

CULTURAL ADVICE REPORT

J6820 - 229 Kaituna Valley Road
(RMA/2024/2333)

To: Christchurch City Council

Contact: Kasuni Thewarapperuma

1.0 Mana Whenua Statement

Ngāi Tahu holds and exercises rangatiratanga within the Ngāi Tahu Takiwā and has done so since before the arrival of the Crown. The rangatiratanga of Ngāi Tahu resides within the Papatipu Rūnanga. The Crown and Parliament have recognised the enduring nature of that rangatiratanga through:

- Article II of Te Tiriti o Waitangi (Te Tiriti);
- the 1997 Deed of Settlement (Deed of Settlement) between Ngāi Tahu and the Crown; and
- the 1998 Ngāi Tahu Claims Settlement Act (NTCSA) in which Parliament endorsed and implemented the Deed of Settlement.

The contemporary structure of Ngāi Tahu is set down through the Te Rūnanga o Ngāi Tahu Act 1996 (TRoNT Act). Article II of Te Tiriti o Waitangi (Te Tiriti), the TRoNT Act, Ngāi Tahu Claims Settlement Act (NTCSA) 1998, and the 1997 Deed of Settlement (Deed of Settlement) between Ngāi Tahu and the Crown sets the requirements for recognition of tangata whenua in Canterbury.

As recorded in the Crown Apology to Ngāi Tahu in the NTCSA, the Ngāi Tahu Settlement marked a turning point, and the beginning of a “new age of co-operation”. The Crown apologised for its “past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries” and confirmed that it “recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui”.

Each Papatipu Rūnanga has their own respective takiwā, and each is responsible for protecting the tribal interests in their respective takiwā, not only on their own behalf of their own hapū, but again, on behalf of the entire tribe.

The following Rūnanga hold mana whenua over the project’s location, as it is within their takiwā:

- Te Hapū o Ngāti Wheke (Rāpaki)
- Te Rūnanga o Koukourārata
- Wairewa Rūnanga
- Te Taumutu Rūnanga

2.0 Summary of Proposal

Wongan Hills Limited has applied for a land use resource consent from Christchurch City Council (RMA/2024/2333) to construct a new wintering barn, farm infrastructure including new milking shed and effluent treatment system, stock underpass, new vehicle access, and farm tracks associated with the conversion of dairy support land into a dairy platform.

The wintering barn is considered an intensive farming activity. The volume of earthworks required to establish the wintering barn is estimated to be approximately 4,500 m³.

3.0 Consultation Methodology

Mahaanui Kurataiao Limited review the application documents and undertake an assessment of the application against the Mahaanui Iwi Management Plan.

A briefing report is prepared for Kaitiaki representatives who have been mandated by the Papatipu Rūnanga they represent to speak on behalf of hapū on environmental issues.

A Mahaanui Kurataiao Limited staff member meets with Kaitiaki representatives to discuss the application and Kaitiaki provide feedback based on Mātauranga Māori.

The Cultural Advice Report is provided to outline the relevant policies in the Mahaanui Iwi Management Plan and the feedback provided by Kaitiaki representatives.

The relevant policies and Kaitiaki feedback for this application are provided in the following sections of this report.

4.0 Mahaanui Iwi Management Plan 2013

The Mahaanui Iwi Management Plan (IMP) is a written expression of kaitiakitanga, setting out how to achieve the protection of natural and physical resources according to Ngāi Tahu values, knowledge, and practices. The plan has the mandate of the six Papatipu Rūnanga, and is endorsed by Te Rūnanga o Ngāi Tahu, as the iwi authority.

Natural resources – water (waterways, waipuna (springs), groundwater, wetlands); mahinga kai; indigenous flora and fauna; cultural landscapes and land - are taonga to mana whenua and they have concerns for activities potentially adversely affecting these taonga. These taonga are integral to the cultural identity of ngā rūnanga mana whenua and they have a kaitiaki responsibility to protect them. The policies for protection of taonga that are of high cultural significance to ngā rūnanga mana whenua are articulated in the IMP.

The policies in this plan reflect what Papatipu Rūnanga support, require, encourage, or actions to be taken with regard to resolving issues of significance in a manner consistent with the protection and enhancement of Ngāi Tahu values, and achieving the objectives set out in the plan.

The relevant Policies of the IMP to this proposal have been identified as:

5.1 KAITIAKITANGA

RECOGNITION OF MANAWHENUA

K1.1 Ngāi Tahu are the tāngata whenua who hold manawhenua across Ngā Pākihi Whakatekateka o Waitaha and Te Pātaka o Rākaihautū.

