

BEFORE THE INDEPENDENT HEARINGS COMMISSION

IN THE MATTER OF

PPC18/00049 being a request under section 73(2) of the Resource Management Act 1991 by Hareb Investments Limited to the New Plymouth District Council for a Private Plan Change to rezone 2 Johnston Street, Waitara from Rural Environment Area to Residential A and Open Space

**STATEMENT OF EVIDENCE OF SARAH KATARINA MAKO
ON BEHALF OF TE KOTAHITANGA O TE ATIWA TRUST**

PLANNING

Dated the 17 November 2020

INTRODUCTION

1. My name is Sarah Katarina Mako.
2. I am Pou Taiao/ Environmental Policy Advisor for Te Kotahitanga o Te Atiawa Trust (**‘Te Kotahitanga’**) and I have been for 16 months.
3. I hold the qualifications of a Bachelor of Resource and Environmental Planning (Hons.) from Massey University, Palmerston North.
4. I have over eight years’ experience as a planner working in local authorities within New Zealand and the United Kingdom. Over this time, I have processed a variety of resource consent and planning applications, monitored resource consent conditions for compliance and taken enforcement action where necessary. At Te Kotahitanga I prepare submissions to resource management processes at national, regional and territorial level, as well as engage with local authorities and applicants on resource consent pre-applications and applications.
5. My specific experience with this application includes a review of the application and hui with the agent following the submission process and completion of the draft Cultural Impact Assessment (**‘CIA’**). I have a good understanding of the Private Plan Change site and the proposal.
6. I have read the Expert Witness Code of Conduct set out in the Environment Court’s Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving oral evidence before the Independent Hearing Commissioners. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

TE KOTAHITANGA O TE ATIWA TRUST

7. Te Ati Awa Iwi are tangata whenua in the area of the Private Plan Change site where the re-zoning, development and uses are proposed. Manukorihi and Otaraua are the Te Ati Awa hapū who are mana whenua over the area of the Private Plan Change request. The Te Ati Awa rohe extends from Te Rau-o-Te Huia along the coast to the Herekawe Stream, inland to Tahuna-a-Tūtawa, east to Whakangerengere, northeast

to Taramoukou, north back to Te Rau-o-Te Huia and offshore out to 200 nautical miles. Te Ati Awa Iwi rohe encompasses much of the New Plymouth district.

8. Te Ati Awa has strong historical, cultural and spiritual connections within this rohe, our environment is a part of who we are. In return, we as kaitiaki, have the responsibility of ensuring the mauri of these environmental and cultural resources is protected and enhanced for future generations.
9. Te Kotahitanga is the mandated voice and representative entity for the collective interests of Te Ati Awa Iwi; established on 31 March 2014 as the post-settlement governance entity by a Deed of Trust. The Te Ati Awa Deed of Settlement was signed on 9 August 2014 and the Te Ati Awa Claims Settlement Act (2016) enacted on 5 December 2016. Te Kotahitanga has a responsibility to ensure that the interests of Te Ati Awa are safe-guarded. This includes considering the extent to which proposed developments and uses may impact on the historical, cultural and spiritual interests of Te Ati Awa within its rohe and those areas under statutory acknowledgement and/ or Te Ati Awa Iwi Claims Settlement Act 2016.

PRIVATE PLAN CHANGE SITE AND PROPOSAL

10. The Private Plan Change site is located within an area of cultural significance to Pukerangiora, Manukorihi and Otaraua Hapū and Te Ati Awa, being located within the Pekapeka Block; however, within a broader cultural landscape of scheduled and unscheduled sites and areas of significance to Māori including the Mangaiti Stream, Waitara River, Te Kohia, Mangakahia, Pukekohatu, Parangarahu, Pukekohe, Rikikoe, Te Werohia, Kuhikuhi, Te Whanga, Matatiore and Mangapuketea.
11. The cultural significance and history of the area to Manukorihi and Otaraua Hapū and Te Ati Awa is described in the Cultural Impact Assessment prepared by Manukorihi and Otaraua Hapū, finalised 17.11.2020 (**Attachment 1**).
12. The application PPC18/00049 seeks to rezone 11.34 hectares of land on the southern side of Waitara from Rural Environment Area (with Future Urban Development Overlay) to Residential A Environment Area and Open Space zonings under the Operative District Plan. In summary the proposal seeks to:
 - Residential A Environment Area where the applicant proposes to create 110 residential lots ranging in size from 350m² to 1000m².

- An Open Space Area of approximately 1.54 hectares provided along the Mangaiti which traverses the Private Plan Change site.
- Subdivision and development is proposed to be managed using a combination of a proposed structure and landscape plans and a specific suite of new rules and standards. The structure plan also details the proposed roading, reserve and walking routes.

SUBMISSION TO APPLICATION

13. The basis of Te Kotahitanga’s submission noted the proposal will have significant adverse cultural effects that will not be, nor are capable of being, adequately or appropriately avoided, remedied or mitigated; the lack of proper or meaningful consultation with tangata whenua, nor the engagement of tangata whenua to provide expert cultural advice; and the proposal would conflict with the objectives of the Te Atiawa iwi environmental management plan *Tai Whenua, Tai Tangata, Tai Ao*. Te Kotahitanga, Manukorihi and Otaraua Hapū sought the Private Plan Change request be declined/ rejected in its entirety.

14. The applicant was advised that the most efficient method to resolve the submissions of Te Kotahitanga and Manukorihi Hapū and ensure cultural expertise informed the Private Plan Change proposal, was to undertake a CIA process. The engagement with mana whenua following close of the submission period until the date of this evidence, is detailed in Section 2.0 of the CIA. The CIA (Attachment 1) was finalised on 17.11.2020.

SCHEDULE 1 OF THE RESOURCE MANAGEMENT ACT 1991 – CONSULTATION WITH TANGATA WHENUA THROUGH IWI AUTHORITIES

15. Schedule 1 of the Resource Management Act 1991 (**‘RMA’**) requires that consultation be undertaken with tangata whenua through iwi authorities in the development of plan change requests. In relation to PPC18/00049 and as mentioned in paragraph 9 above, Te Kotahitanga o Te Atiawa Trust is the relevant iwi authority. Contact was made with Te Kotahitanga once prior to the Private Plan Change request being lodged with New Plymouth District Council¹. As a result, cultural expertise had not informed:

- a. The development of the structure and landscape plans;

¹ Statement of Evidence Kathryn Louise Hooper on Behalf of Hareb Investments Limited, dated 9.11.2020, paragraph 15.10(a)

- b. The compilation of expert reports and evidence including Archaeological, Landscape, Engineering or Planning; or
- c. The plan change process until the CIA was commissioned on 10.07.2020.

