



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth
District Council**

Manor Property Limited

S.42A Report

APPENDIX 3

Cultural Impact Assessment

Ngati Tawhirikura

Cultural Impact Assessment

Proposed Subdivision – 19 Egmont Road, New Plymouth | Manor Property Limited

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Introduction

Engagement with manawhenua/tangata whenua

1. Ngati Tawhirikura hapū with the support of Te Kotahitanga o Te Atiawa Trust (the Trust) have prepared this cultural impact assessment to assess the effects of a proposed three lot subdivision at 19 Egmont Road, New Plymouth (Lot 2 DP 400849) on the beliefs, values or physical being of tangata whenua associated with this area. Only tangata whenua who *whakapapa* have the mandate to carry out CIAs, and only tangata whenua can determine the issues that affect themselves and to what extent these may be.
2. For a variety of reasons, including time and 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 does not signal the end of tangata whenua's interest in this proposal or the obligations of the applicant to tangata whenua. The process will continue at least until such time as the issues that have been raised by tangata whenua have been fully addressed.
3. The application process has commenced, with the Council issuing a Request for Information (RFI) pursuant to section 92 of the Act; this includes the provision of a Cultural Impact Assessment for the proposed subdivision and associated activities.

Tangata whenua kaitiaki

4. The rohe of Ngati Tawhirikura hapū are a cultural landscape of historical importance. It was 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).
5. Today however, many sites and areas have been destroyed by development and those that remain are in varying conditions of degradation. Ngati Tawhirikura seek to protect our cultural landscapes from inappropriate subdivision, use and development; to ensure new development avoids any further degradation, and where possible begin to remediate the effects activities have had on this cultural landscape over time.
6. Since the 1950s urban expansion and the continual industrialisation of this part of the rohe of Ngati Tawhirikura has resulted in the on-going destruction and disturbance of the cultural landscape in this area, exacerbating the alienation of the whenua from Ngati Tawhirikura. The cumulative effects of successive planning decisions, district schemes, Regional and District Plans which have imposed industrial land uses onto Ngati Tawhirikura, that have not provided for the cultural landscape continues to impact on the relationship Ngati Tawhirikura is able to have with its lands, water, sites wāhi tapu and other taonga in this area. The acceleration in the past 10 years highlights the difficulties in maintain capacity to participate meaningfully.

Kaitiakitanga

7. Through the relationship with ngā kaitiaki atua, 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 nga taonga tuku iho – the treasures passed down) in 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 within a particular rohe. The duty of kaitiaki is to protect and strengthen both the intangible mauri and the physical well-being of the resource, place or taonga.

8. 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).
9. Tangata whenua believe that these kaitiaki obligations still exist; that they still have relevance and that iwi still have a right to practice them. 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, for example 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).

Cultural Impact Assessment objectives and process

Objectives

10. 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

11. To assist the Applicant, Heritage New Zealand Pouhere Taonga, Taranaki Regional Council and the New Plymouth District Council in meeting their statutory obligations under the Resource Management Act 1991, and the Heritage New Zealand Pouhere Taonga Act 2014 including:

- preparation of an Assessment of Environmental Effects (AEE) (s.88(2)(b) and the fourth schedule of the RMA);
- requests for further information (s.92) in order to assess the application;
- providing information to assist the council in determining notification status (s.95-95E);
- providing information to enable appropriate consideration of the relevant Part 2 matters when making a decision on an application for resource consent (s.104); and
- consideration of appropriate conditions of resource consent (s.108).

Receiving Environment & Proposal Description

Receiving Environment

12. As noted in paragraph 4 above, the rohe of Ngati Tawhirikura supported our way of life. A range of sites, features, areas and resources are located throughout the area. The cultural landscape the application site is located within includes a number of Pa and Papakainga, (e.g. Aotere/Parapara-iti, Pararoa, Katere, Mangaone, Te Orupuriri), and reserves (Katere).
13. This way of life was enabled by significant natural features in the area like the Mangaone. Over time, the size and path the Mangaone follows has been significantly modified as the land around the stream has changed and been more intensively developed. As a result, water quality has been degraded, and the life supporting capacity of the river compromised. This has severely impacted on the mauri of Mangaone.
14. Similarly, the relatively recent history of industrial development in this area, resulting in significant earthwork and modification to the contour of the land. This pattern of development has resulted in an almost constant interference of sites and areas of significance to Ngati Tawhirikura. This is compounded with the subsequent built environment not reflecting the cultural landscape of this area (noting the features above), and as such these are no longer prominent in the landscape.

