

BEFORE THE WAITANGI TRIBUNAL

WAI 2180
WAI 662
WAI 1835
WAI 1868IN THE MATTER OF
AND

IN THE MATTER OF

AND

IN THE MATTER OF

the Treaty of Waitangi Act 1975

the Taihape Rangitikei ki Rangipō
District Inquirya claim by **Peter Steedman, Herbert Steedman and Jordan Winiata-Haines** on behalf of themselves and the descendants of Winiata Te Whaaro and hapū of Ngāti Paki (**WAI 662**)

AND

IN THE MATTER OF

a claim by **Lewis Winiata, Ngahapeaparatuae Roy Lomax, Herbert Steedman, Patricia Anne Te Kiriwai Cross and Christine Teariki** on behalf of themselves and the descendants of Ngāti Paki me Ngāti Hinemanu (**WAI 1835**)

AND

IN THE MATTER OF

a claim brought by **Waina Raumaewa Hoet, Grace Hoet, Elizabeth Cox, Piaterihi Beatrice Munroe, Terira Vini, Rangimarie Harris and Frederick Hoet** on behalf of themselves, their whānau and all descendants of Raumaewa Te Rango, Whatu and Pango Raumaewa (**WAI 1868**)

BRIEF OF EVIDENCE OF PETER STEEDMANDated this 13th day of November 2019

RECEIVED

Waitangi Tribunal

13 Nov 2019Ministry of Justice
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MAY IT PLEASE THE TRIBUNAL

Introduction

Ko Ngāti Kahungunu te iwi

Ko Takitimu te waka

Ko Ngati Hinemanu me Ngati Paki ngā hapū

Ko Winiata te Marae

Ko Winiata Te Whaaro he Tangata

ko Mōkai Pātea te rohe

Ko Peter Steedman taku ingoa

1. This brief of evidence is focused on solutions to vehicular access to the nearest and most practical boundaries of the four landlocked lands that I am familiar with:
 - a) Awarua o Hinemanu through Big Hill Station;
 - b) Te Kōau A through Timahanga Station;
 - c) Aorangi/Awarua 1DB 2 through Mangaohane Station; and
 - d) Owhaoko B&D through Ngamatea Station.
2. In the cross-examination of Bill Glazebrook, a number of propositions were put to him about how these matters of access to landlocked lands could be resolved. I wish to look at each of those propositions in relation to the above blocks which highlights the systemic problem faced by Māori owners of landlocked lands in this region.

Personal experience

3. I draw my knowledge of these lands through having walked and hunted across these lands and, in later years, being appointed as a Trustee on the Trusts which manage and administer these lands.
4. As a result of my appointment, I assumed the portfolios to develop and market the hunting and fishing on these lands. Initially, this role required dividing the entire block into safe hunting areas and establish cabins in suitably areas. This was achieved by the use of a helicopter at my disposal.

5. I have been involved in many negotiations with adjoining land owners to gain access since the 'early 1980s so I am aware of the many pitfalls in these kinds of agreements and the rights of either party to withdraw at any time should a problem arise. In my view, these types of agreements are destined to become a string of short-term solutions to gain access.
6. Agreements of this sort are the only tools in our toolbox to use for both parties and will continue to be so until something better is legislated to improve the situation.
7. I have adequate roading knowledge having been employed by NZFS road unit in Southland. My responsibilities there involved marking and establishing new forestry roadways, repairing old roadways, water table, roading and culvert formations, the crowning and the use of special foundation materials to consolidate the base foundation before the final metaling.

General comments

8. The present vehicular access-ways to the boundaries of the landlocked lands through the above stations follow the most suited routes and are in the most appropriate places, contour wise and topography wise.
9. They represent sufficient standards for the stations to carry out normal farming operations.
10. Most of these paths followed traditional Māori trails formed well before the arrival of European settlers.
11. In my view, 90% of these roads are drivable in all weathers using 4x4 vehicles or farm utility vehicles, 4x4 ATVs, 6-wheel vehicles, and heavy machinery.
12. It is our right to be expected to be treated no differently from anyone else and the Trustees agree that free and unrestricted access is our right.
13. There is no expectation that a highway will be built in a day to service immediate aspirations. Internal roads and tracks take time to develop and improve but the prevention of the ability to access our property means that our mokopuna will be walking the same road as we did.

14. I have read the Landlocked Lands Report, the evidence of William Fleury and I attended Hearing Week 11 at Waiōuru.
15. I will attempt to report on the individual access roadway condition of each of the four blocks mentioned.

