

Ngati Tāiri

# Cultural Impact Assessment

Wairau Estate, Oakura | Wairau Road

*November 2019*

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## 1.0 Introduction

- 1.1 Ngati Tāiri (Ngati Tāiri or the hapū) supported by Te Kāhui o Taranaki Trust (Taranaki Iwi or the Trust) have prepared this Cultural Impact Assessment (CIA) to assess the effects of a proposed private plan change by Oākura Farm Park Limited on the beliefs, values and physical being of tangata whenua exercising mana whenua over this area.
- 1.2 Only Ngati Tāiri through *whakapapa* have the mandate to assess cultural impacts and prepare CIAs in relation to the subject site and only Ngati Tāiri can determine the issues that affect cultural values. In relation to this application by Oākura Farm Park Limited the relevant tangata whenua are the hapū, supported by the Trust identified above.
- 1.3 For a variety of reasons, including time, resource constraints and information sensitivity, a CIA can never be a full cultural assessment. A CIA is both a process and a document. The completion of the CIA document does not signal the end of Ngati Tāiri or the Trusts interest in this proposal or the obligations of the Council, and the applicant to the hapū and the Trust should this application proceed. The process will continue, at least until such time as the issues that have been raised have been fully addressed.

## 2.0 Tangata whenua overview

### Tangata whenua kaitiaki

- 2.1 The rohe of Ngati Tāiri is a cultural landscape of importance. It was historically and in areas is still currently occupied and utilised to sustain our people and contains a wealth of occupation such as marae (meeting house), kāinga nohoanga (dwelling place), umu (oven), wāhi mahi kohātu (quarry sites), ara tawhito (traditional travel routes), māra (gardens), Tauranga waka (canoe landing sites), Tauranga ika (customary fishing grounds), mahinga kai (customary freshwater fishing grounds), wāhi pakanga (battle sites), pā (fortified villages) and urupā (n.b. this is a non-exhaustive list).
- 2.2 Today however, many sites have been destroyed by development and those that remain are in varying conditions of degradation. We seek to protect our values, cultural landscapes, waterbodies, ecology and remnant habitat for native species in our rohe from further inappropriate subdivision, use and development. With good development process it is possible to avoid, mitigate, remediate or offset adverse effects, restore habitat and ensure built environments reflect our values.

### Kaitiakitanga

- 2.3 Through the relationship with ngā kaitiaki wairua, hapū have a duty or obligation to their ancestors, those living and future generations to come, to take care of, and protect places of cultural significance, natural resources and other taonga (collectively ngā taonga tuku iho – the treasures passed down) within their rohe. In former times, kaitiaki controlled and regulated access over natural resources within their rohe. Kaitiaki (an inherited role that included the guardianship of natural resources) were mandated by and on behalf of whanau, hapū and iwi to care for and protect the productive and spiritual well-being of ngā taonga. The duty of kaitiaki is to protect and strengthen both the intangible mauri and the physical well-being of the resource, place or taonga.
- 2.4 Kaitiaki carried out their responsibilities and obligations using kaitiakitanga - the responsibilities and customs used by kaitiaki to take care of ngā taonga tuku iho. This included a system of resource management practices, rules and techniques for managing natural resources which were both practical and spiritual in nature and included concepts such as tapu (sacredness) and rahui (temporary restrictions on use).
- 2.5 These kaitiaki obligations still exist today, they still have relevance and they are still practiced. Kaitiakitanga is carried out through the use of tikanga (customs), kawa (protocol) and mātauranga Māori (traditional knowledge) which have all been developed and passed down through the generations through waiata, karakia, and whakatauki as well as through oral tradition. The practices associated with kaitiakitanga are also closely linked with mana (status and pride) and tino rangatiratanga (self-determination).

### Ngā Mahanga a Tāiri

- 2.6 For the purpose of this report the hapū refers to Ngati Tāiri only, the hapū with mana whenua over the land subject to this CIA assessment. However, Ngati Tairi and Nga Mahanga share a collective and are commonly referred to as Ngā Mahanga a Tāiri. The history of Nga Mahanga a Tāiri is detailed below.

*Te toka I tauria e te kukupara  
(the small black mussel that adheres to the rock)*

- 2.7 The whakataukī above is part of a saying handed down from about the middle of the sixteenth century. Te toka i tauria e te kukupara is a reminder that Ngā Mahanga a Tāiri have, do, and always will hold ahi kā for the area between Waiweranui and Waiwhakaiho Rivers.
- 2.8 Ngā Mahanga a Tāiri arrived in Taranaki in the early 10<sup>th</sup> century, where they moved inland to settle in the Ōkato District. In the 12<sup>th</sup> century, Ngā Mahanga a Tāiri formed an identify as two hapū, Ngā Mahanga and Ngāti Tāiri, with the latter moving into the Oākura area. Through inter-marriage with those already settled in the District, Ngā Mahanga ā Tāiri became the dominant iwi, so that by the 15<sup>th</sup> century, their influence extended as far north as Ōhura.
- 2.9 Sharing close connections with hapū south of the Waiweranui River, Ngā Mahanga a Tāiri identifies with and works alongside Taranaki Iwi. Once an iwi in its own right, with the advent of war, confiscation and colonisation, it is now a hapū represented by two marae. Ngā Mahanga are based at Pūniho Pā - Tarawainuku Marae, south of Ōkato township. And Ngāti Tāiri reside just north of Oākura township at Ōkorotua Marae - Oākura Pā.
- 2.10 Today, Ngā Mahanga a Tāiri exercise mana whenua over an area bounded by the Waiweranui River and Ōnukutaipari (Paritutu), which includes Ngā Tīpuna Maunga of Kaitake, Pūkeiiti, Pouākai and part of Taranaki Mouna. Figure 1 shown below identifies the rohe of Ngā Mahanga ā Tāiri.



Figure 1: Ngā rohe o Ngā Mahanga me Ngāti Tāiri

## 3.0 Cultural Impact Assessment Objectives and purpose

### Objectives

3.1 To:

- document cultural values, interests and associations (including beliefs) of the specific area or resource; and
- identify the potential effects of the proposed activity on these; and
- recommend methods to support (positive impacts), avoid, remedy or mitigate (adverse impacts) those effects.

### Purpose

3.2 To provide assistance to the Applicant and the New Plymouth District Council in meeting their statutory obligations under the Resource Management Act 1991 (RMA).

## 4.0 Proposal Description and summary

- 4.1 On the 5<sup>th</sup> of March 2018 the applicant, being Oākura Farm Park Limited applied for a private plan change to the Operative New Plymouth District Plan. The application sought to rezone 58ha of land on the southern side of Oākura from Rural Environment to a range of zonings including residential, business, rural lifestyle and open space. The plan change request also sought the introduction of a structure plan and new provisions to manage subdivision and development of this land.
- 4.2 The plan change was publicly notified for submissions and further submissions in late 2018. Council received a total of 436 submissions and 38 further submissions.
- 4.3 One submission was lodged by Ngati Tāiri which raised the following:
- The ecological effects from stormwater being disposed in waterways and the impact this would have on existing habitats and ecosystems and their ability to exercise their kaitiakitanga;
  - That the design of the development incorporates cultural values; and
  - If the plan change proceeds that the development better manages stormwater runoff addressing tangata whenua values.
- 4.4 A submission was lodged by Te Kāhui o Taranaki which opposed the proposal and raised the following:
- Taiao, Taiora the Taranaki Iwi Environmental Management Plan must be taken into account when preparing and reviewing a plan change;
  - That any decision must take into account the relevant policies on ensuring subdivision and land use are well designed and reflect cultural values;
  - Development that results in the degradation of mouri of Papatuanuku, or adverse effects on Ranginui, Papatuanuku, ngā mounga o Taranaki, Tane, Tangaroa-ki-Tai and Tangaroa-ki-Uta is not supported; and
  - Concerns on loss of access to sites of significance and adverse impacts on cultural values.
- 4.5 Five pre-hearing meetings occurred in January 2019. One specific meeting was between the hapū and the Trust with the applicant at the Oākura Pā on the 29<sup>th</sup> of January 2019. As a result of this meeting the applicant agreed to prepare an assessment of the application against *Taiao, Taiora* the Taranaki Iwi Environmental Management Plan. The applicant also agreed to ensure an archaeologist be on site during the earthworks phase of the development.
- 4.6 The Council reporting officer prepared a recommendation report recommending that the application be approved in part limiting the yield of the proposal to 167 lots/dwellings.
- 4.7 A hearing commenced on the plan change in July 2019. On the 6<sup>th</sup> of September 2019 the Independent Hearing Commissioner, Mr Bill Wasley issued a Commissioner Direction requiring that further evidence be provided by the applicant on a number of issues including cultural effects. As a result of this direction, the applicant has requested this CIA be prepared.
- 4.8 Further evidence was provided by the applicant on the 11<sup>th</sup> of October and this included a revised proposal reducing the scale and nature of the requested plan change to a 144-lot residential plan change. The revised version includes a structure plan to sit alongside the relevant planning provisions.
- 4.9 The application (revised version) includes the following planning provisions to the Operative New Plymouth District Plan which includes:



