Radial connections together with location of alternative road routes investigated
- Appendix C: Map of national and provincial State highways showing location of Inner Ring access to the Port of Tauranga in relation to the North Island State highway system
- Appendix D: Map showing proposed rail routes
- Appendix E: Printer's pull of National Resources Survey (Part II): Bay of Plenty region – Compiled by the Town and Country Planning Branch, Ministry of Works.
- Appendix F: A Survey of New Zealand population, being an Analysis of Past Trends and an Estimate of Future Growth – Compiled by the Town and Country Planning Branch, Ministry of Works, and published by the Government Printer, 1960
- Appendix G: A revision of Part III of A Survey of New Zealand Population based upon the 1961 Census.
- Appendix H: Report of the Railways Department for the year ended 31 March 1962
- Appendix I: Map of Rotorua conservancy showing areas of major current development as affecting port access
- Appendix J: Map submitted by Mount Maunganui Chamber of Commerce showing route of a proposed Kaimai new road and tunnel.
- Appendix K: NZ topographical map of Rotorua
- Appendix L: NZ topographical map of Tauranga<sup>169</sup>
- Appendix M: NZ topographical map of Te Puke
- Appendix N: Department of Lands and Survey map of South Auckland Land District

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<sup>168</sup> Ibid p26

<sup>169</sup> AATE A934 122d 56/4 – Ministry of Works Correspondence



The information on how the figure of 667,000 acres of undeveloped land was arrived at was not declared in the Appendices of the report. It appears that Commission member Alan Millward, who was also the Mayor of Wanganui, actively sought the report himself on the amount of developable land available which could be served economically by the Port in Tauranga.

Indeed the targeting of Maori land together with Crown land was one of the first things that Mr Millward did on being appointed a Commissioner of the Inquiry. Mr Millward was appointed to the Commission in August 1962 and his correspondence to Mr CJW Parsons, the District Commissioner of Works in the Ministry of Works, Hamilton requesting “Developable land within the Hinterland of Port of Tauranga”, is dated at 23 October 1962. Mr Parsons wrote back to Mr Millward on 9 November 1962 stating that the data covered 5 full counties – Tauranga, Rotorua, Whakatane, Taupo and Matamata, as well as portions of two counties, namely Piako and Opotiki. Mr Parsons continued that from the attached table, “it will be seen that the total developable land in the area is 677,434 acres of which 398,381 is Crown land and 278,853 is Maori land.” Mr Parsons added, “I am sending you data concerning undeveloped land in and around the Bay of Plenty which might affect the Port of Tauranga.”

In a letter from Van Harskamp, an Administrative Officer with MOW in Hamilton, entitled, “Developable Land Within the Hinterland of Port of Tauranga” he explained, “To provide the data required by Mr A Millward of the Commission of Inquiry on access to the Port of Tauranga and Bay of Plenty, Maori Affairs were unable to supply the requisite information. So, data supplied from the Agriculture Department and from areas of Maori Blocks taken out by planimeter, a table has been built up showing the following:

Total area in acres  
Total potential grazing area  
Total occupied private land, Maori and Pakeha  
Total developable land split in Crown land development and Maori land development “

It is clear from the correspondence between the Commissioner, Mr Millward, that there was a “targeting” of Maori land for development. The other factors that emerge from an analysis of the correspondence is that the Commission also targeted Crown land. Conceivably this

also had the potential to involve those lands in possession of the Crown. Tauranga Moana iwi and hapu have an established history of petitions seeking the return of lands illegally taken by the Crown. Over the generations, the Crown has been flooded with request for the return of lands confiscated by the Government or taken by the Government under legislation for public works and other developments.

Therefore the figure of Maori land as being 278, 853 acres which is quoted by the District Commissioner of Works could be much higher. With the figure of Crown land totalling 398,581, it is conceivable that a high percentage of this land was also originally derived from Maori ownership and would therefore have been subject to being reclaimed by Maori under the Waitangi Tribunal and the Treaty of Waitangi Act..

See the following letters outlining the action taken on Mr Millward's request to identify Maori and Crown lands in Waikato, Tauranga and Bay of Plenty districts.

P.W. 56/4

Ministry of Works  
Private Bag,  
HAMILTON.

8 November 1962.

Mr C.A. Patton,  
Acting District Administrative Officer,  
Ministry of Works,  
HAMILTON.

~~TABLE~~  
DEVELOPMENT LAND WITHIN THE HINTERLAND  
OF PORT OF TAURANGA

To provide the data required by Mr A. Millward of the Commission of Inquiry on access to Port of Tauranga and Bay of Plenty, it has been necessary to work in a rather round-about way.

Maori Affairs Department were unable to supply the requisite information. So, from data supplied by Agriculture Department (Mr Millar) and from areas of Maori Blocks taken out by planimeter, a table has been built up showing the following:-

Total area in acres.

Total potential grazing area.

Total occupied private land, Maori and Pakeha.

Total developable land split in Crown land development and Maori land development.

This data covers five full counties being Tauranga, Rotorua, Whakatane, Taupo and Matamata, and portions of two counties, Piako and Opotiki.

It will be seen that the total developable land in the area is 677,434 acres, of which 398,581 acres is Crown land, and 278,853 is Maori land.

See appendix A attached for table.

  
J. van Harskamp.



Fig 32. Letters on Developable Land Within the Hinterland of Port of Tauranga

JVH:KR

P. N. 56/4

HAMILTON

Private Bag  
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9 November 1962

Mr F.A. Millward,  
G/- General Machinery Company Limited,  
P.O. Box 293,  
WANGANUI.

Dear Mr Millward,

DEVELOPABLE LAND WITHIN THE HINTERLAND OF  
PORT OF TAURANGA.

As requested in your letter of 23 October 1962, I am sending you data concerning undeveloped land in and around the Bay of Plenty which might effect the Port of Tauranga.

The data covers five full counties, being Tauranga, Rotorua, Whakatane, Taupo and Matamata, and portions of two counties, Puke and Opoitiki.

... From attached table it will be seen that the total developable land in the area is 677,434 acres, of which 398,581 is Crown land, and 278,853 acres is Maori land.

I hope that this information suits your requirements. 22

Yours faithfully,

C.J.W. Parsons  
District Commissioner of Works

Encl:

Per: 

The Secretary,  
Commission of Enquiry into Bay of Plenty Access.

For your information.

C.J.W. Parsons  
District Commissioner of Works

Per: 

The Resident Engineer, M.O.W., TAURANGA.  
The Resident Engineer, M.O.W., ROTORUA.

For your information.

C.J.W. Parsons  
Dist Commr of Works

Per: 

Details taken from Agriculture Dept. Reports

including  
Meters and  
and lakes

County	(1) Total area of County	(2) Pasture land	(3) Forest land	(4) Total area of County	(5) Total area of County	(6) Total area of County	(7) Total area of County	(8) Total area of County	(9) Total area of County	(10) Total area of County	(11) Total area of County	(12) Total area of County	(13) Total area of County	(14) Total area of County	(15) Total area of County
Texas	1957 4,74,000	89,000	350,000	13,000	537,000	40,000	497,000	119,000	129,000	58,000	203,000	94,000	10,000	84,000	4,000
Texas	1960 4,59,000	1,01,000	358,000	18,000	340,000	40,000	300,000	110,000	132,000	58,000	264,000	86,000	10,000	76,000	4,000
Texas	1971 666,000	259,000	407,000	46,000	361,000	44,000	317,000	57,000	56,000	199,000	212,000	99,000	10,000	89,000	14,500
Texas	1960 666,000	210,000	456,000	59,000	397,000	51,000	346,000	82,000	58,000	206,000	242,000	104,000	10,000	94,000	14,500
Texas	1971 1,175,000	664,000	480,000	83,000	549,000	77,000	472,000	14,000	42,000	99,000	181,000	63,000	10,000	53,000	1,600
Texas	1960 1,175,000	702,000	443,000	70,000	579,000	56,000	523,000	92,000	66,000	99,000	209,000	47,000	10,000	37,000	1,600
Texas	1957 1,946,000	1,038,000	874,000	1,170,000	600,000	80,000	520,000	28,000	174,000	229,000	118,000	40,000	10,000	30,000	15,400
Texas	1960 1,946,000	1,038,000	874,000	1,170,000	596,000	80,000	516,000	28,000	168,000	320,000	143,000	37,000	10,000	27,000	15,400
Texas	1971 1,946,000	1,038,000	874,000	1,170,000	596,000	80,000	516,000	28,000	168,000	320,000	143,000	37,000	10,000	27,000	15,400
Texas	1957 1,946,000	1,038,000	874,000	1,170,000	596,000	80,000	516,000	28,000	168,000	320,000	143,000	37,000	10,000	27,000	15,400
Texas	1960 1,946,000	1,038,000	874,000	1,170,000	596,000	80,000	516,000	28,000	168,000	320,000	143,000	37,000	10,000	27,000	15,400
Texas	1971 1,946,000	1,038,000	874,000	1,170,000	596,000	80,000	516,000	28,000	168,000	320,000	143,000	37,000	10,000	27,000	15,400
Texas	1957 1,946,000	1,038,000	874,000	1,170,000	596,000	80,000	516,000	28,000	168,000	320,000	143,000	37,000	10,000	27,000	15,400
Texas	1960 1,946,000	1,038,000	874,000	1,170,000	596,000	80,000	516,000	28,000	168,000	320,000	143,000	37,000	10,000	27,000	15,400
Texas	1971 1,946,000	1,038,000	874,000	1,170,000	596,000	80,000	516,000	28,000	168,000	320,000	143,000	37,000	10,000	27,000	15,400
Texas	1957 1,946,000	1,038,000	874,000	1,170,000	596,000	80,000	516,000	28,000	168,000	320,000	143,000	37,000	10,000	27,000	15,400
Texas	1960 1,946,000	1,038,000	874,000	1,170,000	596,000	80,000	516,000	28,000	168,000	320,000	143,000	37,000	10,000	27,000	15,400
Texas	1971 1,946,000	1,038,000	874,000	1,170,000	596,000	80,000	516,000	28,000	168,000	320,000	143,000	37,000	10,000	27,000	15,400

	700	1000	1500	2000	2500	3000	3500	4000	4500	5000	5500	6000	6500	7000	7500	8000	8500	9000	9500	10000	
		7,92,000	3,73,000		3,03,400	46,000	2,87,000			1,07,000											
Tajpo	1957	19,66,000	15,00,000	15,00,000	6,00,000	80,000	5,20,000	28,000	17,000	3,20,000	118,000	40,000	14,000	14,000	388,000	15,400					
	1960	19,66,000	10,82,000	8,74,000	5,96,000	89,000	5,16,000	28,000	1,68,000	3,20,000	1,43,000	37,000	14,000	14,000	3,59,000						
	1960	19,66,000	10,82,000	8,74,000	5,96,000	89,000	5,16,000	28,000	1,68,000	3,20,000	1,43,000	37,000	14,000	14,000	3,59,000						
	1957	28,4,000	13,75,8	2,70,242	2,70,242	14,915	2,55,327	175,000	53,552	26,775	230,000	25,327	40,000	15,327	2,600						
Pirako	1960	28,4,000	28,000	2,56,000	2,57,000	14,000	2,41,000	175,000	50,000	16,000	2,31,000	10,000	10,000								
	1957	121,000	12,000	1,09,000	1,00,000	6,000	1,03,000	21,000	7,000	1,00,000	1,00,000	2,000	2,000	2,600							
	1957	595,000	88,000	5,07,000	3,75,000	23,500	3,51,500	17,000	1,14,000	80,500	2,74,000	80,500	80,500	80,500	2,600						
Matameta	1960	595,000	70,000	5,25,000	3,87,000	24,000	3,63,000	117,000	1,49,000	97,000	2,79,000	84,000	84,000	84,000							
Opotechi	1957	981,000	752,000	2,29,000	2,29,000	40,000	1,89,000	34,000	20,000	1,35,000	1,05,000	84,000	84,000	84,000							
	1960	981,000	678,000	3,03,000	3,03,000	34,000	2,49,000	34,000	29,000	1,95,000	1,16,000	1,33,000	1,33,000	1,33,000							
	1957	332,000	930,000	1,07,000	1,02,000	15,000	84,000	11,000	7,000	66,000	37,000	4,500	4,500	4,500							

Previous paper somewhat condensed and showing totals

Name of County	(1) Total area of County (acres)	(2) Forestry Plantations	(3) Reserves, Native Bush, Lakes,	(4) <del>Open</del> farmable area	(5) Potential grazing area	(6) Present grazing area	(7) Area to be grazed	(8) Rate of grazing per acre.
Tairāngia	4,397,000	18,000	101,000	340,000	300,000	214,000	86,000	4,000
Rotorua	666,000	59,000	210,000	397,000	346,000	242,000	104,000	13,500
Whakatane	1,075,000	70,000	702,000	303,000	257,000	200,000	57,000	1,600
Tairāpapa	950,000	378,000	210,000	462,000	404,000	143,000	261,000	15,400
Pirihiko	121,000	1,000	12,000	108,000	102,000	100,000	8,000	500
Matamouta	590,000	138,000	70,000	387,000	363,000	279,000	84,000	3,000
Otago	332,000	—	230,000	102,000	84,000	39,000	45,000	—
	4,198,000	564,000	1,535,000	2,049,000	1,856,000	1,217,000	639,000	33,200

Difference between columns 4 and 5 is land used for roads, etc

The other factor that emerges is the concept of the hinterland. The hinterland is the economic zone or the economic reach of the Port of Tauranga utilising the transport system of road and railway to bring in products, produce and goods for export and to take out to products, produce and goods as imports to outer lying areas within its radius of sphere of influence.

Therefore, the Commission of Inquiry Report, with its statement of “667,000 additional acres of land yet undeveloped”, and “large areas of land lying idle”, was the “smoking gun” that targeted Maori land in Tauranga Moana, the Bay of Plenty and Waikato regions. Furthermore the Commission of Inquiry presented population figures for Maori and non-Maori growth, actual and forecast, that targeted Maori as a labour resource for the development of industry and urbanisation within Tauranga Moana, Bay of Plenty and the Waikato.

The description of the “Hinterland of the Port of Tauranga” by Commissioner Millward in his correspondence to the MOW District Commissioner also denoted that he clearly understood the economics of the hinterland concept in regard to the development of Tauranga. All the indicators point to the Commissioner Mr Millward having a powerful influence on the outcome of the development of the Port of Tauranga and indeed Tauranga and the Bay of Plenty itself. It is clear that without the Kaimai Tunnel the concept of the Tauranga hinterland would not have been able to flourish as it has done. However, hindsight has proved that the development in Tauranga Moana has all been one-sided in that it has occurred at the expense of Maori land owners who have had their lands seized or appropriated by the state or local authorities in the name of economic development. There has been very little reciprocal economic return for Maori land owners who have had to bear the brunt of the economic development and urbanisation in Tauranga Moana and as a consequence they have suffered the irreplaceable loss of their tribal lands.

By virtue of the acceptance of the Commission of Inquiry report, the Government aligned itself with the assertions of the Commission of Inquiry about the economic concepts of “the hinterland of the Port of Tauranga” and the targeting of Maori land as “idle land” and “developable land”. The building of the Kaimai Tunnel and deviation was an unnecessary expense which cost the taxpayers of New Zealand 500% in excess of the original estimate of 5 million pounds. The Kaimai Tunnel was a lesson in ministerial negligence and



departmental incompetence. No proper economic studies were carried out to accurately forecast the cost of the tunnel and deviation. It was deemed to be uneconomical and not commercially viable but the Government still went ahead with the tunnel because of the industrial and economic forces that were pushing to establish the Port of Tauranga hinterland – with its extended population base and wider geographical sphere of influence that went from the Waikato to the Central Plateau in Kaingaroa and Taupo.



## **Part Four: The Impact of the Kaimai Tunnel and Deviation on Maori Land Ownership**

### **4.1 Government Approval to Build the Kaimai Tunnel and Deviation**

On 28 February 1963, the recommendation for the building of the Kaimai Tunnel and Deviation was made by the Commission of Inquiry into better land Access to the Port of Tauranga and the Bay of Plenty. On 20 May 1963 Cabinet gave its approval for expenditure of 7000 pounds for survey investigations of the possible rail route between Waharoa and Apata. But Cabinet did not give its full approval at this stage. It directed that: “the project to be referred back to Cabinet for further consideration when firm estimates of cost are available.” It also stated: “agreed that no action is necessary at present to promote legislation to provide for the railway deviation.” In the Minutes of the Cabinet Meeting 13 May 1963 it emphatically stated: “Declined to approve at this stage the construction of the Kaimai deviation.”

However, in September 1964, Cabinet approved the construction of the Kaimai tunnel and deviation at an estimated cost of \$11,434,000. But this was followed by a decision in November 1964 to defer the project for a further six months.

In 1964 the authorisation of the railway deviation through the Kaimai Range was enacted by Parliament in the Finance Act (No 2) 1964.<sup>170</sup> The Proclamation Defining the Middle Line of the Waharoa-Apata (Kaimai Deviation) Railway was announced in the New Zealand Gazette on 19 August 1965.<sup>171</sup> The on-again-off-again Kaimai tunnel project was finally approved in July 1965 and on 2 October 1965 the Minister of Works Mr Allen turned the sod at Apata on the eastern Tauranga side of the Kaimai Ranges to announce that the project was finally going ahead.

The building of the Kaimai Tunnel project was divided into 2 stages:

Stage 1: involved the building of the 5.5mile tunnel through the Kaimai Ranges

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<sup>170</sup> Act of Parliament – The Finance Act (No 2) 1964, 1964 121 pp837-839

<sup>171</sup> NZ Gazette 19 August 1965 No 45 p1322.

This in turn was divided into 2 stages - the western portal involved building of the tunnel from the Waharoa side on the Waikato in the West; and the second stage involved building the tunnel from the Eastern portal which was at Apata on the Tauranga side of the Kaimai Ranges.

Stage 2: involved the building of the Kaimai Deviation. The Deviation was the building of the railway line from the main Auckland Rotorua Trunk line to Waharoa in the West connecting the tunnel to the western portal; and building the railway line at Apata connecting the tunnel to the East Coast Main Trunk Line and the Port of Tauranga.

With the cave-in at the Kaimai Tunnel in 1970, and the deaths of 4 miners, however, the tone in the papers started to change. Following the Commission of Inquiry into the cave-in and the deaths of the miners, there were accusations of the MOW being incompetent and not having the expertise for building a tunnel. The then Minister of Works, Mr Percy Allen was also admonished for negligence and incompetence by his department and their lack of expertise in tunnel construction. Allied to these were the horrendous escalating budgetary costs for the tunnel which had well exceeded the original £5 million figure and by 1967 was stated to cost \$16,210,000 and in 1970 that figure had shot up to \$21.5 million. Also the purchase of a \$1.4 million drilling machine was also useless. With costs escalating daily, private contractors seriously questioned the expertise of the MOW department. The Commission of Inquiry into the Mining Collapse found that “the MOW engaged itself to construct the scheme in an attempt to train some of its staff in the tunnelling sphere.” The NZ Herald claimed the MOW had failed dismally. Several private contractors had asked if the tunnel was really necessary. In its place they suggested the up-grading of the present Hamilton – Tauranga line through Paeroa and Waihi or a super highway over the ranges. The Herald observed that, “Originally projected in the early 60s as part of a 15 ½ mile rail link from the productive... Waikato , ...the Kaimai was theoretically an excellent idea.” “As a practicality, it has proved a farce. Bungle after incredible bungle has demonstrated beyond all doubt that Mr Allen’s “bright boys” are incapable of handling the massive engineering feat. Enthusiastic amateurs, yes. Tunnel builders, no. The taxpayer must be spared their incompetence.”<sup>172</sup>

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<sup>172</sup> NZ Herald article, PATE 5113 616b

The Holyoake-led Government of the day hoped to bring prosperity to the people of Tauranga and the Bay of Plenty. The construction of the Kaimai Tunnel started in 1968 and was opened in 1978 by the Prime Minister, Robert Muldoon. The tunnel was heralded as an engineering marvel which was and still is the longest tunnel in New Zealand running for 5.5 miles under the Kaimai Ranges. The total distance of the Kaimai Tunnel and the Deviation was 15.5 miles or 9 kms. The Kaimai Tunnel was estimated to be built for £5.5 million but this was exceeded by 500% and ended up costing in excess of \$56 million.