Access to Awarua o Hinemanu through Big Hill Station

Present access arrangements

16. Awarua o Hinemanu is presently being administered by the Aorangi-Awarua Trust. We, the Trustees of Aorangi-Awarua, have contacted Mr Glazebrook and communication has been on a without-prejudice basis and we are still in discussions. I can indicate however, that it has always been a bottom-line aspiration of the Trustees to have long-term free and unrestricted access to Awarua o Hinemanu.

Legal unformed road

17. It is noted that there is the existence of a legal unformed road across Big Hill station to the Department of Conservation ("DOC") boundary and continues to what appears to be the north eastern corner of the original Te Kōau B block now registered to DOC. This does not constitute physical access.
18. Mr Fleury in his second supplementary brief of evidence noted that the present "No Mans" road follows the longest spur from the Ruahine Ridge to the lower limits of Big Hill Station and although the distance is greater the gradient is reduced considerably, in his opinion this Roadway is the only suitable access and preferred route.¹
19. Mr Fleury also explained the problems with forming a roadway from Sentry Box off Mangleton Road as being possible but highly impractical.²
20. Mr Glazebrook in his affidavit explained the topography, and location, of the present roadway over his property as being the only practical access to the most

¹ Wai 2180, #M7(f) Second Supplementary Brief of Evidence William (Bill) Eccles Fleury Department of Conservation Landlocked Land, 15 August 2019, at 11.

² Wai 2180, #M7(f) Second Supplementary Brief of Evidence William (Bill) Eccles Fleury Department of Conservation Landlocked Land, 15 August 2019, at 11.

northern reaches of his property and is critically important to his day to day farm operations.³

21. Ideally a long-term solution is to have free unrestricted access use of a public road maintained by the Council to the end of the road at the Conservation boundary. A locked gate would give way to a private service road which would continue to Te Kōau Iron Gate.
22. In an ideal world and where there is willingness between all interested parties to solving this historical problem, it could be negotiated quickly.

General observation of the No Mans Road and its condition

23. I last travelled this road in November 2018 through the ballot system with DOC. My previous visit was on or around 1990 by vehicle. I have visited No Mans Cabin on Te Kōau A in this area regular by helicopter over the years.
24. I understand that the previous road maintenance was carried out by Wero Karena around 8 years ago. I am not aware of the last time DOC maintained this road.
25. The first 8km of the present road is through Big Hill Station and would be described as a formed metal road with a 15 kph restriction imposed.
26. Continuing through the farm gate takes you into the DOC area and for the next 1.8km, there is a gradual climb of 250m to the main spur. The track has been metalled in most places but is in need of maintenance. Work is also needed on the water tables to prevent the water guts across and down the centre of the road.
27. Continuing on 6km up the spur to the main ridge is a climb of 230m, water tables and roadway both need maintenance, metal has to be washed off in places and clay pan is the road base. A rotten rock metal pit is situated nearby.
28. Continuing 5km along the main Ruahine Range to the Te Kōau A iron gate is easy going with a reasonable sprinkling of metal and solid foundation.

³ Wai 2180, #M23 Affidavit of William Alexander Glazebrook, 20 March 2019.

29. Continuing through the iron gate to the end of the road passing No Mans Cabin on Te Kōau A, the road continues to the Hinemanu Cabin. Maintenance is needed to this portion of the road.
30. The total distance travelled from the Big Hill gateway to the Awarua o Hinemanu boundary is approximately 23 km and the ascent is from 345masl to 1380masl.
31. Chains are necessary in case of wet conditions.

Solution

32. Possible solutions for access to Awarua o Hinemanu are as follows:
 - a) A public road is formed over Big Hill property to the Conservation boundary.
 - b) The Department of Conservation take up their commitment to the owners of Awarua o Hinemanu lands and practice the true interpretation of partnership as highlighted in their Kawenata Rāhui, this may include maintenance of this road for Public use.
 - c) The issue of permits to this area by DOC and with the roadway in its present condition is a Safety hazard unacceptable to many operators in the private sector.
 - d) Not all country council roads are fenced and property owners would not lose any land but gain a cost-free maintained road, however if fencing was preferred farmers live with that every day when move stock along Public roads.

Access to Te Kōau A through Timahanga Station

General observation

33. This roadway is kept in very good condition as it is the main access to the owner's house, woolshed, yards, shearers quarters and farm manager's quarters. It may be considered as the powerhouse of Timahanga station. The roadway has three relatively large bridges to cross and also passes through many paddocks and gateways.