16. The applicant has relied upon the advice of Manukorihi and Otaraua Hapū representatives from one meeting prior to public notification for submissions, one meeting following close of submissions and one following the applicant's receipt of the final draft CIA. Section 2.0 of the CIA, paragraphs 1.12 and 1.13 of Mr Matt Hareb's evidence² and section 10.2 of the Private Plan Change request³ detail other meetings and correspondence had with hapū representatives.

17. Te Kotahitanga was engaged at a late stage in the plan change process. As well as setting out the requirements for consultation with tangata whenua through iwi authorities, Schedule 1, Section 3B of the RMA sets out the characteristics of the required consultation⁴.

18. The quality and timing of engagement is significant. The consultation has occurred late in the plan change process, on a fully developed proposal and in the absence of the cultural expertise of Manukorihi and Otaraua Hapū and Te Kotahitanga. The lack of consultation with Te Kotahitanga could be in part mitigated by the initial consultation undertaken with Manukorihi and Otaraua Hapū representatives; however, little regard has been given to the advice by hapū representatives including concerns raised in relation to stormwater, and the protection of the Mangaiti at a hui held with hapū representatives on 20 November 2018 (section 10.2 of the Private Plan Change request⁵). Concerns in relation to stormwater and the protection of the Mangaiti are further reiterated in the CIA.

² Statement of Evidence – Matthew Corey Hare, Hareb Investments Limited, dated 9.11.2020

³ Landpro Ltd (13 March 2019). *Hareb Investments Ltd Request for Private Plan Change to New Plymouth District Council: To rezone land from Rural Environment Area with Future Urban Development Overlay to Residential A Environment Area and Open Space, 2 Johnston Street, Waitara, New Plymouth.*

⁴ Schedule 1, Section 3B of the Resource Management Act 1991 characteristics of consultation with tangata whenua include:

- consider ways in which it may foster the development of their capacity to respond to an invitation to consult; and
- establish and maintain processes to provide opportunities for those iwi authorities to consult it; and
- consult with those iwi authorities; and
- enable those iwi authorities to identify resource management issues of concern to them; and
- indicate how those issues have been or are to be addressed.

⁵ See Footnote no. 4

19. The CIA sets out the matters of contention from an iwi and hapū perspective. It is acknowledged that the applicant has made amendments to the structure and landscape plans and policy and rule provisions to address those matters raised in the CIA. However, the underlying structure plan has not changed to any degree, and therefore road layouts, number of allotments/yield and associated engineering requirements, the design and operation of open space areas and the like all remain unchanged. I address the amended provisions below, but at this point it must be noted that they are fundamentally designed to achieve this structure plan layout/design. Overall, I consider that cultural matters remain outstanding, and the risk of acting has the potential to result in adverse cultural effects that are not able to be avoided, remedied or mitigated through subsequent consent processes.
20. Overall I consider that limited consultation has occurred with tangata whenua with respect to the Schedule 1 requirements, the concerns have been articulated through the CIA process and the cultural impacts have not been adequately informed, evaluated and implemented in respect of the proposal.

PROPOSED POLICY FRAMEWORK AND RULE PROVISIONS

21. As previously mentioned in this evidence, limited consultation has occurred with tangata whenua. The concerns of Manukorihi and Otaraua Hapū and Te Kotahitanga in relation to the Private Plan Change request have been articulated through the CIA process. The preparation of a CIA was engaged late in the plan change process and is based on a proposal fully developed.
22. I consider the issue with the amended provisions is that they have not changed to any degree and they are fundamentally designed to achieve the structure and landscape plan layout/ design. The amended provisions fail to utilise the recommendations of the CIA and cultural expertise of tangata whenua to allow the cultural impacts to be adequately informed, evaluated and implemented in respect of development on the Private Plan Change site.
23. Should this structure plan be approved, the road layout and the type of road to be constructed (E11 and E12) and by default other infrastructure like three waters, the number and size of allotments – and amount of hard standing and stormwater generated, the shape and location of the reserve along the Mangaiti, are all largely set with limited scope at time of subdivision to adapt to situations such as:

- a. Previously un-recorded archaeology.
- b. Cultural Health Index (CHI), and how this informs Te Mana o te Wai, and the type of stormwater solutions to be implemented.
- c. Reflection of a cultural narrative in street layout and other features of the subdivision.
- d. In-stream structures and the reliance on consent from Taranaki Regional Council (TRC) to install those as proposed.

24. General Residential A Environment Area provisions are largely relied upon to manage subsequent subdivision and development of the site, with the exception of several additional policies, and several matters of control/discretion which can be considered at time of subdivision.

25. No objectives are proposed. As a result the policy framework must implement the existing objectives of the Operative District Plan. Importantly, this set of objectives include:

- a. Objective 11 – to recognise the district’s heritage resources, provide for their protection and promote their enhancement.
- b. Objective 14 – To preserve and enhance the natural character of the coastal environment, wetlands, lakes and rivers and their margins..
- c. Objective 19 – To recognise and provide for the cultural and spiritual values of Tangata Whenua in all aspects of resource management in the district in a manner which respects and accommodated Tikanga Maori.

26. In my opinion the policies proposed, and associated rule and planning map framework are not the most efficient or effective provisions to implement these objectives.

27. Proposed policies are inadequate with regard to a number of matters which are raised in the CIA, including the Pekapeka block and associated events; the natural character of the Mangaiti; and the on-going engagement of mana whenua with respect to the development of the land, all being limited through the current design of the structure plan.