K1.2 Te Rūnanga o Ngāi Tahu is the tribal authority representing the collective of Ngāi Tahu whānui as per the Te Rūnanga o Ngāi Tahu Act 1996 and Ngāi Tahu Claims Settlement Act 1998.

K1.3 Papatipu Rūnanga are the regional collective bodies representing the tāngata whenua who hold manawhenua, and are responsible for protecting hapū and tribal interests in their respective takiwā.

K1.4 For resource management issues in particular catchments or geographical areas set out in Part 6 of this IMP, engagement must occur with the appropriate Papatipu Rūnanga, as per the takiwā boundaries set out in:

(a) the Te Rūnanga o Ngāi Tahu (Declaration of Membership Act) Order 2001.

K1.5 There are a number of areas of within Ngā Pākihi Whakatekateka o Waitaha and Te Pātaka o Rākaihautū whereby one or more Papatipu Rūnanga hold an interest and have kaitiaki rights, and these areas require engagement with multiple rūnanga for resource management purposes.

TE TIRITI O WAITANGI

K2.3 In giving effect to Te Tiriti, government agencies and local authorities must recognise and provide for kaitiakitanga and rangatiratanga. As the tāngata whenua who hold manawhenua, Ngāi Tahu interests in resource management extend beyond stakeholder or community interests.

Comment: *Kaitiakitanga is fundamental to the relationship between Ngāi Tahu and the environment. Te Tiriti o Waitangi guarantees tāngata whenua the right to fulfill their kaitiaki obligations to protect and care for taonga in the environment, including land, waterways, natural features, wāhi tapu and flora and fauna with tribal areas.*

5.2 RANGINUI

DISCHARGE TO AIR

R1.1 To protect the mauri of air from adverse effects associated with discharge to air activities.

R1.3 To ensure that regional policy enables tāngata whenua to identify particular sites and places of cultural significance as sensitive environments, to protect such sites from the cultural and environmental effects of the discharge activity.

Comment: *It is of importance that Ngāi Tahu are involved in air quality issues and special cultural considerations for air quality. Sites and resources of significance to tāngata whenua and the protection of cultural amenity values, including the mauri of air needs to be protected from adverse effects associated with air discharge activities.*

5.3 WAI MĀORI

WATER QUALITY

WM6.5 To require that water quality standards in the takiwā are set based on “where we want to be” rather than “this is the point that we can pollute to”. This means restoring waterways and working toward a higher standard of water quality, rather than establishing lower standards that reflect existing degraded conditions.

Costs and benefits

WM6.22 To require that local authorities afford appropriate weight to tāngata whenua values when assessing the costs and benefits of activities that may have adverse effects on water quality.

WM6.23 To ensure that economic costs do not take precedence over the cultural, environmental and intergenerational costs of poor water quality.

EFFECTS OF INTENSIVE RURAL LAND USE ON FRESHWATER RESOURCES

Matching land use with land capability and water availability

WM7.1 To require that rural land and water planning, management and use recognises and provides for:

- (a) Catchment boundaries and water availability;
- (b) Water quality and quantity thresholds and limits;
- (c) Land capability, including soil type and topography;
- (d) The protection of eco-cultural systems and resources; and
- (e) The capacity of a catchment to assimilate land use effects.

WM7.6 To require that land use and water abstraction consents associated with intensive rural land use are assessed and evaluated together as joint consents.

WETLANDS, WAIPUNA AND RIPARIAN MARGINS

WM13.1 To recognise and protect all wetlands, waipuna and riparian areas as wāhi taonga that provide important cultural and environment benefits, including but not limited to:

- (a) Mahinga kai habitat;
- (b) The provision of resources for cultural use;
- (c) Cultural well-being;
- (d) The maintenance and improvement of water quality; and
- (e) Natural flood protection.

WM13.2 To protect, restore and enhance remaining wetlands, waipuna and riparian areas by:

- (a) Maintaining accurate maps of existing wetlands, waipuna and riparian margins;
- (b) Requiring that the drainage of existing wetlands or waipuna or the destruction or modification of existing native riparian areas be a prohibited activity;
- (c) Requiring the use of appropriate fencing, buffers and set back areas to protect wetlands, waipuna and riparian areas from intensive land use, including stock access and irrigation;
- (d) Supporting initiatives to restore wetlands, waipuna and riparian areas; and

- (e) Continuing to educate the wider community and landowners of the taonga value of these ecosystems.