The Commission of Inquiry report substantiated what experts and newspapers, interest groups and local bodies and communities were saying. Tauranga and the Bay of Plenty region had one of the fastest growing populations and was beginning to experience rapid urbanisation spurred on by development of the Port of Tauranga and the upsurge of export and importing industries such as forestry, fertilisers and dairying and other product developments.

The Commission reported its findings to the Government calling on the Government to commence the building of the tunnel in just a 26 page report and advocated a budget of 3m pounds. The Government felt compelled to support the building of the tunnel because of the huge support from a wide variety of local authorities, big business interests, and farmers.

A Kaimai Action Group was also formed to spear head the push for the project.

The Government was initially reluctant to commit itself to the estimated 5million pounds for the Kaimai Tunnel and cautiously approved scientific exploration of the Kaimai ranges and bore testing for the rock samples for the best route for the tunnel

The extent of the vocal support for the Kaimai Tunnel was phenomenal and there was little opposition. Auckland Harbour opposed the tunnel because of self-interest and the fear of competition. A number of Councils on the Waikato Matamata side also opposed the tunnel.

#### **4.2 Lack of Consultation with Ngati Hinerangi**

It is evident that there were many Government departments reports and personnel involved in the planning and eventual construction of the Kaimai tunnel and deviation. There was also widespread media coverage and many newspaper articles on the issue. Despite this

however, there were no consultations or meetings with Ngati Hinerangi seeking their written consent and approval for the project prior to the actual construction or even by the project's completion.

Consultation is defined as a two way communication process for presenting and receiving information before final decisions are made, in order to influence those decisions.<sup>173</sup>

It is a dynamic and flexible process which is well summarised by Justice McGechan:

“Consultation does not mean negotiation or agreement. It means -

- Setting out a proposal not fully decided upon
- Adequately informing a party about relevant information upon which the proposal is based
- Listening to what the others have to say with an open mind (in that there is room to be persuaded against
- Undertaking that task in a genuine and not cosmetic manner
- Reaching a decision that may or may not alter the original proposal”<sup>174</sup>

Key considerations in the process of consultation are:

- When to consult?
- Is consultation required?
- Key times to consult
- Who to consult
- Consultation process
- Tangata whenua have mana whenua over tribal lands

The response of Ngati Hinerangi kaumatua at the time of the building of the tunnel is difficult to ascertain due to the absence of any formal recorded documentation or the reporting of Ngati Hinerangi viewpoints in the newspapers of the day or their involvement in hearings on the various commissions of inquiry in Tauranga Moana.

Present day Ngati Hinerangi kaumatua state that there were no meetings, discussions, negotiations, reports or consultations between Ngati Hinerangi and the Crown, as

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<sup>173</sup> Guidelines for Researchers on Health Research involving Maori, Health Research Council, 1998, p4

<sup>174</sup> Ibid p4-5 Justice McGechan 1993

individuals or as a hapu or tribe. As a result the Government on behalf of the Crown, did not obtain their written consent or approval for the building of the Kaimai Tunnel and Deviation project. Ngati Hinerangi kaumatua are adamant that they were not consulted nor did they give or provide their written consent or approval to proceed with the construction of the Kaimai Tunnel and Kaimai Deviation.

In essence there was no consultation with Ngati Hinerangi or the hapu of Ngati Tokotoko or Ngati Tangata who were resident at Okauia at the time of the building of the Kaimai Tunnel. Indeed some of the Ngati Hinerangi whanau worked on the project and social games of football were organised between the workers living at the Kaimai Tunnel village and the local people of Ngati Hinerangi.

The Government no doubt felt assured through its use of the Public Works Act that it did not need to consult or seek the approval and written consent of Ngati Hinerangi for the building of the Kaimai Tunnel. It probably also felt self-assured because by all accounts it appeared that the Government was the sole owner of the bulk of the lands through which the Kaimai Tunnel and Deviation was to run through. Once again the Crown, as it has done in the past, since the raupatu of Ngati Hinerangi lands in 1866, chose to ignore Ngati Hinerangi.

Ngati Hinerangi kaumatua also state that there was no compensation paid to the tribe or hapu for the building of the Kaimai Tunnel and Deviation; nor were there any apologies given by the Government on behalf of the Crown to Ngati Hinerangi as individuals, or as a hapu or tribe for the building of the Kaimai Tunnel right through Ngati Hinerangi lands.

Consultation and meetings with Government officials over land ownership for consent for land taking under the Public Works Act for the Kaimai deviation did however occur for Maori who belonged to Ngati Te Oro who lived at Waharoa. This was in relation to Maori land in the Waharoa area which was affected by the railway deviation, the line that ran from the main track line to the Kaimai tunnel. The land in question was not involved in the Kaimai tunnel itself. The Maori Land affected at Waharoa is outside the Tauranga Moana Inquiry district. But it is of value to review this matter to make a comparison between how Ngati Hinerangi, who have lands within the Tauranga boundary, were treated and how other

neighbouring tribes and their lands were treated by the Government. The Waharoa Maori land will be dealt with in a later chapter.

### 4.3 Public Works Legislation

What then were the powers under the Public Works Act 1928 and how did these affect Ngati Hinerangi in the building of the Kaimai tunnel and deviation?

According to Marinus La Rooij in his report on Wairoa Hapu & the Realignment of State Highway 2, written in September 1999 for the Waitangi Tribunal,

“The most comprehensive historical survey of public works and its impact on Maori is Cathy Marr’s Rangahaua Whanui report, Public Works Takings of Maori land 1840-1981, ”  
175

“The report makes the point that the application of public works legislation in New Zealand from 1840 up until the 1970s, as it applied to Maori land has been generally excessive in character.”

“New Zealand history, as a history of mass migration, settlement and national development is typified by surges of centrally administered public works most often carried out at the expense of Maori landownership.”<sup>176</sup>

Marr records that the first great phase of public works began in the early 1860s and lasted into the 1870s as the Crown took large tracks of Maori land by compulsion to support new Pakeha settlements along with the development of the national infrastructure.”

“The use of the Public Works takings was particularly intense during the 1870s under the direction of Julius Vogel who initiated the first truly comprehensive and nationally focused public works development financed by British capital.”

“The expansion of road, rail and pakeha settlements [in Tauranga Moana] was, however, predominantly at the expense of Maori landowners. The use of public works legislation in this period, reflected the overriding desire to open up the countryside, further degraded the legal standing of Maori land ownership.”

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<sup>175</sup> Wairoa Hapu & the Realignment of State Highway 2, Sept 1999, Waitangi Tribunal, p8



“By 1882 a new Public Works Act was passed which not only reflected the aggressive use of public works to take Maori land over the previous thirty years, it also institutionalised the diminished regard for Maori landownership.”

Marr states that from this point a clear ‘pattern was established of separate, often discriminatory, provisions in public works legislation for Maori land.’”

“The Public Works legislation of 1882, as would its successor in 1928, made a clear and systematic distinction between European(General) and Maori land ownership in regard to public works takings. The formal legal distinction between these two types of land ownership was not formally abolished until 1974. But the Public Works Act of 1928, ...not only entrenched this distinction it was even divided into two parts, “General” and “Maori”.

“The excessive use of the public works legislation had by 1928 played a significant part in reducing Maori land holding to just 10% of New Zealand’s total land area.”

“For the rest of the century, public works takings by local and central government represented the mechanism by which many of the remaining pieces of Maori land were alienated permanently from their owners. It was only until New Zealand public works legislation was further amended in the 1970s and finally replaced in 1981, that Maori-owned land was given equal status under the law with General land.”

“Understandably within this context, the Maori perception of public works legislation has been characterised by a combination of fear and mistrust. Fuelling this mistrust was what Maori regarded as abuses of the legislation.”

“In the economic growth of the post-war years, the Tauranga-Bay of Plenty area saw significant public works takings for the ports and airport. By the 1960s and early 1970s a number of these land takings came under media examination driven in part by increasingly vocal and organised Maori opposition.”<sup>177</sup>

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<sup>176</sup> Ibid p10

<sup>177</sup> Ibid pp10-11

“The debate on the public works legislation in the late 1960s was fuelled in part by a growing perception that the Public Works Act 1928 was particularly open to abuse from local bodies.

“Within the Tauranga area this perception became heightened among local Maori with events like the compulsory acquisition of Tauranga land.”

Maori land often attracted the attention of the Public Works Act because “Maori land tended to lie on the fringes of the growing city.” The land was also generally undeveloped and thus more attractive to public works as the owners would not need to be compensated for improvements.”

“The separate provisions of the act...created a systematic pattern of discrimination towards Maori-owned land. This discrimination was largely unconscious rather than overt and was based in the nature of the legislation as it applied to multiply-owned Maori land.”

The drafters of the Public Works Act and the Ministry of Works regarded Maori land as a separate category that could be treated in a different manner from European (General) land.”

#### **4.4 Public Works and MOW Procedures**

“To deal with the complexities raised by multiple-ownership the MOW had by the 1950s and 1960s established a documented procedure based on their reading of the Public Works Act 1928 and its amendments [1948].”

Because of the difficulties posed by multiple-owned Maori land, “procedurally this created considerable problems for MOW staff and other statutory agencies attempting to acquire land for public purposes.” This was made worse by the poor quality of the Native Land Court records which did not maintain contact with shareholders in Maori land.

“The MOW felt that without a clear ownership the standard negotiation and compensation for general land could not be applied to take Maori land. Alternatively negotiating consent for land entry and acquisition with a statutory authority, such as the Maori Trustee, the

Maori Affairs Department or the Maori Land Court, in lieu of the actual owners was not considered to be “sufficient agreement” under Section 32 of the Public Works Act.”<sup>178</sup>

“For the MOW and local authorities therefore this meant that the use of compulsory taking of Maori-owned land after a notice of intention was served and advertised. The practice of taking Maori-owned land by proclamation became standard MOW procedure when dealing with “Maori land[which] is commonly owned jointly by numerous Maoris.”

“The Crown under the 1928 Act had therefore the prerogative to take such land by “proclamation” with compensation determined after the works were completed.”

“This situation was in stark contrast with standard practice for general land where “the acquisition of the site before work commences is the general policy of the Public Works Act.”

This meant that Maori landowners would often be presented with a *fait accompli* by the MOW in which they felt little or no power of redress or negotiation. In fact this procedure allowed years to pass between the completion of the works before negotiations for compensation even began.”

“With the passing of the Public Works Amendment Act 1962 the situation became worse for Maori landowners. From 1962 when land was taken by proclamation Maori owners of multiple-owned land were now completely excluded from negotiations. In the place of the landowners or their legal representatives the power to negotiate compensation for public works rested with the Maori Trustee, usually under the supervision of Maori Affairs.

In this regard, the Public Works Act was the instrument by which the Crown was able to build the Kaimai Tunnel and Deviation. According to Marinus La Rooij in his report on the Wairoa Hapu & the Realignment of State Highway 2,

“The expansion of road, rail and Pakeha settlements was, however predominantly at the expense of Maori landowners. The use of public works legislation in this period, reflected

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<sup>178</sup> Ibid pp12-13

the overriding desire to open up the countryside, further degraded the legal standing of Maori land ownership....it also diminished the regard for Maori land ownership.”<sup>179</sup>  
This was exactly the experience of Ngati Hinerangi in regard to the building of the Kaimai Tunnel and Deviation.

#### **4.5 Notification of the Middle Line**

The notification for the land taken for the Kaimai Tunnel and Deviation was made by Proclamation under the Public Works Act 1928. The legislative authorisation for the Kaimai Tunnel and Deviation was made under the provisions of the Finance Act (No 2) 1964. The Proclamation Defining the Middle Line of the Waharoa-Apata (Kaimai Deviation) Railway was announced in the New Zealand Gazette on 19 August 1965.<sup>180</sup>

See Extract from New Zealand Gazette for the full description of the Middle Line for the Kaimai Tunnel and Deviation. The Commission of Inquiry recommended the building of the tunnel and the subsequent closing of the uneconomic Paeroa-Waihi-Apata railway line. The recommendations from the Commission of Inquiry provided the Government with a political buffer between the forces pushing for the tunnel, which were in the majority and comprised the Tauranga and Matamata regional councils, and those opposed which were those councils affected by the closure of the Paeroa-Waihi-Apata railway line.

On 13 May 1963, Cabinet gave approval for expenditure of \$7,000 investigative and surveying work to begin on the possible route for a tunnel and deviation. On 26 July 1963 Ministry of Works officials held a Special Meeting with the local bodies affected by the Kaimai tunnel. “Matamata County was “vitaly interested in the Kaimai Tunnel”. The result of the opposition from small but vocal local bodies such as the Thames Valley Territorial Local Authorities Association was a nervousness shown by the Cabinet to proceed with the Kaimai Tunnel and Deviation project. The result was that the proposal was deferred at least three times for further studies and investigation as to its viability.

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<sup>179</sup> Wairoa Hapu & the Realignment of State Highway 2, Sept 1999, Waitangi Tribunal Wai 42a, p9

<sup>180</sup> NZ Gazette 19 August 1965 No 45 p1322.

Fig 33. Kaimai Tunnel Middle Line - Waharoa Portal

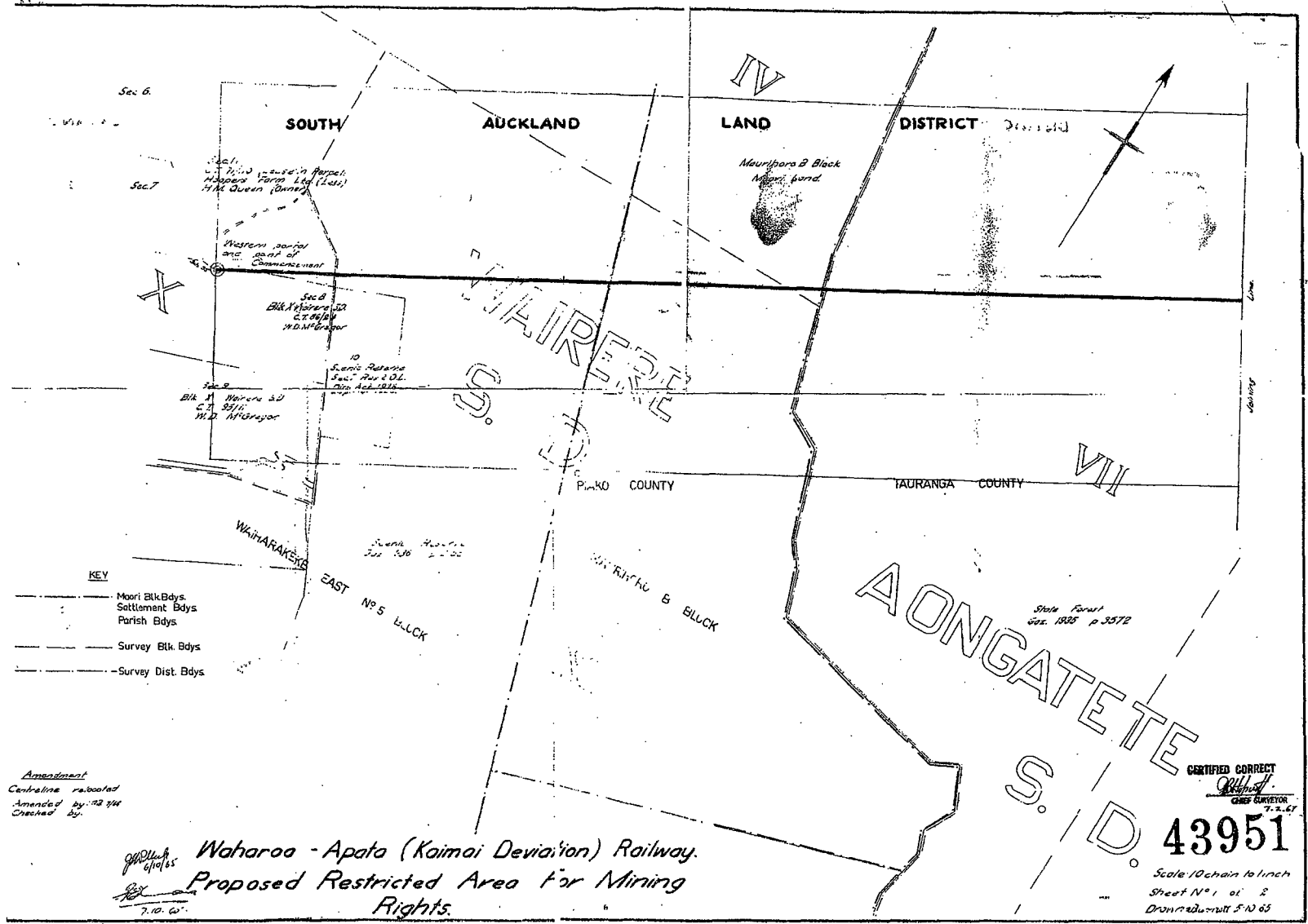
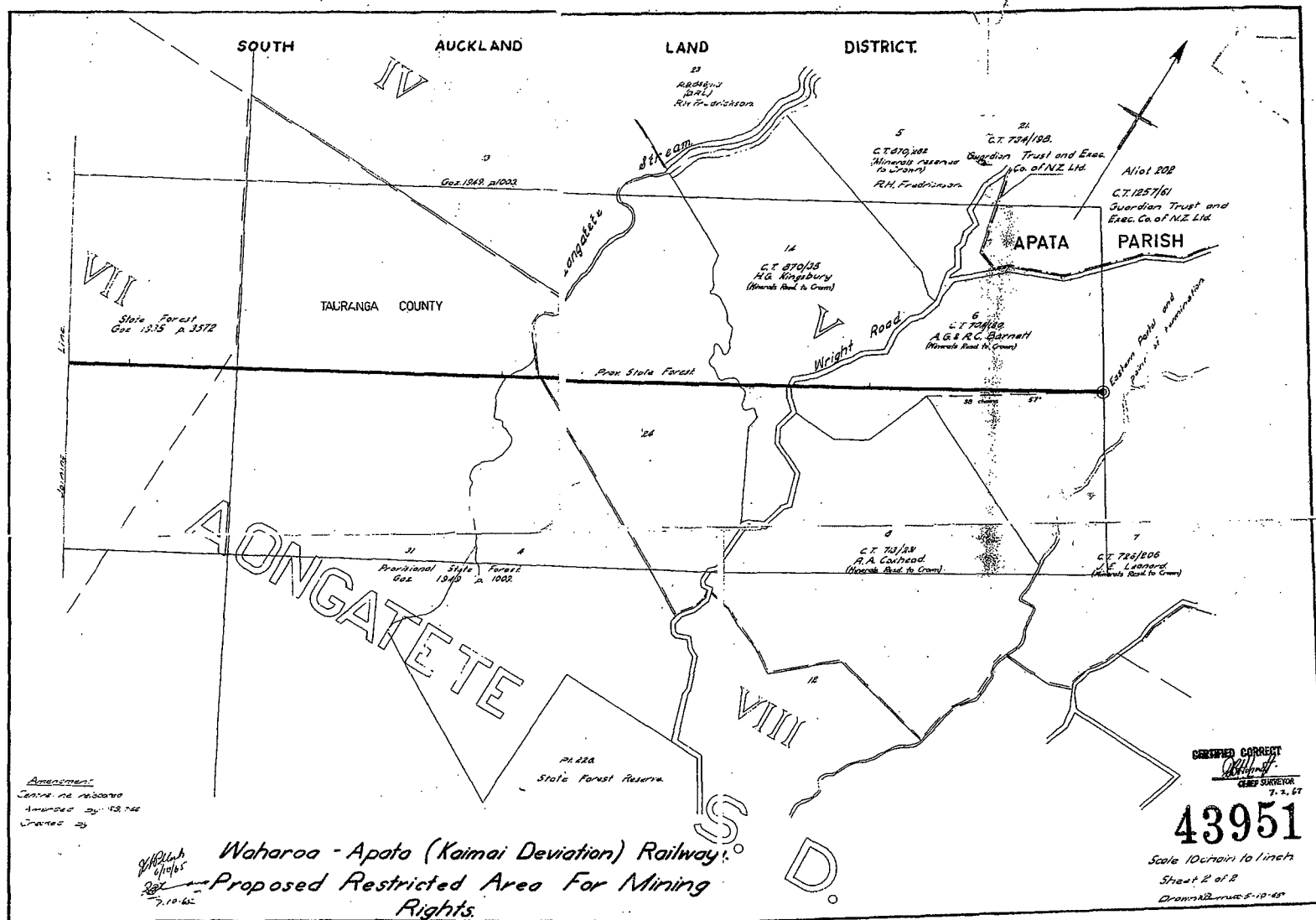


Fig 34. Kaimai Tunnel Middle Line - Apata Portal



*Defining the Middle Line of the Waharoa-Apata (Kaimai Deviation) Railway in Blocks IX, X, XI, XII, XIII, and XIV, Wairere Survey District, and Blocks V, VI, VII, and VIII, Aongatete Survey District*

H. E. BARROWCLOUGH, Administrator of the Government  
A PROCLAMATION

PURSUANT to the Public Works Act 1928, I, Major-General the Right Honourable Sir Harold Eric Barrowclough, the Administrator of the Government of New Zealand, hereby proclaim and declare that the middle line of the Waharoa-Apata (Kaimai Deviation) Railway shall be that defined and set forth in the Schedule hereto; and I also declare that this Proclamation shall affect only that land situated within the limits shown coloured red on the plan marked M.O.W. 19608 (S.O. 43080) referred to in the said Schedule.