- The insertion of a specific policies being Policy 23.8 to ensure the subject site is comprehensively planned for urban development; Policy 23.9 to provide for a safe and efficient road transport network
- Insert a Structure Plan that indicates a desired pattern of development by Environment Areas;
- A rule requiring that the development and subdivision be in accordance with the Structure Plan;
- A rule requiring development and or subdivision within the Wairau Estate shall be subject to timing restrictions for stages 2 – 5.
- Rule specifying specific standards for Wairau Estate that relate to the following:
  - Maximum height of buildings and structure within the structure plan area of 6m;
  - Number of habitable buildings per allotment of one;
  - No coverage in the front yard for all Residential Environment Area sites;
  - Light reflectance values for roofs of 25% and other exterior claddings for structure and buildings of no greater than 40%;
  - Covenants on Records of Title restricting building form in front yards and within landscape buffers.

4.10 The revised Structure Plan as shown below in Figure 2, identifies Residential C and Open Space B zoning.

4.11 The applicant has indicated in the revised application that development will be split across five stages with timing controls on implementing each stage. Stage 1 can commence without time restriction, with stage 2 not being able to begin until at least two years post approval of stage 1. Following stage 2 approval, stages 3 – 5 can only sequential proceed following the sale of no less than 75% of the lots in the preceding stage.

4.12 In addition to the information above, during the site visit associated with the preparation of this CIA, the applicant also outlined that rural-residential sized allotments are proposed for the area between SH45 and the 80m setback for residential uses from the road corridor. The applicant also outlined their intention that all stormwater will flow to the tributaries of the Wairau Stream to located in the centre and north of the structure plan area, and that a series of five bunds are to be installed at various locations within the bed of these tributaries to manage the flow of water downstream. This is reflected in the updated engineering evidence provided on 11 October 2019.



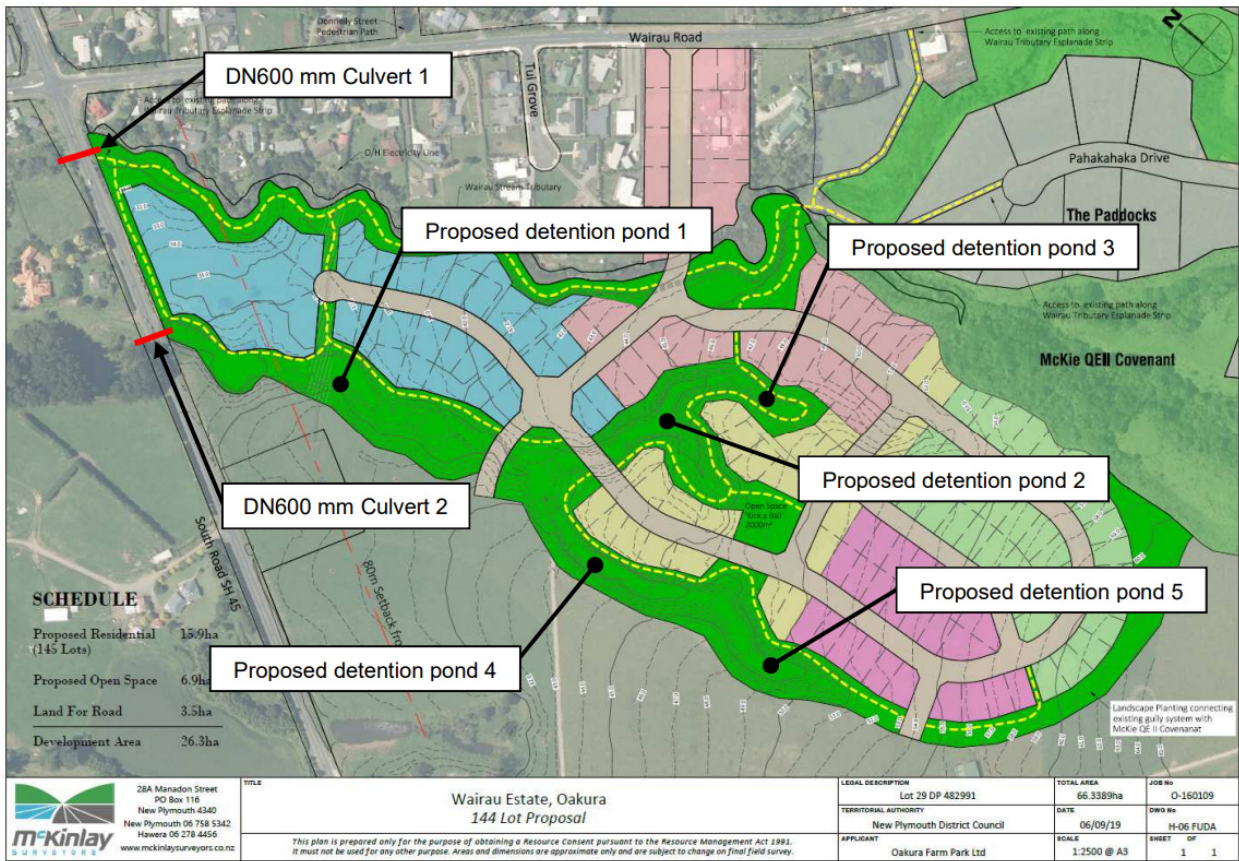


Figure 3: Proposed location of detention ponds within the tributaries of the Wairau stream

4.14 No specific provisions are included in the structure plan responding to submissions points made by Ngati Tāiri or the Trust.

## 5.0 Planning framework

### Te Tiriti o Waitangi

- 5.1 The purpose of this CIA is to ensure that the spiritual and physical well-being of resources, area and sites impacted by the proposed plan change are maintained, and that their kaitiaki obligations are upheld. These roles and responsibilities apply to the ocean, rivers, lakes, forests, fisheries and wildlife as they do to natural resources.
- 5.2 These resources were guaranteed to tangata whenua under Article 2 of the Treaty of Waitangi and Te Tiriti o Waitangi (the Māori language version) for as long as tangata whenua so desired. Tangata whenua have not relinquished these rights and responsibilities. Below is a transcript of the Second Article of te Tiriti o Waitangi followed by the translation into English (Professor IH Kawharu) and the first part of "Article the Second" of the Treaty of Waitangi.

*"Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga Hapū, ki nga tangata katoa o Nu Tirani te tino rangatiratanga o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wāhi wenua e pai ai te tangata nona te Wenua - ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona."*

*"The Second The Queen of England agrees to protect the Chiefs, the subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. But on the other hand the Chiefs of the Confederation and all the Chiefs will sell land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being appointed by the Queen as her purchase agent)." (trans. IH Kawharu)*

*"Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full and exclusive and undisturbed possession of their land and Estates, Forests, Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession....."*

Since the signing of the Treaty of Waitangi in 1840, land and other natural resources have been gradually alienated from Tangata Whenua. This has diminished the authority of iwi, hapū and whanau over ngā taonga tuku iho for which kaitiaki responsibilities were previously held. Despite this loss, the tikanga, rights and responsibilities over natural resources by mana whenua, iwi, hapū and whanau still remain strong.