34. From the Taihape Napier road (680masl), Pohokura outstation is down a long valley to the south at approximately 11.5km (440masl).
35. The road continues past the shearing shed at Pohokura to the Ikawatea stream crossing (413 masl), this stream has to be forded which is a problem at times of heavy or long periods of rain (4.5 km).
36. This is only a farm track and is mostly grass and metal gateways, mostly easy rolling country.
37. Upon leaving the stream, the track to Te Kōau A deer farm (3km) is mostly clay and is prone to wash outs, pot holes, and stretches of bog and bad water tables. It is not in regular use. Chains would be necessary in wet weather. 4x4 side by side, windshield, roof and doors are preferred.
38. The total distance from the main road to Te Kōau A is around 19km and sits at 613 masl.
39. This track is a basic farming access track for Timahanga general farm work. The track fords the Ikawatea Stream south of the Makirikiri Stream. The track in and out of the stream changes regularly and requires regular maintenance. A suitable approach to access and bridge construction would need to be considered in any long-term plan.

Solution

40. Possible solutions for access to Te Koau A through Timahanga Station:
 - a) That a public road is formed over Timahanga Station to Pohokura out station and an arranged free unrestricted access to Te Koau A boundary and the north/western boundary of Te Koau B and the Ika Awatea Block now administered by the Department of Conservation.
 - b) That the Department of Conservation take up their commitment to the Public to establish safe passage to these areas and to the owners of Te Koau A lands and practice the true interpretation of partnership as highlighted in their Kawenata Rahui this may include maintenance to maintain this road for Public use.

Access to Aorangi-Awarua through Mangaohāne Station

Present access arrangements

41. Mangaohāne Station is situated on the Taihape-Pukeokahu – Mangaohāne Road which intersects with the Taihape-Napier Highway.
42. Presently, the Trust has an arrangement with the Farm Manager to allow Trustees, employees, and agents, access to the Aorangi-Awarua blocks. This applies to all visitors, and tradesmen.
43. All visiting contractors and invitees are required to sign a Health & Safety or Work Place Register before entering Mangaohāne Station property.
44. This register records time of entry and exit and purpose of your business and is situated at the shepherd's cookhouse for ease of access which requires no personal communication with the Farm Manager.
45. Sometimes the Trust requires infrequent requests, such as group visits, which would require communication with the Manager. One elected trustee is the person to make that contact.

Entrance to Aorangi-Awarua

46. The main entrance to Aorangi-Awarua is commonly known as the Pokopoko, alias part of Winiata's track.
47. There are three main branches off this road which are metalled and regularly maintained to a good standard to most areas of the property.
48. Once on the top plateau, the contour is rolling paddocks and basic normal farm tracks that can be traversed in most weathers on all 3 approaches.
49. The boundary fence between Mangaohāne and Aorangi-Awarua lands allows for four gates to give access to the Aorangi-Awarua lands.

Makirikiri Gate (1)

50. The Makirikiri gate (white) historically allowed access for the NZFS to Ruahine corner Forest Park via a bulldozed track established by them around the 1950s through the Aorangi-Awarua land.
51. Distance from the main gate to the Makariri gate is approximately 12km and elevation sits at 1,145 masl.
52. This access is used to gain use of the largest area of tussock lands and falls away to the east and the Ika Awatea stream and elevation sits at 780 masl.

Weir Gates (2 and 3)

53. The weir gates (red) are provided for the maintenance of the weir and the maintenance of the pipeline for the RDC Erewhon Rural Water Scheme. This weir has been the subject of historical issues for the Trustees of Aorangi-Awarua.
54. Distance from the main gate to the weir gates is approximately 8 km and elevation sits at 1,130 masl.
55. On Aorangi this gives access to the centre of the block which has an under story of native shrubs and some bush area and is a popular hunting area and elevation sits at 1,260 masl.

Tussock Hut (4)

56. The tussock gate gives access to the Aorangi Maunga and popular hunting areas around the lower reaches of tussock and manuka.
57. Distance from the main gate to the tussock gate is approximately 8.6 km and elevation sits at 1,000 masl.

Other pedestrian access

58. All other entry points are pedestrian access over cable way across the Rangitikei River, one is at River Valley Lodge and the other is at Mr Gilbert's property from Mangahoata Road to Te Papa a Tarinuku alias the Narrows.
59. A verbal arrangement has been the only access required between these two parties and has been in existence for many years with-out any major problems.