SCHEDULE

SOUTH AUCKLAND LAND DISTRICT

COMMENCING at a point on the Thames Valley and Rotorua Railway approximately 3.5 chains south-east of the intersection of the production of the north-west boundary of Matamata North 2r Block to its junction with the centre line of the railway and proceeding north-easterly generally for a distance of 15 miles and 65 chains passing in, into, through, over, or under the following lands, namely: 2r Matamata North Block, 2E (D.P. 15233) (C.T. 388/176), 2c 1 Matamata North Block (P.R. 178/177), situated in Block XII, Wairere Survey District; 2c 2 (P.R. 178/177) and 2b, Matamata North Block, situated in Blocks XII and XIII, Wairere Survey District; 2c 2a (P.R. 178/177), 62b 2d (C.T. 1729/54), Matamata North Block, part Lot 14, D.P. 850 (C.T. 879/60), part Lot 14, D.P. 850 (C.T. 357/214), part Lot 1, D.P. 29064 (C.T. 782/229), Section 1 (C.T. 98/85), Lot 1, D.P. 33040 (C.T. 881/173), Lot 23, D.P. 4399 (C.T. 171/77), part Lot 22, D.P. 4399 (C.T. 339/75), part Puketutu 1A Block (D.P. 13730) (C.T. 322/234), Lot 2, D.P. S. 9463 (C.T. 4A/207), Lot 3, D.P. S. 9463 (C.T. 4A/208), part Lot 15, D.P. 850 (C.T. 115/268), Lot 1, D.P. S. 2168 (C.T. 1097/29), part Matamata South Block (D.P. 2883) (C.T. 1097/28), Lot 16, D.P. 850 (C.T. 115/77), Lot 5, D.P. 850 (C.T. 128/206), Lot 6, D.P. 850 (C.T. 58/288), Lots 1 and 2, D.P. S. 9722 (C.T. 122/57), Lot 9, D.P. 850 (C.T. 99/217), part Lot 9A, D.P. 850 (C.T. 113/209), Lot 1, D.P. 13299 (C.T. 328/236), part Lot 22, D.P. 8106 (C.T. 219/31), Lot 23, D.P. 8106 (C.T. 275/180), Lot 24, D.P. 8106 (C.T. 337/48), Lot 25, D.P. 8106 (C.T. 212/223), part Lot 26, D.P. 8106 (C.T. 348/135), part Lot 26, D.P. 8106 (C.T. 212/222), Lot 6, D.P. 8974 (C.T. 420/29), Lot 1, D.P. 18677 (C.T. 420/29), Lot 2, D.P. 18677 (C.T. 420/28), Lot 8, D.P. 8974 (C.T. 420/28), Lot 1, D.P. 20021 (C.T. 665/8), Lot 2, D.P. 20021 (C.T. 665/9), part Lot 11, D.P. 8974 (C.T. 275/24), part Lot 8, D.P. 2843 (C.T. 1068/286), and Lot 4, D.P. 35369 (C.T. 922/199), all situated in Block XIII, Wairere Survey District; Lot 3, D.P. 35369 (C.T. 922/200), situated in Blocks IX, X, and XIII, Wairere Survey District; Lot 1, D.P. S.

3143 (C.T. 3b/318), and Lot 2, D.P. S. 5306 (C.T. 3b/318), both situated in Blocks X and XIV, Wairere Survey District; Lot 1, D.P. S. 8755 (C.T. 3b/318), situated in Blocks X and XIII, Wairere Survey District; part Lot 3, D.P. 22602 (C.T. 1214/30), situated in Block XIV, Wairere Survey District; Lot 2, D.P. S. 8755 (C.T. 937/136), Lot 1, D.P. S. 5482 (C.T. 1b/1090), Lot 1, D.P. S. 5306 (C.T. 1455/99), Lot 8, D.P. 23293 (C.T. 1076/277), Lots 7 and 20, D.P. 23293 (C.T. 630/173), Lot 6, D.P. 23293 (C.T. 631/72), Lot 5, D.P. 23293 (C.T. 630/172), Lot 4, D.P. 23293 (C.T. 630/171), Lot 3, D.P. 23293 (C.T. 631/298), Lot 2, D.P. 23293 (C.T. 630/170), Lot 1, D.P. 23293 (C.T. 630/169), Lot 14, D.P. 23293 (C.T. 630/177), Lot 15, D.P. 23293 (C.T. 630/178), Lot 1 and part Lot 2, D.P. 33331 (C.T. 459/17), part Lot 2 and Lot 3, D.P. 33331 (C.T. 459/18), Lot 1, D.P. 28364 (C.T. 714/322), Lot 2, D.P. 28364 (C.T. 714/323), Lot 3, D.P. 2838 (C.T. 330/6), Lot 1, D.P. 34541 (C.T. 904/136), Lot 3, D.P. 34541 (C.T. 893/267), part Turanga-O-Moana Block D.P. 1856 (C.T. 89/164), all situated in Block X, Wairere Survey District; Sections 10 (C.T. 83/216), 8 (C.T. 86/24), and 9 (C.T. 95/11), Block X, Wairere Survey District; Section 10, Block XI, Wairere Survey District (scenic reserve, section 7, Reserves and Other Lands Disposal Act 1936), part Waiharakeke East No. 5 Block (scenic reserve, *Gazette*, 1936, page 2188), and Maurihoro B Block, situated in Block XI, Wairere Survey District; State forest land (*Gazette*, 1935, page 3572) situated in Blocks VII and VIII, Aongatete Survey District; Sections 31 and 4, Block VIII, and Section 24, Block V, Aongatete Survey District. (Provisional State forest, *Gazette*, 1949, page 1003), Sections 14 (C.T. 870/35), 6 (C.T. 704/120), 8 (C.T. 713/231), and 7 (C.T. 726/206), all in Block V, Aongatete Survey District; Lot 3, D.P. 37248 (C.T. 992/300), part Lot 2, D.P. 37248 (C.T. 2017/2), situated in Block V, Aongatete Survey District; Allotments 302 (C.T. 713/180) and 322 (C.T. 1c/1303), Apata Parish, both situated in Blocks V and VI, Aongatete Survey District; part Lot 4, D.P. 24590 (C.T. 1284/8), Lot 1, D.P. S. 3872 (C.T. 1246/23), part Lot 3, D.P. 24590 (C.T. 1284/8), Allotments 271 and part Allotment 272, Apata Parish (C.T. 1284/8), Allotment 212, Apata Parish (C.T. 578/123), Lot 4, D.P. 30494 (C.T. 1033/182), Allotment 303 and part Allotments 242 and 274, Apata Parish (C.T. 781/297), all situated in Block VI, Aongatete Survey District; and terminating at a point in the middle of the East Coast Main Trunk Railway at right angles to the junction of the south-western boundary of the railway land with the southern side of Wainui South Road; including all adjoining and intervening places, lands, reserves, roads, tracks, lakes, rivers, streams, and water courses.

As the same is more particularly delineated on the plan marked M.O.W. 19608 (S.O. 43080) deposited in the office of the Minister of Works at Wellington.

Given under the hand of His Excellency the Administrator of the Government, and issued under the Seal of New Zealand, this 22nd day of July 1965.

[L.S.] PERCY B. ALLEN, Minister of Works.  
GOD SAVE THE QUEEN!  
(P.W. 19/467/0; D.O. 46/10/0)

R. E. OWEN, Government Printer, Wellington, New Zealand.

Fig 35. New Zealand Gazette Notice

(2)

SCHEDULE

SOUTH AUCKLAND LAND DISTRICT

*One road*  
*by plan*

Commencing at a point situated in Section 10, Block X, Wairere Survey District being distant 14 chains on a bearing of  $150^{\circ}$  from the Northern most corner of the aforesaid section and proceeding northeasterly generally for a distance of 6 miles passing in, into, through, over or under the following lands, namely Sections 10 (C.T.83/216), 7 (C.T.274/190), 8 (C.T.86/24), 9 (C.T.95/11), and 11 (C.T.71/110) Block X, Wairere Survey District; Section 10, Block XI, Wairere Survey District (Scenic Reserve, Section 7 Reserves and Other Lands Disposal Act 1936), Part Waiharakeke East No.5 Block (Scenic Reserve Gazette 1936, page 2188) (Gordon Park) and Maurihero B Block situated in Block XI, Wairere Survey District; State Forest Land (Gazette 1935, page 3572) situated in Blocks VII and VIII, Aongatete Survey District; Sections 31 and 4 Block VIII and <sup>Section</sup> 24, Block V, Aongatete Survey District, (Provisional State Forest Gazette 1949, page 1003), Sections 14 (C.T.870/35), 6 (C.T.704/120), and 8 (C.T.713/231) all in Block V, Aongatete Survey District; and terminating at a point situated in Section 6, Block V, Aongatete Survey District being distant 23 chains on a bearing of  $55^{\circ}$  from the Northern most corner of Section 8, Block V, Aongatete Survey District; including all adjoining and intervening places, lands, reserves, roads, tracks, lakes, rivers, streams and watercourses, all situated in the South Auckland Land District, in the Counties of Piako and Tauranga; as the same are more particularly delineated on the plan marked M.O.W. (S.O. 43532) deposited in the office of the Minister of Works at Wellington, and thereon coloured red.

*20.10.1966*

*[Signature]*

**CERTIFIED CORRECT**

*[Signature]*  
DEPUTY CHIEF SURVEYOR

26-8-66



## 4.6 Maori Land Ownership Affected

The District Commissioner of Works, FF Abey on 26 August 1966, wrote to the registrar at the Rotorua Maori Land Court requesting "a search in duplicate giving names and addresses of owners of the following blocks: –<sup>181</sup>

- 2D Matamata North & South Block, Block X11 & X111, Wairere S.D.
- 2F Matamata North Block
- 2K Block X11 Wairere SD"

In regard to Maori owned land, and land in Crown ownership within the Tauranga Moana Inquiry District which forms part of the Ngati Hinerangi Claim, the following land blocks were affected by the Kaimai Tunnel and Deviation.

The Maori lands affected by the Kaimai tunnel were:

- Maurihero Scenic Reserve, Waiharakeke East No 5
- Maurihero B situated in Block XI, Wairere S.D.
- State Forest Land (Gazette 1935, page 3572) situated in blocks VII and VIII, Aongatete S.D.
- Sections 31 & 4 Block VII and VIII, Aongatete S.D. (Provisional State Forest 1949, p1003)

The Maori lands affected by the building of the Kaimai deviation were:

Kaimai Deviation:

- Matamata North 2D1,
- Matamata North 2D2
- Matamata North 2D3
- Matamata North 2D4
- Matamata North 2F
- Matamata North 2K1
- Matamata North 2K2

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<sup>181</sup> BAPP 5113 14179 46/10/0 - Letter from Dist. Commissioner of Works to Rotorua Maori Land Court, 26 August 1966.

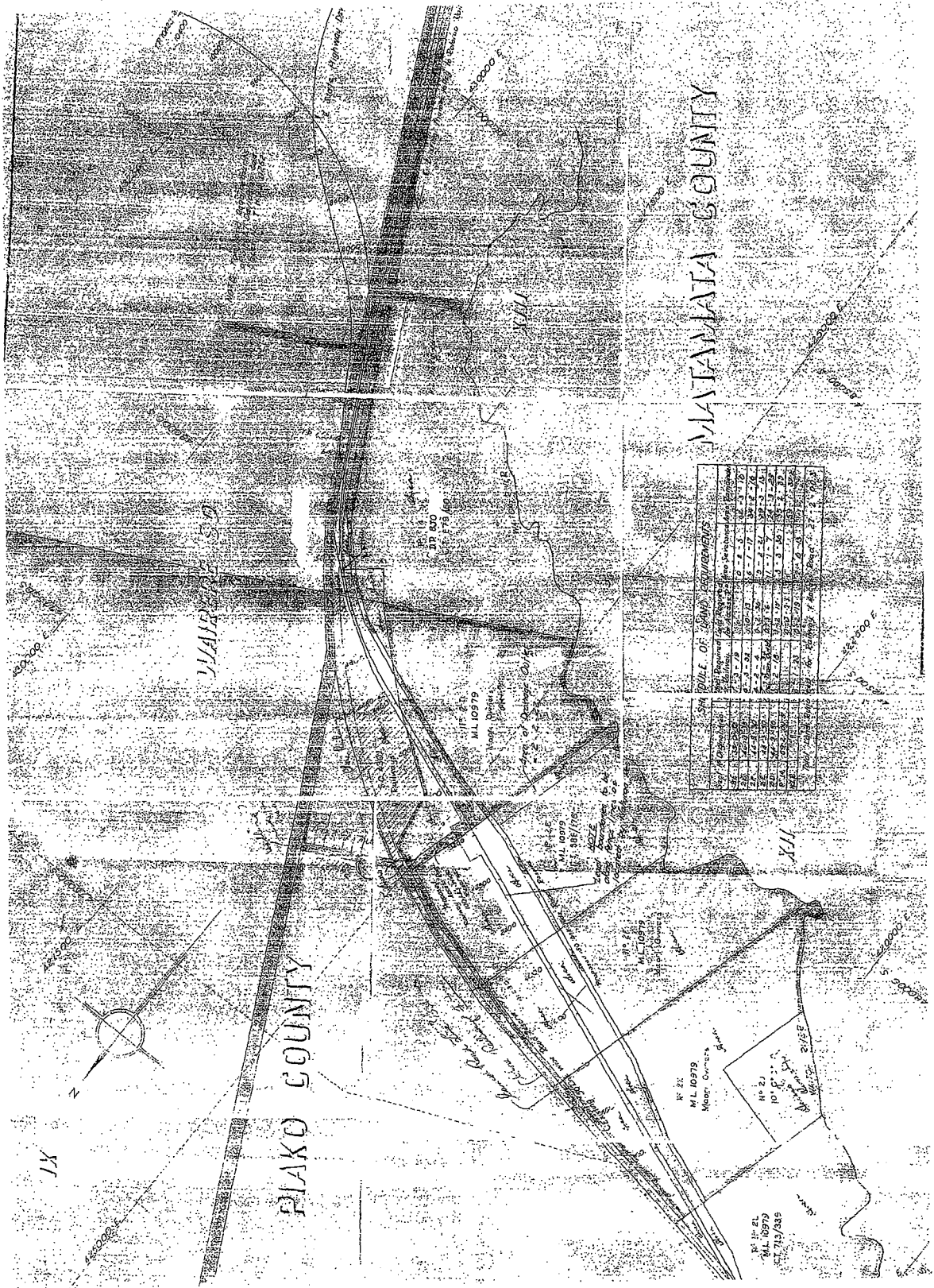


Fig 37. Waharoa Maori Land Affected by Kaimai Tunnel and Deviation

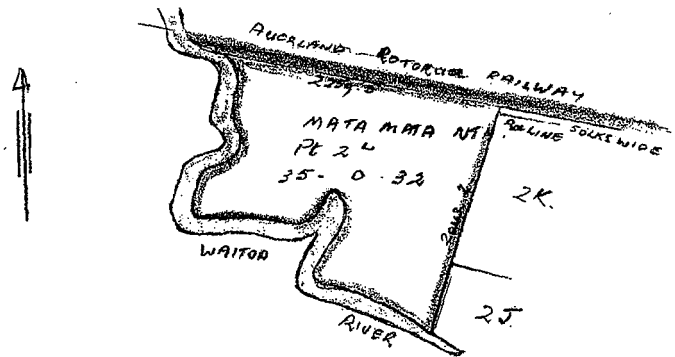
Search Form. File 46/1070

Kaimosi Railway Demolition  
Legislation

FILE

AREA. 35a On 33p.  
 Description. Being block called Matamata No. 2021  
 Situated Block XII Wairere S.D.  
 Ref no. Part lot 717/339 (Abol. Auckland L.R.)  
 Regs drops TUKITERANGI K10 m. (1/2 share)  
 an aboriginal nation of New Zealand  
 Ora TAHIMARAE RAWI of Wairere  
 aboriginal nation (fisher) are  
 parcel of an estate in fee simple  
 as tenants in common in the share  
 set out after each name  
 By Order 11184 Dated 12.9.1929  
 Encumbrances. Nil.

XII Wairere S.D.



Scale 1 inch = 1 mile.

John F. [Signature]

John F. [Signature]  
 Search Officer  
 257/166

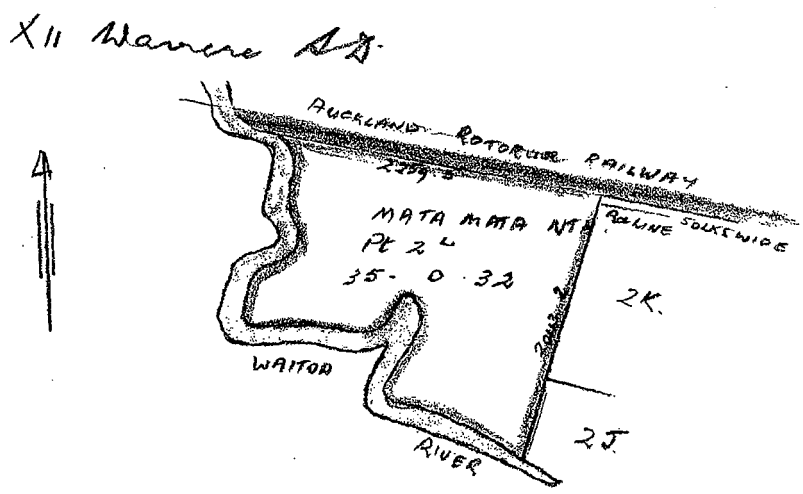
Fig 38. Wairere Maori Land Owners

Search Form File 46/1070

Karner Railway Demarcation  
Legislation

FILE

AREA. 35a On 32p.  
 Description. Rang block called Matemata 20th 1921.  
 Situated Block XII Wairere S D  
 Ref no. Part of 717/339 (All Auckland Ck.)  
 Reg Prop. TUKITERANGI KIO n. (1/2 share)  
 an aboriginal native of New Zealand  
 Ora TAHIMARAE RAWIRI of Wairere  
 aboriginal native (fisher) are  
 parcel of an estate in fee simple  
 so tenets in common in the shares  
 set out after each name.  
 By Order 11184 Prod 12.9.1939  
 Encumbrances. Nil.