### Resource Management Act 1991

- 5.3 The Resource Management Act 1991 (RMA or the Act) further affirms both the guarantee set out in Article 2 of the Treaty, as well as the rights and responsibilities of Tangata Whenua. In brief, the purpose of the RMA is *"the sustainable management of natural and physical resources"*<sup>1</sup> with the Principle of the RMA (sections 6-8) requiring all persons exercising functions and powers under the Act to:

- recognise and provide for matters of national importance. These include the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu

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<sup>1</sup> Part 2, Section 5, RMA 1991

and other taonga<sup>2</sup>; and the protection of historic heritage from inappropriate subdivision, use and development; and

- have particular regard to other matters including kaitiakitanga, where this is defined in the RMA as “*the exercise of guardianship; and in relation to a resource, includes the ethics of stewardship based on the nature of the resource itself*”; as well as the maintenance and enhancement of the quality of the environment; and
- take into account the principles of the Treaty of Waitangi, noting that these principles of the Treaty are not the same as the Treaty of Waitangi itself. These principles have been developed from debate and case law over the exact meanings of the words and represent a simplification and summary of the basic concepts and agreements contained within the two original documents, the Treaty of Waitangi and Te Tiriti o Waitangi. These principles now appear in various New Zealand statutes and under the RMA is of particular importance to tangata whenua in terms of resource management. The principles considered to be most relevant in this instance include:
  - Retention of rangatiratanga: The Māori Chiefs looked to the Crown for protection from other foreign powers, for peace and for law and order. They reposed their trust for these things in the Crown believing that they retained their own rangatiratanga and taonga.
  - Duty to Consult: The responsibility to act in good faith and reasonably puts the onus on the Crown to make an informed decision, in many cases that will require consultation.
  - Duty of active protection: The Crown has a duty to actively protect Māori interests in the use of their lands and waters<sup>3</sup>.
  - Engaging the expertise of mana whenua to implement these obligations as they apply in their rohe is fundamental in ensuring these provisions are met.

## National Policy Statement for Freshwater Management 2014

### Te Mana o te Wai

- 5.4 The National Policy Statement for Freshwater Management (NPS-FM) recognises that fresh water has a deep cultural meaning to Aotearoa. Te Mana o te Wai is a concept described with the NPS-FM; and recognises that each water body has its own mauri and its own mana which must come first to protect the integrity of the water body. Upholding Te Mana o te Wai requires provision for Te Hauora o te Taiao (the health of the environment), Te Hauora o te Wai (the health of the waterbody, and Te Hauora o te Tangata (the health of the people).
- 5.5 The NPS-FM includes clear direction regarding the concept of Te Mana o te Wai and its consideration through resource management process. Importantly for this application, this includes consideration of integrated management of freshwater resources by all local authorities. This includes ensuring tangata whenua rights and interests are reflected in freshwater management.

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<sup>2</sup> Case law has defined that ‘ancestral lands’ do not have to be in Māori ownership; however the Court of Appeal found that councils and courts should base resource management decision on the well-being of the community as a whole even if that was at the expense of a segment of the community, including Māori.

<sup>3</sup> The Treaty of Waitangi is a living document to be interpreted in a contemporary setting. New principles are constantly emerging and existing ones are modified. However, the key principles of the Treaty of Waitangi were outlined by the Court of Appeal in *New Zealand Māori Council v Attorney-General [1987] 1 NZLR 641*.



- 5.6 The application site is located within the Wairau catchment. In the opinion of tangata whenua this catchment is severely degraded, with a number of threats to water quality, quantity and use elevated in the Wairau due to the level of development within its catchment.
- 5.7 The proposed NPS-FM 2019 elevates Mahinga Kai as a compulsory value to be considered in the management of freshwater, alongside others, to inform the target to maintain or improve the health of a waterbody.

### The Regional Freshwater Plan for Taranaki

- 5.8 The Regional Freshwater Plan for Taranaki (RFP) contains a number of provisions relevant to the application, mainly for the construction phase, and the management of stormwater. Consent will be likely for the earthworks in the construction phase of the proposal due to the size of the area to be active. This is pursuant to rule 27 of the RFP (fully discretionary).

### The Operative New Plymouth District Plan 2005

- 5.9 The Operative New Plymouth District Plan (NPDP) is relevant to this application as the private plan change seeks to sit within the Operative District Plan and use the existing provisions in the District Plan to enable the development.
- 5.10 The current Operative District Plan does not identify or map the Pā site on the subject site as wāhi tapu and therefore does not have any protection under this plan. Given there are no wāhi tapu sites or sites of significance to Māori mapped on the subject site or adjacent land no relevant cultural value consideration will be given to development on the proposed site. Therefore, the provisions of relevance to this development relate primarily to the Residential C Environment Area provisions and the Open Space provisions, particularly the Residential C provisions as it will be this zoning that will trigger resource consents through both subdivision and development on the proposed subject site.
- 5.11 Given the effects-based nature of the Operative District Plan, no activities are excluded from occurring in the Residential C Environment Area. By way of summary the Residential C Environment Area provisions provide for a number of bulk and location provisions, all of which non-compliance defaults to a restricted discretionary activity. These are summarised as:
- Maximum height of 9m for buildings;
  - Height in relation to boundary provisions in relation to side boundaries and road boundaries;
  - Front yard coverage of 35% (proposed Plan Change area proposed to be exempt from this provision);
  - Site coverage of 35%;
  - Setback from a side boundary of 1.5m;
  - Maximum length of a building of 30m within 10m of side boundary; and
  - Minimum allotment size for subdivision of 700m<sup>2</sup>.
- 5.12 The matters over which the Council has restricted its discretion primarily relate to amenity and visual effects. There are no relevant assessment criteria for considering cultural values or potential effects. Subdivision in the Residential C Environment area requires a minimum lot size of 700m<sup>2</sup>, with any subdivision creating a road being subject to a fully discretionary resource consent application. The subdivision assessment criteria do provide the below relevant criteria to considering cultural values and effects:

*15) The extent to which the proposal has regard to Māori values, particularly any traditional, cultural, or spiritual aspect relating to the land.*

5.13 This one assessment criteria in the Operative District Plan is the only relevant matter to considering and assessing cultural values and effects resulting from a proposed subdivision in the Residential C Environment Area, given the absence of a wāhi tapu site to trigger assessment under those provisions of the Plan.

#### Proposed New Plymouth District Plan (September 2019)

5.14 The Proposed Plan was notified on the 23<sup>rd</sup> of September 2019 and is open for submissions until the 22 November 2019. At the time of writing this, the Proposed Plan was still open for submission and is therefore still within an early phase of notification.

5.15 The Proposed Plan identifies the site as containing a Pā site, being Pahakahaka Pā, which is listed as a both a Site of Significance to Māori (SASM) (Site ID 2261) and an archaeological site. This site is mapped in the District Plan maps as shown in Figure 3 below.

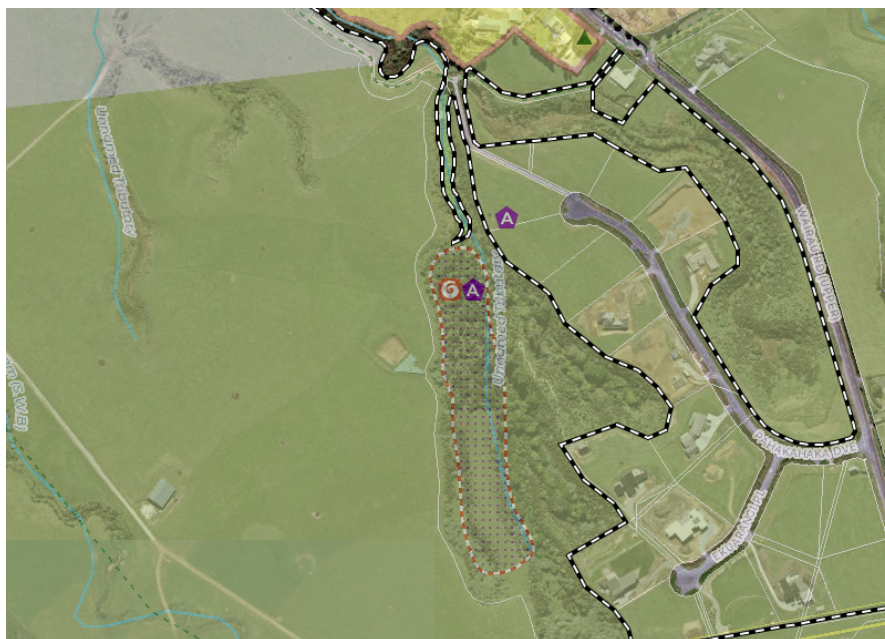


Figure 4: Aerial photo of the portion of the subject site showing the extent of SASM 2261 in the proposed plan

5.16 The rules associated with this site now have immediate legal effect as per Section 86B (3) (d) of the RMA. This means any development on the site would be required to meet the provisions of this Plan. The site also contains the Wairau Stream (a significant waterbody) and tributaries of this stream, provisions associated with waterbodies also have immediate legal effect. The relevant provisions to the subject site that have immediate legal effect are:

#### Sites of Significance to Maori (SASM)

- SASM – R5: Erection of a structure within 50m of a scheduled site or area of significance to Maori;
- SAM-R6: Additions to a structure on or within 50m of a scheduled site or area of significance to Maori;
- SASM-R8: Earthworks on or within 50m of a scheduled site or area of significance to Maori;
- SASM-R9: Subdivision of land that contains any part of a scheduled site or area of significance to Maori.