28. New rules are proposed to implement the policies set out in the request. In my opinion there are a number of issues with these rules, including but not limited to:

- a. Rule parameters referencing the Waitara Area D Structure Plan as a permitted activity, which as set out above limits the scope through which the recommendations of the CIA are able to be implemented through subdivision consent. This issue extends to matters of control and scope to undertake adaptive management as suggested.
- b. The clarity of when consent is required with respect to earthworks (OL60N) referencing earthworks that are 'visible' from the Rural Environment Area.
- c. Matters of discretion which limit considerations to Priority Waterbodies, of which there are none within the Private Plan Change request area recognised within the Operative District Plan.
- d. Matters of discretion which are silent on the need for written approval from mana whenua and post settlement governance entities.
- e. Reference to the Norman Catchment stormwater projects in matters of discretion and policy direction, omitting any detail regarding what the scope or scale of these are, and how those projects give effect to Te Mana o te Wai.

29. Overall I consider that the proposed provisions do not adequately take into account the provisions of *Tai Whenua, Tai Tangata, Tai Ao*; and based on the finding of CIA to date, these provisions have the potential to result in adverse cultural effects that are not able to be avoided, remedied or mitigated through subsequent resource management processes.

STORMWATER

30. Following submissions, the proposed policies and rules have been amended to be more flexible with respect to low impact design; however a reliance on in-stream structures remains.

31. Engineering advice from Council's Engineers have advised that the level of detention and discharge flow rate proposed is acceptable⁶; however, states that this is only in respect to water quantity aspects of stormwater management. The advice notes there are other values associated with the waterbody that must be considered. Paragraph 11.55 of the Council's s42A report states; '*While the proposed on-line stormwater design will have sufficient capacity and can achieve hydraulic neutrality,*

⁶ New Plymouth District Council Plan Change Hearing Commissioners, S42A Report on Proposed Private Plan Change 49: Johnston Street, Waitara Rezoning. Prepared for New Plymouth District Council by Boffa Miskell, 30.10.2020, paragraph 11.52 ('s42A report')

the method of on-line management as opposed to off-line (outside the riverbed) must also be considered and the associated impact on the values associated with the waterbody, such as cultural, ecological and recreational.

32. Giving effect to Te Mana o te Wai is a requirement of the National Policy Statement for Freshwater Management 2020. In accordance with the statement made by the s42A report writer above, I consider that water quantity is only one aspect of Te Mana o te Wai that this stormwater management solution must implement.
33. I support and rely on the evidence of the Council's Open Spaces Planner who notes in the s42A report that:
- a. Their experience with other online detention in the Waitara area has shown that online detention creates ongoing issues in regard to weed invasion and maintenance of a clean, open and flowing waterway (paragraph 11.128);
 - b. That online stormwater detention is reconsidered, to ensure open and flowing stream environment is maintained (paragraph 11.134 (e))

OTHER MATTERS OF CLARIFICATION

34. In respect to Ranfurly Park, the statements made in Ms Hooper's evidence⁷ must be considered in the context of the New Plymouth District Council (Waitara Lands) Act 2018 which transfers the ownership of the land to Te Kowhatu Tu Moana (when they decide) and will have its reserve status revoked⁸.
35. Further, no submissions or further submissions opposing the re-zoning of Ranfurly Park were made to the Proposed District Plan.

CONCLUSION

36. Overall I consider that the Private Plan Change request PPC18/00049 does not adequately take into account the provisions of *Tai Whenua, Tai Tangata, Tai Ao*. The process falls short of the requirements for consultation with iwi authorities as required pursuant to the Schedule 1 of the RMA. The provisions are not the most efficient or effective methods of achieving the objectives of the Operative District Plan, and higher order planning documents. I consider that approval of the request

⁷ Ms Kathryn Hooper's Evidence, 9.11.2020, paragraph 10.20(e)

⁸ Section 12 and 13 of the New Plymouth District Council (Waitara Lands) Act 2018

in its current form would result in adverse cultural effects which are not able to be avoided, remedied or mitigated through subsequent resource consent processes.

Sarah Mako

17th day of November 2020

Attachment 1: Cultural Impact Assessment (Final) prepared by Manukorihi and Otaraua Hapū, dated 17.11.2020

Cultural Impact Assessment

PPC18/00049 Johnson Street, Waitara | Hareb Investments Limited

Prepared by: Manukorihi rāua ko Otaraua Hapū

Prepared for: Hareb Investments Limited

Adopted by: Manukorihi 17.11.2020

Otaraua 17.11.2020

Quality Assurance			
Date	Version	Change	Comment
20.10.2020	1.0		Final Draft
17.11.2020	2.0	Updates following applicant's evidence	Final

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1.0 He Kupu Whakataki/Introduction

Purpose

The purpose of this Cultural Impact Assessment (CIA)¹ is to assess the actual and potential effects on Manukorihi and Otaraua Hapū (Manukorihi and Otaraua or the hapū) that may result from the potential rezoning of land from Rural to Residential and Open Space Environment Area at Johnson Street in Waitara as proposed by Private Plan Change PPC18/00049.

Manukorihi and Otaraua have undertaken an effects assessment to consider how the proposal recognises and provides for our relationship with our ancestral lands, waters, wāhi tapu and other taonga; as well as providing for the protection of sites and areas of significance to Māori and other Historic Heritage resources in the area as matters of national importance.

Manukorihi and Otaraua have also considered how the proposal provides for our role as kaitiaki of areas, places, features and resources in the Waitara area, and takes into account the principles of Te Tiriti o Waitangi.

Authors & Te Ao Māori

Manukorihi and Otaraua, with the support of Te Kotahitanga o Te Atiawa Trust (or Te Kotahitanga), have prepared this CIA to assess the effects of the proposal. Only tangata whenua who *whakapapa* have the mandate to carry out CIAs, and only tangata whenua can determine the issues that affect themselves and their natural and physical resources and to what extent these may be.

Manukorihi and Otaraua 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, Manukorihi and Otaraua would not consider environmental impacts separately to impacts on health and wellbeing of te tangata.

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 Rangī, 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 and physical resources has degraded and the amount available for use has 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.

The values that this application is assessed against in this CIA are informed by this world view.

Methodology

The following were the key steps taken to inform the development of this CIA:

- Review of the private plan change application, and documentation held by hapū kaitiaki regarding sites and areas of significant to Māori, and broader associations within the area.

¹ Appendix 1 sets out general context around what a CIA does, and what matters they generally address.

- A series of weekly hui between 28/07/2020 and 13/10/2020 undertaking the assessment.
- A wānanga with hapū on 26/09/2020.