Comment: *Water is a significant cultural resource, connecting Ngāi Tahu to the landscape, culture and traditions of the tūpuna. Wai is a taonga, and a life giver of all things. The protection and enhancement of wai is, therefore, of upmost importance to tāngata whenua. The RMA recognises the relationship of Māori to freshwater as a matter of national importance.*

5.4 PAPANUKU

INTENSIVE RURAL LAND USE

P2.1 Rural land use must prioritise the protection of resources and environmental health for future generations. Economic gain must not have priority over the maintenance of the mauri of Papatūānuku, the provider of all things of nature and the world.

P2.2 The adverse effects of intensive rural land use on water, soil and biodiversity resources in the takiwā must be addressed as a matter of priority.

SOIL CONSERVATION

P9.1 To sustain and safeguard the life supporting capacity of soils, mō tātou, ā, mō kā uri ā muri ake nei.

P9.2 To require the appropriate valuation of soil resources as taonga and as natural capital, providing essential ecosystem services.

P9.3 To protect the land from induced soil erosion as a result of unsustainable land use and development.

EARTHWORKS

P11.1 To assess proposals for earthworks with particular regard to:

- (a) Potential effects on wāhi tapu and wāhi taonga, known and unknown;
- (b) Potential effects on waterways, wetlands and waipuna;
- (c) Potential effects on indigenous biodiversity;
- (d) Potential effects on natural landforms and features, including ridge lines;
- (e) Proposed erosion and sediment control measures; and
- (f) Rehabilitation and remediation plans following earthworks.

Indigenous vegetation

P11.7 To require that indigenous vegetation that is removed or damaged as a result of earthworks activity is replaced.

P11.8 To require the planting of indigenous vegetation as an appropriate mitigation measure for adverse impacts that may be associated earthworks activity.

Erosion and sediment control

P11.9 To require stringent and enforceable controls on land use and earthworks activities as part of the resource consent process, to protect waterways and waterbodies from sedimentation, including but not limited to:

- (a) The use of buffer zones;

- (b) Minimising the extent of land cleared and left bare at any given time; and
- (c) Capture of run-off, and sediment control.

VEGETATION BURNING AND CLEARANCE

P12.2 To oppose vegetation clearance in the following areas:

- (a) Areas identified as high risk for soil erosion;
- (b) Areas identified as significant for protection of indigenous biodiversity; and
- (c) Areas identified as culturally significant.

Comment: *Papatūānuku is the birthplace of all things of the world and the place to which they return. The protection and maintenance of the mauri of Papatūānuku, and the enhancement of mauri where it has been degraded is, therefore, of upmost importance to Ngāi Tahu.*

5.5 TĀNE MAHUTA

MAHINGA KAI

TM1.1 Ngāi Tahu whānui, both current and future generations, must be able to access, use and protect mahinga kai resources, as guaranteed by Te Tiriti o Waitangi.

Ki Uta Ki Tai

TM1.4 To promote the principle of Ki Uta Ki Tai as a culturally appropriate approach to mahinga kai enhancement, restoration and management, in particular:

- (a) Management of whole ecosystems and landscapes, in addition to single species; and
- (b) The establishment, protection and enhancement of biodiversity corridors to connect species and habitats.

INDIGENOUS BIODIVERSITY

Integrating indigenous biodiversity into the landscape

TM2.8 To require the integration of robust biodiversity objectives in urban, rural land use and planning, including but not limited to:

- (a) Indigenous species in shelter belts on farms;
- (b) Use of indigenous plantings as buffers around activities such as silage pits, effluent ponds, oxidation ponds, and industrial sites;
- (c) Use of indigenous species as street trees in residential developments, and in parks and reserves and other open space; and
- (d) Establishment of planted indigenous riparian margins along waterways.

Biodiversity corridors

TM2.9 To advocate for the establishment of biodiversity corridors in the region, Ki Uta Ki Tai, as means of connecting areas and sites of high indigenous biodiversity value.

Ecosystem services

TM2.10 To require that indigenous biodiversity is recognised and provided for as the natural capital of Papatūānuku, providing essential and invaluable ecosystem services.

Comment: *Ngāi Tahu has a particular interest in indigenous biodiversity, both for its inherent value on the landscape and the ecosystem services it provides, and with regard to mahinga kai. The relationship between tāngata whenua and indigenous biodiversity has evolved over centuries of close interaction and is an important part of Ngāi Tahu culture and identity.*

5.8 NGĀ TŪTOHU WHENUA

RECOGNISING CULTURAL LANDSCAPES

CL1.1 To require that local and central government recognise and provide for the ability of tāngata whenua to identify particular landscapes as significant cultural landscapes, reflecting:

- (a) Concentration, distribution and nature of wāhi tapu and wāhi taonga;
- (b) Setting within which sites occur and significance of that setting;
- (c) Significance with regard to association and relationship to place; and
- (d) Degree of risk/threat.