Scale 1 inch = 1 mile

Search Form **F**

Lt. Col. Search Officer 257/168

Fig 39. Wairere Maori Land Owners

COMPILED LIST as at 6.3.69

Block: Matamata North 201  
Partition Order: 3.2.47  
Area: 22a. Or. 35.5p. approx.  
No. of original owners: 1

1	Hinematua Rawiri <i>10a. w. h. r.</i>	f	.0715
2	Te Hohi Rawiri c/- m. singh old. tekuti rd oforohanga	m	.0714
3	Manatu Rawiri c/- P.O. waharoa	m	.0714
4	Te Pura Rawiri " " "	m	.0714
5	Te Riti Rawiri waharoa	m	.0715
6	Roiti Rawiri c/- mcgregor, mcpherson & Bank Box 2 Morrinsville	m 1971	.0714
7	Te Ropu Rawiri " " " " " " " " " " " "	f 1975	.0714
8	Tahauriki Rawiri c/- P.O. waharoa	m	.0714
9	Tamati Rawiri c/- Mcgregor Mcpherson & Bank Box 2 Morrinsville	m 1966	.0714
10	Te Tiwha Rawiri c/- P.O. waharoa	m	.0714
11	Tumiterangi Rawiri waharoa	m	.0715
12	Urimore Rawiri c/- mcgregor mcpherson & Bank Box 2 Morrinsville	m 1973	.0714
13	Waitauhi Rawiri c/- P.O. waharoa	f 1965	.0714
14	Te Wehenga Rawiri waharoa	f	.0715

TOTAL SHARES:

1.

Trustees Nos. 6, 7, 9, 12, 13 Robert Rawiri

*Ans B*

COMPILED LIST as at 5. 3. 63.

Block: Matamata North ZK2  
 Partition Order: 28.2.56  
 Area: 46a. 2r. 38p. approx.  
 No. of original owners: 4

1.	Atanatiu Manauri Wirihana	tauwhare	m	.1111
2	Atanatiu Te Ngore	17 Norman St Frankton	m	.25
3	Harete Te Ngore	C/- McGregor & McPherson Solicitors Morinsville	f	.25
4	Kahurangi Manauri Wirihana	-	f	.1111
5	Kihirini Manauri	-	m	.4911
6	Te Kihirini Manauri Wirihana	C/- P.O. Waharoa	m	.1111
7	Mataroa Te Kata	C/- Tawara Hanuku, aramiro. P.O.	f1973	.0093
8	Maurice Manauri Wirihana	Waharoa	m	.0185
9	Rebecca Manauri Wirihana	C/- Mrs Gillett Waharoa	f	.0185
10	Rehara Manauri Wirihana	-	f	.0185
11	Ruiha Manauri Wirihana	-	f	.1111
12	Tamihana Manauri Wirihana	-	m	.0185
13	Toetoe Te Kata	C/- Tawara Hanuku aramiro. P.O.	f1975	.0093
14	Tonga Manauri Wirihana	-	m	.0185
15	Wahi Manauri Wirihana	matangi	f	.1111
TOTAL SHARES:				<u>1.5377</u>

Trustee: Nos. 7, 13 Mrs Tai Gillett

*TAB*

- |    |                |     |     |   |
|----|----------------|-----|-----|---|
| 1. | Matamata North | 2D4 | -   | see separate list.  |
| 2. | "              | "   | 2D3 | - Parehe Katea<br>sole owner (female)   |
| 3. | "              | "   | 2D2 | - Maki Katea (female)   |
| 4. | "              | "   | 2D1 | - Tame Tui m.<br>Kahurangi Martin f.<br>Kiriwera Tamehana f.<br>Tehi Tui m.<br>Tenants in common in equal<br>shares |
| 5. | "              | "   | 2K1 | - Raukura Kihirini Manuri f.<br>sole owner  |
| 6. | "              | "   | 2K2 | - See separate list.  |
| 7. | "              | "   | 2F  | - Parenraenga te Teira<br>sole owner.   |

1111

KAIWAI RAILWAY DEVIATION : LAND OWNERS

ANNALISA JERSEYS LTD. Block 2E. D.P. 15233 C.T. 388/176 Block XIII. Wairere S.D.

MR RUSSELL E. BARTLETT, Lots 2 and three D.P. 28364 C.T. 714/323 Block X Wairere S.D.

MR. ROBERT E. BARTLETT: Lot 1 D.P. 28364 C.T. 714/322 Block X Wairere S.D.  
10 Vesper St Matamata

MRS N. I. BRADY: Part Turanga-o-moana D.P. 1856 C.T. 89/164 Block X  
G/- J. J. Ryan, Wairere S.D.  
Turanga-o-moana

MR. JOHN BROSNAN: Lot 4, D.P. 35369 C.T. 922/199 Block XIII, Wairere S.D.  
Gostall Rd.

MR. B. G. EXGRAVE: Lot 2 D.P. 23293 C.T. 630/170 Block X Wairere S.D.  
Maiseys Rd. R.D.I.  
Matamata

MR. H. R. CARTER: Lot 24 D.P. 8106 C.T. 337/48 Block XIII Wairere S.D.  
Waharoa

MR. C. J. CASBY: Lot 2 D.P. 11174 C.T. 263/214 Block XIII Wairere S.D.  
Waharoa

MR. D. P. CASBY: Lot 1 D.P. 11174 C.T. 263/214 Block XIII Wairere S.D.  
Waharoa

MRS. E. H. CASBY: Lots 6, 9 and 9A, D.P. 850 C.Ts 58/288, 99/217, 113/209  
Jockilee Road, MAM. Block XIII, Wairere S.D.

N. Z. CO-OPERATIVE DAIRY CO. LTD.  
Victoria Street : Lot 1 D.P. 33040 C.T. 881/173 Block XIII, Wairere S.D.  
Hamilton

MR. J. W. E. DENTON: Lot 5 D.P. 23293 C.T. 630/172 Block X Wairere S.D.  
Maiseys Road

MR. ROBERT ELLIOTT: Lot 1 D.P. 34541 C.T. 904/136 Block X Wairere S.D.  
Wardville Road

MRS. M. W. FITZELL: Sec 10 C.T. 83/216 Block X Wairere S.D.  
26 Tainui St. MAM.

MR. K. S. GRIFFITHS: Lot 22 D.P. 8106 C.T. 219/31 Block XIII Wairere S.D.  
Wardville Road

GUARDIAN TRUST AND EXECUTORS CO. (N.Z.) LTD.  
Garden Place, Hamilton: D.P. 2843 C.T. 1068/286 Block XIII Wairere S.D.

MR. JOHN W. GUEST: Part 14 D.P. 850 C.T. 879/60 Block XIII Wairere S.D.  
Waharoa

MR. R. H. GUEST: Part Lot 15, D.P. 850 C.T. 115/268 Block XIII, Wairere S.D.  
Cemetery Road

MR. M. B. HARDWICK: Lot 1 D.P.S. 5482, C.T. 18/1090 Block X, Wairere S.D.  
Wardville Road Lot 1, D.P.S. 5306, C.T. 1455/199 Wairere S.D.

BILL HEDLEY LTD: Lot 3, D.P. 2638 C.T. 320/6 Block X Wairere S.D.  
Carroll St. Waharoa

MR. K. R. HOOTON: Lot 14 D.P. 23293 C.T. 630/177 Block X Wairere S.D.  
MAISEYS ROAD.

MR. THOMAS HUEY: Lot 1 D.P. 8755, C.T. 38/318 Block X, Lot 1, D.P.S. 314  
Gostall Road. C.T. 38/318 Block XIV, Lot 2 D.P.S. 5306 C.T. 38/318.  
Block XIV, Wairere S.D.



-2-

MISS E.J. JOHNSTONE 241 Cambridge Rd. Hamilton	Lots 3 and 8 D.P. 8974 and Lot D.P. 18677 C.T. 420/28 Block XIII Wairere S.D.
MR. R.F. LEBLEY Maiseys Rd, MAI.	Lots 3 and 4 D.P. 23293 C.T. 630/171 Block X Wairere S.D.
MR. C.T. LEE R.D. 1. Matamata	Lot 6 D.P. 23293 C.T. 631/172 Block X Wairere S.D.
THE MAORI LAND REGISTRAR: Hamilton.	Blocks 2K, 2F and 2D Block XIII, Wairere S.D.
MR. C.P. MIDDLETON: Costall Road	Lot 2 D.P. 8755 C.T. 937/136 Block X Wairere S.D.
MR. J. MILLER: Mowbray Road.	Lot 25 D.P. 8106 C.T. 212/223 Block XIII, Wairere S.D.
MRS. J.M. OLIVER: R.D. I. Matamata	Lots 7 and 20 D.P. 23293 C.T. 630/173 Block X Wairere S.D.
MR. G.P. ORR; Mowbray Road	Lot 26 D.P. 8106, C.T. 348/135 Block XIII, Wairere S.D.
MR. P.R. ORR: Wardville Road	Lot 2 D.P. 18414 C.T. 459/17 Block X Wairere S.D.
ESTATE THOMAS PATON; c/o N.Z. Insurance Co. Hamilton	Part 8 D.P. 850 C.Ts 71/249 and 122/57 Block XIII Wairere S.D.
THE MANAGER, TARNHORN JERSEYS LTD: Wardville Road	Lot 1 D.P. 23293 C.T. 630/169 Block X Wairere S.D.
MISS OLIVE M. TUCK: Smith St, Matamata	Lot 6 D.P. 8974 and Lot 1 D.P. 18677 C.T. 420/29 Block XIII Wairere S.D.
MR. H.J. UTTINGER: Costall Road	Lot 3 D.P. 35369 C.T. 922/20 Block XIII Wairere S.D.

Fig 36. Kaimai Tunnel and Deviation Landowners

The above lands are named in the Proclamation defining the Middle Line for the Waharoa-Apata (Kaimai Deviation) Railway in Blocks VIII, X, XI, XII and XIII, Wairere Survey District and Blocks V, VII and VIII, Aongatete Survey District, Piako and Tauranga Counties. The Proclamation was declared in the NZ Gazette, 8 Dec 1966 No 76, page 2030 pursuant to the Public Works Act 1928 and the Schedule described the land blocks affected.

“First commencing at a point on the Thames Valley and Rotorua Railway approximately 14 chains north-west of the intersection of the production of the north-west boundary of Matamata North 2K Block with its junction with the middle line of the railway and proceeding south-easterly generally for a distance of 70 chains passing in, into, through over or under the following lands... 2L, 2F, 2E, 2D, 2C Matamata North...”<sup>182</sup>

#### **4.7 The Impact of the Kaimai Tunnel on Ngati Hinerangi**

What was the impact of the building of the Kaimai Tunnel and Kaimai Deviation on Maori Land Ownership and particularly, on Ngati Hinerangi in the immediate area affected by the Tunnel and the deviation?

The building of the Kaimai Tunnel and Deviation caused enormous distress on Ngati Hinerangi and exerted enormous pressure on Maori owned lands in the immediate vicinity and surrounding areas. Ngati Hinerangi were never contacted, consulted, sought their approval or written consent for the building of the Kaimai Tunnel. The result was akin to committing a serious breach of tapu, a violation, a property breach, a breach of human rights, a breach of property rights, and a breach of the terms and principles of the Treaty of Waitangi.

The Kaimai Tunnel is a cause for ongoing despair and frustration for the iwi and hapu of Ngati Hinerangi. The Kaimai Tunnel is a graphic statement of imposition and cultural imperialism forced onto Ngati Hinerangi who hold the mana whenua of the Kaimai Ranges and surrounding lands through which the Kaimai Tunnel and Deviation runs.

The Kaimai Tunnel is an injury to Ngati Hinerangi wairua, mana, tapu, ihi, wehi and spiritual well-being. The Kaimai is a continuum for Ngati Hinerangi. To bring harm and injury to the maunga tapu of Ngati Hinerangi is to bring portents of physical and Spiritual harm to Ngati Hinerangi, as a tribe, as a hapu, as whanau, as marae, as tangata as people.

Ngati Hinerangi cultural values and mana whenua values as the tangata whenua of the land through which the tunnel and deviation goes through, were ignored by the Crown. The matter was not brought before the Maori Land Court so Ngati Hinerangi did not get the chance to explain the spiritual and cultural importance of the maunga and why the tunnel would represent an extreme violation of the tapu of their maunga.

#### **4.8 Violation of the Tapu of the Kaimai Maunga and its Consequences**

- **The DC-3 Airliner Crash on Maurihero, 1963** – 25 people killed
- **The Kaimai Tunnel Cave-in Disaster on Maurihero, 1970** - 4 people killed

Underground work started on the tunnel on 5 January 1969 with the driving of an exploratory tunnel at the western portal. Enlargement of the section then followed in November 1969. This work had not progressed far when on 24 February 1970, a cave-in occurred trapping 12 men, four of whom were killed in the accident. The other eight were rescued after a protracted rescue operation.

It is the belief of Ngati Hinerangi that the death of the four miners was an act of retribution by the Kaimai maunga itself of the Te Hunga Ridge of the Maurihero Block, because of the violation of tapu caused by the drilling of the tunnel into the maunga.

Ngati Hinerangi also believe that the Kaimai maunga itself, sent a prior warning message of the violation of the tapu of the maunga, when on 4 July 1963, 23 people were killed in the worst internal airline disaster in New Zealand history with the crash of National Airways Corporation DC-3 Skyliner. At the time, Ngati Hinerangi were bewildered as to the cause of this catastrophe but unbeknown to them Government plans were well underway for the construction of a tunnel through the Kaimai.

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<sup>182</sup> Ibid Extract from NZ Gazette 8 Dec 1966, No 76, p2030 – Proclamation of Middle line of Kaimai

The deaths of 25 people in the NAC Airline in 1963 and the deaths of 4 miners in the collapse of the Kaimai Tunnel in 1970, was proof to Ngati Hinerangi that the tapu and mana of Maurihero maunga in the Kaimai Ranges had been violated and retribution had been sought for this. For Ngati Hinerangi their sacred maunga have been desecrated by the building of the tunnel at Maurihero and Te Hunga in the Kaimai. Such an act of transgression would only bring misfortune and death to those involved or even to innocent parties passing over or through the mountain.

It is a deep seated belief among Ngati Hinerangi, that the DC3 Plane crash in the Kaimai on 4 July 1963, killing all three crew and 20 passengers, was a warning against the Government's plans that were afoot at that time to begin exploratory tests for a tunnel under the Kaimai maunga. In total about 27 people have been killed in about the same spot as where the tunnel was eventually built. The NAC airline crash is still the worst internal air disaster in New Zealand and the mostly costly in terms of human life.

The Ngati Hinerangi concerns and disquiet about the deaths of 25 people on board the NAC DC-3 Skyliner ZK-AYZ Hastings scheduled flight to Tauranga on 4 July 1963 and the deaths of 4 miners in a cave-in at the Western Portal of the Kaimai Tunnel on 24 February 1970, was acknowledged in the NZ Herald in 1971.

“Local Maori superstition labels the area a killer. It was the Kaimai Ranges that claimed New Zealand's worst commercial air crash. In 1964 [actual date was 4 July 1963] 8 people [actual numbers killed was 23 – 3 crew and 20 passengers] lost their lives when an NAC scheduled flight from Auckland plunged into the fog-shrouded hilltops.”<sup>183</sup>

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Deviation  
<sup>183</sup> NZ Herald 1971

# Kaimai Crash Project

## NEWSLETTER

May 2003

## National Memorial for New Zealand's worst internal air disaster

New Zealand's worst internal air disaster is soon to be commemorated with an official memorial and history book.

On 3 July 1963 National Airways Corporation DC-3 ZK-AYZ, while operating Flight 441 on the early morning Auckland to Tauranga service, crashed into the Kaimai Range, killing all 3 crew and 20 passengers. The tragedy was a disaster of national significance and the public of New Zealand responded with a huge outpouring of sympathy with hundreds of

special commemorations for early July 2003. Rev Waugh comments, "One of the key aspects has been the unanimous affirmation by relatives of those on board Flight 441 that it is well overdue to have such a commemoration. This support has been really appreciated and we have been encouraged

FROM THE HONOURABLE  
DAME SILVIA CARTWRIGHT  
FCNZM DEPUTY GOVERNOR  
GENERAL OF NEW ZEALAND

In the presence of the early 1960s, the crash was a large shock and made a deep impression. The crash dominated front page coverage in newspapers for days and prompted an outpouring of "Keri-hippiness". Today the crash has largely been forgotten, mostly because there is no permanent memorial. This will change in 2003 when a major roadside memorial will be unveiled at Gordon, near Matamata. The memorial has a direct line of sight to the approximate area of the crash.



volunteers involved in the search, many providing meals and shelter while others cared for those who had lost loved ones. In recent years the Kaimai Crash has been mostly forgotten. This is soon to be rectified as the Kaimai Crash Project Committee of volunteers has been working to mark the 40th anniversary. Led by well known aviation historian Rev Richard Waugh, a team of experts has been busy for the past twelve months. Bruce Gavin (Matamata), Peter Layne (Wellington) and Graeme McConnell (Nelson) have been working with Richard to organise

by the high level of interest and help from so many people."

Above: ZK-AYZ, newly converted to DC-3 'Skyliner' standard, flying near Banks Peninsula, photographed by Pat Dolan of Mannering & Donaldson. (Mannering & Associates)  
Right: The remains of NAC DC-3 ZK-AYZ which crashed into the Kaimai Range on 3 July 1963 with the loss of 23 lives - still 40 years on New Zealand's worst internal air disaster. (Peter Hoggard)



**ALL INVOLVED IN THE NEW ZEALAND AVIATION INDUSTRY, AND AVIATION ENTHUSIASTS, ARE INVITED TO SUPPORT THE KAIMAI CRASH PROJECT - SEE MORE DETAILS IN THIS NEWSLETTER.**

Last year's tragic cave-in at the tunnel site, which killed four men and trapped a further seven underground for 80 hours..."

Due to the ongoing disregard of Ngati Hinerangi customary beliefs and practices by the Crown, Ngati Hinerangi continue to be uneasy about the future safety of the Kaimai Tunnel. Ngati Hinerangi recommend that the tunnel should not be used for passenger rail services due to the uncertainty and the risk factors. Ngati Hinerangi believe that there is a strong possibility that the maunga may one day reclaim its own.

#### **4.9 Compensation**

Compensation was paid to land owners by the District Commissioner of Works for the Kaimai Deviation. There was, however, a difference in the way Maori land owners were treated as compared with Pakeha land owners. It appears that the Pakeha land owners were paid more in compensation than Maori landowners. This may have been because the Pakeha land was individually owned as against the Maori land which was more than likely multiply-owned land. For example, CJ Casey and DP Casey was compensated \$42,000 for the loss of Lot 1 & Lot 2 DP 11174 CT 263/214 BlkX111 Wairere S.D. Ngati Hinerangi land owners received no compensation. Waharoa Maori land owners were able to arrange a land for land swap, and so were able to retain land in their ancestral tribal lands.

Compensation is only a small part of what will be required to put the matter of the Kaimai Tunnel right. To Ngati Hinerangi the maunga is a living entity, with its own mauri and life force which is derived from it being wahi tapu. It is the place where our tupuna and our rangatira have been buried in the caves and rock formations to ensure they will always be protected. The maunga are a continuum from the northern boundaries of Ngatamahineerua to Maurihoro and Te Hunga then on to Wairere and Waiteariki and them on to Putangi and Weraiti and Whenuakura in the southern boundary of Ngati Hinerangi.

No Ngati Hinerangi elders or leaders were consulted or sought for their approval and written consent for the building of the Kaimai Tunnel. Nor were they consulted or their written consent and approval sought for the numerous bridges for the Kaimai Deviation. The same

was for neighbouring tribes such as Pirirakau in Tauranga and Ngati Haua in Matamata. There was no attempt to seek approval or written consent from Maori land owners. However, there is a discrepancy between the Crown's handling of Maori land owners for the Kaimai Tunnel and those Maori owners for the Kaimai Deviation. The Maori land owners affected by the Kaimai Deviation on the Waharoa-Matamata side were offered compensation and this was negotiated for them by the Maori Trustee in Hamilton. The Crown also offered Maori in Waharoa a land for land exchange for their lands being taken for the tunnel and the deviation and the Waharoa marshalling yards.