## Archaeological sites

- HH-R14: Erection of a structure on or within 50m of a scheduled archaeological site;
- HH-R15: Additions to a structure on or within 50m of a scheduled archaeological site;
- HH-R16: Relocation of a structure onto or within 50m of a scheduled archaeological site;
- HH-R17: Earthworks on or within 50m of a scheduled archaeological site;
- HH-R18: Subdivision of land containing any part of an archaeological site.

## Waterbodies

- WB-R1: Erection of a building on a site containing or adjoining a natural waterbody or significant waterbody;
- WB-R2: Relocation of a building onto a site containing or adjoining a natural waterbody or significant waterbody;
- WB-R3: Addition to a building on a site containing or adjoining a natural waterbody or significant waterbody;
- WB-R4: Earthworks on a site containing or adjoining a natural waterbody or significant waterbody;
- WB-R5: Subdivision of land containing or adjoining a waterbody;
- WB-R6: Subdivision of land containing or adjoining a significant waterbody;
- WB-R7: Wastewater treatment plant on a site containing or adjoining a natural waterbody or significant waterbody.

5.17 The site also contains site 2530, an archaeological site identified as a fire feature. This site is on the southern National Park boundary and is well setback from the Plan Change boundary.

5.18 The site contains the Wairau Stream and its tributaries. A public access corridor along the Wairau Stream is provided. The Proposed Plan provides provisions around erecting structures and subdividing on land that contains a public access corridor. The Plan Change boundary is setback from the Wairau Stream and is not within the area subject to rezoning and will be retained on the balance rural land. However, Rule WB-R6 listed above will apply to the first subdivision that separates the balance land from the plan change area. The Plan Change does include tributaries of the Wairau Stream, but these are not listed significant waterbodies in the Proposed District Plan. Rule WB-R5 will apply to any subdivision including waterbodies and requires controlled activity consideration around values and flooding or erosion.

5.19 The application of these rules will be subject to a weighting exercise at time of consent until such time as the Proposed Plan becomes operative, which may be some years away.

5.20 The applicant proposes to apply the General Residential provisions proposed in this plan to the proposed Residential Area identified in the structure plan. The Operative District Plan is a hybrid between an effect based and activities-based plan. This means it list activities that are not suitable within the General Residential Zone, these are:

### Restricted Discretionary Activities:

- Multi-unit developments;
- Retirement village;
- Child-care services; and
- Community facilities.

### Discretionary Activities:



- General retail activities;
- Supermarkets;
- Entertainment and hospitality activities; and
- Sport and recreation activities.

Non-Complying Activities:

- Industrial activities;
- Primary production;
- Rural industry activities;
- Commercial service activities; and
- Large format retail activities.

5.21 The effects standard provides bulk and location provisions for buildings these are summarised as:

- Maximum number of residential units as two or one residential unit and one minor or one sleep-out;
- Building height of 8m;
- Maximum site coverage for all buildings except papakainga of 40%;
- Height in relation to boundary provisions to the side and road boundaries;
- Building length of 30m within 10m of a side boundary;
- Building setbacks of 3m from a road boundary;
- Building setbacks of 1.5m from a side boundary;
- A 50m<sup>2</sup> outdoor living space;
- A minimum separation between residential units of 3m;
- A minimum 25% landscaped permeable surface area;
- Accessory buildings (including garages) must not project more than 0.5m beyond residential unit; and
- Fences within a front yard shall not exceed 1.4m in height and on a side boundary of 2m in height

5.22 The Proposed Plan includes a number of relevant objectives and policies that requires development and applicant to consider, acknowledge and protect cultural values and sites of significance to Maori. These objectives and policies are set out in Objectives SASM 01 – SASM 03, and the directive policies are SASM – P1 to SASM – P8. Relevant objectives and policies to address cultural values are also incorporated throughout the plan and are evident in the waterbodies and Residential chapters.

### Taiao, Taiora – An Iwi Environmental Management Plan for the Taranaki Iwi Rohe

5.23 Taiao, Taiora is an Iwi Environmental Management Plan for Taranaki Iwi Rohe. This document is required to be taken into account through resource management process, including the consideration of plan changes. This iwi planning document contains a number of directive policies relevant to the proposal. These include:

- Manage development so that it does not adversely affect Ranginui, Papatuanuku, Taranaki Mouna, Tane, Tangaroa-ki-Uta and Tangaroa-ki-Tai;
- New development should be designed in a way that reflect environmental and cultural values;
- Landscape assessment will consider cultural values as an important and inseparable part of that landscape;

- Subdivision and development should not adversely impact cultural values associated with landscapes of importance to Taranaki iwi (hapū/ marae/pā).
- Promote and support access to water for the social, cultural, economic and environmental values of Taranaki Iwi;
- Taranaki iwi will not support residential development within 5km of the National Park boundaries; and
- Taranaki iwi will support the extension of the endemic habitat of the national park that assist with its proliferation to enhance natural values associated with the mouna.

5.24 These policies are supported by the identification of key issues and set of clear directive objectives.

### Summary

5.25 The Treaty of Waitangi/Te Tiriti o Waitangi 1840, particularly Article 2, conferred on tangata whenua a right in respect of full exclusive and undisturbed possession of their lands and estates, forests, fisheries and other properties/taonga. The RMA, regional and district planning documents, and tangata whenua management plans, are amongst the legislation, policies and statements that affirm the mana whenua status of tangata whenua. The role of kaitiaki in regard to the management and monitoring is affirmed as is the relevance and practice of kaitiakitanga.

## 6.0 Tangata whenua associations/values

### Receiving environment

- 6.1 The application site is located within the rohe of Ngati Tāiri. Today, the landscape is made up of rolling pastureland, dissected by and bounded by the Wairau Stream and its tributaries. The land slowly rises up the south towards the Kaitake Ranges.
- 6.2 The site is located on Kaitake (albeit outside of Egmont National Park) and includes Pahakahaka Pā located within the land identified as the 'McKie QEII Covenant' area. It is relevant to note that during the construction of the Paddocks subdivision other previously un-recorded sites were located and documented. It is estimated that Pahakahaka Pā was home to approximately 200 people. It is therefore reasonable to expect that the land subject to the plan change may be home to further un-recorded cultural sites given the proximity of the development to the Pā.
- 6.3 The wider receiving environment includes an area that previously heavily occupied by Māori and is of immense cultural importance to the hapū and Taranaki Iwi.
- 6.4 The bond between the tangata whenua and Kaitake are inseparable and are fundamental to the foundation of Ngati Tāiri and Taranaki Iwi. These bonds are also expressed through cultural practices and art forms evolved from generations of occupation. Tangata whenua draw strength from the energy of Kaitake; the flora and fauna that was abundant from the slopes to the sea which allowed Ngati Tāiri prosper and flourish. Ms Wano-Bryant's submission on the Plan Change provided this important whakatauki:

*'Ko Taranaki, ko Pouākai, ko Kaitake, koia te puna i heke mai ai te tangata. Koia ko ō mātou nei okiokinga, ko mātou nei tō rātou okiokitanga'*

*'Taranaki, Pouākai and Kaitake are a reflection of and the source of our inseparable existence, in life and in death. We are them and they are us'*

- 6.5 The values of the Kaitake are not just visual as they provide a broad range of cultural values and this surrounding landscape was one of large occupation as is evident by Pahakahaka Pā.