CL1.4 To require that oral tradition and history is considered equally alongside documented evidence when determining the cultural landscape values associated with a particular area or site.

WĀHI TAPU ME WĀHI TAONGA

CL3.1 All taonga within the takiwā of Ngāi Tahu, accidental discovery or otherwise, belong to the Papatipu Rūnanga/ Te Rūnanga o Ngāi Tahu.

CL3.3 To ensure that local and central government recognise that:

- (a) Existing schedules and maps of cultural sites are not comprehensive nor exhaustive;
- (b) Many sites and information about sites are held by whānau; and
- (c) Protecting wāhi tapu and wāhi taonga requires effective working relationships with Papatipu Rūnanga.

Protecting wāhi tapu and wāhi taonga

CL3.7 To require appropriate policies and rules in territorial and regional plans to protect sites of cultural significance from inappropriate land use and development, including but not limited to:

- (a) Explicit recognition of the relationship of tāngata whenua to wāhi tapu and wāhi taonga;
- (b) Processes for engagement with Papatipu Rūnanga with regard to wāhi tapu and wāhi taonga;
- (c) Recognition of cultural landscapes as a planning tool to identify and assess sites (see Issue CL1);
- (d) Recognition of silent files (see Issue CL4); and
- (e) Recognition that wāhi tapu and wāhi taonga values may extend beyond the physical boundaries of individual sites;
- (f) Setting aside land from development.

CL3.8 To require, where a proposal is assessed by tāngata whenua as having the potential to affect wāhi tapu or wāhi taonga, one or more of the following:

- (a) Low risk to sites:
 - (i) Accidental discovery protocol (ADP).
- (b) High risk to sites:
 - (i) Cultural Impact Assessment (CIA);
 - (ii) Site visit;
 - (iii) Archaeological assessment, by a person nominated by the Papatipu Rūnanga;
 - (iv) Cultural monitoring to oversee excavation activity, record sites or information that may be revealed, and direct tikanga for handling cultural materials;
 - (v) Inductions for contractors undertaking earthworks;
 - (vi) Accidental discovery protocol agreements (ADP); and/or
 - (vii) Archaeological Authority from the New Zealand Historic Places Trust.

Comment: *For Ngāi Tahu cultural heritage isn't something that happened in the past; but rather a reflection of an ongoing and enduring relationship with the land. As a planning tool, cultural landscapes are a culturally meaningful and effective framework for the identification, protection and management of sites and places of significance, the multiple values associated with those sites and places, and the relationship of tāngata whenua to them.*

6.11 TE WAIHORA

CULTURAL HEALTH OF TE WAIHORA

TW4.1 To require that the management of land and water in the Te Waihora catchment recognises and provides for the relationship between catchment land use, tributary flow, drain management, water quality, the coastal environment and the cultural health of Te Waihora.

WĀHI TAPU ME WĀHI TAONGA

TW9.1 To utilise the methods set out in general policy Section 5.8 (Issue CL1: Cultural Landscapes, and Issue CL3: Wāhi tapu me wāhi taonga) to protect wāhi tapu and wāhi taonga in the catchment from inappropriate land use, subdivision and development.

Comment: *Te Waihora is a tribal taonga representing a major mahinga kai and an important source of mana. For the last 160 years, management of the lake and its catchment has reflected farming and settlement values, at the expense of Ngāi Tahu values.*

4.1 Guidance to Moderate Impacts on Cultural Values

The above policies from the Mahaanui Iwi Management Plan provide a framework for assessing the potential negative impacts of the proposed activity on cultural values and provide guidance on how these effects can be moderated.

Te Hapū o Ngāti Wheke (Rāpaki), Te Rūnanga o Koukourarata, Wairewa Rūnanga and Te Taumutu Rūnanga have a unique and abiding interest in the sustainable management of te taiao – the environment. Wai māori (freshwater) is a taonga of Ngāi Tahu, governed under the domain of rangatiratanga and defined by Ngāi Tahu tikanga and ritenga. Te Hapū o Ngāti Wheke (Rāpaki), Te

Rūnanga o Koukourarata, Wairewa Rūnanga and Te Taumutu Rūnanga hold and exercise rangatiratanga over Kaituna River and its tributaries, the Kaituna Lagoon and Te Waihora.