The blocks of land affected by the Kaimai Tunnel and the Kaimai Deviation are:

- Maurihoro B
- Wairere
- Aongatete

The Crown built the tunnel under the Public Works Act 1928, and was authorised by the Finance Act No 2 1964. The takings of lands for the Kaimai Tunnel and Deviation was announced in NZ Gazette 1964. The Crown did not go out of its way to seek proper consents and approvals from the people of Ngati Hinerangi. The Crown completely ignored Ngati Hinerangi.

#### **4.10 Waharoa Maori Land Affected**

Waharoa is a small rural township situated just north of Matamata Town. A couple of miles further north of Waharoa township is the papakainga settlement and marae of Ngati Te Oro, a hapu of Ngati Haua. The name of the marae is Te Raungaiti. The marae and the papakainga settlement is dissected by State Highway 27. The Maori owned land that was required for the Kaimai Deviation was situated between the papakainga settlement and the Waharoa township.

The Kaimai Deviation branches off from the Frankton to Rotorua railway line at the junction where the Waharoa Maori owned land is situated.

There is a noticeable difference between the way the Crown interacted with Ngati Te Oro Maori land owners and those of Ngati Hinerangi, Ngati Tokotoko and Ngati Tangata who were owners in the Maurihero B land block. The Maori owners in the Maurihero B Block were not even registered on the MOW official list of landowners. On the other hand, the Maori owners of Ngati Te Oro were listed on the MOW official list of landowners under the title, "The Maori Land Registrar, Hamilton: Blocks 2K, 2F and 2D, Block XIII, Wairere S.D.

The reasons for ignoring Ngati Hinerangi was a continuation of the endemic Pakeha attitude of denying the existence of Ngati Hinerangi, Ngati Tokotoko and Ngati Tangata due to the historical attitude of the Crown to Pirirakau and those who supported them in their resistance to the sale of their tribal lands and the imposition of Pakeha Settler rule.

The Waharoa Maori land affected were actually part of Matamata North blocks which were found by the MOW to be adversely and injuriously affected by the Public Works takings for the Kaimai Deviation.

#### **4.11 Waharoa Marshalling Yards**

Further to the building of the Kaimai Tunnel and the Deviation the Ministry of Works also sought the acquisition of land for railway marshalling yards at Waharoa. The MOW Resident Engineer, JEC Pollock, informed the District Commissioner of Works, in a letter headed – 'Kaimai Railway Deviation land For Waharoa Yards' dated 21 July 1966 - "Most of the land is Maori-owned, and the finding of owners etc could be a long process. The middle line Proclamation Plans have been amended in this area, and I understand are now ready. These could be used as a basis for the land required."

He also advised, "Access to the severed portions of the land will be a problem and working out a reasonable solution should be started as soon as possible."<sup>184</sup>

This was followed up by a letter to "The Registrar Maori Land Court" from the District Commissioner of Works Mr FF Abey dated 26 August 1966, entitled – "Kaimai Railway

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<sup>184</sup> BAPP 5113 1422b 46/10/0 Letter from JEC Pollock Res. Engineer to District Commissioner, 21 July 1966.



Deviation: Maori Owners of Land”, requesting to “forward a search in duplicate giving names and addresses of owners of the following blocks :

2D Matamata North and South Block; Block XII and XIII, Wairere S.D.; 2F Matamata North Block; 2K Block XII Wairere S.D.

#### **4.12 Unauthorised Entry on Ngati Hinerangi Land For Tunnel Survey**

Marinus La Rooij in his report, “Wairoa Hapu and the Realignment of State Highway 2” Stated;

“When land was taken by proclamation and there was a delay in the proclamation process MOW procedure require that before land was entered upon for surveying and construction the consent of the owners should be obtained. This signed consent would not only protect MOW staff from trespass but this consent usually consisting of a signed consent form, would specify the date from when the MOW took effective possession of the land affected by public works.”<sup>185</sup>

The MOW and other Government Departments involved in the building of the Kaimai Tunnel and Deviation treated Ngati Hinerangi differently from Ngati Te Oro Maori landowners at Waharoa. Ngati Hinerangi were not consulted or their consent sought for survey investigations for the Kaimai Tunnel and deviation. There was an apparent lack of consultation and communication with the tangata whenua and mana whenua kaumatua of Ngati Hinerangi who lived in Okauia, the central settlement for Ngati Hinerangi just out of Matamata on the western slopes of the Kaimai Ranges.

Ngati Hinerangi was totally ignored by MOW and other Government Departments and were removed from any consultation and involvement in the project. However, initially MOW and other Government Departments also treated the Maori landowners at Waharoa with the same disregard and disdain. They were certainly treated completely differently from Pakeha landowners in the area. Following the recommendation of the Commission of Inquiry to proceed with the building of the Kaimai Tunnel and Deviation in February 1963, Cabinet

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<sup>185</sup> Wairoa Hapu & the Realignment of State Highway 2, Waitangi Tribunal report, Marinus La Rooij, p13

gave its approval on 13 May 1963 for survey investigation of possible rail routes and estimates of costs only to be carried out.

The Hamilton District Commissioner of Works CJW Parsons wrote:

“On 13 May 1963 Cabinet approved the expenditure of £7,000 for a photogrammetric survey of possible rail routes between Waharoa and Apata; the project to be referred back to Cabinet for further consideration when first estimates of cost are available. Note that at this stage the construction of the Kaimai Deviation is not approved but awaits submission of a firm estimate of cost from the Department to Government.”<sup>186</sup>

Between May and October the MOW proceeded with investigation work on the tunnel and deviation. MOW engineering and geological survey teams entered on the land of Ngati Hinerangi without any written permission and any authority and put in a series of test bores to confirm the geological content of the range. At this time no legal authorisation under the Public Works Act or the Finance Act had been enacted to authorise the Governments entering on Ngati Hinerangi lands such as the Maurihoro B Block, to carry out their survey work without any consent or approval given from the landowners. The Finance Act (No 2) 1964 which gave “authorisation of railway deviation through Kaimai Range” was not passed by Parliament until 27 November 1964”.<sup>187</sup>

This was in stark contrast to the way in which the MOW treated Pakeha landowners in about the same time period. Mr NC McLeod, the District Commissioner of Works wrote to NJ Hastie of Works Rd, Katikati;

*“ During construction of the railway deviation, some inconvenience may be caused to you, but I wish to assure you that this will be kept to a minimum, consistent with the progress of the works. ”*<sup>188</sup>

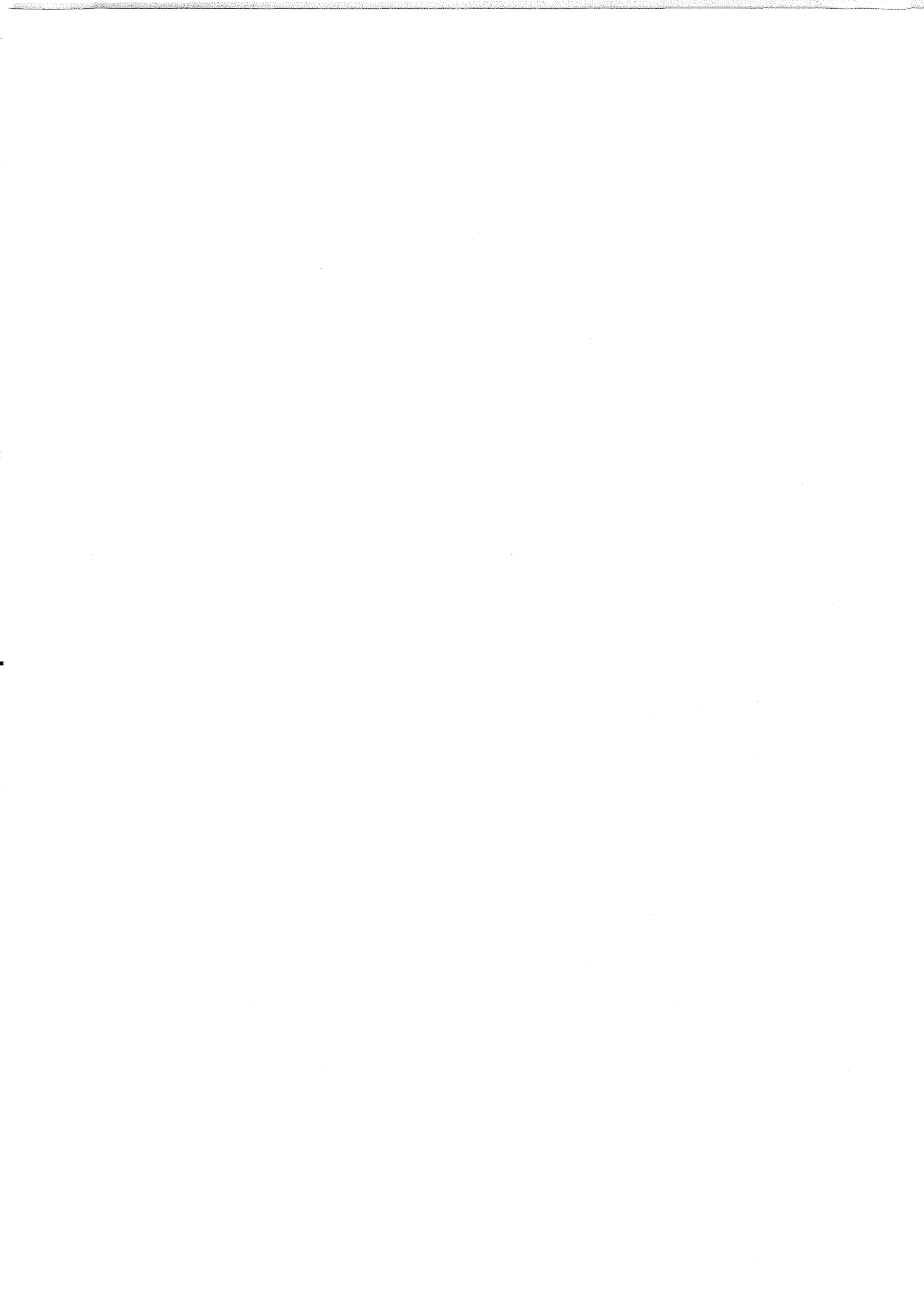
*“Your rights of compensation for any permanent loss of land and injurious affection during the progress of the works, are of course fully protected under the Public Works Act. ”*

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<sup>186</sup> AATE A934 10f 56/5 Distr Commr of Works CJW Parsons letter to AW Bettany 18 October 1963.

<sup>187</sup> Finance Act (No 2) 1964, p837-839

<sup>188</sup> BAPP 5113 14179 46/10/0 Letter of Distr Commr NC McLeod to NJ Hastie, Katikati, 12 October 1964



*“Regarding the problem of pollution or turbidity in the Whatukao Stream, from which you and other farmers draw water supplies, we have this matter under consideration. Everything possible will be done to keep the water clear.”*

*“Mr Pollock and one of our Land Purchase Officers will be calling on you within the next month or so to discuss your problems more fully”*

On 11 October 1965, Mr JEC Pollock, MOW Resident Engineer formally notified Messrs Hoopers Farms Ltd;

“Under Section 107 of the Public Works Act, I hereby give notice that it is necessary to enter upon the following lands owned or leased by you....The Department will be entering for the purpose of survey and investigation in connection with the Kaimai Railway Deviation. I will call on you at an early date to discuss the matter.”<sup>189</sup>

No such letters were written by the MOW to any of the Ngati Hinerangi landowners in the Maurihiro B Block or to the Ngati Te Oro landowners In Matamata apologising for “the inconvenience” and explaining their “rights of compensation”. Nor did the Maori landowners receive any acknowledgement from the MOW about their concerns that they would experience in terms of “pollution”, “turbidity”, and loss of clean drinking water. It is apparent that the MOW is focusing on properly serving the needs and concerns of Pakeha landowners and ignoring those very same concerns of Maori landowners. It appeared there was a different set of rules and a different set of applications when it came to dealing with Maori landowners. In other words Maori landowners were clearly being discriminated against systematically, procedurally and practically by the MOW and other Government Departments.

The example above is unfortunately the rule rather than exception. The discriminatory practices of the MOW were prejudicial for the Ngati Hinerangi and Ngati Te Oro Maori landowners. On 19 February 1969 (five years after the start of the construction of the tunnel and deviation), “Mr Kihirini Manauri of Waharoa lodged a complaint as regards the work being carried out to the marshalling yards at Waharoa.”<sup>190</sup>

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<sup>189</sup> Ibid

<sup>190</sup> Ibid Letter W Hodges for Maori Trustee o Dept Maori Affairs to District Commsr of Works, 21 Feb 1969.

Mr Hodges letter continued,

“Mr Manauri is the major owner in the block known as Matamata 2K2. He said that he is living in an old house on the property and previously relied on access to the house by means of the road that used to run between 2K2 and the old railway line. As a result of recent works carried out for the marshalling yards however, Mr Manauri states that his property is not only without access but that the works have encroached to within ten feet of his house. He further claims that when the contractor first entered upon the front portion of the land to carry out certain works, the fences were cut and the stock that were then depasturing on the property were allowed to stray.”

It appears in the complaint recorded by the Maori Trustee of the Department of Maori Affairs, that Mr Manauri was told to go to the Department of Maori Affairs:

“The reasons for Mr Manuri calling at this office was because he had approached someone at your Waharoa office and was told that he, Mr Manauri, should come to this office and have his problems settled. You will realise of course that the Maori Trustee has no initiative in the proceedings and he is otherwise in any position to help Ma Manauri because he is not aware of the facts. I told Mr Manauri that any complaint of this nature would have to be settled between yourselves and Mr Manauri direct.

Mr Hodges added,

“We made it clear to Mr Manauri that the Maori Trustee could possibly take matters of this nature into account when he is settling the compensation after the land has actually been taken by proclamation. The Maori Trustee’s authority to act does not arise until then.’  
“It seems to the Maori Trustee that settlement of this matter may take some time but we feel sure that Mr Manauri would appreciate an approach being made by your Department to him so that he may know what is intended in relation to the proposed works and the future of his cottage.”

The District Commissioner of Works confirmed in a letter to the Piako County Council on 27 March 1969, that the MOW had been carrying out construction work on Maori owned land;

“The piece of land you refer to Matamata North 2D3 must only be an unsurveyed partition of part of the land affected by the marshalling yards. The land to the best of our knowledge is Maori owned, and although we have entered for construction purposes no land has yet been acquired.

We shall probably not be acquiring any land until the survey is done on completion of the work.”<sup>191</sup>

The attitude of MOW towards the Maori landowners was far from satisfactory and in verged on either institutionalised discrimination or endemic and systemic anti-Maori attitudes towards Maori concepts of communal ownership of land by the hapu and the tribe in the area. This was clearly reflected in the MOW labelling of Maori land titles for the Matamata North and South blocks – S.O. Plans 45073 and 45074 as “Mission Impossible”.<sup>192</sup>

Maori land ownership with its focus on maintaining hapu and whanau ownership of the land through multiple owners, was viewed by the MOW Department in a negative light. The MOW saw no value in the multiple Maori land ownership and hence viewed the process of working with Maori land owners as “Mission Impossible”.

#### **4.13 Waharoa Cemetery**

A further example of the negative attitudes of MOW towards Waharoa Maori land owners arose in the investigation of the cemetery at Waharoa for lands affected by the Kaimai deviation and the Waharoa marshalling yards.

The MOW turned its attention towards the Ngati Te Oro Cemetery at Waharoa, Section Block XIII Wairere S.D. and Part Lot 14 D.P. 850 which lay in the pathway of the Kaimai deviation and State Highway 27. The MOW Chief Surveyor, CM Rainsford, had investigated the title of the cemetery land block and its status and wrote to the District Commissioner;

“In neither case does the title state for what purpose it is being held but it would only require a local body resolution to use the land for any purpose it thinks fit – in this case a cemetery.”<sup>193</sup>

The Cemetery was in fact listed on the Valuation Roll in the name of the Matamata County Council as Cemetery Trustees. There was however, no trace of any gazette action to

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<sup>191</sup> Ibid Letter from District Commr of Works RE Hermans to Piako County Council, 27 March 1969

<sup>192</sup> Ibid Letter to Mr Bell – “Mission Impossible” – various parts Matamata North 2K Block

confirm this. The land for Waharoa Cemetery was by this owned by the Matamata County Council. That an ancestral urupa would be deemed to be owned by the Matamata County Council instead of the tangata whenua Ngati Te Oro themselves seems inconceivable. It is more likely that the land had been taken earlier for with the railway line that runs alongside it or for State Highway 27.

Without any discussion, consultation consent or approvals from and with the local tangata whenua of Ngati Te Oro at Waharoa, the MOW considered that its needs for the Kaimai deviation would require the cemetery to be closed and that 10 metres of land would be required from the western side of the cemetery block for the Dunlop Road extension. The local tangata whenua appear to either not to have been informed or had decided to ignore the Waharoa Cemetery Closing Notice, which appeared in the NZ Gazette on 16 May 1974, No 48, page 984.

The Matamata County Engineer, JN Hall wrote to the District Commissioner of Works on 10 March 1976,

“Further to your letter of 27 November 1975, I wish to confirm that the necessary steps to close the Cemetery were taken in 1973. The closing notice took effect from 30<sup>th</sup> November 1974 and I refer you to the NZ Gazette, 1974 No 48, p984. Whilst this closing covered the whole cemetery Reserve I note that burials are still occurring in the “Maori Cemetery” which is the fenced off area at the northern end of the Reserve. I think the Maoris may not be aware of the action taken to-date, and I also personally believe that there could be strong argument if we attempted to force the closing.”

“My Council is agreeable to part of the Cemetery being used from Dunlop Road extension a discussed. Assuming a strip 10m in width were taken from Best adjacent the cemetery then a 10m strip could be taken from the western side of the Cemetery Reserve. This strip would be outside the fenceline at the “Maori Cemetery” end and clear of any graves at the southern end. A curve of at least 70 km/h should be designed at the Dunlop Road end and this will necessitate taking some land from the property opposite the cemetery. Further

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<sup>193</sup> Ibid Chief Surveyor MOW to District Commr 19 July 1969 Matamata County Clerk, KA Otto to District Commr of Works, 29 April 1969

encroachment onto the cemetery land to within say 10m of the most western line of existing graves, will be accepted.”<sup>194</sup>

Even after discussions between MOW and Waharoa Maori land owners had taken place in 1973 on the tangata whenua marae, Raungaiti Pa, MOW still took a draconian approach to Maori land and their communication with local Maori continued to be appalling and sub standard and again verging on institutionalised and systemic discrimination towards Maori land owners.

It is clear that the Waharoa Maori land owners were substantially prejudiced by the actions and non actions of the MOW and severe hardship and suffering was inflicted on them by the discriminatory attitudes and practices exhibited by the MOW, from those officers at the highest levels such as the District Commissioners to ordinary MOW staff. As a result also Maori such as the Waharoa land owners were marginalised and were deliberately shut out of participating in the process of the building of the Kaimai Tunnel and deviation. The Waharoa land owners were not informed until the MOW was forced into the position of reluctantly having to deal with them in order to complete the Kaimai project.

Waharoa land owners should have been consulted and sought their consent and permission before the MOW proceeded with the Kaimai Tunnel and deviation and as a result the Crown and its agencies such as the MOW and Railways Department and the local authorities have been in breach of the terms and principles of the Treaty of Waitangi.