### Te Ao Māori – Māori world view

- 6.6 As Māori, Ngati Tāiri and Taranaki Iwi have a holistic view of the environment based around whakapapa (genealogy) and whanaungatanga (relationships), connecting us and all physical and spiritual things in the world. Our relationship with the environment stems from our whakapapa to Papatūānuku (Earth Mother) and Ranginui (Sky Father) who gave rise to many children, also known as the Atua (guardians) of the domains of the natural world. Therefore, it is important to understand that potential impacts of any proposed activity would be conceptualised holistically. For example, we would not consider environmental impacts separately to impacts on our health and wellbeing.
- 6.7 Over the last 200 years the prominence of the Māori worldview has been eroded across the political landscape of Aotearoa/ New Zealand. This began with the denigration of Rangi, Papa and the other Atua with the arrival of the early Christian missionaries. This continued with the gradual loss of control by tangata whenua over land and other resources. The strengthening of the Western Worldview's focus over this time on the individual and his material needs has further eroded the values inherent in the Māori Worldview. It is of no coincidence that over this time the condition of natural resources has generally degraded and the amount available for use have diminished. The reversal of this trend both

in the condition of natural resources and the relevance of Te Ao Māori is most welcomed by tangata whenua.

### Mātauranga – Knowledge systems

6.8 Mātauranga can be described as “the pursuit and application of knowledge and understanding of Te Taiao, following a systematic methodology based on evidence, incorporating culture, values and world view”. It draws on the knowledge of our ancestors, contributes to present day knowledge, and passes on to our future generations. It is dynamic and has the ability to adapt and respond to all situations. Mātauranga is intergeneration and is passed down through whakapapa, waiata (song), haka (war dance), whakataukī (proverbs), pūrākau (legends), kōrero tuku iho (ancestral stories), or whakairo (carvings). Some of our mātauranga is described below as the rationale for our cultural values.

6.9 Through these concepts of Te Ao Māori and mātauranga, we have developed the following cultural values which are the basis from which we inform our decision-making processes, to sustain and enhance our environment and its resources.

### Nagti Tāiri Cultural Values Assessment

6.10 Ngati Tāiri have developed a cultural assessment framework to assess the proposal against; this is set out in the table below:

## Ngā Mahanga a Tāiri Cultural Assessment Framework

Principles	Whakamārama	Whakataukī	Desired Outcomes
<b>Mana Whenua</b>	<i>Mana whenua</i> is the principle that defines Ngā Mahanga a Tāiri through lands occupied by right of ancestral claim. It defines the places where we are intimately connected, where we belong, where we can “be” and where we call “home”. Essential to Ngā Mahanga a Tāiri well-being, these lands and places are where we find ourselves, our strength, our inspiration, our <i>mana</i> . Firmly grounded in the land, we enjoy a secure sense of identity and cultural integrity, and are proud and confident in all walks of life.	<i>Te toka i tauria</i> <i>E te kukupara</i>  Like the small black mussel That clings tenaciously to the rocks.	Ngā Mahanga a Tāiri maintains a unique relationship with those parts of Ngā Kāhui Mounga, their waters and surrounding landscapes, which fall within our rohe.
<b>Mana Tiaki</b>	<i>Mana tiaki</i> describes our role as guardians of the land, for the benefit of future generations. Intimately entwined with our history, culture and heritage, by actively protecting and preserving this land, our <i>ahi kā</i> continues to burn brightly. Likewise, it is our responsibility to ensure that people are culturally safe while upon our lands. In doing so, we draw on the deeds and practices of our ancestors, a source of inspiration and motivation for Ngā Mahanga a Tāiri, now and into the future.	<i>Ko te whenua, te kiko,</i> <i>Ko ngā wai, te toto,</i> <i>Ko te maunga, te tupuna</i> <i>Ko tēnei te tūrangawaewae.</i>  We know these lands, And these lands know us, We are in every blade of grass.	Ngā Mahanga a Tāiri as Kaitiaki ensures the sustainable use and management of Ngā Kāhui Maunga, their waters and surrounding landscape for future generations.
<b>Mana Motuhake</b>	<i>Mana motuhake</i> is the right to determine the best course of action, which will progress towards, or actually achieve the outcomes most valued by Ngā Mahanga a Tāiri. The principle is commonly expressed as self-autonomy, self-determination and exercising choice in a range of contexts and settings. <i>Mana motuhake</i> also implies an understanding of our diverse realities, needs and priorities, as well as an expectation that we will be engaged, involved, resourced and consulted where appropriate.	<i>Mākū anā hei hanga i tōku nei whare,</i> <i>Ko ngā pou o roto, he māhoe, he patatē,</i> <i>Ko te tāhuhu, he hīnau.</i>  I shall fashion my own house, The poles within will be made Of māhoe and patatē, And the ridge pole made of hīnau.	Ngā Mahanga a Tāiri exercises the right to make its own decisions, which best contribute to, or actually achieve its long-term goals and aspirations.
<b>Mana Tiriti</b>	<i>Mana tiriti</i> refers to the following key principles that guide engagement and consultation with Ngā Mahanga a Tāiri: 1. <i>Tino rangatiratanga</i> : Ngā Mahanga a Tāiri retains its tino rangatiratanga, i.e., the right to manage the full extent of our affairs according to tikanga; 2. <i>Reciprocity and mutual benefit</i> : Proposals must provide a basis for considering mutual benefits to both or all parties; 3. <i>Partnership</i> : Relationships with Ngā Mahanga a Tāiri are typified by on-going negotiation and dialogue, and do not affect the hapū in acting on its own behalf; 4. <i>Options</i> : Ngā Mahanga a Tāiri reserves the right to identify options, which align to its aspirations, outcomes and priorities. 5. <i>Equity</i> : Ngā Mahanga a Tāiri expects its interest to be considered equally, and not at the expense of others.	<i>Kahore i hangaia te kupenga,</i> <i>Hei hopu ika anake,</i> <i>Engari kia oioi</i> <i>I roto i te nekeneke i te tai.</i>  <i>For the net is fashioned</i> <i>Not only to catch fish,</i> <i>but to flow smoothly,</i> <i>With the current of the sea.</i>	Ngā Mahanga a Tāiri values relationships based on Treaty of Waitangi principles, which contribute to, or actually achieve outcomes of mutual benefit.

6.11 This table sets out the hapū cultural values into four principles, these are:

- Mana whenua;
- Mana tiaki;
- Mana motuhake; and
- Mana tiriti.

6.12 These key principles help identify desired outcomes Ngati Tāiri require in order to protect their cultural values, these outcomes are summarised in the table above.

## 7.0 Assessment of proposed Plan Change on tangata whenua values

### Introduction and scope

- 7.1 The application site sits within a cultural landscape that is significant to both Ngati Tāiri and Taranaki Iwi. As outlined in Taiao, Taiora – in general residential development within proximity to the national park will not be supported. If the Commission was of a mind recommend granting of the proposal, provisions which go substantially beyond those of the General Residential/Residential C Environment Area would be required to manage subdivision, use and development as these impact on our cultural landscape and cultural values associated with this land being mana whenua, mana tiaki, mana motuhake and mana tiriti . Provisions must not only manage the change of landuse from rural to urban, but also the on-going change in this location over time that will occur as the community expands, and the physical environment is modified in the short, medium and longer term.
- 7.2 Ngati Tāiri and Taranaki Iwi have observed where ‘standard’ provisions have been relied upon to manage the impact of urban growth in significant cultural landscapes elsewhere in the District, and the destruction of the relationship mana whenua are able to have with their ancestral lands, water, sites, wāhi tapu, and other taonga that has resulted. This position was set from early engagement with this application and remains till now.
- 7.3 This assessment of the proposal on tangata whenua values resulting from the application is made in light of the RMA process, particularly s.32 and Schedule 1 of the RMA. This CIA has been made cognisant of the information provided in the expert assessments provided by the applicant, the Council, and those of submitters in respect of the proposal.
- 7.4 In this instance Ngati Tāiri and the Trust have had a truncated period of time since this CIA was commissioned with which to undertake this CIA process, noting the revised application and revised expert reports.
- 7.5 In our view this should have been required as a matter of priority when the original application was made; and the expert cultural advice commissioned at that time to inform the plan change process, the development of the proposal and associated technical reports, and recommendations made to the commission to date. Providing this expert advice at the end of the hearing process, as opposed to through the development of the proposed plan change, or to inform the reporting planner in relation to the potential effects of the proposal has made the assessment and management of potential cultural effects difficult. Ngati Tāiri and the Trust believe that cultural values and potential cultural effects may have been more adequately addressed had this CIA process and cultural expert advice been sought at the inception of this plan change process.
- 7.6 The cultural landscape, which includes the subject site is significant to Ngati Tāiri. This landscape goes much further than the physical and tangible "things" and covers:
- biodiversity-conservation remediation, enhancement and long-term environmental sustainability social benefits derived from the cultural weight of the landscape, and sense of place;
  - the retention of aesthetic, historic and traditional values;
  - ensuring long-term site access for tangata whenua;

- scientific benefits which holds not only material but also traditional information relevant to indigenous, historic and anthropological research; and
- symbolism - for example, heritage ownership and "identity".