Experienced resource management practitioners Sean Zieltjes and Sarah Mako were engaged to provide technical planning support to hapū kaitiaki whom have undertaken this assessment.

2.0 The Proposal

The private plan change – PPC/18/00049

The application seeks to rezone 11.34 hectares of land on the southern side of Waitara from Rural Environment Area (with Future Urban Development Overlay) to Residential A Environment Area and Open Space zonings as shown in Figures 1 and 2 below. The changes in zoning proposed in the application are as follows:

- Residential A Environment Area where the applicant proposes to create 110 residential lots ranging in size from 350m² to 1000m².
- An Open Space Area of approximately 1.54 hectares provided along the waterway which run through the application site.

Subdivision and development is proposed to be managed using a combination of a proposed structure plan and landscape plan (Figures 1 and 2), and a specific suite of new rules and standards. The structure plan also details the proposed roading, reserve and walking routes.

Proposed relevant provisions include:

- Policy 23.10 – *To ensure stormwater within the Waitara – Area D structure plan area is discharged into an appropriately sized detention pond to minimise the environmental impact.*
- Policy 23.11 – *To control the design of buildings and structures within the Waitara – Area D structure plan area by;*
 - *avoiding visual clutter and maintain a sense of appropriate building density with the adjacent rural area*
 - *avoiding a dominance of built form over open space and to maintain visual permeability*
 - *creating a subdivision that blends with its rural context*
 - *allowing for small lot sizes in the area labelled ‘Smaller’ lots, front yard requirements will be reduced*
 - *ensuring an open streetscape and reducing urban clutter.*
- Policy 23.12 – *To control excavated landforms (cut and fill batters) within the Waitara – Area D structure plan area by placing controls on excavated landforms to minimise visual effects.*

Rules to implement these policies are also proposed within the Operative District Plan to:

- Amend Maximum Height parameters;
- Amend Maximum Number of Habitable Buildings parameters;
- Amend Maximum Coverage of the site parameters;
- Add the proposed Light Reflectance Value parameters;
- Add the Proposed Waitara – Area D Structure Plan to subdivision parameters;
- Add the proposed Fencing Restrictions parameters;
- Add the proposed Cut and Fill batter control parameters;
- Add the proposed Reduced Front Yard parameters for proposed ‘Smaller Lots’ and
- Amend the Minimum Allotment Size parameters².

Figure 1 is proposed to be added as the Waitara Area D Structure Plan:

² Proposed rule framework attached as Appendix 2, from Statement of Evidence Kathryn Louise Hooper on Behalf of Hareb Investments Limited, dated 9.11.2020

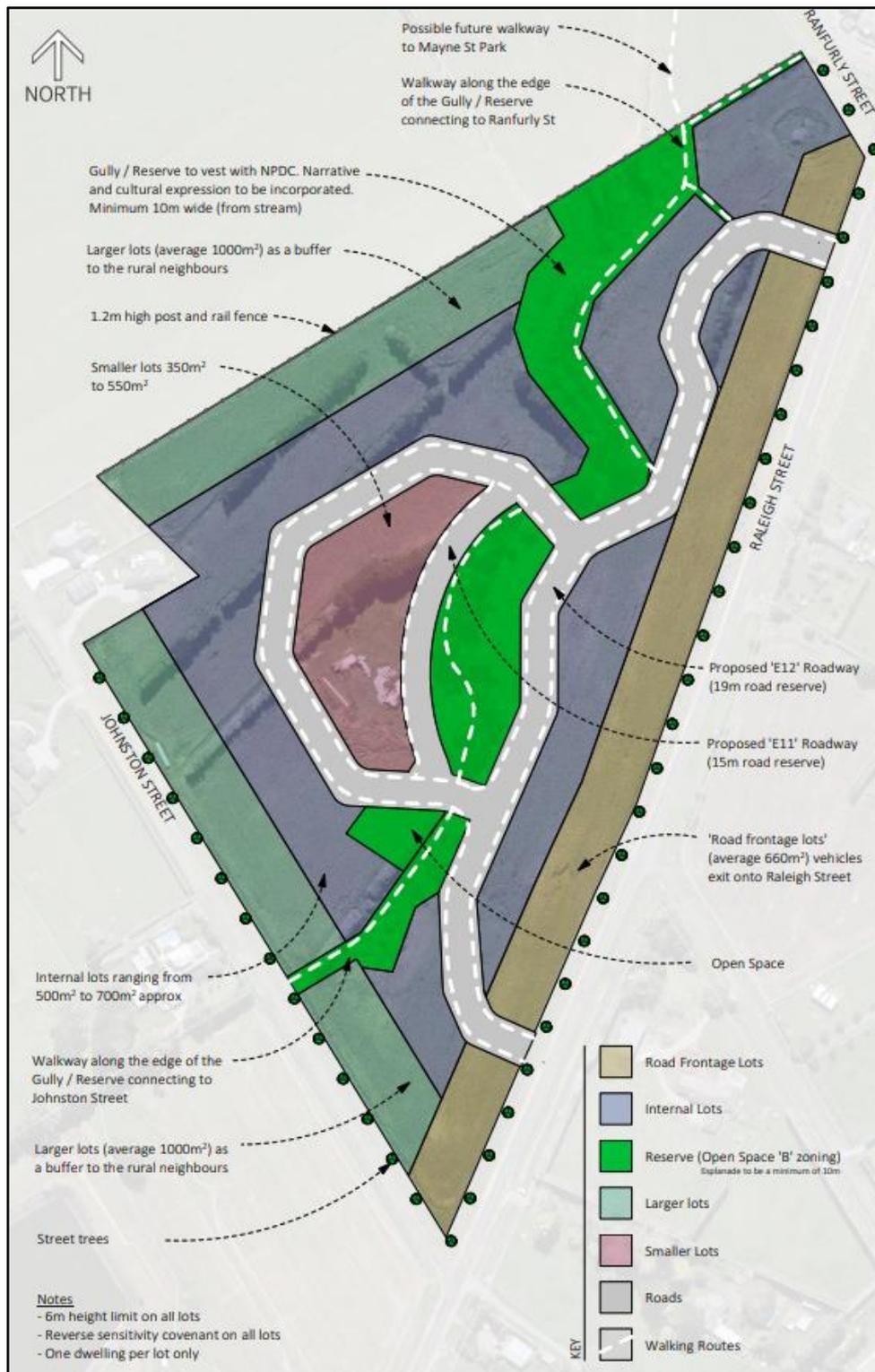


Figure 1: Waitara Area D - Structure Plan³

³ Statement of Evidence of Richard Alexander Bain (Landscape and Visual) on Behalf of Hareb Investments Limited, dated 9.11.2020