The Kaituna River flows into what is now commonly known as the Kaituna Lagoon but was traditionally known as Motumotua. The name Kaituna refers to the abundance of tuna (eels) in the area. Kaituna was a key ara tawhito (traditional travel route) which provided direct access from Whakaraupō (Lyttelton Harbour) and Koukourarata (Port Levy) to the rich mahinga kai (food-gathering area) of Te Waihora. Accordingly, mahinga kai is one of the most important cultural values in Te Waihora catchment. The importance of the lake as mahinga kai was reinforced by the Waitangi Tribunal in its conclusions and recommendations in the Ngāi Tahu Sea Fisheries Report 1991. Although Te Waihora continues to be a productive environment, its mauri is severely degraded as a result of a management regime that has consistently prioritised non-Ngāi Tahu values and interests.

Kaitiakitanga is fundamental to the relationship between Ngāi Tahu and the environment. It is the intergenerational responsibility and right of tāngata whenua to take care of the environment and resources upon which we depend. The responsibility of kaitiakitanga is twofold: first, there is the ultimate aim of protecting mauri; and second, there is the duty to pass the environment to future generations in a state that is as good as, or better than, the current state.

4.1.1 Guidance Provided by Te Hapū o Ngāti Wheke (Rāpaki), Te Taumutu Rūnanga and Wairewa Rūnanga

The Kaituna Valley and its environment is a significant cultural landscape with regard to the association and relationship Ngāi Tahu has with it. Te Waihora was once surrounded by extensive and diverse wetlands that were valued as part of the wider Te Waihora mahinga kai resource. The loss of mahinga kai resources and opportunities in the Te Waihora catchment is significant, given the highly modified agricultural landscape, degraded water quality and quantity, and loss of physical access. Unfortunately, most of the original wetland area has been drained for settlement and agriculture, with only remnant wetlands remaining as a narrow fringe around the lake.

The kaitiaki representatives of Te Hapū o Ngāti Wheke (Rāpaki), Te Taumutu Rūnanga and Wairewa Rūnanga have significant concerns regarding the effects of earthworks and proposed land use detailed in this consent application. The proposed earthworks and establishment of infrastructure (stock underpass, winter feed barn and the effluent pond) to support the dairy-farm land use is unsuitable for the environment within the Kaituna Valley, given the high cultural value of Kaituna River and Te Waihora, and the historical significance of the Kaituna Valley as a whole. It is also noted that the proposed activities are seen as a cultural offence by Te Hapū o Ngāti Wheke (Rāpaki).

The current state of poor cultural health of Te Waihora and its catchment is evidence that water management and governance in the region has failed to effectively recognise and provide for kaitiakitanga and rangatiratanga. Te Waihora has little protection from the effects of land use on its margins. Activities on the margins of the lake such as grazing, sewage discharge, and run-off (urban and rural) have effects on lake health through direct environmental impact. The cultural health of the lake is directly related to the catchment and the waterways flowing into it, and every tributary has a

role in maintaining a healthy lake environment. At the bottom of the catchment, Te Waihora is a sink for nutrients and sediment from its large and predominately agriculturally based catchment.

Accordingly, the effects of intensive rural land use on water quality and quantity are among the most significant issues for tāngata whenua. It has been well documented that increased pastoral and agricultural production across the takiwā has come with a high environmental and cultural cost. Tāngata whenua want to see changes in the way water is valued and how land is used and managed, rather than simply mitigating the effects of farming. This approach requires an assessment of how we are using land and water as a prerequisite to looking for ways to increase production. The proposed infrastructure, including the winter feedlot and dairy shed will enable the increase of intensive farming (dairy and beef activity, less cropping, winter feedlot) within the Kaituna Valley, therefore the kaitiaki representatives of Te Hapū o Ngāti Wheke (Rāpaki), Te Taumutu Rūnanga and Wairewa Rūnanga are opposed to this application.

4.1.2 Guidance Provided by Te Rūnanga o Koukourarata

While current regulations may allow for this activity to be approved, it is noted that Te Rūnanga o Koukourarata do not fully support the proposal. To help mitigate the effects of this proposed activity and to align the proposal to the Mahaanui Iwi Management Plan, Te Rūnanga o Koukourarata have provided consent conditions and advice notes outlined in Section 6 below.

