

# CULTURAL ADVICE REPORT

J6369 - 145 & 167 Gladstone Road, Woodend  
Re-zoning submission

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To: Waimakariri District Council

Contact: Mark Buckley

## 1.0 Mana Whenua Statement

Ngāi Tahu are tangata whenua of the Canterbury region and hold ancestral and contemporary relationships with Canterbury. The contemporary structure of Ngāi Tahu is set down through the Te Rūnanga o Ngāi Tahu Act 1996 (TRoNT Act). The TRoNT Act and Ngāi Tahu Claims Settlement Act (NTCSA) 1998 sets the requirements for recognition of tangata whenua in Canterbury.

The Te Rūnanga o Ngāi Tahu Act 1996 and the NTCSA 1998 gives recognition to the status of Papatipu Rūnanga as kaitiaki and mana whenua of the natural resources within their takiwā boundaries. 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:

- Ngāi Tūāhuriri Rūnanga

## 2.0 Summary of Proposal

As part of the Waimakariri district plan review process Crichton Development Limited (the applicant) has made a submission to amend the Proposed Waimakariri District Plan 2021 (PWDP).

The submission relates to a rezoning application for 145 and 167 Gladstone Road Woodend from the proposed Rural Lifestyle Zone (RZL) to Large Lot Residential Zone (properties at 5,000 m<sup>2</sup> size).

Waihora Creek, a spring-fed waterway, runs from north to south through the site and the site is within the Ashley Estuary (Te Aka Aka) and Coastal Protection Zone. It is noted the application has stated the subject site has been anticipated to be developed in the future. The change in zoning would eventually yield approximately 27 new lots/dwellings.

## 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:

### 5.3 WAI MĀORI

#### TĀNGATA WHENUA RIGHTS AND INTERESTS IN FRESHWATER

**WM1.1** Ngāi Tahu, as tāngata whenua, have specific rights and interests in how freshwater resources should be managed and utilised in the takiwā.

#### CHANGING THE WAY WATER IS VALUED

**WM2.3** To require that decision making is based on intergenerational interests and outcomes, mō tātou, ā, mō kā uri ā muri ake nei.

#### WATER QUALITY

**WM6.1** To require that the improvement of water quality in the takiwā is recognised as a matter of regional and immediate importance.

*Controls on land use activities to protect water quality*

**WM6.17** To require the development of stringent and enforceable controls on the following activities given the risk to water quality:

- (a) Intensive rural land use (see Issue WM.7);
- (b) Subdivision and development adjacent to waterways;
- (c) Discharge to land activities associated with industry;

**ACTIVITIES IN THE BEDS AND MARGINS OF RIVERS AND LAKES**

*Riparian areas*

**WM12.2** To require the protection and restoration of native riparian vegetation along waterways and lakes in the takiwā as a matter of priority, and to ensure that this can occur as a permitted activity.

*Use and enhancement of river margins in the built/ urban environment*

**WM12.4** All waterways in the urban and built environment must have indigenous vegetated healthy, functioning riparian margins.

**WM12.5** To require that all waterways in the urban and built environment have buffers or set back areas from residential, commercial or other urban activity that are:

- (a) At least 10 metres, and up to 30 metres; and
- (b) Up to 50 metres where there is the space, such as towards river mouths and in greenfield areas.

**WM12.7** To require all esplanade reserves and esplanade strips established on subdivisions to incorporate native riparian planting.

**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**

### **URBAN AND TOWNSHIP PLANNING**

**P3.2** To ensure early, appropriate and effective involvement of Papatipu Rūnanga in the development and implementation of urban and township development plans and strategies, including but not limited to:

- (a) Urban development strategies;
- (b) Plan changes and Outline Development Plans;
- (c) Area plans;
- (d) Urban planning guides, including landscape plans, design guides and sustainable building guides;
- (e) Integrated catchment management plans (ICMP) for stormwater management;
- (f) Infrastructure and community facilities plans, including cemetery reserves; and
- (g) Open space and reserves planning.

**P3.3** To require that the urban development plans and strategies as per Policy P3.2 give effect to the Mahaanui IMP and recognise and provide for the relationship of Ngāi Tahu and their culture and traditions with ancestral land, water and sites by:

- (a) Recognising Te Tiriti o Waitangi as the basis for the relationship between Ngāi Tahu and local government;
- (b) Recognising and providing for sites and places of importance to tāngata whenua;
- (c) Recognising and providing for specific values associated with places, and threats to those values;
- (d) Ensuring outcomes reflect Ngāi Tahu values and desired outcomes; and
- (e) Supporting and providing for traditional marae based communities to maintain their relationship with ancestral land

## SUBDIVISION AND DEVELOPMENT

### Processes

**P4.1** To work with local authorities to ensure a consistent approach to the identification and consideration of Ngāi Tahu interests in subdivision and development activities, including:

- (a) Encouraging developers to engage with Papatipu Rūnanga in the early stages of development planning to identify potential cultural issues; including the preparation of Cultural Impact Assessment reports;
- (b) Ensuring engagement with Papatipu Rūnanga at the Plan Change stage, where plan changes are required to enable subdivision;
- (c) Requiring that resource consent applications assess actual and potential effects on tāngata whenua values and associations;
- (d) Ensuring that effects on tāngata whenua values are avoided, remedied or mitigated using culturally appropriate methods;
- (e) Ensuring that subdivision consents are applied for and evaluated alongside associated land use and discharge consents; and
- (f) Requiring that 'add ons' to existing subdivisions are assessed against the policies in this section.