Figure 2: potential subdivision layout showing proposed Open Space Zoning, roading alignment, with the remainder being Residential A Environment Area⁴

Engagement process with Mana Whenua

Engagement with mana whenua undertaken by the applicant prior to lodgement is detailed in section 10.2 of the plan change request. Of note is the limited engagement with Te Kotahitanga o Te Atiawa as the Post Settlement Governance Entity (PSGE) or iwi authority of the rohe that the application site

⁴Statement of Evidence of Richard Alexander Bain (Landscape and Visual) on Behalf of Hareb Investments Limited, dated 9.11.2020

falls within, and with a single meeting being held with mana whenua hapū undertaken on 20 November 2018.

Subsequent to this, Te Kotahitanga o Te Atiawa and Manukorihi Hapū submitted in opposition to the proposed plan change⁵.

Following email exchange and several phone calls, on the 23/08/2019 a subsequent meeting was held between mana whenua and the applicant with a view to addressing points raised in submissions. At that meeting the applicant was advised that the most efficient method to ensure cultural expertise informed the Plan Change proposal was to undertake a Cultural Impact Assessment (CIA) process.

On 14/10/2019 a cost estimate was provided to the applicant to undertake that CIA.

The applicant declined to engage the CIA on 15/10/2019, but stated they remained committed to engagement (implied with mana whenua). On 12/12/2019 the applicant provided an email response to queries raised in relation to stormwater at the meeting held on 23/08/2019.

Following receipt of an information request from the Council the applicant engaged mana whenua to undertake CIA on 10/07/2020. We understand we have been engaged whilst concurrently engaging cultural advice from Te Onewa Consultants.

This CIA process commenced on that date.

⁵ Submissions attached as Appendix 3

3.0 Statutory Context

Te Tiriti o Waitangi

The purpose of CIAs is to ensure that the spiritual and physical well-being of a resource, area or site is maintained and that the kaitiaki obligations of tangata whenua are upheld. These roles and responsibilities apply to the ocean, rivers, lakes, forests, fisheries and wildlife as they do to all natural and physical resources.

These resources were guaranteed to tangata whenua under Article 2 of the Treaty of Waitangi and Te Tiriti o Waitangi (the Māori language version) for as long as tangata whenua so desired. Tangata whenua have not relinquished these rights and responsibilities. Below is a transcript of the Second Article of Te Tiriti o Waitangi followed by the translation into English (Professor IH Kawharu) and the first part of "Article the Second" of the Treaty of Waitangi.

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

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

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

Since the signing of the Treaty of Waitangi in 1840, land and other natural and physical resources have been gradually alienated from tangata whenua. Significantly in this area this includes the Pekapeka block; the theft of which ignited the New Zealand land wars in the 1860's.

This alienation from the whenua has diminished the authority of iwi, hapū and whanau over ngā taonga tuku iho for which kaitiaki responsibilities were previously held. Despite this loss, the tikanga, rights and responsibilities over natural and physical resources by mana whenua iwi, hapū and whānau still remain strong.

Resource Management Act 1991

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"*⁶ with the principles 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

⁶ Resource Management Act (1991), Part 2, s5

other taonga⁷; 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 itself⁸. 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 waters⁹.

With respect to plan making, including private plan changes the first schedule sets out the minimum requirement with respect to information provided with a request as well as specific requirements around engagement of tangata whenua¹⁰.

Te Mana o te Wai

The application site is located within the Mangaiti catchment on a tributary known as the Mangaiti. The Mangaiti catchment discharges into the Waitara River. All of these waterbodies are subject to statutory acknowledgement pursuant to the Te Atiawa Claims Settlement Act 2016.

The National Policy Statement for Freshwater Management (NPS-FM) recognises that freshwater has a deep cultural meaning to Aotearoa. Te Mana o te Wai is a concept described within the NPS-FM; and recognises that each waterbody has its own mauri and its own mana which must come first to protect the integrity of the waterbody. 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).

⁷ 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.

⁸ 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.

⁹ Environment Foundation (11 January 2018). *Māori and Environmental Law*, accessed 10 September 2020 <<http://www.environmentguide.org.nz/overview/maori-and-environmental-law/>>

¹⁰ Resource Management Act (1991), Schedule 1.

The NPS-FM includes clear direction regarding the concept of Te Mana o te Wai and its consideration through resource management processes. Importantly for this application, this includes consideration of integrated management of freshwater resources by all local authorities and ensuring tangata whenua rights and interests are reflected in freshwater management.

The proposed NPS-FM 2020 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.

It is important to note that the concept of Te Mana o te Wai extends to activities on the banks of waterbodies, and how these can be managed in an integrated way to ensure the health of a waterbody.

National Policy Statement – Urban Development 2020

The National Policy Statement for Urban Development 2020 (NPS-UD) has introduced specific planning requirements on the New Plymouth District Council around planning for growth which includes the engagement of relevant iwi and hapū to develop strategies and understand capacity for growth in different parts of the District. This is directly applicable to this application.

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

Tai Whenua, Tai Tangata, Tai Ao is an iwi planning document for Te Atiawa. Tai Whenua, Tai tangata, Tai Ao was lodged with the New Plymouth District Council (and others) in February 2020.