Subdivision application

15. The proposal is described at Section 3 of the application. The following are some of the key attributes as we understand them in relation to this CIA.
16. Manor Property Limited are proposing a three-lot subdivision and associated land-use consent for the land at 19 Egmont Road to be developed for industrial purposes. Two of these allotments are proposed to be developed initially; with a subsequent proposal to occur for the balance at some point in the future. The scheme plan is attached as appendix 1.
17. The application sets out a number of conditions/consent notice provisions for the two small allotments (lots 1 & 2) as follows:
 - a. *No habitable buildings are to be developed. Non-habitable buildings developed may be used for Industrial Activities.*
 - b. *Maximum structure height of 15m.*
 - c. *Maximum building height of 12m.*
 - d. *Building setback of 5m from road and side boundaries. Setback does not apply to eaves (up to 600mm) of any roof, balcony, gutter or downpipe.*
 - e. *All buildings, carparking areas or yard areas that are visible from an adjoining road boundary must be screened from the road with landscaping and planting that will, within at least two years after planting, reach a minimum height of 2m and, with the exception of vehicle crossings, be a minimum width of 2m from the road boundary. Note: The above is an increase in landscaping height from the 1m proposed by the draft District Plan.*
 - f. *No outdoor storage area shall be visible from an adjoining property or a road.*
 - g. *At least 20% of the site shall be planted in grass, vegetation or landscaped with permeable materials.*

h. Any industrial activities exceeding 5,000m² GFA will require an Integrated Transport Assessment considering both operational and construction effects, prepared by a suitably qualified traffic specialist and submitted for approval from Council prior to undertaking the activity.

18. Construction of the proposed three-lot subdivision will require 24,000m³ of earthwork. An indicative earthwork plan provided in the application is attached as appendix 2.
19. The archaeological record in this area is incomplete; in response the applicant is proposing an Exploratory Authority pursuant to the HNZPT to enable an exploratory survey of the site prior to commencing the substantive earthwork.
20. Stormwater generated from the development is proposed to be disposed of on-site. Based on the RFI we understand that the stormwater infrastructure in this area is at capacity; noting that a small amount of stormwater from the application site currently enters the reticulation. Specific plans for on-site disposal are not provided. Wastewater and potable water connections are available into the existing infrastructure network.

Proposed land re-zoning and future development

21. The Proposed District Plan was notified on the 23rd of September 2019. The application site is proposed to be re-zoned to General Industrial, with an indicative roading layout included on planning maps. The process of reaching this re-zoning has not included any comprehensive structure planning of the area.

Planning framework

Te tiriti o Waitangi

22. The purpose of CIA is to ensure that the spiritual and physical well-being of a resource, area or site is 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.
23. 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....."

24. 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 nga taonga tuku iho for which kaitiaki responsibilities were previously held. Despite this loss, the tikanga, rights and responsibilities over natural resources by manawhenua iwi, hapū and whanau still remain strong.

Resource Management Act 1991

25. 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"*¹ 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 and

¹ Part 2, Section 5, RMA 1991

other taonga²; 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. Key principles in regard to this application include:
 - Retention of rangatiratanga: “The Maori 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.” Per Justice Bisson.
 - 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 waters³.

Te Mana o te Wai

26. 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).
27. 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.
28. The application site is located within the Waiwhakaiho catchment, specifically draining to the Mangaone stream. The Mangaone Stream is recognised as a statutory acknowledgement area through the Te Atiawa Claims Settlement Act 2016. In the opinion of tangata whenua this catchment is severely degraded, with a number of threats to water quality, quantity and use

² 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.

³ 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.

elevated in the Mangaone due to the level of urban development within its catchment. This opinion is supported by recent monitoring of the waterbody, as well as

29. 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.

Tai Whenua, Tai Tangata, Tai Ao – an iwi planning document for Te Atiawa.

30. Tai Whenua, Tai Tangata, Tai Ao is an iwi planning document for Te Atiawa. This document is required to be taken into account through resource management process, including the consideration of resource consent applications. This iwi planning document contains a number of directive policies relevant to the proposal. These include:

- dual notification processes (hapū and iwi), as well as ongoing engagement with tangata whenua through the planning process;
- a preference for structure planning, particularly at time of proposed re-zoning;
- land development, including earthworks and urban design;
- stormwater management and support for low impact urban design; and
- the quality of the built environment.

The Regional Freshwater Plan for Taranaki

31. The Regional Freshwater Plan for Taranaki contains a number of provisions relevant to the application, mainly for the construction phase, and the management of stormwater. Consent may be required for the earthwork in the construction phase of the proposal due to the size of area to be active. This is pursuant to rule 27 of the RFWP (fully discretionary).

The Operative New Plymouth District Plan 2005

32. The New Plymouth District Plan contains several provisions relevant to this application. Two areas in particular are methods which protect historic heritage, subdivision provisions and the adoption of NZS4404:2010 Land Development and Subdivision Infrastructure Standards with local amendments.