60. These accesses are very often used by Hunters, Trampers, Whanau and Rangatahi Groups.

Legal access or paper road

61. This paper road gains access from Matawhero Road and cross the Rangitikei River slightly north of the Narrows straight into a very high river cliff face, and hence into a very steep valley.

Ōwhāoko B, C and D Blocks

Present access arrangements

62. There is no present arrangement for the Ōwhāoko Trustees to enter Owhaoko B and D blocks via Ngamatea by vehicle. Although there has been access granted in the past during my time as a Trustee for Ōwhāoko, this required a telephone call to Renata Apatu each time. I understand that Bruce Bates and Nathan Apatu closed off Trustee access soon after my leaving. I understand that Helisika Helicopters regularly receive permission to utilize Ngamatea to service Huts and placement/extraction of Bee Hives.

Ngamatea-Ōwhāoko track

63. The main service entrance to Ngamatea Station passes through the following blocks to arrive at the boundary of Pt Ōwhāoko D7 – B:
- a) D5-4 Maori freehold land owned by Ngamatea;
 - b) D5-3 Maori freehold land owned by Taiuru whānau leased to Ngamatea;
 - c) D5-2 General land owned by Ngamatea;
 - d) D5-1 General land owned by Ngamatea;
 - e) D6-2 General land owned by Ngamatea; and
 - f) D7-B/pt Māori freehold land owned by Ngamatea.
64. The distance from the state highway main gate entrance to the Ōwhāoko Trust blocks is approximately 30 km.

65. The distance through Pt Ōwhāoko D5-4 and D5-3 blocks is 3.7km. This portion of road is the main access to the power house of the main station complex which is lane fenced and can be described as a well-maintained metal all-purpose all-weather access road. The alternative roadway to the Ōwhāoko Trust blocks now by-passes away from the main station and yards and re-routes through D6-2.
66. The distance through Ōwhāoko D5-2 and D5-1 is 5.7 km and 20.6 km through Ōwhāoko D7-B. The nature of this portion of roadway to the Ōwhāoko boundary would be described as an all-wheel drive farm track, which is generally used daily by Ngamatea station as their main access to the northern borders of their property for both farming and recreational uses.
67. The track has two small creek crossings (fords) and steep inclines with no metal surface.
68. I make the following further observations in relation to the Ōwhāoko blocks:
- a) From Ōwhāoko D5-1 the old route went through D6-3 and D6-1 but is now re-routed through Ōwhāoko D6-2. By going through D6-2 a major bridge build is eliminated.
 - b) An alternative route to D6-3 and D6-1 would be a junction off Dead Dog Ridge to the north.
 - c) Another road could be built as an arterial route to service the higher portions of the Ōwhāoko C block. This is a rough track that follows the old stock trail to Golden Hills. Once on top of Golden Hills, a vehicle could go almost anywhere.
 - d) A continuation of the main artery road through the Ōwhāoko D1 block would access the Ōwhāoko A block and south Kaimanawa Park land at Boyd's.
 - e) Again the conservation department would have a vested interest to be party to this proposed route.
 - f) See Mr Fleury's BOE week 12 re the exchange of Owhaoko D6-2 with Ngamatea and the wish to have access to the Kaimanawa south range.

g) See John Neal report page 11 BP 3 Where there are a concentration of landlocked blocks the most viable solution is likely to be a single spine route that serves a number of blocks from which shorter side routes branch off towards individual blocks.

69. From my observations, however, the present roadway is the most practical and only route into the Ōwhāoko Trust blocks.

Conclusion

70. In conclusion, it is my view that there needs to be a whole of government approach to resolve the issue of landlocked lands within this rohe. I also agree with the Tribunal's suggestions regarding landlocked lands:⁴

- a) That the Crown consider creating a contestable fund to which Māori land owners can apply, to pay the costs of creating reasonable access;
- b) That the Crown, while reviewing the Te Ture Whenua Māori Act 1993, consider the definition of 'reasonable access' for landlocked lands, especially to take account of topographical factors. This is because in our view the laying out of 'paper' access routes, where the terrain is rugged, with straight lines that run over cliffs and rivers and down banks is something of a pointless exercise; and
- c) Reasonable access in some circumstances needs to take account of cultural and commercial purposes for the landlocked blocks. For some commercial purposes, this will mean that reasonable access needs to be vehicular, not just walking tracks.

DATED at Taihape this 22nd day of February 2017



Peter Steedman

⁴ Wai 2180, #2.6.65, 14 August 2018.