#### **4.14 Discrimination By MOW**

The discrepancies between how Mr Manauri was treated by MOW compared to how they treated Pakeha landowners such as Mr Hastie of Works Rd in Katikati are glaringly patent. The discriminatory practices by MOW in the example above were endemic within Government Departments within the period of the 1960s and 1970s when the tunnel was being built. This offensive treatment typified the practices and procedures employed by the MOW in regard to their treatment of Maori landowners at the time. This was a blatant case of discrimination by MOW towards Mr Manauri, his home and his livelihood. Conversely

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<sup>194</sup> Ibid Matamata County Clerk, KA Otto to District Commr of Works, 10 March 1976



Pakeha landowners were not treated in such draconian heavy-handedness as displayed in the case of Mr Manauri at Waharoa.

Indeed the case with Mr Manauri occurred at least a year before the Proclamation of the Middle Line land taken for the Kaimai deviation and tunnel. Mr Manauri no doubt had to endure on-going hardship for several more years before the Proclamation was formalised on 5 November 1970<sup>195</sup> and the Maori Trustee could act on his behalf to seek compensation for him for his loss of land, livelihood and peace and enjoyment of his property.

On 26 February 1969, the District Commissioner of Works in Hamilton, RE Hermans, wrote to the Maori Trustee about Mr Manauri's case;

"I have asked our Resident Engineer at Waharoa to call on Mr Manauri and explain our proposals to him.

The survey has not yet been carried out and it is probable that this will not be done until work on the marshalling yards is completed. Most of the land affected appears to be subject to multiple ownership and I presume we will be settling compensation with you after the Proclamation has issued."<sup>196</sup>

It is clear from the District Commissioners letter above that the MOW were adverse to dealing with multiple –owned Maori land. It is for this reason that the MOW and indeed the Government had enacted the Maori Trustee under supervision of Maori Affairs to act on behalf of multiply-owned Maori land blocks and to make it easier for the Government to deal with Maori land issues especially in the area of Public Works.

#### **4.15 Lack of MOW Communication and Interaction with Maori**

A further illustration of the differences in how MOW treated Maori landowners compared with Pakeha landowners can be seen in the way MOW handled the communication and interaction process with the concerned landowners, local authorities, businesses and the public in general.

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<sup>195</sup> Proclamation in NZ Gazette 68, p1990, 5 Nov 1970

The MOW organised public meetings for ratepayers affected by the Kaimai Railway deviation to be held at the Apata Community hall on the Tauranga side 28 January 1965 and at the Waharoa Community Hall on 30 April 1965.

On 4 December 1964, the MOW District Commissioner, NC McLeod wrote to the Tauranga County Council;

**“Kaimai Railway Deviation**

Legislation authorising the construction of this project has been passed by Parliament. It is our desire to establish and maintain the best possible relations with local bodies and their residents during investigation and construction. With this in mind, we would like a meeting of representatives of your Council, residents of the Tauranga County affected by the project, and representatives of this Department. The Press should not be present.”

The intention is to tell residents how the project will affect their properties, explain why the particular route has been chosen, steps that will be taken to keep inconvenience to a minimum, and what arrangements will be made with regard to providing access over or under the new line where properties are severed. This latter would be in general terms. Details would be discussed with individual property owners at a later date.

I enclose a list of residents who will be affected to some degree by the project.”<sup>197</sup>

The attached list of residents did not contain any mention of the many Maori landowners in the Maurihiro B Block. The MOW and Council ignored the Ngati Hinerangi landowners.

Mr JEC Pollock the Resident MOW Engineer told the meeting that “until a comprehensive investigation programme had been carried out, the route...could only be considered provisional. The results of the investigations would determine the final line, and this would not be known for about six months.

The investigation work includes drilling in the approaches and along the proposed line of the tunnel... The landowners were told that as soon as the final line was approved and the effect on their properties could be assessed the matter would be fully discussed with each individual. The Ministry of Works was concerned to see that the minimum permanent

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<sup>196</sup> Ibid Letter from District Commissioner RE Hermans to Maori Trustee, 26 Feb 1969

<sup>197</sup> Ibid Letter District Commr Works to Tauranga County Council 4 Dec 1964.

inconvenience and severance was caused and would do what was reasonable and equitable to solve such problems.”<sup>198</sup>

The MOW clearly did not have an equitable point of view when communicating with Ngati Hinerangi. As the major landowners in the Maurihero B Block Ngati Hinerangi were not even on the list of landowners affected by the Kaimai tunnel and deviation.

As far as the public meeting on the Matamata side held at Waharoa on 30 April 1965, JEC Pollock, the MOW Resident Engineer again wrote a report of the meeting dated 5 May 1965. Again Mr Pollock reiterated the intentions of MOW to “explain to residents of the Waharoa-Gordon areas, the proposed line of the Kaimai deviation, and the extent to which their properties might be affected.”<sup>199</sup>

This differed vastly to how the MOW communicated and interacted with Maori landowners at Waharoa. A meeting between Maori landowners and MOW occurred on 1 August 1973 at Raungaiti Pa in Waharoa,<sup>200</sup> more than a decade after the first public meetings with Pakeha landowners at Apata in Tauranga and Matamata ratepayers had taken place. Mr JD Walton represented MOW at the meeting. From the time Mr Kihirini Manauri lodged his formal complaint in February 1969 with the Maori Trustee of the Maori Affairs Department against the MOW construction of the Kaimai deviation, it had taken four years for a formal meeting to be established between the Maori landowners of Waharoa and the MOW.

#### **4.16 Role of the Maori Trustee**

As early as 11 May 1965, the District Commissioner of Works in Hamilton had written to “The Maori Land Registrar” of Maori Affairs requesting a search for owners in the lands affected by the Kaimai deviation. The letter in reply from Ivan Hansen dated 14 July 1965 mentioned the blocks affected as Matamata 2K, 2F, and 2D and that 2K and 2D had been subdivided.<sup>201</sup>

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<sup>198</sup> Ibid Report on Meeting at Apata, 28 January 1965 by JEC Pollock, Resident Engineer

<sup>199</sup> Ibid Report JEC Pollock to District Commr of Works, re Waharoa Public Meeting, 5 May 1965

<sup>200</sup> Ibid Minutes of Meeting held at Raungaiti Pa, Waharoa, on 1 August 1973, p1

<sup>201</sup> Ibid Letter Maori Trustee to District Commr of Works, 14 July 1965

On 21 July 1966 JEC Pollock, MOW Resident Engineer wrote to the District Commissioner of Works stating, "it is desirable that negotiations be started for the acquisition of the land required for the new railway yards at Waharoa."

'Most of the land is Maori-owned, and the finding of owners etc could be a long process. The Middle Line Proclamation Plans have been amended in this area and I understand are now ready. These could be used as a basis for the land required. Access to the severed portions of the land will be a problem and working out a reasonable solution should be started as soon as possible.'

However, it was evident that the working out of a solution was going to need some more time. In the end it took more than a decade for MOW to work out the best solution for all parties concerned. The MOW had a poor track record of communication with Maori landowners, due to their own negative attitudes towards Maori multiple land ownership and this resulted in discriminatory practices which left Maori without any first-hand information of what was happening as far as their land was concerned.

The meeting at Raungaiti Pa on 1 August 1973 with the Waharoa Maori landowners, MOW and the Maori Trustees of the Maori Affairs Department was attended by Ngati Te Oro kaumatua and about 10 others who were all owners in the Matamata North Blocks which were affected. The minutes of the meeting recorded the following topic for the meeting: "A proposal to compensate owners for land taken for Public Works by offering them certain other lands in exchange." This was effectively a "land for land" arrangement. One of the Waharoa landowners Mr Tai Gillet explained, "that the suggestion had been raised ...that the owners accept land for land taken instead of a cash compensation."<sup>202</sup>

At that meeting it was reported that, a plan had been presented to the owners indicating the proposed boundaries and the re-arranged blocks and in principle the owners had agreed to this. The plan located the owners all to the one side of the railway lines and although there was a slight reduction in land area a cash payment could be paid to them for the value of the land lost.

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<sup>202</sup> Ibid p1

“After further discussion the owners of Matamata North 2L, 2K and 2F agreed to accept the relocation to the south of the railway as indicated on the plan. The owners of 2D3 [Tai Gillet] however, were not prepared to accept a cash settlement of compensation and indicated that they [wished] to be relocated in the portion of Crown land to the north of the railway line, which originally formed part of Matamata North 2E.”<sup>203</sup>

The Waharoa Land owners were in tough position where they had no option but to accept the scheme however, they were not happy that the Kaimai deviation railway line bisected their land and cut them off from their marae, Raungaiti Pa and their relatives in the papakainga settlement adjacent to the marae. The railway line also cut the tangata whenua off from their urupa and they had to drive a further 4 miles south and then come back up Dunlop Road to access the cemetery. The Waharoa landowners also lost further land in their proposed blocks on the south side of the railway line due to the Dunlop Road extension that was put in by the MOW to provide access to their respective land blocks.

However, the MOW initially did not want to make any such land for land arrangement with the Waharoa Landowners. On 8 May 1969 Mr RE Hermans, the District Commissioner of Works wrote to the Chief Surveyor to instruct him to “initiate a Proclamation Survey of the Waharoa marshalling Yards. In order that a Maori Land Plan may be lodged, if required, at a later date, would you please provide areas of all pieces of Land to be Taken, Severed, Balance Areas, Railway to be closed (fronting each section), Road Line to be cancelled (fronting each section) and Area of Drainage Outlet.”

“Would you please instruct the Surveyor to complete the plan so that Proclamation Proceedings may proceed as this is necessary to finalise Compensation Claims with the Native Trustee”<sup>204</sup>

The MOW was desperate to deal with the Maori Trustee as the representatives for the Maori owners instead of the multiple Maori ownership. On 2 July 1969, Mr RE Hermans continued:

“Construction has been commenced on the Waharoa Station yards and the following Maori owned blocks are affected by the works:

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<sup>203</sup> Ibid p2

<sup>204</sup> Ibid Letter RE Hermans District Commr to Chief Surveyor, 8 May 1969

Matamata North 2D, 2F, 2K and 2L.

“All these blocks are subject to multiple Maori ownership and are leased to Europeans. Our Project staff at Waharoa are being embarrassed by owners coming in asking what is being done about payment of compensation for their lost rentals and also what is being done about compensation for the land. “

“We have the legal survey in hand but this is not yet completed, nor of course has the Proclamation been issued.”

In this case would you be prepared to accept on behalf of the owners advances against compensation.”<sup>205</sup>

On 17 April 1975, the Maori Trustee submitted Applications for Partition Orders for Combined Areas of Matamata North 2F and other Blocks under Sections 182, 418, 419, 420/53 of the Maori Affairs Act 1953 as part of the land for land scheme agreed with MOW and the Waharoa owners.<sup>206</sup>

The Maori Trustee explained to the Piako County Council that it got involved in the arrangements of the land for land scheme with the MOW and Waharoa land owners because;<sup>207</sup>

“The issues here are fairly complicated and they arise from the fact that the Ministry of Works compulsorily acquired, under the Public Works Act 1928, certain lands for the Waharoa marshalling yards, by Proclamation in NZ Gazette 68, p1990 of 5 November 1970.”

“As a result of this the Maori Trustees became involved with the Ministry of Works to settle on behalf of the Maori owners compensation payable for the land lost.”

“Under normal circumstances settlement would have involved merely the payment of money to compensate for the loss of the land, but the owners, when consulted, insisted on being given land for land.”

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<sup>205</sup> Ibid Letter RE Hermans District Commr to Maori Trustee, 2 July 1969

<sup>206</sup> Extract of Minutes from Waikato Minute Book Vol 53, Folio 195-197, 17 April 1975

<sup>207</sup> Ibid Letter from Maori Trustee to Piako County Council, 21 October 1975.

“Settlement was complicated by the fact that there was European land as well as Crown (for Railway purposes) involved in the proposed re-adjustments.”

“Because of the complications involved, the Maori Trustee agreed to act on behalf of the Ministry in the prosecution of the application before the Court for combined partitions.”

The Maori Trustee further outlined the history of its involvement with the Waharoa Maori land owners in its applications to the Maori Land Court in the Waikato Maniapoto District for the proposed land for land settlement with the MOW and the Maori owners as well as two further applications for Roadway Orders:<sup>208</sup>

“Information For the Court

All three applications are interdependent and the Maori Trustee seeks permission to deal with them concurrently. The proposals have been arrived at after a lengthy consultation between the Maori Trustee, Ministry of Works and Development (hereinafter called the Ministry) and the various owners. The Scheme as proposed appears to be the most practical and equitable way in which the owners’ wishes may be met and at the same time attempt to ensure that the most effective utilisation of the farm land involved results.”

History:

By Proclamation in NZ Gazette of 19/8/65 No 45, p1322 the Middle Line of the Waharoa-Apata (Kaimai Deviation) Railway was defined. The block was entered in 1967 to carry out surveys following which certain of the land affected by these applications had parts taken by Proclamation in NZ Gazette of 5/11/70, No 68, p1990 for the Waharoa Marshalling Yards.”

“The Ministry set up a special Residency at Waharoa to deal with enquiries from the public who were affected by the Works.

“Following the issue of the Proclamation taking the land the Maori Trustee canvassed certain of the Maori owners to find out their views on the method by which compensation was to be settled. The general consensus of opinion appeared to be that the owners did not

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<sup>208</sup> Ibid Maori Trustee Briefing to Waikato Maniapoto Maori Land Court, p1

wish to be compensated in monetary form but rather that they be given land in lieu of that lost.”

“The Maori Trustee convened an informal meeting of the owners (where addresses were known) at Waharoa on 30/3/71. The Ministry was represented. The upshot was that the owners quite clearly preferred to receive land in lieu and in an effort to respect the wishes of the owners, the Ministry prepared plans to show the necessary adjustments. When the time came to implement the scheme, practical difficulties of a legal nature meant that there had to be a re-appraisal. After much discussion with the Ministry, the latter drew up a further proposal for consideration by the owners...”

“A meeting was held with the owners at Raungaiti Pa, Waharoa on 1/8/73. The Maori Trustee indicated to the owners that the main problem with the previous suggestion was that in some cases it would be necessary for the owners of some of the blocks to pay as much as \$1,500 to equate the difference between the land lost and the area to be gained. It was suggested that the fresh scheme would be a more equitable method of settlement and would at the same time enable better use of the farm land in the area. In the main the titles would be located on the one side of the railway line instead of bisecting it.”

The land for land scheme for the Waharoa Maori land owners represented a favourable compromise for the Maori owners. However, this had to be weighed up against the negatives of their having very little choice in the matter and trying to get the best possible settlement for themselves. Holding on to the land was extremely important to the Waharoa Maori owners but it cost them. They no longer had the ease of access to their relatives in the papakainga settlement at Raungaiti. They were cut off from their marae, Raungaiti Pa, and their church on the marae. They had to endure a further 4 miles travel from their land down Dunlop Road to the Waharoa township and back on to State Highway 27, in order to get to their marae and church at the Raungaiti papakainga settlement. They also had to face the indignity of their urupa being legally owned by the Matamata County Council and of the encroaching Dunlop road extensions taking a further 10m from the Cemetery Reserve. The sum total of these actions by the Crown through the MOW and its construction of the Kaimai deviation constituted a breach of the terms and principles of the Treaty of Waitangi.



In the MOWs construction of the Kaimai Tunnel and Deviation, both the Ngati Hinerangi land owners and the Waharoa land incurred Injurious Affections as defined by the Public Works Act 1928. However, the Waharoa Maori had their grievances resolved at the time by the MOW and Maori Trustee who worked together to provide a land for land solution for the Waharoa Maori land owners. In the case of Ngati Hinerangi there has been no resolution of their grievances against the building of the Kaimai tunnel and deviation and the matter still remains unresolved.

#### **4.17 Injurious Affection - Waharoa Land Owners**

The Waharoa land owners had managed to achieve a land for land swap with the MOW rather than monetary compensation. This was not uncommon as according to Marinus La Rooij, “Firstly the Public Works Act 1928 and later the Public Works Amendment Act 1954, deemed that all lands left surplus or redundant through a public work shall “be deemed to have been Crown land.” This principle gave the Crown’s agents, in this case the MOW and L&S, a clear mandate to dispose of any land made surplus at their discretion. This policy meant that the Crown had no obligation, before 1981 to return or offer back to its former owner surplus land if the area taken for a public work was no longer required.”<sup>209</sup>

In order to ascertain the level of compensation for the Waharoa Maori Land owners, Tai Gillet, one of the Waharoa land owners through his solicitors employed Registered Valuer David Archibald to complete a report dated 8 November 1974, on the valuation of the land involved in the land for land scheme with the MOW. The report, entitled – Valuation of Land in Connection with Maori Land Court Proceedings” stated:

“1. Legal Description <sup>210</sup>

Matamata North 2F and parts Matamata North 2E, 2K and 2K1 and former railway land adjoining the above land all in Block XII, Wairere Survey District.

The land is Maori land and Railway Reserve.

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<sup>209</sup> Marinus La Rooij, *Wairoa Hapu & The Realignment of State Highway 2*, 1999, Waitangi Tribunal, pp57-58

<sup>210</sup> Ibid Letter from Registered Valuer David Archbold to solicitors, Messrs

## 6. Kaimai Railway Deviation Construction

The areas concerned prior to the construction of the Kaimai Railway Deviation were a series of contiguous rectangular shaped blocks running from the Waitoa Stream to the former Morrinsville- Matamata railway.

The land remaining has been affected in a number of ways due to the railway construction.

### (i) Access

Formerly direct access was gained by crossing the old railway line south of the Waharoa Pa. The old railway line has now been removed. The construction of the deviation, and the non permission of railway crossings means that access to the land is via the Waharoa Township and a metal road on the southern side of the deviation.

The travelling distance from the Waharoa Pa to the land via Waharoa Township is approximately 3 miles.

Accordingly, the value of the land south of the deviation is injuriously affected [by] the railway works.”

## **4.18 Injurious Affection & Specific Grievances of Ngati Hinerangi**

The extent of the injurious affection suffered by Ngati Hinerangi must be measured differently from the Waharoa land owners. Ngati Hinerangi qualify for consideration of injurious affection based on two overriding factors. Firstly, that Ngati Hinerangi suffered prejudice and injurious affection based on the discriminatory policies and practices of the MOW which sought to marginalise them and exclude them as legitimate land owners in the construction of the Kaimai Tunnel and deviation project. The second factor, was the extent of the prejudice and injurious affection arising from the Crown’s historical confiscation of the majority of Ngati Hinerangi tribal lands as part of the Katikati – Te Puna Purchase more than a 140 years beforehand. The case of Ngati Hinerangi injurious affection must be measured by the prejudicial impact of this historical loss of Ngati Hinerangi lands and the social and economic dislocation that Ngati Hinerangi as an iwi, hapu and whanau and individuals suffered as a consequence.

The building of the Kaimai Tunnel and deviation has prejudiced Ngati Hinerangi who has been injuriously affected and sustained damages in the following ways:

**Spiritual Injury** – the loss of Ngati Hinerangi land resulted in the loss of their tribal mana, and identity, and the Kaimai tunnel represented a loss of their sacred maunga, the Kaimai their tribal symbol and the violation of its tapu, and mauri

**Physical and Environmental Injury** – environmental injury caused by the massive alteration of the ancestral landscape, pollution of waterways, changes to course of rivers and streams for the construction of bridges, underpasses and culverts

**Cultural Injury** – the social dislocation of the Ngati Hinerangi tribe by undermining their leadership, beliefs and values that hold our maunga as wahi tapu and are sacred and should be free from desecration

**Economic Injury** – Ngati Hinerangi never received any compensation but have contributed much to the development of the Tauranga and Matamata regions; Ngati Hinerangi suffered from the loss of economic benefits and opportunities for their people

**Social Injury** - the weakened state of Ngati Hinerangi and the lack of leadership due to the tribe's dislocation resulted in the loss of tribal matauranga, knowledge and tribal identity and the breakdown of the Ngati Hinerangi social order and kinship structures

**Prevention of Use** – Restrictions of Mining Rights activities within a ½ mile distance from the tunnel Centre Line due to imposition of Crown Mining Rights.