The Proposed New Plymouth District Plan 2019

33. The Proposed New Plymouth District Plan was notified on 23 September 2019. There are a number of provisions which have immediate legal effect that will require weighting in the decision of this subdivision, and associated land use application. Key provisions with legal effect are those relating to Archaeological Sites (HH-P16), Sites and Areas of Significance to Māori and Waterbodies.

34. The P-NPDP also brings NZS4404:2010 Land Development and Subdivision Infrastructure Standards with local amendments in as a reference document.

35. A structure plan titled the Oropuriri Structure Plan is included in the Development Areas chapter of the plan.

Summary

36. 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 manawhenua 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.

Tangata whenua associations/values

Te Ao Māori – Māori world view

37. Ngati Tawhirikura hapū 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 health and wellbeing.
38. 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 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 welcomed by tangata whenua.
39. The values that this application is assessed against in this CIA are informed by this world view. In the context of the proposal at 19 Egmont Road described above, the following values are appropriate:

Mātauranga – Knowledge systems

40. 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.
41. Through these concepts of Te Ao Māori and mātauranga, Ngati Tawhirikura has developed the following cultural values which are the basis from which inform our decision-making processes, to sustain and enhance our environment and its resources.
 1. Kaitiakitanga – Guardianship, enhance, protect, preserve
42. For Ngati Tawhirikura, kaitiakitanga is an active intergenerational responsibility to care for, preserve and enhance the mauri of our natural and cultural resources within our rohe, today and for future generations. Linked to this is the concept of *Tau utu utu*; reciprocity or giving back what from where you take.
 2. Rangatiratanga – Exercise authority, self-determination, sovereignty
43. Rangatiratanga in relation to natural resources connects back to our value of kaitiakitanga. For us, Rangatiratanga is the right of Ngati Tawhirikura to exercise authority and self-determination

and have an integral part in the decision-making processes around the management of our natural and cultural resources within our rohe.

3. Mana Whenua – Inherited user rights

44. Through confiscation, we were disenfranchised from our lands, and as a consequence ahi kā (the power associated with the possession of land) was lost. These events impeded our ability, as tangata whenua (people of the land), to live off the land and provide for our people, however we are reasserting mana whenua over our lands.

45. Mana whenua connects back to our value of rangatiratanga. For Ngati Tawhirikura, mana whenua can be defined as inherited user rights, which guarantees us the mana to utilise, manage, sustain, protect and enhance our natural and cultural resources within our rohe in accordance with tikanga for the betterment of Ngati Tawhirikura uri.

4. Mauri – Life force, energy, life principle

46. For Ngati Tawhirikura, mauri is the life force or life essence. It is an intangible and intrinsic value. It is held by all things through whakapapa linking back to Atua origins. Humans as well as animals, rocks, stones, lands, forests, mountains, oceans and rivers have their own mauri. Ecosystems also collectively have mauri, which manifests as the ecosystem's ability to sustain and preserve life, and as such a disruption to that life force causes negative effects to the ecosystem and the resources it contains. Mauri is therefore central to our role as kaitiaki and we seek to ensure the mauri of the ecosystem, the natural environment and its resources are protected and enhanced for future generations.

5. Hauora – Health, wellbeing

47. For Ngati Tawhirikura, there is a clear link between a healthy environment and our cultural, economical, spiritual and physical well-being. We see ourselves as part of the environment rather than separate from it. Subsequently, it is important to understand that the potential environmental impacts of any proposed activity would be conceptualised holistically, and not considered in isolation to impacts on our health and wellbeing.

6. Ki uta ki tai – Integrated, interconnected approach

48. Linked to Hauora, ki uta ki tai is a whole-of-landscape approach, understanding and managing interconnected resources and ecosystems from mountains to the sea. It acknowledges the reciprocal relationship between people and the environment. It encourages integration with the natural landscape and required proactive engagement. It relies on the idea that the mauri of a river cannot be assessed in isolation of its surroundings and must be based on the mauri of interrelated components in the wider catchment (i.e. a Māori concept of integrated catchment management). In this instance this CIA has identified/adopted a number of key principles in relation to integrated management around freshwater as follows:

- a. Papatūānuku – Our relationship with the land–Papatūānuku–will pre-determine our relationship with water:
 - i. Protect and enhance ecosystem health of all receiving environments.
 - ii. Co-design with nature an integrated and regenerative approach to urban development.
 - iii. Address pressures on waterbodies close to source.
- b. Ngā wai tuku kiri – “Our waters are a gift of life provided to us by our tūpuna”:
 - i. Recognise and respect mana motuhake – the whakapapa and relationship that mana whenua have with water ecosystems in their rohe.