This document is required to be taken into account through resource management processes, 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 (Ob. TTHA3.1, Ob. TTHA3.2; Pol. TTHA3.1, Pol. TTHA3.2; Ob. TTHA4.1, Ob. TTHA4.2, Ob. TTHA4.3; Ob. TTHA5.1, Ob. TTHA5.2; Pol. TTHA5.2, Pol. TTHA5.3; Pol. TTAN4.8; Pol. TTAN6.2);
- process for urban growth and outcomes to be achieved in urban environments (Ob. TTAN3.1, Ob. TTAN3.2; Pol. TTAN3.1, Pol. TTAN3.2; Ob. TTAN4.1, Ob. TTAN4.2, Ob. TTAN4.4; Pol. TTAN4.2, Pol. TTAN4.3, Pol. TTAN4.4, Pol. TTAN4.5, Pol. TTAN4.9, Pol. TTAN4.10, Pol. TTAN4.11, Pol. TTAN4.12, Pol. TTAN4.13; Ob. TTAN6.1; Pol. TTAN6.1, Pol. TTAN6.2, Pol. TTAN6.3, Pol. TTAN6.6, Pol. TTAN6.7; Ob. TTAR1.1; Pol. TTAR1.4; Pol. TTAR2.5; Ob. TTAR3.1; Pol. TTAR3.1, Pol. TTAR3.2, Pol. TTAR3.3, Pol. TTAR3.4; Ob. TTTT3.1; Pol. TTTT3.2, Pol. TTTT3.3; Ob. TTTT4.1; Pol. TTTT4.1, Pol. TTTT4.2; Ob. TTHE2.1; Pol. TTHE2.4; Pol. TTRT1.9);
- outcomes for freshwater and the coastal environment (Gen. Ob. TTOM1.1, Gen. Ob. TTOM1.2, Gen. Ob. TTOM1.4, Gen. Ob. TTOM1.5, Gen. Ob. TTOM1.6, Gen. Ob. TTOM1.8, Ob. TTOM3.1, Ob. TTOM3.2; Pol. TTOM3.1, Pol. TTOM3.2, Pol. TTOM3.3, Pol. TTOM3.5, Pol. TTOM3.7, Pol. TTOM3.8, Pol. TTOM3.9; Ob. TTOM4.1, Pol. TTOM4.6; Ob. TTOM5.1; Pol. TTOM5.1, Pol. TTOM5.2; Ob. TTOM7.1; Pol. TTOM7.1, Pol. TTOM7.2, Pol. TTOM7.3; Gen. Ob. TTOT1.2, Gen. Ob. TTOT1.3, Gen. Ob. TTOT1.4, Gen. Ob. TTOT1.5, Gen. Ob. TTOT1.6, Gen. Ob. TTOT1.7; Ob. TTOT3.1; Pol. TTOT3.1, Pol. TTOT3.2, Pol. TTOT3.3, Pol. TTOT3.4, Pol. TTOT3.5; Ob. TTOT4.1; Pol. TTOT4.1, Pol. TTOT4.2; Ob. TTTT1.1; Pol. TTTT1.1, Pol. TTTT1.3; Ob. TTTT2.1; Pol. TTTT2.1, Pol. TTTT2.2, Pol. TTTT2.4, Pol. TTTT2.5);
- outcomes for infrastructure and a preference for water sensitive urban design (Ob. TTOM6.1; Pol. TTOM6.1, Pol. TTOM6.2, Pol. TTOM6.4, Pol. TTOM6.5, Pol. TTOM6.6, Pol. TTOM6.7, Pol.

TTOM6.8, Pol. TTOM6.10; Ob. TTAN4.3; Pol. TTAN4.4; Pol. TTAN6.2; Ob. TTAN8.1; Pol. TTAN8.1, Pol. TTAN8.2, Pol. TTAN8.3, Pol. TTAN8.4);

- stormwater management and support for low impact urban design (Ob. TTAN4.3, Ob. TTAN7.1; Pol. TTAN7.1, Pol. TTAN7.2, Pol. TTAN7.3, Pol. TTAN7.4, Pol. TTAN7.5, Pol. TTAN7.6, Pol. TTAN7.8; Pol. TTAN8.2, Pol. TTAN8.3);
- sites and areas of significance to Māori and Historic Heritage (Ob. TTHE1.1; Pol. TTHE1.1, Pol. TTHE1.2, Pol. TTHE1.4; Ob. TTHE2.1; Pol. TTHE2.2, Pol. TTHE2.4, Po. TTHE2.5; Ob. TTHE3.2; Pol. TTHE3.1); and
- the quality of the built environment (Ob. TTAN4.1, Ob. TTAN4.2, Ob. TTAN4.4; Pol. TTAN4.2, Pol. TTAN4.3, Pol. TTAN4.4, Pol. TTAN4.5, Pol. TTAN4.9; Ob. TTAR1.1; Pol. TTAR1.4; Pol. TTAR2.5; Ob. TTAR3.1; Pol. TTAR3.1, Pol. TTAR3.2, Pol. TTAR3.3, Pol. TTAR3.4).

It is important to note that this CIA/private plan change request is running ahead of a specific piece of work determining values and outcomes for the Waitara area with respect to urban growth to be completed as a part of the District Plan review process which is best articulated as a Cultural Values Statement (CVS) for this area. Despite this, broader guiding principles that are applicable to this proposal are set out in *Tai Whenua, Tai Tangata, Tai Ao*; these include:

- Whakapapa
- Rangatiratanga
- Kaitiakitanga
- Mauri
- Wairuatanga
- Wāhi tapu/wāhi taonga, urupā and sites of significance to Māori
- Mahinga kai
- Mai te Taranaki Maunga ki uta ki tai
- Manaakitanga
- Kotahitanga
- Te Atiawatanga
- Mahi tahi ¹¹.

New Plymouth District Plan (Operative and Proposed)

The application sets out the relevant rules from both the Operative and Proposed New Plymouth District Plans (where these have legal effect). Overall, any subdivision activity would be considered as a discretionary activity. There are a range of policies from both the Operative and Proposed Plans required to consider this proposal against, including those which manage the effects of developments on waterbodies and Historic Heritage.

Of note are directive policies regarding land re-zoning and urban development. These include references to water sensitive design, and the implementation of design principles which reflect Te Ao Māori.

Summary

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

¹¹ Expansion of these principles is included as Appendix 4.

and monitoring is affirmed as is the relevance and practice of kaitiakitanga. *Tai Whenua, Tai Tangata, Tai Ao* provides local context to these rights/roles/obligations as they apply to resource management within the rohe of Te Atiawa. The provisions of that Plan must be taken into account at time of development.