7.7 As outlined in submissions, and evidence presented through the hearing process key areas of concern to both iwi and hapū are:

- The proximity of development to Kaitake, and the ability to avoid, remedy or mitigate adverse effects on the relationship of mana whenua with Kaitake.
- The proximity of the development to Pahakahaka Pā, and the potential for the development to impact on previously un-recorded sites around the pā;
- The increased visibility and access to the Pā which will result from the development and may result in degradation of the site;
- The absence of the identification and recognition of an important wāhi taonga to hapū within the application and its relevant plans (including objectives, policies, rules and identification on planning maps);
- The management of earthworks within the development area;
- The management of stormwater run-off created as a result of the development, and the impact that this will have on the waterbodies within the subdivision;
- The proposed mechanisms for ensuring planting, access and other commitments made are achieved through the current structure plan provisions;
- The proposed mechanisms for ensuring adequate ongoing consultation and engagement with tangata whenua as the development continues, including mechanisms that ensure cultural expertise would continue to guide the development; and
- The proposed mechanisms to kōrero the importance of the site and surrounding environment to tangata whenua, including with people who subsequently live in proximity should the plan change and subdivision proceed.

### Impact on Kaitake

7.8 Kaitake is of cultural significance to both the hapū and iwi. As set out in submissions, Kaitake is not contained solely to the boundaries of Egmont National Park; a common misconception. This misconception appears to have continued to prevail in the landscape assessment work completed to date, where revised landscape assessments have not considered this fact as a part of that expert advice. As a result, there are no specific provisions identified in the structure plan which recognise and provide for the relationship Ngati Tāiri and Taranaki Iwi hold with Kaitake, which as noted in submissions is significantly more than just visual effects.

7.9 During the site visit undertaken as a part of this CIA discussions were held regarding the potential for biodiversity corridors (including predator control), restoration planting along waterbodies, and design standards for any subsequent buildings. It is not clear how these considerations would be triggered under the current proposal, noting the limited scope of existing rules of the operative plan to consider these matters, or the guidance of specific objectives or policies in the structure plan requiring these outcomes to be implemented.

7.10 Urban development within this cultural landscape will degrade the cultural values outlined above, namely mana tiaki though urbanisation and development.

7.11 Landscape effects, and the ability to avoid, remedy or mitigate the adverse effects of the proposal on the relationship mana whenua have with Kaitake is an issue that this CIA process to date has



been unable to reach a conclusion, and therefore a precautionary approach must be taken with regard to these effects.

### Pahakahaka Pā

- 7.12 The subject site (being the certificate of title subject to the plan change) includes the Pahakahaka Pā. The Pā site is located within the area of bush remnant directly adjacent to the proposed residential area identified on the proposed structure plan. The proposed structure plan provisions, and associated evidence repeatedly assert that the site is clear of sites and areas of significance to Māori. Ngati Tāiri and the Trust consider the archaeological record as it relates to the structure plan area to be incomplete, and stress that in the absence of that information a precautionary approach must be taken.
- 7.13 The structure plan refers to the area as the McKie QEII covenant area and does not acknowledge or identify the Pā. The application, including a number of pieces of evidence presented by the applicant states that the site does not include any sites of cultural or archaeological importance. In fact, the subject site includes this Pā site and the proposed residential zoned areas will directly adjoin this Pā site. As observed through the development of the Paddocks subdivision further peripheral archaeological features associated with Pahakahaka were found, and it is reasonable to expect that this would be the same within the application site.
- 7.14 It is considered that this site, along with others found during the development of the Paddocks subdivision are important context the proposed structure plan is located within. As the structure plan, and associated provisions are silent on the site, it is evident that the proposal has not considered this feature in the design of the proposal, nor recommended provisions by which any subsequent subdivision and landuse will recognise and protect this area of historic heritage over time in the revised proposal under consideration. This Pā is of significant cultural importance to Ngati Tāiri and it is considered important that the proposed plan change acknowledges, identifies and protects this site.
- 7.15 The current Operative District Plan offers no protection of the site. The Proposed District Plan identifies and protects activities occurring within and adjacent to this site; however as noted above, provisions of the proposed plan are subject to a weighting exercise through the consent process until such time as the proposed plan becomes operative. With this ambiguity it is not considered that provisions of the proposed plan are sufficient to manage the proposal in relation to historic heritage<sup>4</sup>.
- 7.16 Ngati Tāiri consider that the application must go further in recognising and providing for this site of significance and should the Commission be of a mind to recommend approval of the application, it is recommended the following provisions as a minimum are included:
- Identification and acknowledgement of the Pā site on the structure plan and planning maps;
  - Specific provisions that sets the outcome for the development of the structure plan in relation to Pahakahaka and any peripheral features, and manages this through the

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<sup>4</sup> Recognition and protection of this taonga is also consistent with provisions set out in Taiao, Taiora, and required under the RMA (s.6(f)) as a matter of national importance. Without recognising and providing for this the application cannot give effect to Part two of the RMA.

subdivision, landuse and into other regulatory mechanisms (e.g. Reserve Management plans) are required. It is expected that these provisions would govern any subsequent resource management process.

- A revised structure plan to ensure there is a building setback from the Pā to protect the site from further degradation; and
- The structure plan be amended to ensure that the Pā site adjoins a reserve area to allow active public surveillance of the site.

There are further issues in relation to ensuring any person living in proximity to Pahakahaka knows and respects the importance of the area, as well as the on-going management of the area that we are unable to resolve.

## Earthworks

7.17 The applicant has outlined that the plan change design has been to ensure minimal earthwork is required, and that the existing landform will be retained where practicable. Ngati Tāiri support this, particularly the retention of the existing landform.

7.18 The applicant in evidence by Mr Bruce, acknowledges the potential for discovering sites of archaeological importance. Given the proposed plan changes location and proximity to a Pā site it is considered reasonable that further cultural sites or features may be discovered when earthworks occur. The applicant has stated that they will obtain an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT). Damage to, or destruction of important historical records of human occupation whether middens, artefacts, structures, and other cultural material and the like results in both a spiritual and physical loss to tangata whenua.

7.19 The application proposes to manage these effects through the use of an Discovery Protocol implemented under the guidance of a hapū monitor on site. Hapū support this approach but stress that an adaptive management approach must be taken in this instance, with the design of any use or development being undertaken once the archaeological record for the application site is more complete. To date archaeological survey has been limited to surface observation. It is not clear how these requirements will be carried through to resource consent conditions with no specific provisions identified in the plan change to address this. The Proposed District Plan provisions provide earthworks provisions associated with any earthworks within 50m of the extent of the Pahakahaka Pā but would not extend to the rest of the application site at this point in time.

7.20 Recognising previously un-recorded features in the design of the subdivision and providing a provision that enables this is required. This could be achieved through the commissioning of further archaeological assessment, and the initiation of a Kaitiaki Forum resourced by the consent holder.

7.21 Earthwork has the potential to create sediment run off into waterbodies and it is considered a construction management plan will be necessary to manage sediment run off through silt fencing and bunding and the like. Hapū would expect that the Construction Management Plan is certified by hapū prior to any site works commencing.