### *Basic principles and design guidelines*

**P4.3** To base tāngata whenua assessments and advice for subdivision and residential land development proposals on a series of principles and guidelines associated with key issues of importance concerning such activities, as per Ngāi Tahu subdivision and development guidelines.

**Comment:** *Papatūānuku is the birthplace of all things of the world and the place to which they return. Subdivision and development activities can compromise the mauri of the land and the life it supports if not managed appropriately. Subdivision and development activities must implement low impact, innovative, and sustainable solutions to water, stormwater, and energy issues.*

## **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.

#### *Freshwater management*

- TM1.5** To require that freshwater management recognises and provides for mahinga kai, by:
- (a) Customary use as a first order priority;
  - (b) Restoring mahinga kai values that were historically associated with waterways, rather than seeking to maintain the existing (degraded) mahinga kai value of a waterway; and
  - (c) Protecting indigenous fish recruitment and escapement by ensuring that waterways flow Ki Uta Ki Tai and there is sufficient flow to maintain an open river mouth.

**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. Indigenous flora and fauna have sustained tāngata whenua for hundreds of years, providing food, fibre, building materials, fuel, medicine and other necessities. 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**

### **WĀHI TAPU ME WĀHI TAONGA**

- 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)

### **SILENT FILES**

- CL4.1** Silent files remain an appropriate mechanism for protecting sites of significance but are not limited to those identified on planning maps in this IMP or otherwise.

**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.*

## **4.1 Guidance to Moderate Impacts on Cultural Values**

The above policies from the Mahaanui IMP 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.

Urban development strategies, outline development plans, area plans, and other similar planning documents are developed to manage the effects of land use change and development on the environment. It is critical that such initiatives include provisions for the relationship of tāngata whenua

with the environment, and that Ngāi Tahu are involved with the preparation and implementation of such plans, as tāngata whenua and as a Treaty partner.

Tāngata whenua have a range of concerns regarding development and plan changes across the takiwā. Significant concerns include the intensification of land use and developments and their potential effects on environment and mahinga kai, (including increased run off of sediment and contaminants), the potential effects on natural character and cultural landscape values, the impacts on known and unknown sites of significance and the settings (cultural landscapes) in which they occur and the potential effects of land use and development on indigenous vegetation.

A cultural landscape approach is used by Papatipu Rūnanga to identify and protect tāngata whenua values and interests from the effects of subdivision, land use change and development. A cultural landscape approach enables a holistic identification and assessment of sites of significance, and other values of importance such as waterways, wetlands and waipuna. The whole of the Waimakariri catchment can be identified as a cultural landscape. The application site associated with this plan change submission is in an area of high cultural significance as it is bordered by Silent File Areas on each side of it. Silent File Areas are indicators of the cultural sensitivity of the designated site, however, are not limited to those identified on planning maps in the Mahaanui Iwi Management Plan or otherwise. It is also noted that there is an existing archaeological midden/oven site located in the southeastern section of the site which provides evidence that this area is considered an important cultural landscape. Examples of cultural landscapes of particular importance in the Waimakariri catchment are the coastal, lower catchment region between the Waimakariri and Rakahuri rivers, which is where this application is located. However, drainage, physical modification of waterways and the widespread removal of indigenous bush and other vegetation have forever impacted this area.

The rezoning of rural land to enable subdivision and residential, rural residential or business development is an important issue in the Waimakariri catchment as existing settlements and business zones seek to expand and new rural land is targeted for residential development. Increasing the density of residential, business and industrial uses of land can put further strain on the quality and quantity of freshwater resources and increase the risk to wāhi tapu and wāhi taonga and cultural landscapes. The cultural and environmental costs and benefits to current and future generations must be considered equally alongside economic costs when assessing plan changes. It is the intergenerational responsibility and right of tāngata whenua to take care of the environment, cultural landscapes and resources upon which we depend.

Indigenous biodiversity, and the landscapes and ecosystems that support it, is a fundamental part of the culture, identity and heritage of Ngāi Tahu, particularly with regard to mahinga kai and the connection between people and place through resource use. 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 major concern for tāngata whenua is that urban and township planning continues to promote, and often prioritise, the planting of exotic species in residential land developments, along waterways and in reserves and open space. As noted above, Waihora Creek, a spring-fed tributary to the Waimakariri River, runs from north to south through the site. Therefore, it is critical that the creek and riparian areas are protected, maintained, or enhanced, degraded areas are restored, and opportunities are taken to re-

establish wāhi taonga across the general landscape. Decline in indigenous biodiversity from land use and development activities can have adverse effects on cultural landscapes, indigenous biodiversity and water quality outcomes.

## 5.0 Rūnanga – Affected Party or Not

Te Ngāi Tūāhuriri Rūnanga Kaitiaki are opposed to this submission to amend the Proposed Waimakariri District Plan 2021 due to:

- The anticipated increase in subdivision and development activities, impervious surfaces and cumulative environmental and cultural effects on the cultural landscape.
- The ongoing impact of subdivision and development in this catchment on indigenous biodiversity and mahinga kai through the increased modification of land and water resources.

**Therefore, Te Ngāi Tūāhuriri Rūnanga Kaitiaki consider themselves an affected party.**

## 6.0 Consent Conditions

No comments are provided as there are no recommendations that are deemed suitable to mitigate the effects of the proposed plan change on mana whenua values.

On behalf of Mahaanui Kurataiao Ltd, this report has been prepared by Angela Burton | Mahaanui Kurataiao Ltd Environmental Advisor, and peer reviewed by Henrietta Carroll | Mahaanui Kurataiao Ltd Kaihautu.

Date: 8 April 2024