- c. Tāngata – “Our environments are places of human occupation”
 - i. Identify and consider the community values for urban water and reflect them in decision-making.
 - ii. Optimise environmental, social and cultural benefits when investing in buildings and infrastructure.
- d. Te hāpori me te wai – “The community’s love and care for water is enduring”:
 - i. Uphold and foster kaitiakitanga and custodianship of urban water ecosystems.
 - ii. Collect and share information to promote common understanding of urban water issues, solutions and values.
- e. Tiakina mō apōpō – “In building future resilience, our connectedness with the environment is our strength”:
 - i. Increase resilience to natural hazards and climate change.
 - ii. Conserve and reuse water resources.
 - iii. Design with low carbon footprint

Assessment of effects on tangata whenua values

Introduction and scope

49. This assessment of actual or potential effects on tangata whenua values resulting from the application is made cognisant of the resource consent processes that are relevant in this instance, the direction of relevant policy frameworks set out above, and the scope of applicable rules/assessment criteria.
50. 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. It should also be noted that application site sits within the cultural landscape. 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".

Actual and potential adverse effects of the proposal

Integrated development

51. The proposed subdivision is running ahead of the proposed plan, and complete structure planning of the broader area proposed to be re-zoned to General Industrial. Whilst it is appreciated the applicant has provided a potential development proposition for remaining part of Area N to be re-zoned, the absence of a complete structure plan process that provides for all of the areas, features and values in the area, and manages development in relation to these is not considered best practise.
52. The Oropuriri Structure Plan has been developed without the benefit of cultural advice, and as such omits a number of key provisions necessary to recognise and provide for the relationship Ngati Tawhirikura has with this area. We encourage proactive engagement and acknowledgement of capacity restrictions.
53. Area specific provisions developed and confirmed through a structure planning process and included in the Proposed District Plan to guide/manage the development of individual properties is required to provide for the value *ki uta ki tai* as articulated above.
54. Ngati Tawhirikura consider this to be the role of NPDC to undertake, facilitate to ensure that this is available to manage the subsequent development of proposed Lot 3, and the broader area proposed to be re-zoned. The monitoring of such activities is crucial.

Mangaone

55. Ngati Tawhirikura consider waterbodies including the Mangaone our tūpuna. This is encapsulated in the whakatauki *ko au te wai, ko te wai ko au – I am the water and the water is me*.

56. Prior to the level of degradation, and modification of the environment in its catchment, one of the reasons Mangaone was important was the abundant resources which sustained the physical and metaphysical needs of the papakainga and communities along its banks. The wetlands and associated water bodies were important because of resources such as raupo, water, ferns, berries, birds, fish, flax and kaimoana. The river fish and whitebait were caught from particular purpose-built sites called whakaparau.
57. The area between Egmont Road and following through Wendy Place to Katere Reserve was a natural catchment bowl for water which fed into the Katere Reserve. Although it is a spring fed wetlands, this site is now under stress with diversion of water by piping and the disruption to the water tables.
58. As noted above, today the Mangone is degraded to a point where its mauri is severely disrupted, and many of these activities are unable to occur.
59. The limited capacity in the existing infrastructure to provide for stormwater generated from the development is noted as stated in the request for further information. Ngati Tawhirikura understand that detailed engineering design generally occurs later in the subdivision process; however, in this instance any infrastructure solution and land use subsequently established on the site must demonstrate how it is actively contributing to the remediation of Mangaone.
60. As a minimum this must avoid any further contamination of the waterbody from new land uses which will require more sophisticated stormwater management and design than what has occurred in this catchment in the past. The existing application is not clear on how this may be achieved, and we note that until the nature and scale of the specific land use, and associated potential for contaminants to migrate into the Mangone via any stormwater system this is difficult to assess and design for.
61. The application proposes a minimum of 20% of the site be retained as permeable surfaces that are grassed or landscaped. In order to give effect to our values in this area, and the key role this condition may play in achieving te mana o te wai greater specification in the condition regarding the location and role of those permeable surfaces (i.e. as a part of a water sensitive design solution receiving and treating stormwater from the remainder of the site) is required.
62. Longer term, considering the level of development across the remainder of the Area N to proposed to be re-zoned, the limitation of stormwater capacity, and how other infrastructure services will be provided to contribute toward the remediation of effects on the Mangaone is not clear in the application, or the Proposed District Plan provisions. In the absence of this information we are unable to assess the level of these effects against the values set out above.

Earthworks and construction effects

63. Significant earthwork of the site is proposed to facilitate the establishment of the subdivision and subsequent industrial land uses. This will alter overland stormwater flow paths, generally levelling lots 1 and 2 of the application site filling in the gully area and levelling hills in the southern portion of the site. Potential effects of the proposed earthwork on the receiving environment including previously un-recorded archaeological sites and/or sites and areas of significance to Māori, sediment entrained in stormwater run-off migrating into sensitive environments, as well as adverse visual effects (both temporary and permanent) resulting from the change in landform.