7.22 Should the Commission be of a mind to recommend approval of the plan change the hapū require that:

- A specific earthworks provisions is created across the plan change site to ensure the retention of the existing land-form, management of the development around previously un-recorded sites that may be encountered, and that hapū consultation and consideration of potential cultural effects is addressed (one method may be a Kaitiaki Forum).
- A hapū monitor is provided on site for all earthworks at the applicants cost;
- A Construction Management Plan (CMP) shall be developed alongside and certified by hapū as a condition of any consent;
- Ngati Tāiri reiterate that all earthworks shall occur under an archaeological authority.
- A method by which adaptive management to other historic heritage that may be encountered through the development of the area is able to be achieved.

## Te Mana o te Wai

7.23 Sufficient time to undertake a Cultural Health Index (CHI) to understand the current health of the tributaries, and ability to practise Mahinga Kai has not been available to inform this CIA. In general remediation planting along stream banks with native species (and associated weed management) is supported; with the planting efforts to date within the application site acknowledged. Conversely opposition to the utilisation of the tributaries as stormwater infrastructure is reiterated. Based on conversation with the applicant (noting the genuine desire to deliver an enhance water treatment solution) ecological evidence submitted with the application, as well as freshwater monitoring data that is publicly available the following comments are made with respect to the proposal and Te Mana o te Wai:

### Stormwater management

7.24 Tangata whenua support the retention of the Wairau Stream tributaries on site and their planting, public access to control weeds, pests and predators, and to protect the waterbodies; and note that the remediation of these waterbodies must be the outcome sought for any land use change that interacts with these areas. Ngati Tāiri and Taranaki Iwi stress that these waterbodies are primarily waterbodies with their own mouri that must be recognised and provided for ahead of any 'ecosystem service' they provide to urban development through the treatment and conveyance of stormwater. This aligns with national direction regarding Te Mana o te Wai.

7.25 Ngati Tāiri and Taranaki Iwi reiterate their significant concerns around the a management of stormwater run-off that will result from the development, and avoidance of contaminants from migrating into the Wairau Stream and tributaries will be achieved, how unnatural fluctuations in water level will be avoided, and the impact of any other structure required as a part of stormwater management will assist in remediating the mouri of these waterbodies.

7.26 The applicant through engineering evidence and analysis has outlined that they can achieve hydraulic neutrality and propose detention ponds within the existing tributaries to hold and store stormwater. These are proposed to be installed in five locations within the bed and channel of the two tributaries of the Wairau Stream within the structure plan area, raising the water level across this part of the stream by up to 3 metres. There is concern that over time, without diligent and committed management this will effectively turn these waterbodies into stormwater infrastructure. This approach does not align with Taiao, Taiora, or national directions regarding Te Mana o te Wai. Unless extremely well designed, these structures have the potential to impact on fish passage, impact on the availability of habitat and other effects resulting from slowing the flow of water (like sedimentation, warming and eutrophication), and the longer-term management of

these structures/system to avoid these instances (i.e. will they be adopted by the Council or some other management mechanism?). As the detail of structures, and longer-term management is not known this CIA is unable to reach a conclusion of acceptability.

7.27 Water Sensitive Urban Design (WSUD) is being discussed in literature across New Zealand to recognise Te Ao Māori in water management<sup>5</sup>. WSUD can be summarised to include the following:

- Limiting stormwater runoff and contaminant generation at source by minimising the construction of impervious surfaces, such as roads and roofs;
- Maintain the function of natural drainage systems, rather than replacing stream networks with piped systems.
- Maintain characteristics of catchment hydrology; and
- The use of water sensitive or green technologies to better manage stormwater

7.28 Specific provisions that set out that any storm water management solution remediate existing effects and avoid any further adverse effect on the mauri of these waterbodies is required.

7.29 It is not clear how the proposed stormwater management techniques, alongside the proposed planting and open space retention will be imposed through future development of the site and what type of ownership the reserve areas will be vested in. This has implications for the ongoing management of these areas around weed control, and the upkeep of any stormwater infrastructure over time.

7.30 In light of WSUD best practice models it is recommended that the plan change consider provisions controlling impervious surfaces on sites and building footprints, as well as engineering solutions to manage and treat stormwater on sites and roads prior to entering these tributaries (e.g. swale drains, constructed wetlands within road reserve, tree bowls or other infrastructure solutions). These solutions are available to the applicant/Council under *NZS4404:2010 Land Development and Subdivision Infrastructure Standard with local amendments*, but clear policy direction in relation to this outcome is required to ensure the remediation of these waterbodies is achieved over time. Ngati Tāiri understand the Council must accept the longer-term responsibility for the management of the road, and associated stormwater infrastructure and reiterate that any discharge to waterbodies from roading infrastructure must be treated through a constructed wetland system and that this is well maintained over time. It is not known whether the Council would adopt this solution; in the instance the Council will not adopt this system then Ngati Tāiri advise there is the potential for adverse effects on Te Mana o te Wai that are not acceptable.

7.31 Ngati Tāiri support the notion the applicant has outlined for planting along the road frontage of sites through a consent notice mechanism. However, it is not clear how this would be imposed given the scope of operative plan provisions.

#### Wastewater management

7.32 The actual location of wastewater infrastructure, any pumping stations and flow paths into stormwater and then into the Wairau Stream is not identified or detailed in the Plan Change

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<sup>5</sup> Contestable fund research: Activating water sensitive urban design for healthy resilient communities, September 2019, E Afoa and T Brockbank.

documents. Ngati Tāiri and the Trust reiterate their concerns around the location of wastewater services in proximity to the Wairau and its tributaries and the impact of this on Te Mana o te Wai.

7.33 In order to recognise and provide for the relationship Ngati Tāiri have with the Wairau stream the following are recommended:

- Further detail and information on the stream margin reserve management areas. In particular, how these will be planted, walkways construction and who will own and manage these reserve areas;
- Consideration should be given to planting proposed, its species and that it is eco sourced and native to the area; and
- Specific provisions requiring the control of impervious surfaces and site coverage on sites.
- Specific provisions regarding stormwater infrastructure and outcome that must be achieved in relation to the remediation of these waterbodies.
- Specific provision regarding wastewater services and avoiding any impact on the Wairau Stream and tributaries.

#### Amendments to the structure plan and associated provisions

7.33 As outlined in the sections above, in order to appropriately manage some of the potential adverse effects resulting from the plan change on the relationship Ngati Tāiri and the Trust hold with this area, as well as protecting areas of historic heritage, it is recommended that additional provisions need to be provided in the structure plan. Some of these are set out in Appendix 1.

7.44 There are also a number of other issues that are unable to be addressed at this time. These include:

- Whether landscape provisions sufficiently address/acknowledge Kaitake and the relationship of mana whenua with tupuna mouna.
- Road naming, and the naming of the area, noting these have separate regulatory processes to be achieved (the Council's road naming policy).
- The longer-term ownership of reserve areas, and the on-going restoration of these areas, noting that if these reserves are not vested in the Council a separate regulatory process will be required for reserve planning.
- The longer-term ownership and management of water sensitive stormwater infrastructure, including those within road reserve.
- The ability to provide for Te Mana o te Wai with respect to the Wairau Stream and its tributaries given the proposed developments stormwater management techniques indicated in the application.
- On-going engagement of the hapū through the course of the development should this proceed.

## 8.0 Summary and conclusions

The values of Mana whenua; Mana tiaki; Mana motuhake; and Mana tiriti have been applied to the proposal and information available to date. The site and receiving environment are a landscape of cultural significance, and contains a number of significant cultural features, including the Pahakahaka Pā site, and the Wairau Stream and its tributaries. The proposal has the potential to adversely affect this cultural landscape, the Pā site and its surroundings, and the Wairau Stream and tributaries through the construction and development of residential living. It also has the potential to protect, acknowledge and remediate the environment, and respond to cultural values present in this location.

Ngati Tairi and the Trust are disappointed that the CIA is being considered at this late stage in the planning process. To reiterate our submission, expert cultural advice is required upfront in any planning process to ensure meaningful engagement and the adequate opportunity to fully avoid, remedy and mitigate or offset all cultural effects.