4.0 Site description and existing environment

Receiving environment

The request is required to include an assessment of effects in accordance with the fourth schedule of the Act. To determine these effects, a more complete understanding of the receiving environment is considered necessary than that set out in sections 3.4 to 3.9 of the plan change request. The information provided with respect to heritage in particular is considered to be substantially incomplete.

The description with respect to the land use activities and built environment in vicinity of the application site is partially adopted here in this CIA. In addition to that included in the application, the existing environment includes a range of additional values, relationships and features relevant to this application.

Mana whenua

Manukorihi and Otaraua are mana whenua for the area the application site is located within. Through mana whenua there are cultural narratives which form a part of this existing environment. Some of these include:

- The relationship with the waterbody that flows through the application site – the Mangaiti.
- Numerous pā/papakāinga including Te Kohia, Mangakahia, Pukekohatu, Parangarahu, Pukekohe, Rikikoe, Te Werohia, Kuhikuhi, Te Whanga, Matatiore, Mangapuketea and the associated archaeological, cultural, historic, scientific and technological features of these sites.
- The future environment in this area as it is reasonable to anticipate including the Waitara Stormwater Project, a collaboration between Manukorihi and Otaraua, Te Kotahitanga and NPDC, initiated to improve stormwater flooding and water quality issues within urban Waitara. Other aspects of the future environment include urban growth (including provision of water services) which provide for Te Mana o Te Wai.

Ensuring there is a Manukorihi and Otaraua voice within the growth/development process is critical to ensuring a more complete understanding of the existing environment to consider the actual or potential adverse effects that may result from the proposal; this CIA goes some way to providing for the engagement of cultural expertise to navigate and reflect mana whenua in the built environment/development process.

Te Awaroa/ Waitara River catchment

The Waitara River is one of the major rivers in the Te Atiawa rohe and takes its name from the legend of Te Whaitara-nui-a-Wharematangi-i-te-kimi-i-tana-matua-i-a-Ngarue. The Waitara flows through the rohe of the hapū of Manukorihi, Otaraua, Pukerangiora and Ngāti Rahiri.

The Waitara River, unlike other substantial rivers within Taranaki, does not flow directly from Taranaki Maunga. The Waitara springs in mountainous country near Taharoa and converges with the Manganui River which flows from Taranaki Maunga.

The Waitara river mouth was one of the first areas to be settled in Aotearoa and life was sustained here by the abundant resources provided by the reefs and wetlands. There were many kāinga and tauranga waka at the mouth of the Waitara and the kāinga later became seasonal fishing villages as Te Atiawa spread along and inhabited the entire length of the Waitara River. One of the streams, Mangahinau, was the mooring site for the largest Te Atiawa war waka, Eanganui.

There were many papakāinga along the banks of the Waitara, such as Ngangana, Kuikui, Te Whanga, Huirapa, Werohia, Aorangi, Puketapu, Mamaku, Tokitahi, Purimu, Karaka, Te Awaiotetaki, Manukorihi, Pukerangiora, Mangaemiemi / Te Ahikaroa, Wakatete, Kerepapaka, Tahunakau, and Taumaatene. The Waitara River provided an abundance of fish, īnanga, tuna/eel, piharau, kahawai, yellow eyed mullet, flounder, herrings, kokopu, weka, pukeko and duck. One of the river's tributaries, the Tangaroa, was an important spawning area for īnanga and other native fish.

The hapū fished from purpose-built platforms and this technique continues today to describe customary fishing locations on the river. Each whakaparu was named and these names remain and continue to be used by Te Atiawa today. The mara/ gardens along the river included Te Rore, Mangahinau, Panekeneke, Opakaru, Te Ramarama and Mangaemiemi. The urupā include Te Rohutu, Manaaiti, Pukehou, Teremutu and Ngangana.

The natural defences and height provided by the cliffs provided control of the Waitara River. Aorangi along with Pukekohe and Manukorihi, formed a triangle of strongly defended pā in the valley.

The river continues to be, an important resource for mahinga kai. Contemporary uses of the site include cultural harvesting (fish, whitebait) and the site is valued because of its biodiversity and conservation values.

Te Atiawa has a physical, cultural, historical, traditional and spiritual relationship with the Waitara River. All elements of the natural environment possess a life force, or mauri. This is a critical element of the spiritual relationship of Te Atiawa to the Waitara River which has a spiritual force and personality of its own.

The Waitara River has been and continues to be an integral part of the social, spiritual and physical fabric of Te Atiawa and is celebrated in karakia, waiata and pepeha.

Mangaiti catchment

The application repeatedly references the waterbody within the application site as an unnamed tributary; this is incorrect – with hapū records indicating that this catchment is known as the Mangaiti¹². The Mangaiti makes a significant contribution to the natural character¹³ of the existing environment. The Mangaiti is He Wai Māori; it provides for our way of life. The Mangaiti springs from the land opposite the application site across Johnson Street and heads to Te Awaroa/ Waitara river.

At its source it is very narrow and at times ephemeral but widens as it flows to the sea. The tributary located within the application site has been severely impacted by urban development and rural land uses as articulated in the ecological assessment submitted with the application. Despite this, practises such as kānga piro are still practised in this waterway today¹⁴.

¹² J. White, Manukorihi Hapū, personal communication, August 2020

¹³ Natural Character is not the same as natural features and landscapes or amenity values and may include:

- a. natural elements, processes and patterns;
- b. biophysical, ecological, geological and geomorphological aspects;
- c. natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
- d. the natural movement of water and sediment;
- e. the natural darkness of the night sky;
- f. places or areas that are wild or scenic;
- g. a range of natural character from pristine to modified; and
- h. experiential attributes, including the sounds and smell of the sea; and their context or setting.

¹⁴ D. Eriwata, Otaraua Hapū, personal communication, August 2020

Historically, large wetland areas were located within the Mangaiti catchment. The catchment discharges into the Waitara River Estuary – a mahinga kai area identified as a site and area of significance to Māori under the Proposed New Plymouth District Plan (site ID 2597), a wetland of regional significance and a key native ecosystem¹⁵. This estuary was also a significant Tauranga Waka with three pā complexes located around the edges of the estuary.

Ancestral lands and occupation

Waitara has been settled for hundreds of years. Some of the earthworks of the extensive early pā survive still, while others have been interfered with through successive development of the area. Numerous pā and papakāinga are situated in the wider receiving environment the proposed development is located within. The areas surrounding these pā/papakāinga were utilised in every-day life for gardening, growing of food, mahinga kai (as referenced above) and the like.