Wāhi tapu and wāhi taonga are sites and places that are culturally and spiritually significant to tāngata whenua history and identity, and include sites such as urupā, pā, midden, umu, urupā, tauranga waka, and places where taonga have been found. The relationship of Māori with wāhi tapu and wāhi taonga is a matter of national importance in the RMA (section 6 (f) and (e)). Any activity that involves ground disturbance has the potential to uncover cultural material or wāhi tapu. As a rule, an Accidental Discovery Protocol (Appendix 1) is used to manage the potential for unearthing cultural materials. An ADP establishes a relationship between Papatipu Rūnanga and consent applicants regarding the processes and procedures associated with accidental discoveries. An Accidental Discovery Protocol (ADP) must be in place during all earthworks required to give effect to this consent to deal with archaeological finds and protect the interests of mana whenua. This condition does not constitute a response under the Heritage New Zealand Pouhere Taonga Act (HNZPT 2014).

The term 'earthworks' is used to describe activities that involve soil disturbance, land modification and excavation and can occur at a range of scales. Erosion and sediment control is also a key issue of concern with regard to earthworks. Land development and construction of infrastructure in a culturally sensitive environment can increase the risk of erosion and the discharge of sediment into Kaituna River tributaries, Kaituna River and Te Waihora. This may have marked effects on the ability for tangata whenua to access, use and protect mahinga kai resources. Due to this, An Erosion and Sediment Control Plan for any earthworks required to give effect to this consent must be prepared, inspected, and maintained in accordance with Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury until such time the exposed soils have been stabilised.

Indigenous flora and fauna has sustained tāngata whenua for hundreds of years, providing food, fibre, building materials, fuel, medicine and other necessities. The protection and enhancement of

indigenous biodiversity and mahinga kai underpins many of the issues and policies in the Mahaanui IMP. Increased abundance of, access to, and use of mahinga kai is a key outcome identified in Ngāi Tahu 2025, as is the need to restore waterways to the point where they support healthy populations of mahinga kai species. A healthy economy relies on a healthy environment. Indigenous biodiversity, along with air, water and soil, are taonga; they are the region's natural capital, providing a suite of essential ecosystem services. Although these services are often taken for granted, they have immense value to cultural, social and economic wellbeing. Therefore, indigenous planting is required to enhance the cultural landscape, increase indigenous habitat, filter sediment and sequester carbon. Indigenous planting is also encouraged throughout the property (such as shelter belts) to enhance the cultural landscape, increase indigenous habitat, bind soils, and to help with the uptake of nutrients. Indigenous species used in planting and landscaping should be appropriate to the local environment and sourced from local seed supplies.

Riparian areas are all considered to be wāhi taonga by Ngāi Tahu, treasured for their role in protecting and enhancing mauri, as providing habitat for mahinga kai. Indigenous riparian buffers can absorb and filter contaminants and runoff. Aquatic ecosystems are not separate from mahinga kai. A waterway with good flows, riparian margins and water quality enhances cultural well-being. The consent holder is required to plant and maintain a riparian buffer of indigenous vegetation for all waterways and drains on site to mitigate the impacts of earthworks and on-going operations. Plants that mature to a height of at least the width of the waterways should be provided. Riparian planting must be suitable for īnanga spawning as assessed by a suitably qualified fish ecologist. Additionally, the site must be surveyed for indigenous/taonga species prior to works and land use activities commencing. This must include terrestrial and aquatic fauna and flora. Where indigenous/taonga species are present, works must be undertaken under the supervision of an ecologist to ensure their protection. The survey must be conducted by an independent party. For every indigenous tree removed or damaged as a result of the exercising of this consent, the consent holder must replace this with two indigenous trees via transplantation (or other methods) at or around the site.

The discharge of contaminants to air can have adverse effects on sites or resources of significance to tāngata whenua, or the values associated with them. Air pollution can compromise the ability to enjoy and appreciate natural and cultural landscapes, including views of important landmarks such as maunga and impact mahinga kai. Due to this, dust and odour generated from the site must not cause an offence or objectionable effect beyond the boundary of the property.

Farming practices continue to evolve and improve as technology is created, and new knowledge is discovered. Farming, discharge, storage and composting activities must be reviewed and revised on a regular basis to ensure best practices and latest technologies are applied. For intensive farming to be a sustainable activity, environmental gains must be obtained through improved practices and technologies. Best practice methodologies and latest technologies are encouraged to ensure efficient and sustainable farming practices are applied in this culturally sensitive area.

5.0 Rūnanga – Affected Party or Not

In terms of this response, Mahaanui Kurataiao has taken a targeted approach and only addresses matters of fundamental concern to Te Hapū o Ngāti Wheke (Rāpaki), Te Rūnanga o Koukourarata, Wairewa Rūnanga, and Te Taumutu Rūnanga. The fact that Mahaanui Kurataiao has not commented on any particular matter should not be taken as support thereof and Te Hapū o Ngāti Wheke (Rāpaki), Te Rūnanga o Koukourarata, Wairewa Rūnanga and Te Taumutu Rūnanga reserve the right to comment on additional matters at a hearing or in the future.