If the Commission was of a mind to recommend approval of the application, it is considered that substantial amendments to the provisions of the Operative Plan (in relation to the Wairau Estate Structure Plan), and the proposed structure plan are necessary to address the cultural issues identified above. These amendments would go some way to providing for the relationship Ngati Tāiri and Taranaki Iwi have with this area be recognised, as well as to protect the historic heritage of the area (some recommendations are included in Appendix 1). This CIA is not able to conclude if these amendments are enough to satisfy the Commission that cultural effects are able to be adequately addressed as there are residual issues that cannot be addressed at this time due to a lack of information, and would require this CIA process to continue. Ngati Tāiri are open to continuing to work with the applicant and the community to progress this CIA process.

## Appendix 1 – Examples of provisions to start to address some areas of concern

The following are recommended changes to the Wairau Estate Structure Plan based on information available to date. This does not constitute a full list of provisions required to address all matters considered through the CIA process above, and must not be treated as a proxy for support for the overall proposal.

**Objective (existing in the Operative District Plan)**

*Objective 14: To preserve and enhance the natural character of the coastal environment, wetlands, and lakes and RIVERS and their margins.*

*Objective 15: To protect and enhance OUTSTANDING LANDSCAPES and REGIONALLY SIGNIFICANT LANDSCAPES within the district.*

*Objective 19 – to recognise and provide for the cultural and spiritual values of tangata whenua in all aspects of resource management in the district in a manner which respects and accommodates tikanga Maori*

**Policies (amendments required to the Operative District Pla):**

WESP-P1 - Subdivision, use and development within the Wairau Estate Structure Plan area shall recognise and protect:

1. Pahakahaka Pa;
2. Any un-recorded cultural or archaeological features uncovered at time of earthworks and or development within the Wairau Estate Structure Plan; and
3. provide for the adaptive management of historic heritage resources through the design, development and use of land within the structure plan area.

WESP-P2 - Subdivision, use and development shall avoid any adverse effects resulting from wastewater infrastructure on all waterbodies within the Wairau Estate Structure Plan area.

WESP-P3 - Require all stormwater infrastructure within the Wairau Estate Structure Plan area to be designed and installed at the time of subdivision that achieves all the following:

1. Recognise and provide for tangata whenua values associated with waterbodies impacted at time of subdivision.
2. Ensure that treatment of any watercourse occurs in a manner that improves storm water drainage and enhances the mouri, ecological, mahinga kai and landscape values.



3. Ensure the stormwater infrastructure incorporates Water Sensitive Urban Design methods.
4. Avoid any increase in sediment and contaminants entering water bodies because of storm water disposal.
5. Utilise storm water treatment and disposal through low-impact or water-sensitive designs that imitate natural processes.
6. Where feasible, utilise storm water management areas for multiple uses and ensure they have a high-quality interface with residential activities or commercial activities.
7. Incorporate and plant indigenous vegetation that is appropriate to the specific site.
8. Ensure there is sufficient capacity to meet the required level of service in the infrastructure design standard or if sufficient capacity is not available, ensure that the effects of development are mitigated on-site.

WESP-P4 – Subdivision, use and development shall recognise and provide for te mana o te wai within the Wairau Estate Structure Plan area.

WESP-P5 – Subdivision, use and development within the Wairau Estate Structure Plan area shall recognise and provide for the cultural, ecological and amenity values associated with the Kaitake Ranges, being a Outstanding National Landscape.

WESP-P6 – The process of subdivision, use and development of land shall recognise that only Ngati Tairi can impacts on their relationship with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga of significance to Māori within the Wairau Estate Structure Plan area.

Rule No	Parameter	Conditions permitted	Controlled	Fully Discretionary	Matters over which controlled is reserved	Matters to be considered Fully Discretionary Activity: Discretion has not been restricted to these matters
OLX X	Subdivision and/ or development within the Wairau Estate		Shall be in accordance with the Structure Plan <sup>1</sup>	Does not meet the standards and terms for a		

<sup>1</sup> Structure Plan amended to include setback from pa of all residential activities, with reserve/road adjoining pa site, location of wastewater infrastructure being removed from all waterbodies.

	Structure Plan			controlled activity.		
OLX X	Maximum coverage of the site	38%		Greater than 38% but not more than 45%		<ol style="list-style-type: none"> <li>1. The adverse effects of the increased coverage of the site on: <ul style="list-style-type: none"> <li>- The character and visual amenity of the area;</li> <li>- The privacy and outlook of adjoining sites;</li> <li>- The ability to provide adequate outdoor living space on the site;</li> <li>- Outstanding or regionally significant landscapes;</li> </ul> </li> </ol>

						<ul style="list-style-type: none"><li>- The natural character of the Wairau Stream and its tributaries</li></ul> <ol style="list-style-type: none"><li>2. The effects of increased coverage on stormwater management within the Wairau Stream catchment.</li><li>3. The cumulative effects of the increased site coverage on the visual effects of the Kaitake Ranges and the stormwater effects on the Wairau Stream and its tributaries</li></ol>
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						4. The ability to mitigate effects through the imposition of conditions such as landscaping.
OLX X	Wairau Estate Structure Plan: Minimum landscaped permeable surface area	Each residential site shall have at least 25% of the site planted in grass, vegetation or landscaped with permeable materials (located to perform as a part of stormwater management – i.e. stormwater from all IMPERVIOUS SURFACE AREA <sup>2</sup> to be directed this way). <b>Note:</b>  1. The total site coverage of buildings and structures shall be assessed as impervious surface areas 2. Vehicle access and manoeuvring areas shall be assessed as impervious surface areas, irrespective of the surface.	N/A	Does not meet the standards for a permitted activity		1. The ability of the development to manage stormwater runoff through site-specific stormwater design. 2. The ability to provide adequate on-site amenity and access to green space. 3. Effect on the established streetscape character of the area, including

<sup>2</sup> Proposed DP definition:

means an area with a surface which prevents or significantly reduces the soakage/infiltration of water into the ground. It includes:

- roofs;
- paved areas including driveways and sealed/compacted metal parking areas, patios;
- tennis or netball courts;
- sealed and compacted metal roads; and
- engineered layers such as compacted clay.

It does not include:

- grass and bush areas;
  - gardens and other landscaped areas; and
- permeable paving and green roofs.

						<p>the ability to reduce the amount of impermeable surface used and retain green space.</p> <p>4. Whether adequate mitigation of adverse effects can be achieved through the use of landscaping, planting and/or alternative materials.</p>
OLX X	Earthworks within Wairau Estate Structure Plan	Earthworks that retain the natural landform and do not result in cut faces greater than 0.5m.	N/A	Does not meet the terms and standards for a permitted activity.		<ol style="list-style-type: none"> <li>1. The effects on the natural values of the site within a cultural landscape, adjoining Pahakahaka Pa and associated features, and the Kaitake Ranges.</li> <li>2. What if any mitigation can be provided to conceal or landscape the earthworks.</li> </ol>
OLX X	Creation of a road within the Wairau Estate		Where the proposed road provides	Does not meet the terms and standards	1. Stormwater management techniques	

	Structure Plan area		water sensitive urban design treatments being either swales, rain gardens or constructed wetlands.	for a controlled activity	use water sensitive urban design treatments. 2. The roading design will ensure hydraulic neutrality and not result in ponding effects.	
OLX X	Location of wastewater infrastructure in relation to waterbodies within Wairau Estate Structure Plan	All wastewater infrastructure shall be located a distance of 20m or greater from the waterbody margins and shall be located outside of esplanade reserve areas.		Does not meet the terms and standards for a permitted activity		<ol style="list-style-type: none"> <li>1. The potential adverse effects on the waterbody and its margins from any potential spill or overflow.</li> <li>2. The potential effects associated with planting in a reserve that contains wastewater infrastructure.</li> </ol>

OLX X	Subdivision adjacent to Pahakahaka Pa (Site ID2261 in Proposed District Plan) in Wairau Estate Structure Plan		The creation of any new allotment within 50m of the Pahakahaka Pa shall be for road reserve or local purpose reserve that will vest in NPDC. No allotments shall be created for residential purposes and/or private ownership.	N/A default to N/C		
OLX X	Erection of stormwater infrastructure within or adjacent to the Wairau Stream and or its tributaries		All stormwater infrastructure, including detention ponds shall be located outside of the Wairau Stream and its tributaries		N/A	