Letter from DB Hopcraft Chief Surveyor, Dept lands and Survey 3 Feb 1967 Re restriction of mining rights.

The Kaimai Tunnel and deviation presented an opportunity for the Crown to make an atonement for the social and economic prejudice that it had unwarrantedly inflicted on Ngati Hinerangi and the sufferings and economic hardship it had perpetrated on Ngati Hinerangi. The extent of the injurious affection caused by the Crown's raupatu of Ngati Hinerangi lands was ignored and the subsequent taking of the land under the Public Works Act 1928 for the building of the Kaimai Tunnel and deviation, added to the already existing grievances of Ngati Hinerangi against the Crown.

In contrast to the Waharoa land owners, who were successful in arranging a land for land settlement with MOW in lieu of compensation for the Public Works takings of their lands for the Waharoa marshalling yards, the Ngati Hinerangi land owners were never paid any compensation whatsoever. There is no explanation why Ngati Hinerangi was excluded from the list of people who were adversely and injuriously affected by the Kaimai Tunnel and deviation. Despite owning the Maurihero B Block, Ngati Hinerangi were not even acknowledged by MOW as being landowners affected by the Middle Line Proclamation for the Kaimai Tunnel and deviation. Therefore, the most likely explanation why Ngati Hinerangi was denied any compensation was due to MOW's policies, operational practices and attitudes of discrimination and negativity towards Maori land ownership. These policies and practices and omissions were deliberate towards Ngati Hinerangi and were a breach of the Crown's obligations under the terms and principles of the Treaty of Waitangi.

MOW discriminated against Ngati Hinerangi by not consulting with them prior to entering their lands to undertake surveying investigation work and construction. In this regard the Crown was in fact trespassing on Ngati Hinerangi lands. Ngati Hinerangi did not agree to or give its consent or approval for any surveying investigation work and construction work on the Kaimai Tunnel and deviation. Therefore, the legality of the surveying investigation work and the construction of the tunnel and deviation must be viewed with some scepticism. There was no formal communication with MOW and Ngati Hinerangi to explain what was involved in the Kaimai Tunnel and deviation project and how Ngati Hinerangi landowners would be affected and what could be expected from the MOW by way of compensation. The MOW treated the Ngati Hinerangi land owners differently from Pakeha land owners and even the other Waharoa Maori land owners.

Instead, Ngati Hinerangi, the tangata whenua and mana whenua of the lands in which the Kaimai Tunnel and deviation was constructed were deliberately denied information and were deliberately excluded from having any real opportunity to participate in the project of the building of the Kaimai Tunnel and deviation.

#### **4.19 The Impact of the Actions of the Tauranga Commissioners, Native land Court and the Maori Land Court on Ngati Hinerangi**

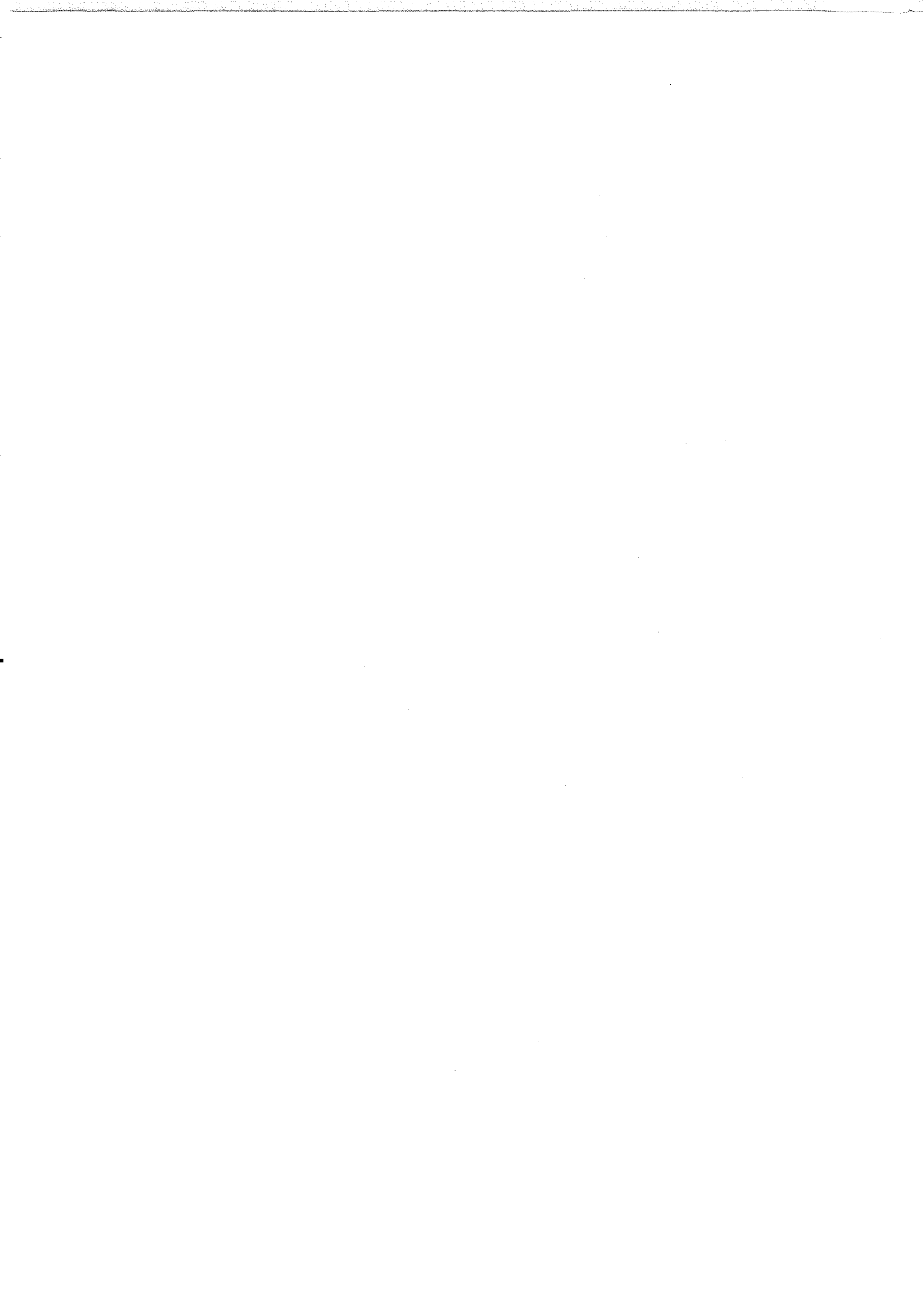
Ngati Hinerangi has suffered the effects of dislocation by the rulings of the Native land Court against its claims in the Kaimai Block where the Tauranga Lands Commissioners failed to accept that the Ngati Hinerangi boundary in the Kaimai went as far south as Kaimai and Te Whaiti Kura.

The Maurihero Block is an example of the social and tribal dislocation that has been perpetrated on Ngati Hinerangi by the Native land Court and which is continuing today with the latest decision of the Maori land Court not to allow equal hapu representation on the Maurihero Trust. This has allowed the Maurihero Block to be captured by people who are not Ngati Hinerangi and who do not identify themselves as being either Ngati Tokotoko or Ngati Tangata and instead identify themselves as being Ngati Taka.

#### **4.20 Loss of Economic Opportunity and Benefits**

The exclusion of Ngati Hinerangi as the mana whenua and tangata whenua of the Kaimai Tunnel and deviation represented a major loss of economic opportunity for Ngati Hinerangi to establish and develop a sustainable economic base. The Crown deliberately chose not to involve Ngati Hinerangi in the construction of the tunnel and deviation despite Ngati Hinerangi being a land owner on the Middle Line of the Kaimai Tunnel itself and the deviation from both the eastern Tauranga side and the western Waharoa side passing through the Ngati Hinerangi tribal rohe boundaries.

The whole reason for the building of the Kaimai Tunnel and deviation was for the economic growth and development of the Port of Tauranga and the people and businesses of Tauranga, the Bay of Plenty and Waikato. The tunnel provided Tauranga and the Bay of



Plenty with access to an extensive hinterland with a combined population base of at least half a million people. Yet the Crown did not view this as an opportunity for Ngati Hinerangi to participate in as a Treaty partner whereby Ngati Hinerangi could share in the economic prosperity that the Kaimai tunnel and deviation was to bring to the people of Tauranga and Bay of Plenty. Ngati Hinerangi were instead cast aside and excluded from the economic growth and prosperity that it was contributing to with the Kaimai Tunnel and deviation being built right through the middle of their sacred Kaimai maunga. The Crown believed it was able to ignore Ngati Hinerangi because it had acquired the land for the Kaimai Tunnel and Deviation as a consequence of the land confiscations inflicted on Ngati Hinerangi after the Land Wars in Tauranga in 1866.

The loss of the Ngati Hinerangi lands in the Aongatete Block and the Wairere Block was the direct result of the raupatu of Ngati Hinerangi lands by the Crown with the Katikati Te Puna Purchase. With the loss of land went the loss of Ngati Hinerangi's traditional and customary role as kaitiaki over the mountains, forests, rivers, swamps and lakes, birds and other river species. With this loss went the loss over strategic and traditional food gathering resources such as mahinga kai and other strategic resources for building materials for homes, and transport and clothing, medicinal and health products and other everyday tools and utensils.

The Kaimai Tunnel and deviation project also resulted in the loss of Ngati Hinerangi mining and mineral rights and geothermal rights in the area due to restrictions imposed on them by the Crown to safeguard the Kaimai railway and tunnel. In the construction of the tunnel and the deviation there was the loss of the ability of Ngati Hinerangi to regulate and protect the use of resources in their wahi tapu to ensure the ongoing health and welfare of people, whanau, hapu and iwi throughout Te Rohe a Koperu.. With this loss was the loss of mana and respect of our tribal leaders and the undermining and dislocation of our social order and their ability to control their own affairs and to exercise tino rangatiratanga over their ancestral resources. This resulted in the social dislocation and degradation of Ngati Hinerangi as an iwi, hapu and accentuated the breakdown of tribal authority, and resulted in the growth of whanau and hapu division and dissension and conflict leading to a breakdown of the social order and traditional authority in the Ngati Hinerangi tribal structure. As a result the loss of economic opportunity and control over Ngati Hinerangi lands led to the depopulation of the traditional papakainga and

marae settlements and the dispersal of the people especially the family groupings to urban centres in search of employment or in frustration from not being able to obtain economic support for the development of their farms and family lands.

Ngati Hinerangi's participation in the Kaimai Tunnel and deviation project was only in terms of employment as labourers on the Kaimai Tunnel project. Due to the lack of work opportunities in the area, a handful of Ngati Hinerangi men found themselves working at the Kaimai Tunnel as full time paid workers. The same applied to the men from Ngati Te Oro and Ngati Haua of Waharoa. Very few of the Ngati Hinerangi and Ngati Te Oro workers on the tunnel were actual tunnellers working right underneath the maunga. There was a fear amongst Ngati Hinerangi and Ngati Te Oro male workers to be working right inside the maunga itself. There were only a handful who were actual tunnellers. The majority of the local workers on the Kaimai Tunnel project worked as labourers, drivers and muck wagon workers. The employment from the tunnel project was certainly a welcome injection of money for the Ngati Hinerangi families who lived either in Okauia or in the Matamata area. The work at the tunnel however, was only a fleeting period of employment for the men of Ngati Hinerangi living at Okauia. After the tunnel and deviation was completed the MOW packed up and moved away from the area. Ngati Hinerangi men returned once more to try to find sustainable work on their farms at Okauia, or else like so many other families they were forced to move away to the cities to find employment and better education and work opportunities for themselves and their families.

The employment for Ngati Hinerangi on the tunnel and deviation was therefore not sustainable and so the benefits accrued to Ngati Hinerangi were in fact quite minuscule. Not all the families were able to find work at the tunnel and the locals in fact had to compete for jobs with experienced tunnellers who had worked on other tunnels or dam projects.

The Kaimai Tunnel was built to bring economic benefit to the Port of Tauranga and the people of Tauranga and the surrounding Bay of Plenty. Ngati Hinerangi has gained little or no economic benefits. The tunnel was built on estimated economic developments and a expected population increase in Tauranga. The exotic forest plantations in Kawerau, Taupo and Tokoroa as well as other exports such as fertiliser and dairy, made the push for a Kaimai tunnel a high priority for government.



#### **4.21 Restrictions on Use - Mining**

The Crown also promulgated an Order in Council under Section 3a of the Statutes Amendment Act 1940, to impose a restriction on mining in the area of the Kaimai Tunnel. Through the Kaimai Mining Order 1967, restrictions on Mining rights were placed over the land and was owned by the Crown. This effectively precluded Ngati Hinerangi undertaking any mining activity within a mile wide radius of the centre line of the Kaimai Tunnel and deviation. This is a restriction on the full utilisation of Ngati Hinerangi of their lands and means that Ngati Hinerangi once again are denied any economic benefit to accrue to them as the owners of the land. The possibilities of the discovery of gold or any other valuable minerals would bring economic benefits to the Ngati Hinerangi land owners. But because the land is in effect controlled by the Crown in its ownership of the Mining Rights of the land, the economic opportunity for Ngati Hinerangi is again denied to them by the actions and legislative manoeuvring of the Crown. In this regard Ngati Hinerangi claim that the Crown is in breach of the terms and principles of the Treaty of Waitangi.

NEW ZEALAND  
No. 22

19/10/68



MINISTRY OF WORKS  
25/15/27A

If calling please ask for  
Mr. Reid  
Telephone 47-810 Ext. 2878

CHIEF CIVIL ENGINEER'S OFFICE  
RAILWAYS PRIVATE BAG  
WELLINGTON C.1  
18 October 1968

Commissioner of Works  
Ministry of Works  
P.O. Box 12-044  
WELLINGTON.

KAIMAI RAILWAY DEVIATION & KAIMAI TUNNEL.

Will you please now proceed with the necessary Proclamation action taking that part of the subsoil (below a plane to be determined) for the above Railway and to protect the Crown's interest in any minerals which may be discovered by tunnelling operations, include in the Proclamation, provision pursuant to sub-section (2) of Section 10 of the Public Works Act 1928, the right to any mines of coal or other minerals whatsoever under the land taken.

It is noted that the Kaimai Mining Order 1967 protects the proposed rail route, in that no Mining Privileges may be granted without the consent of the Minister of Mines. Presumably this Order will remain in force on completion of the tunnel to give it protection from both sides and above.

Apparently it is considered desirable that ventilation shafts be provided in the tunnel, this part of the work will also have to be protected.

G. R. BRIDGES  
CHIEF CIVIL ENGINEER

Fig 45. Restriction on Mining Rights

## **4.22 Damages Sustained By Ngati Hinerangi**

The extent of the damages suffered by Ngati Hinerangi as a result of the building of the Kaimai tunnel and deviation is based on the question of the ownership of the natural resources by Ngati Hinerangi as part of their ancestral lands which has been in their ownership for over 500 years. The question of the ownership of natural resources by Maori as part of their ancestral lands, has been accepted by the Waitangi Tribunal and the Government. Indeed the settlement of recent Treaty claims have seen the return of natural resources to Maori ownership. In Tauranga the recent handing back of Mauao to the Ngaiterangi iwi of Tauranga Moana is a recent case in point.

The Government is currently in negotiation with other Treaty claimants for the return of natural resources such as rivers and lakes and maunga to Maori ownership. The settlement of ownership of the bed of Lake Taupo with Ngati Tuwharetoa is one successful example of natural resources being handed back into Maori ownership. The settlement of the Waikato River is another example which is due to be concluded shortly.

Ngati Hinerangi claim the Kaimai Ranges as their natural resource in the same manner as it was a lake or river, in that it provided important strategic resources such as food, shelter, clothing, tools, means of transport, trade routes, security and a safe haven. The land was unjustly confiscated by the Crown in the 1866 Katikati Te Puna Purchase. Over the past 100 years Ngati Hinerangi has consistently petitioned the Crown for the return of confiscated Ngati Hinerangi lands, most notably the Aongatete Block consisting of some 20,000 acres. Consequently Ngati Hinerangi seek the return of the Kaimai Maunga Range within their ancestral rohe and tribal lands back into Ngati Hinerangi ownership. The return of the Kaimai maunga into Ngati Hinerangi ownership will signify the reinstatement of the mana of Ngati Hinerangi which was unjustly taken from them by the Crown.

The building of the Kaimai tunnel was a spiritual injury and desecration of the mana and tapu of Ngati Hinerangi and their maunga, their wahi tapu, their awa, their forests and their customary beliefs and practices.

## **4.23 Environmental Impact on Waterways & Forest Resources**

The construction of the Kaimai tunnel and deviation required the removal of massive amounts of tunnel fill from the tunnel itself and the building of numerous bridges and underpasses and culverts on both the eastern approach and the western approach. As a result, there was widespread pollution of rivers, and streams, and the deterioration of the purity of these resources as a result of the construction work. River courses were altered to make way for the construction. However, it appears that there were no environmental impact investigations carried out by the MOW itself prior to the construction work beginning. The MOW's preliminary investigations and survey work mostly focused on the geological conditions which exist on the line of the proposed Kaimai tunnel.

The line of the Kaimai deviation involved construction of bridges and underpasses and culverts which would destroyed the waterways and the bush in the line of the deviation. MOW estimated the amount of fill that was required to be removed from the tunnel itself; "It is estimated that about 380,000 c yds of tunnel excavation will be required and it is possible that nearly two-thirds of this, i.e. 253,000 c yds may come out via the West portal."<sup>211</sup> Much of this material was used in railway line approaches and the use of for constructing bridges. The net result of the Kaimai deviation was the dramatic alteration of the natural landscape of the line, which the railway followed, on a massive scale. Landscapes were altered, river courses altered and bush and surrounding areas of the western and eastern portals were also altered in order to push the deviation line through. The NZ Historic Places Trust Inventory for the historic places and archaeological sites dated March 1986 documented at least 3 sites of archaeological significance in the area of the eastern portal. See Fig 14. NZ Historic Places Trust Map T14F.

## **4.24 The Return of the Aongatete Block**

The return of the Aongatete land block which now forms part of the Kaimai – Mamaku State Forest, has been a consistent objective of Ngati Hinerangi leadership and the topic of numerous Ngati Hinerangi petitions submitted to the Government from 1877 up until the

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<sup>211</sup> AATE A934 10F 56/5 Distr Commr of Works CJW Parsons , Prelim. Report of Detailed Investigation of Alternative Routes, 23 Jan 1964, p4.

present time. The Ngati Hinerangi petitions were presented firstly by Parawhau Te Kohe in 1877. This was then followed by the petition by James Douglas in 1927 during the time of the Sim Commission, and in 1944 James Douglas sent another petition requesting the return of the Aongatete Block.

The deliberate exclusion of Ngati Hinerangi by MOW from being involved in the Kaimai Tunnel and Deviation project meant that Ngati Hinerangi were not able to exercise their tino rangatiratanga rights over their tribal lands, forests and rivers as guaranteed to them under the terms and principles of the Treaty of Waitangi.

The Maurihero B Block and Aongatete Block through which the Kaimai Tunnel runs through is wahi tapu of Ngati Hinerangi. This is supported by the fact that there are several archaeological sites of significance recorded in these two land blocks by the New Zealand Historic Places Trust documented in their Historic Places Inventory for Tauranga County.<sup>212</sup>

The Bush and the waterways of the Kaimai Ranges are wahi tapu and the flora and fauna wildlife are viewed by Ngati Hinerangi, as taonga to be protected as a sustainable resource to be handed down in tact to future generations of Ngati Hinerangi descendants. Ngati Hinerangi's mana whenua and tangata whenua status in the lands and waterways of the Kaimai Ranges was established by the founding tupuna of Ngati Hinerangi, Koperu and his grandson Tokotoko who conquered the Nga Marama and drove them off the lands and established their own dominion over the lands which were known as Te Rohe a Koperu. The bush and waterways affected by the Kaimai Tunnel and deviation fall within the centre of Te Rohe a Koperu and because of their central location have an important strategic role as maintaining the centre of the ancestral rohe of Ngati Hinerangi. Because of the mountainous nature of the land the Maurihero and Aongatete land blocks as part of the Kaimai Ranges was viewed as a refuge, a haven, a safety retreat from any enemies and encroaching neighbours. This strategic philosophy, this tikanga of Ngati Hinerangi, ensured our survival as the mana whenua and ahi ka in Te Rohe a Koperu for over 600 years and they are still here today performing their ancient role and traditional and customary practices of being the protectors of the maunga and the forests and the waterways, the taonga or treasures that were handed down to them from their ancestors. To Ngati Hinerangi the ahi ka

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<sup>212</sup> NZ Historic Places Trust, Historic Places Inventory, Tauranga County, March 1986, maps T14C & T14F

of the Kaimai Ranges, their role is a traditional one handed down from generation to generation to be the Kaitiaki, the protectors of the maunga. To protect the maunga and the forests and the waterways and the flora and fauna wildlife inherent in Te Rohe a Koperu is the guiding philosophy of Ngati Hinerangi today.