5.1 Position of Te Hapū o Ngāti Wheke (Rāpaki), Te Taumutu Rūnanga and Wairewa Rūnanga

The kaitiaki representatives of Te Hapū o Ngāti Wheke (Rāpaki), Wairewa Rūnanga and Te Taumutu Rūnanga are **opposed** to the granting of this resource consent and consider themselves to be an adversely affected party due to:

- The proposed activities significantly increase intensive farming (dairy and beef activity, less cropping, winter feedlot).
- Earthworks and land use (stock underpass, winter feed barn and the effluent pond) in an unsuitable environment close to Te Waihora and associated waterways.
- The proposed activities are seen as a cultural offence.

5.2 Position of Te Rūnanga o Koukourarata

The Kaitiaki representatives of Te Rūnanga o Koukourarata have reviewed this application and provided the consent conditions and advice notes outlined in Section 6.0 to align this proposal more closely with the provisions in the Mahaanui IMP.

If the consent conditions are provided for, Te Rūnanga o Koukourarata will not consider themselves to be an adversely affected party.

6.0 Consent Conditions and Advice Notes

No consent conditions are recommended by Te Taumutu Rūnanga, Te Hapū o Ngāti Wheke (Rāpaki), and Wairewa Rūnanga as there are no conditions that are deemed suitable to mitigate the effects of the proposed activity on mana whenua values identified by ngā Rūnanga.

If a resource consent is granted, the following conditions provided by Te Rūnanga o Koukourarata must be included to moderate effects of this proposed activity on mana whenua values:

The following consent conditions are recommended:


1. An Accidental Discovery Protocol (ADP) must be in place during all earthworks required to give effect to this consent to deal with archaeological finds and protect the interests of mana

whenua. This condition does not constitute a response under the Heritage New Zealand Pouhere Taonga Act (HNZPT 2014).

2. An Erosion and Sediment Control Plan for any earthworks required to give effect to this consent must be prepared, inspected, and maintained in accordance with Environment Canterbury's Erosion and Sediment Control Toolbox for Canterbury until such time the exposed soils have been stabilised.
3. Indigenous planting is required to enhance the cultural landscape, increase indigenous habitat, filter sediment and sequester carbon.
4. The consent holder is required to plant and maintain a riparian buffer of indigenous vegetation for all waterways and drains on site to mitigate the impacts of earthworks and on-going operations.
 - a) Plants that mature to a height of at least the width of the waterways should be provided.
 - b) Riparian planting must be suitable for īnanga spawning as assessed by a suitably qualified fish ecologist.
5. The site must be surveyed for indigenous/taonga species prior to works and land use activities commencing. This must include terrestrial and aquatic fauna and flora.
 - a) Where indigenous/taonga species are present, works must be undertaken under the supervision of an ecologist to ensure their protection.
 - b) The survey must be conducted by an independent party.
6. For every indigenous tree removed or damaged as a result of the exercising of this consent, the consent holder must replace this with two indigenous trees via transplantation (or other methods) at or around the site.
7. Dust and odour generated from the site must not cause an offence or objectionable effect beyond the boundary of the property.
8. Farming, discharge, storage and composting activities must be reviewed and revised on a regular basis to ensure best practices and latest technologies are applied.
 - a) For intensive farming to be a sustainable activity, environmental gains must be obtained through improved practices and technologies.

The following advice notes must be included in the final decision:

1. Indigenous planting is encouraged throughout the property (such as shelter belts) to enhance the cultural landscape, increase indigenous habitat, bind soils, and to help with the uptake of nutrients.
2. Indigenous species used in planting and landscaping should be appropriate to the local environment and sourced from local seed supplies.
3. Best practice methodologies and latest technologies are encouraged to ensure efficient and sustainable farming practices are applied in this culturally sensitive area.



On behalf of Mahaanui Kurataiao Ltd, this report has been prepared by Angela Burton | Mahaanui Kurataiao Ltd Environmental Advisor, and peer reviewed by Dr Irene Setiawan | Mahaanui Kurataiao Ltd Environmental Advisor.

Date: 27 September 2024

Appendix 1: Accidental Discovery Protocol (ADP)

PRIOR TO COMMENCEMENT OF ANY WORKS, A COPY OF THIS ADP SHOULD BE MADE AVAILABLE TO ALL CONTRACTORS WORKING ON SITE.