64. As noted in preliminary archaeological advice received due to the level of ploughing and other agricultural practises it is not possible to identify potential archaeological sites in general vicinity from surface assessment alone. Importantly, it is not possible to discount that further sites are located within the earthwork area. Given the location of the application site, the frequency of sites being found on adjacent and adjoining properties at time of development, and preliminary archaeological advice It is reasonable to suspect that archaeological material of a cultural nature will be encountered within the application site.
65. Considering this, the approach by the applicant to apply for an exploratory authority from HNZPT to further investigate the site is supported. Once the presence or absence of sites, and the nature of any sites are confirmed from this investigation, a further course of action will be recommended by Ngati Tawhirikura hapū.
66. Taking this approach is considered necessary to inform the value of rangatiratanga, and kaitiakitanga articulated above. The provisions of Tai Whenua, Tai Tangata, Tai Ao are directive regarding the protection of wāhi tapu.
67. It is considered that potential sediment effects can generally be managed through staging of the earthwork to be undertaken, ensuring adequate silt fencing, settlement pond systems and bunding in place, as well as ensuring the discharge of any stormwater generated from the site through the construction phase is to land until such time as the area can be remediated are sufficient to mitigate any actual or potential adverse effects resulting from this aspect of the application.
68. It is recommended that a condition of consent requiring these issues to be addressed through a construction management plan is included. Further, this construction management plan should be certified by Ngati Tawhirikura hapū prior to implementation. Certification would align with the values of kaitiakitanga and rangatiratanga above. Management of stormwater in this manner would align with the provision of Tai Wenua, Tai Tangata, Tai Ao, and therefore take into account this iwi planning document.
69. Potential effects resulting from the change in landform are proposed to be generally mitigated through the remediation of the site, including the resulting built environment. We consider these further below. It is important to note that this change in context (from farmland with existing topographical features, to a level industrialised environment) impacts on the cultural landscape.

Land uses, built environment including landscaping

70. The application is proposing to develop Lots 1 and 2 for industrial land uses, in line with the urban development in the broader area. There is limited detail on the nature or scale of industrial use or building form other than a maximum height being proposed of 12 meters for buildings or 15 metres for structures. Based on
71. The cumulative result of these design elements is the on-going erosion of the cultural land scape. Ngati Tawhirikura hapū recommend a number of design amendments to this that better enable the proposed built environment to reflect the cultural landscape the site is located within. These include:

- a. The opportunity to provide a name for the development reflecting this location, including the naming of internal roads and access.
- b. Amendments to the landscaping plan to native species; particularly those which are food for those native birds and lizards commonly recorded in this location, and to support key native ecosystems in the vicinity of the application site.
- c. The adoption of low impact urban design methods of stormwater treatment and disposal, including from internal roads, access ways and parking areas. Where possible this includes allowing flowing water access to sunlight, and treatment through wetland systems prior to disposal into land.

72. These design considerations go some way to implementing the value of hauora outlined above. It is recommended that the applicant engages representatives of hapū to work alongside landscape architects and other professionals to. These are considered alternative methods to inform the consideration of the existing policies of the NPDP contained in Issue 19 – Tangata Whenua. Tai Whenua, Tai Tangata, Tai Ao includes a number of provisions which provide direction and address these matters that applicant and regulatory bodies must take into account.

Ongoing Engagement

73. This cultural impact assessment should be treated as a summary to this point. It is anticipated that impact assessment will continue through the consenting process, as well as through the potential re-zoning of the broader area as proposed. This will require ongoing engagement between the applicant, regulatory bodies, and Ngati Tawhirikura hapū.

74. It is expected that a combination of engaging hapū to provide expert advice, as well as conditions of consent that facilitate and require dialogue will provide for this ongoing engagement.

Summary and conclusions

The receiving environment contains a number of significant sites, areas and features, including the Mangaone stream. The proposal has the potential to adversely affect Mangaone through the contribution of poorly managed stormwater and wastewater resulting in further contaminants entering the waterbody. It also has the potential to protect, acknowledge and remediate the environment, and respond to cultural values present in this location. To ensure actual and potential effects on Mangaone, previously un-recorded archaeological sites of a Māori origin, and hapū are avoided, remedied or mitigated by this subdivision proposal it is considered that:

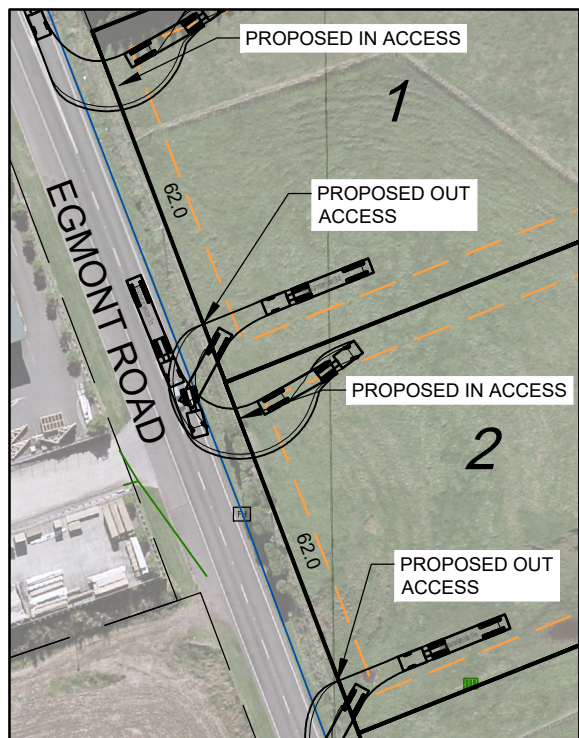
1. Further archaeological information is sought to confirm the presence or absence of archaeological material and identify potential hotspots elsewhere in the application site. Once the exploratory authority is exercised, and this is known further impact assessment work to inform any consequential earthwork plans via the Kaitiaki Forum recommended below. Cultural monitors must be present during these works;
2. Development of a construction management plan addressing stormwater and sediment runoff and ensure that the condition of consent requiring this plan includes certification from hapū;
3. Provide greater detail regarding the stormwater management proposed for this development, and for future proposed development of Lot 3 that can aid in a) the remediation of effects on the mauri of the Mangaone; and b) will avoid any further contaminants from the proposed land use from migrating to the Mangaone via any stormwater system; and
4. Ensuring the process continues to provide for the ongoing engagement and dialogue between the applicant, hapū and regulatory bodies through the initiation and resourcing of a kaitiaki

forum with the purpose of structure planning the broader application site, and across the remainder of the area proposed to be re-zoned.

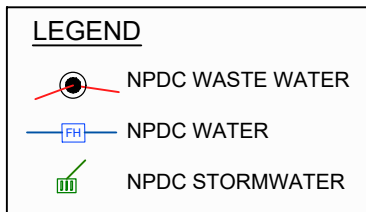
No further subdivision or land development should occur until such time as the structure planning process for the overall area is complete, noting the failings of the provisions in the Proposed New Plymouth District Plan to provide for the values noted in this CIA as currently drafted.

Appendix 1 – development proposal

Disclaimer: This plan is produced for the sole purpose of obtaining a subdivision consent under the Resource Management Act 1991. Dimensions and areas are approximate and are subject to final survey.
The use of this drawing for any other purpose is at the owners risk.