However, during the construction of the Kaimai Tunnel and deviation, due to the actions and omissions of the Crown, Ngati Hinerangi were not able to exercise their tino rangatiratanga role as kaitiaki and mana whenua of the Kaimai maunga, and as a consequence they have suffered severe economic hardship and deprivation. They have been also severely prejudiced and marginalised, in terms of their economic development as a iwi, hapu and whanau, and in terms of their health, employment, housing, language, education and welfare; and their customary values, beliefs and practices have been dislocated and severely undermined by deliberate and discriminatory Government policies, practices and actions aimed at the assimilation of Ngati Hinerangi and the destruction of their unique cultural identity and land ownership practices.

Ngati Hinerangi were not consulted nor their consent and approval sought for the construction of the Kaimai Tunnel and deviation. The Crown in entering on Ngati Hinerangi land therefore acted illegally and was in trespass on Ngati Hinerangi's lands and therefore the legality of the Kaimai Tunnel and the deviation is brought in to question.

Under the Ngati Hinerangi Claim, Wai 1226, they seek the return of the Aongatete Block which is known as the Aongatete State Forest and was proclaimed as part of the Kaimai – Mamaku State Forest Park in the NZ Gazette of 23 October 1975 which is governed under the Forests Act 1949 under the Minister of Forests and the Conservator of Forests as part of the Forest Service.<sup>213</sup>

Aongatete S.F. 8 comprises 5,571 ha, and contains 4,955ha of virgin native bush with some rare species of native flora and fauna. Kauri trees found here are rare because the region is the southern most area where they can grow. Other native trees grow here in abundance include, rimu, totara, miro and tawa. Kiwi, kaka, whio, parakeet, robin and falcon are found

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<sup>213</sup> AATJ W4993 Box 38 6/4/0203 Management Plan Kaimai-Mamaku State Forest Park, 1976-80, p1

here also. Whiteheads and pied tits, along with the long tailed bat (threatened) and the Hochstetters frog (regionally threatened) are also likely inhabitants.

#### **4.25 Breaches of the Treaty of Waitangi**

In sum, the damages sustained by Ngati Hinerangi through the historical confiscation of their lands in the Katikati Te Puna Block, and the building of the Kaimai Tunnel and deviation amounts to substantive breaches of the Treaty of Waitangi by the Crown.

Ngati Hinerangi lists 7 causes of action against the Crown for Treaty breaches as follows:

1. Breach of Treaty Principles of Partnership
2. Breach of Treaty Principles of Participation
3. Breach of Treaty Principles of Active Protection
4. Breach of Crown's Duty of Consultation
5. Breach of Undisturbed Possession
6. Breach of Utmost Good Faith
7. Breach of Equity

## 5. Conclusions

The major questions this report has investigated are whether it was in the national interest to build the Kaimai Tunnel and Deviation. How did MOW manage to under-estimate the cost of the building of the tunnel and deviation by 500% so that from an estimate of £5.5 million the project ended costing more than \$56 million dollars. Was the Kaimai Tunnel commercially viable? Were the economic justifications for the tunnel and deviation accurate? What were the motivations behind those interest groups lobbying for the building of the Kaimai Tunnel? Were there alternative routes instead of taking the expensive option of constructing a tunnel through the Kaimai ranges? Why were the true costs of the project not fully accounted for? Were the tangata whenua and mana whenua of the land where the tunnel runs through the Kaimai Ranges consulted and their written consent and permission sought for the project?

From the outset, as early as 1958, both MOW and NZ Railways had stated that the economics of the proposed Kaimai Tunnel did not measure up and that the line was not economical, and in fact NZ Railways would be incurring a loss because of the shorter haulage distances. There was also the real threat of competition from the roading contractors which would eat in to NZ Railways profit margins.

Ngati Hinerangi have mana whenua rights in Tauranga Moana by conquest, ancestral whakapapa and continual occupation. Their mana whenua status was established by their founding ancestor Koperu and the tribal boundaries were set down in what is the ancient boundary, Te Rohe a Koperu. Ngati Hinerangi held their tribal lands in Tauranga up until the Pakeha arrived. Following the Land Wars in Waikato and Tauranga Moana in 1864, Ngati Hinerangi land, that the Kaimai Tunnel and Deviation is on, was taken through the raupatu of the Katikati – Te Puna Purchase. Ever since then, however, Ngati Hinerangi have petitioned to have more than 20,000 acres of our tribal lands in the Aongatete Block returned which is now part of the Kaimai – Mamaku State Forest Park. Despite continual petitions, our pleas have been ignored by the Crown. Ngati Hinerangi have suffered disproportionately through the raupatu than compared with other tribes. Over 80% of the land in the Te Puna Block that was confiscated belonged to Ngati Hinerangi. Ngati



Hinerangi seek the return of the 20,000 acres of the Aongatete Block under the terms of the Treaty of Waitangi.

A Commission of Inquiry was set up in 1962 into the land access of the Port of Tauranga and the Bay of Plenty. The Commission, however, heard evidence for only 7 days and then wrote a somewhat brief 26-page report on its findings and recommendations. Predictably, as though it was a *fait accompli*, the Commission recommended to Government that the building of the Kaimai Tunnel and Deviation should proceed forthwith. However, the responsibility for the budget blow-out and cost over-runs of the Kaimai project lie with the Commission. The Commission failed to properly analyse and question the financial data provided by MOW and NZ Railways. It made no clear recommendation on what the true costs of the project would be. The Commission accepted the costs of £5 million to build the Kaimai tunnel and deviation as presented by MOW. Yet in its own report it had noted,

“Regarded purely as a commercial proposition from the Railways point of view, it is admittedly difficult to justify at the present time the expenditure of some 5 million pounds on the Kaimai Deviation, as any savings in operating costs on the shorter hauls are liable to be balanced by lower freight revenues over the shorter distances. “

The Commission then went on to convince itself that the project was important “from the national viewpoint”. In short the Commission’s recommendations to proceed with the building of the Kaimai Tunnel and deviation was not based on any sound economic justifications. MOW realised that the economic justifications put to the Commission were inadequate for Cabinet to approve the project and shortly after the Commission’s report they instituted an in-house Report on the Economic Justifications for the building the Kaimai tunnel and deviation. The report merely supported the findings of the Commission.

The report compounded the problem of the MOW completely under-estimating the true costs of the project, and gave credence to the claims of MOW departmental incompetence and ministerial negligence. At the outset no one in MOW and NZ Railways knew the true costs of building the Kaimai Tunnel and deviation. The Commission’s decision to recommend the building of the tunnel and deviation was based on a lack of knowledge of the full and true costs of the project. For this reason the Commission was a failure and the Kaimai tunnel and deviation project was also a failure in departmental management and

ministerial competence. Newspapers of the day labelled it “both financially and from an engineering viewpoint, the Kaimai rail tunnel is a multi-million dollar flop, a bungle and a flop”.

MOW and NZ Railways also identified alternative routes to the Kaimai tunnel. This required upgrading the existing Hamilton-Tauranga route through Paeroa and Waihi or coming through Rotorua. The alternative routes were turned down on the suggestion that they would be too expensive. In the end this was a joke. The Kaimai Tunnel exceeded original estimates by an incredible 560%. Both of the alternative routes could have been built and upgraded five times over and still had some money left over. However, the motivating forces who were pushing for the Kaimai Tunnel were not interested in the economical viability of the tunnel. They were more concerned about hegemony – extending their sphere of economic influence beyond the Port of Tauranga to the rich Waikato farming districts and forestry in South Waikato and the Central Plateau as far away as Taupo. To do this the Kaimai Tunnel was the crucial link. The motivation behind those interest groups pushing for the Kaimai Tunnel also had another purpose. They wanted to capture the Government taxpayer funding of the building of their transport and communication system which would be the life-blood to spur the industrial development of Tauranga. To capture the Government taxpayer funded purse, a project of “national importance and significance” was needed. Again the Kaimai Tunnel was the answer. The MOW wanted to gain kudos and marvel for its reputation from the experience of undertaking an engineering feat of monumental proportions. Again the Kaimai Tunnel and deviation fitted the bill. Together those interest groups pushing for the Port of Tauranga Hinterland from the outside and the MOW internal support group combined forces to push the Kaimai Tunnel ahead. Each had their own selfish reasons and sought to gain from it going ahead. However, the reality is that the tunnel and deviation did not need to be built. There were alternative routes and these could have been built for a much cheaper cost. Had Ngati Hinerangi been consulted they would have supported the building of the alternative routes rather than see their sacred maunga violated by having a tunnel drilled right through it.

The question would need to be asked whether there has been a profitable rate of return to the taxpayers who funded the Kaimai Tunnel project. In today’s terms, with the closure of the Auckland to Wellington Overlander as a passenger travel service express on the main trunk line, the same questions about the commercial viability of the Kaimai Tunnel and Deviation

in today's environment would need to be asked. There has also been a major downturn in the economy with the recent closure of Kinleith as a timber exporter and processor plant and other industries such as Dairying Companies have also closed throughout the Waikato. The commercial viability of the Kaimai Tunnel and deviation would be seriously doubtful and there may be a possibility in the future of the Kaimai tunnel and the deviation line closing as no longer being commercially sustainable. If that event occurred Ngati Hinerangi would expect to be involved in the consultation process about the future of the Kaimai Tunnel and deviation.

The Commission of Inquiry into land access to the Port of Tauranga and Bay of Plenty then took the unusual step of "targeting" Maori land and Crown land as "Developable land within the Hinterland of Port of Tauranga". The Commission is clearly "the Smoking Gun" responsible for the "targeting" of Maori land and the Maori population to meet the developmental demands of the Port of Tauranga and other Industrial developments. The "targeting" of Maori land by the Commission is clearly undeniable and the evidence is there to back it up. The fact the Government provided the Commission with the information on Maori land, that the Government accepted without question the report and recommendations of the Commission, makes the Crown equally culpable to the accusations of deliberately targeting Maori land and people, by its condoning of the report and the actions of the Commission of Inquiry.

The Commission appeared to take on another persona as a real estate agent for developers announcing that "large areas of land now lying idle will have to be brought into production, established industries expanded, and new industries attracted to this highly productive and well favoured area." The Commission also stated that "there are 667,000 additional acres of land yet undeveloped which could be served economically by the Port of Tauranga." It is clear that the Commission supported the economic theory of the Port of Tauranga Hinterland, that the Port needed an expanded population base and a wide geographical sphere of influence to be economically sustainable.

The Kaimai Tunnel was the vital link to the rich Waikato farming and forestry areas. The targeting of Maori land was reinforced by the blatant "targeting" of the growing Maori population. At first the Maori and non-Maori population graph appears unrelated to economic concepts of the Port of Tauranga hinterland. However, the two factors of cheaply

available Maori land and Crown land and a readily available unskilled Maori population form the core of the Hinterland economic development concept. Cheap land and cheap labour have been the fuel for economic development in New Zealand since the nineteenth century. The economic development of the Port of Tauranga Hinterland in the 1960s and 1970s created a form of economic neo-colonialism which put Maori land ownership in this period in Tauranga Moana under intense pressure. It is not by coincidence therefore that this period is the time when a more Maori land is alienated under the Public Works act or taken by local authorities to meet demands for increasing urbanisation and development in Tauranga Moana.

From Ngati Hinerangi's viewpoint, the Kaimai Tunnel and deviation was put through without their permission, written consent or approval. The project was put through by the Ministry of Works using its draconian powers under the Public Works Act. However, Ngati Hinerangi claim there was a duty and a requirement under the terms and principles of the Treaty of Waitangi for the Crown to consult and seek written consent and approval from Ngati Hinerangi. No such consultation, notifications or meetings took place between Ngati Hinerangi and the Crown over the Kaimai Tunnel and deviation.

Ngati Hinerangi accordingly claim that the actions and inactions of the Crown in the building of the Kaimai Tunnel and Deviation have been detrimental to the economic and social well-being of Ngati Hinerangi. Ngati Hinerangi claim the Crown has denigrated their sacred maunga, and have denied them the economic opportunity to participate as a Treaty partner in the project. Also the Crown has failed to provide an economic return or compensation in any shape or form to Ngati Hinerangi.

Ngati Hinerangi seek full compensation, economic opportunity, employment and an economic base to be established for their people who live in the area at Okauia and in Tauranga Moana and who are the tangata whenua and mana whenua of the land the Kaimai Tunnel and deviation runs through.

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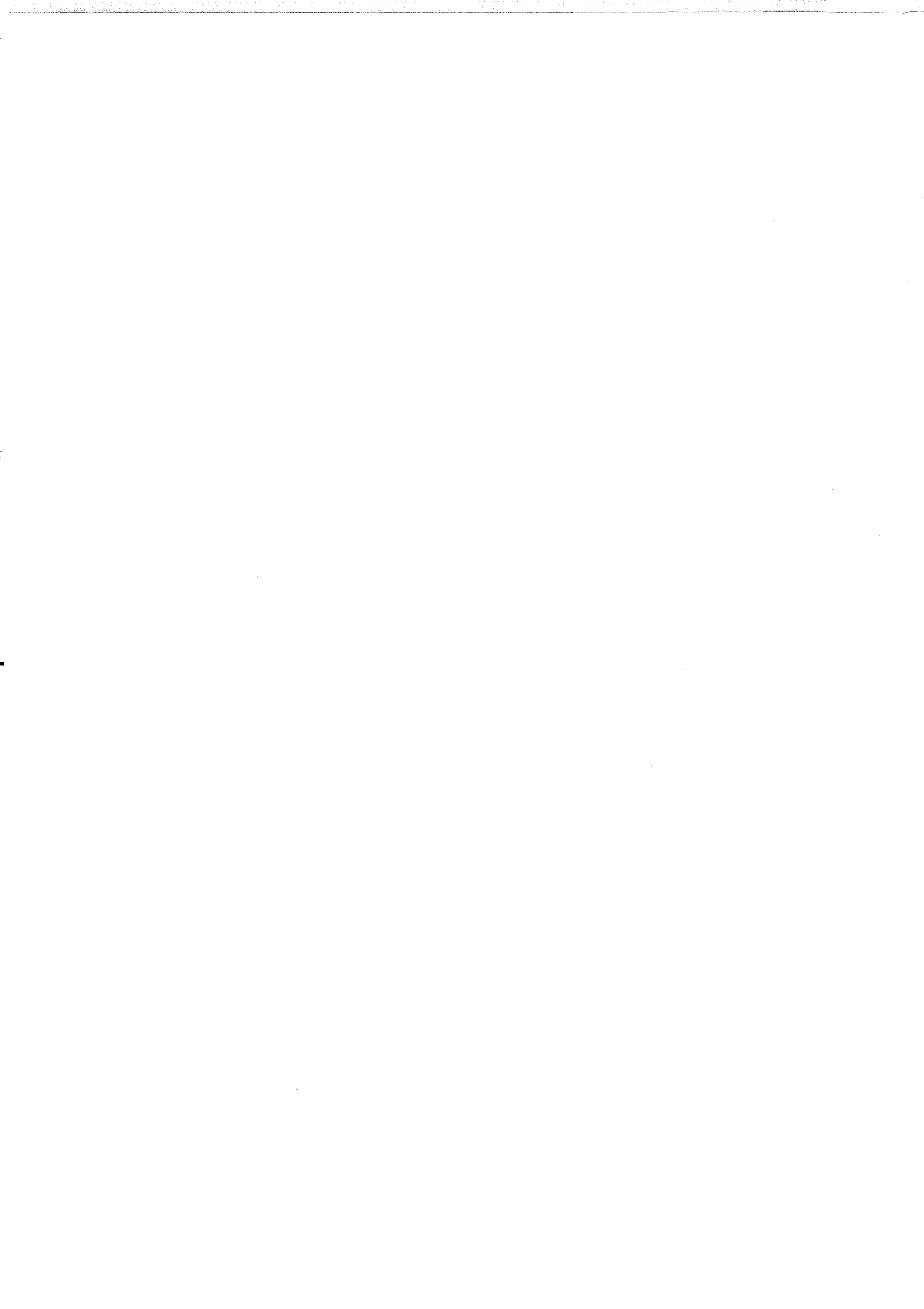
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**Appendix 1 – Table of Undeveloped and Idle Land in Waikato,  
Tauranga and the Bay of Plenty**



County	Year, etc	Total area of County	Present unoccupied land, in	Occupied land, including fo	Forestry plantations
Tauranga	1957	459,000	109,000	350,000	13,000
	1960	459,000	101,000	358,000	18,000
Rotorua	1957	666,000	259,000	407,000	46,000
	1960	666,000	210,000	456,000	59,000
Whakatane	1957	1,075,000	684,000	391,000	83,000
	1960	1,075,000	702,000	373,000	70,000
Taupo	1957	1,946,000	1,238,000	708,000	258,000
	1960	1,946,000	1,072,000	874,000	278,000
	48%	934,000	515,000	420,000	278,000
Piako	1957	284,000	13,758	270,242	
	1960	284,000	28,000	255,000	1,000
	43%	121,000	12,000	109,000	1,000
Matamata	1957	595,000	88,000	507,000	132,000
	1960	595,000	70,000	525,000	138,000
Opotiki	1957	981,000	752,000	229,000	
	1960	981,000	678,000	303,000	
	34%	332,000	230,000	102,000	

Total Farmable area	Unused Farmable land	Total Potential grazing area	Potential Dairying area	Potential sheep fattening area
337,000	40,000	297,000	110,000	129,000
340,000	40,000	300,000	110,000	132,000
361,000	49,000	312,000	57,000	56,000
397,000	51,000	346,000	82,000	58,000
308,000	45,000	250,000	92,000	43,000
303,000	46,000	257,000	92,000	62,000
600,000	80,000	520,000	28,000	172,000
596,000	80,000	516,000	28,000	168,000
462,000	58,000	404,000	28,000	130,000
270,242	14,915	255,327	175,000	53,552
255,000	14,000	241,000	175,000	50,000
108,000	6,000	102,000	75,000	21,000
375,000	23,500	351,500	117,000	149,000
387,000	24,000	363,000	117,000	149,000
229,000	40,000	189,000	34,000	20,000
303,000	54,000	249,000	34,000	20,000
102,000	18,000	84,000	11,000	7,000

Potential sheep store area	Present grazing area	Area to be grassed	Dairying area to be grassed	Sheep area to be grassed
58,000	203,000	94,000	10,000	84,000
58,000	214,000	86,000	10,000	76,000
199,000	213,000	99,000		99,000
206,000	242,000	104,000	5,000	99,000
92,000	187,000	63,000		63,000
193,000	200,000	57,000		57,000
320,000	118,000	402,000	14,000	388,000
320,000	143,000	373,000	14,000	359,000
246,00	143,000	261,000		
26,775	230,000	25,327	10,000	15,327
16,000	231,000	10,000	10,000	
7,000	100,000	2,000	2,000	
85,500	271,000	80,500		80,500
97,000	279,000	84,000		84,000
135,000	105,000	84,000		84,000
195,000	116,000	133,000		133,000
66,000	39,000	45,000		45,000