Purpose

This Accidental Discovery Protocol (ADP) sets out the procedures that must be followed in the event that taonga (Māori artefacts), burial sites/kōiwi (human remains), or Māori archaeological sites are accidentally discovered. The Protocol is provided by Te Hapū o Ngāti Wheke (Rāpaki), Te Rūnanga o Koukourārata, Wairewa Rūnanga and Te Taumutu Rūnanga. Te Hapū o Ngāti Wheke (Rāpaki), Te Rūnanga o Koukourārata, Wairewa Rūnanga and Te Taumutu Rūnanga are the representative body of the tangata whenua who hold mana whenua in the proposed area.

Background

Land use activities involving earthworks have the potential to disturb material of cultural significance to tangata whenua. In all cases such material will be a taonga, and in some cases such material will also be tapu. Accidental discoveries may be indicators of additional sites in the area. They require appropriate care and protection, including being retrieved and handled with the correct Māori tikanga (protocol).

Under the *Heritage New Zealand Pouhere Taonga Act 2014*, an archaeological site is defined as any place associated with pre-1900 human activity, where there is material evidence relating to the history of New Zealand. It is unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site (known or unknown) without the prior authority of the Heritage New Zealand Pouhere Taonga (HNZPT). This is the case regardless of the legal status of the land on which the site is located, whether the activity is permitted under the District or Regional Plan or whether a resource or building consent has been granted. The HNZPT is the statutory authority for archaeology in New Zealand.

Note that this ADP does not fulfil legal obligations under the Heritage New Zealand Pouhere Taonga Act 2014 regarding non-Māori archaeology. Please contact the HNZPT for further advice.

Immediately following the discovery of material suspected to be a taonga, kōiwi or Māori archaeological site, the following steps shall be taken:

1. **All work on the site will cease immediately.**
2. Immediate steps will be taken to secure the site to ensure the archaeological material is not further disturbed.
3. The contractor/works supervisor/owner will notify the Kaitiaki Rūnanga and the Area Archaeologist of the HNZPT. In the case of kōiwi (human remains), the New Zealand Police must be notified.

4. The Kaitiaki Rūnanga and HNZPT will jointly appoint/advise a qualified archaeologist who will confirm the nature of the accidentally discovered material.
5. If the material is confirmed as being archaeological, the contractor/works supervisor/owner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from HNZPT before work resumes (as per the *Heritage New Zealand Pouhere Taonga Act 2014*).
6. The contractor/works supervisor/owner will also consult the Kaitiaki Rūnanga on any matters of tikanga (protocol) that are required in relation to the discovery and prior to the commencement of any investigation.
7. If kōiwi (human remains) are uncovered, in addition to the steps above, the area must be treated with utmost discretion and respect, and the kōiwi dealt with according to both law and tikanga, as guided by the Kaitiaki Rūnanga.
8. Works in the site area shall not recommence until authorised by the Kaitiaki Rūnanga, the HNZPT (and the NZ Police in the case of kōiwi) and any other authority with statutory responsibility, to ensure that all statutory and cultural requirements have been met.
9. All parties will work towards work recommencing in the shortest possible time frame while ensuring that any archaeological sites discovered are protected until as much information as practicable is gained and a decision regarding their appropriate management is made, including obtaining an archaeological authority under the *Heritage New Zealand Pouhere Taonga Act 2014* if necessary. Appropriate management may include recording or removal of archaeological material.
10. Although bound to uphold the requirements of the Protected Objects Act 1975, the contractor/works supervisor/owner recognises the relationship between Ngāi Tahu whānui, including its Kaitiaki Rūnanga, and any taonga (Māori artefacts) that may be discovered.

IN DOUBT, STOP AND ASK; TAKE A PHOTO AND SEND IT TO THE HNZPT ARCHAEOLOGIST

Contact Details

HNZPT Archaeologist: (03) 357 9615 archaeologistcw@heritage.org.nz

HNZPT Southern Regional Office (03) 357 9629 infosouthern@heritage.org.nz

HNZPT Māori Heritage Advisor (03) 357 9620 pouarahisouth@heritage.org.nz

Kaitiaki Rūnanga:

Te Hapū o Ngāti Wheke (Rāpaki) Rūnanga: (03) 328 9415, rapaki@ngaitahu.iwi.nz

Te Rūnanga o Koukourārata: 03 3398 308, koukourarata@ngaitahu.iwi.nz

Wairewa Rūnanga: 0800 Wairewa – 0800 9247392, Wairewa@ngaitahu.iwi.nz

Te Taumutu Rūnanga: 03 371 2660, taumutu@ngaitahu.iwi.nz