**TURNING CIRCLES LOT 1 & 2
SEMI-TRAILER**
SCALE 1:1250

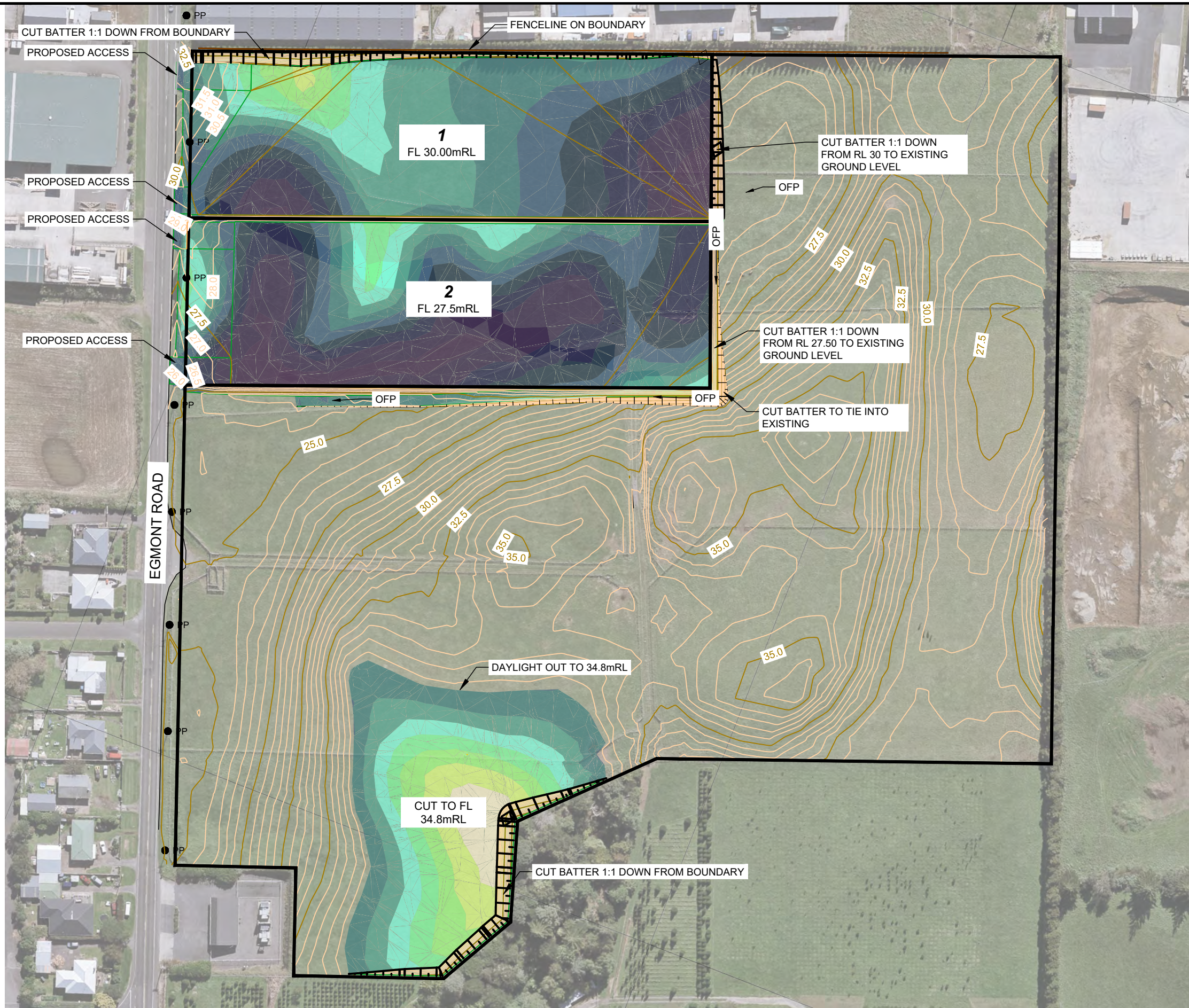


LOCAL BODY: New Plymouth District Council
 APPLICANT: Manor Property Ltd
 COMPRISED IN: CFR 401595
 SCALE: 1:2000

**Lots 1-3 being a Proposed Subdivision of
Lot 2 DP 400849**

Prepared by: K. Preston
 Drawn by: KP
 Checked by: KB
 Date: 11/04/2019
 Date: 16/04/2019
 Licensed Cadastral Surveyor
 Date: April 2019 Job No. 180802.02 Drawing No. 180802.02-01 REV 2

File Name: J:\2018\180802\180802.02 Ind 3 Lot\DWG\180802-02 EARTHWORKS.dwg - SHT 1 Plot Date: 17/06/2019 Plot Time: 11:46



EARTHWORKS KEY

COLOUR	FILL DEPTH RANGE MIN.	FILL DEPTH RANGE MAX.

EARTHWORKS VOLUMES
 CUT 37500m³ (10-20% SHRINKAGE/COMPACTION ALLOWANCE TO FILL)
 FILL 32500m³



Disclaimer:
 Areas and dimensions may be subject to scale error.
 Scaling from this drawing is at the users risk.



NO	DATE	BY	CHKD	APPR	OPER	DESCRIPTION	NUMBER	TITLE

GENERAL NOTES
 1. Coordinates in terms of : NA
 2. Elevations in terms of : NA
 3. Contour interval is : 0.5



LOCATION	NEW PLYMOUTH
PROJECT No.	180802.02
A3 SCALE	AS SHOWN
SURVEYED	NAME DATE
DRAWN	KP 08/05/2019
CHECKED	-

TITLE		MANOR PROPERTY LTD	
		3 LOT INDUSTRIAL SUBDIVISION-19 EGMONT ROAD	
		EARTHWORKS PLAN	
ORIGINAL SIZE	DRAWING No.	SHEET	REVISION
A3	180802.02-02	1	0

Appendix 2 – potential future development plan

Disclaimer: This plan is produced for the sole purpose of obtaining a subdivision consent under the Resource Management Act 1991. Dimensions and areas are approximate and are subject to final survey.
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KEY




 EXISTING OVERLAND FLOW PATH
 POTENTIAL STORMWATER PIPES

NOTE: ALL OTHER SERVICES TO CONNECT TO SUPPLY IN EGMONT ROAD WITH INDIVIDUAL CONNECTIONS TO EACH LOT WITHIN THE DEVELOPMENT INCLUDING:

- WATER
- SEWER
- GAS
- POWER
- UFF

DRAFT

LEGEND

 NPDC WASTE WATER
 NPDC WATER
 NPDC STORMWATER



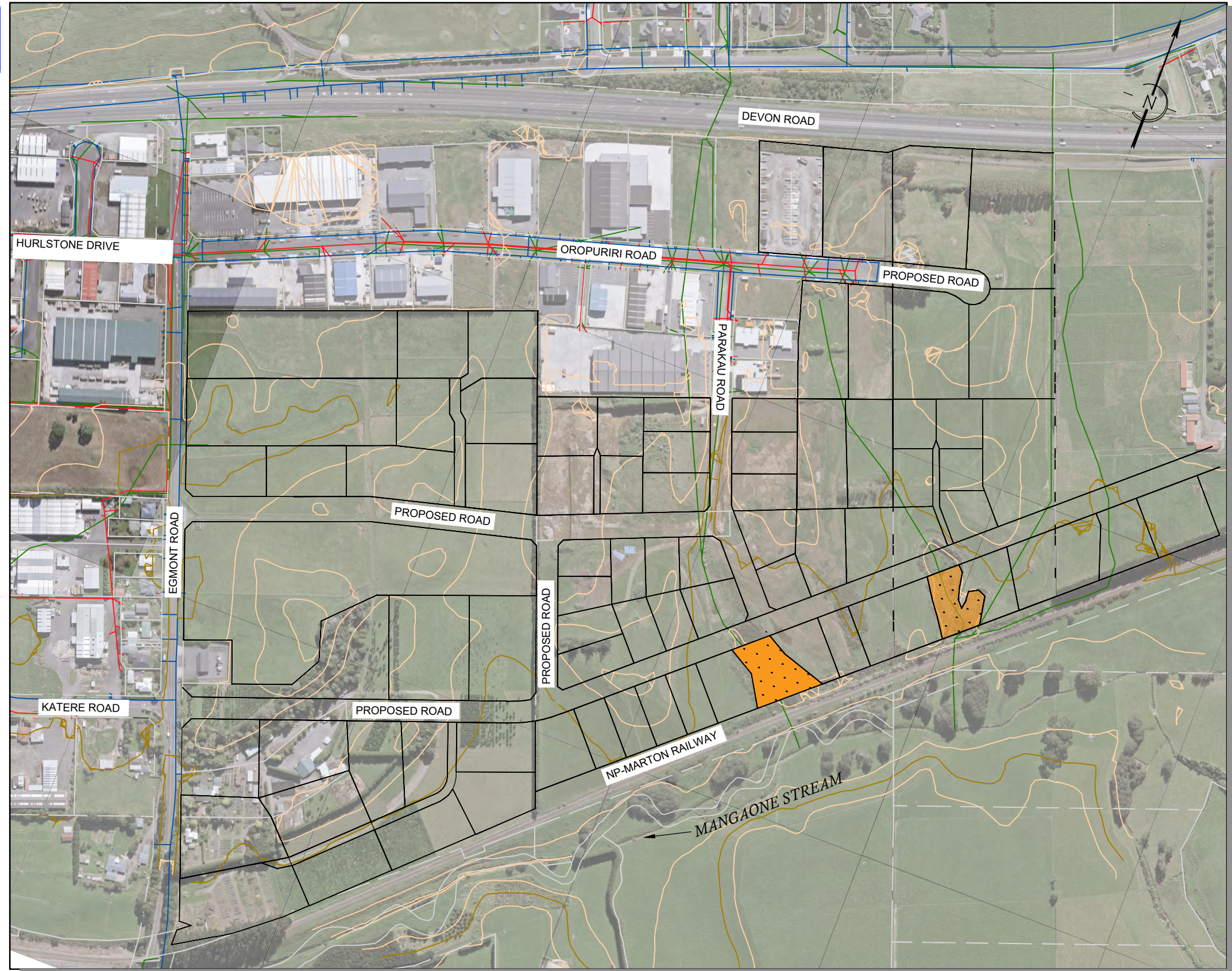
File Name: J:\2018\180802\180802.02 Ind 3 Lot Dwg\180802.02-01 Scheme.dwg Plot Date: 02/09/2019 Plot Time: 13:33

LOCAL BODY: New Plymouth District Council
 APPLICANT: Manor Property Ltd
 COMPRISED IN: CFR 401595
 SCALE: 1:2000




FUTURE DEVELOPMENT

Prepared by: K. Preston
 Drawn by: KP
 Checked by: -
 Date: 02/09/2019
 Licensed Cadastral Surveyor
 Date: Sept 2019 Job No. 180802.02 Drawing No. SHT 2
 180802.02-01 REV 2

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The use of this drawing for any other purpose is at the owners risk.



LEGEND

-  NPDC WASTE WATER
-  NPDC WATER
-  NPDC STORMWATER

DRAFT



LOCAL BODY: New Plymouth District Council
 APPLICANT: NPDC
 COMPRISED IN: NA
 SCALE: 1:4000

**EGMONT ROAD TO OROPURIRI ROAD
 FUTURE DEVELOPMENT**

Prepared by: K. Preston
 Drawn by: KP
 Checked by: XX
 Date: 14/05/19
 Date: XX/XX/18
 Licensed Cadastral Surveyor
 Date: MAY 2019 Job No.180802.03 Drawing No. 180802.03-01-Rev2