The application site is situated within the Pekapeka block (shown in Figure 3 below). The name 'Pekapeka' does not appear within this plan change request and, in the documentation, provided by the applicant. The histories of these lands are identified through the naming of the lands. The lack of reference to the names of these lands is an act of selective memory which denies the true history of the land and marginalises the role of mana whenua in the discussions related to these lands.

¹⁵ Taranaki Regional Council (2006). *Key Native Ecosystems: Inventory of sites with indigenous biodiversity values of regional significance* (Document no. 2676), Stratford: Taranaki Regional Council (Waitara River Scenic Reserve section, attached as Appendix 5)

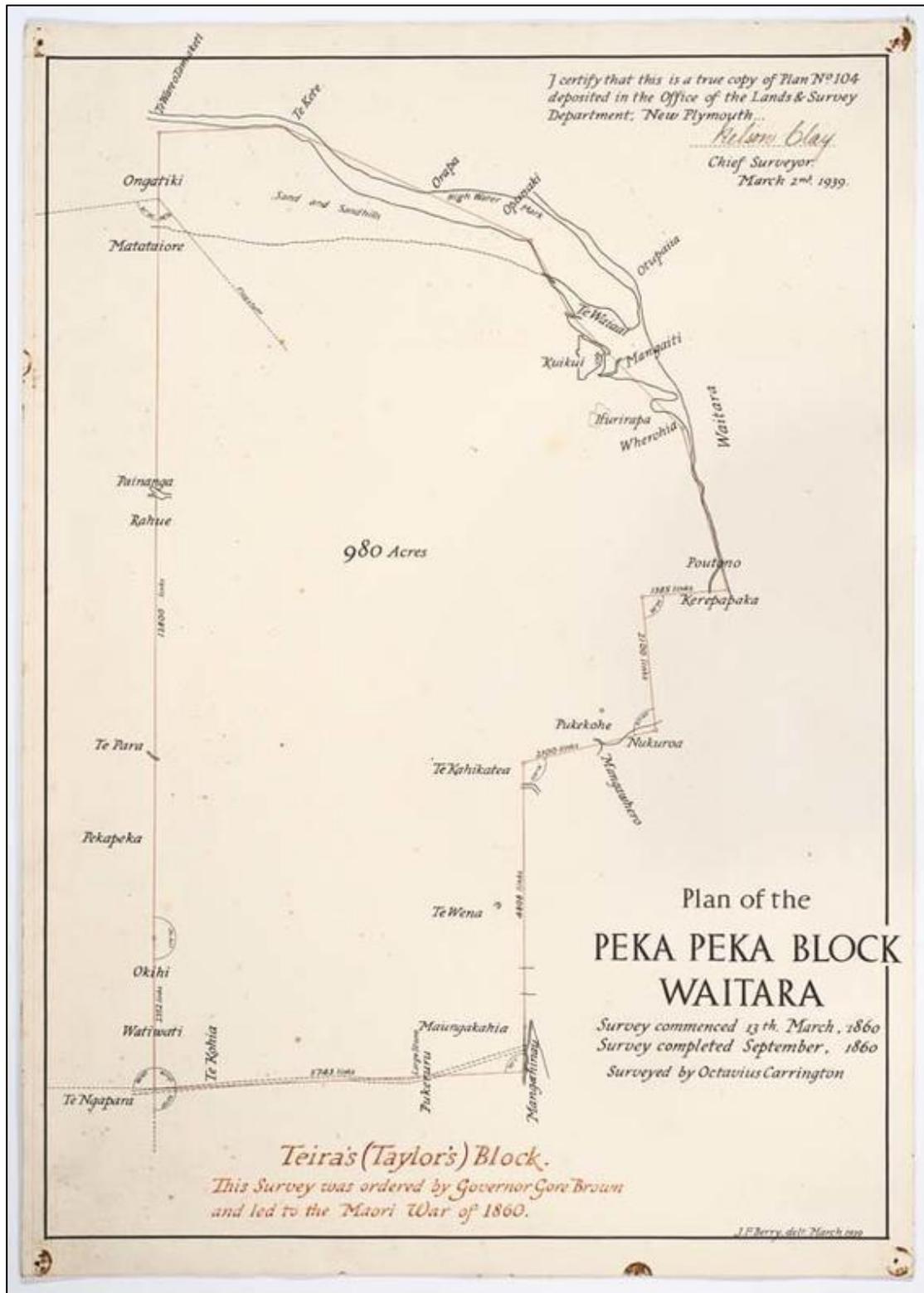


Figure 3: 1860 survey plan of the Pekapeka Block¹⁶. Note the name Mangaiti for the waterbody where it joins the estuary in the top half of this plan.

It is difficult to articulate the significance of the relationship mana whenua have with this area of whenua in this CIA. The Pekapeka block is hugely significant in the history of Aotearoa. It is the place

¹⁶ Puke Ariki (2015). *Plan of the Pekapeka Block*, accessed 21 September 2020, <<https://collection.pukeariki.com/objects/37645>>

where the New Zealand Wars started. It is the place where the original dispute arose and it was a dispute about the purchase of that land by the Crown from Te Atiawa. The injustices that have endured following that act, and the declaration of war that followed have culminated in many generations of Te Atiawa descendants living within a context of historical trauma and with the significant impacts of that trauma being experienced intergenerationally.

The lack of reference to the name Pekapeka gives the impression that this whenua is just any other block of land, this is not just any other block. This is the Pekapeka block and the name is significant within our history. The lack of reference to Pekapeka removes an understanding of the history of land theft, the acts of colonial oppression, the imposition of colonial rule and the impact of the associated historical trauma upon generations of tangata whenua.

Substantial evidence has been produced through the Te Atiawa Claims Settlement Bill, the Waitangi Tribunal and the New Plymouth District Council (Waitara Lands) Act 2018 processes regarding the illegal confiscation of the Pekapeka block, and the on-going impacts this has had on mana whenua. These are not repeated here.

The significance of these areas to Mana Whenua and their relationship with those ancestral lands¹⁷, the prosperity, well-being of people and general way of life that they supported, as well as the more recent history associated with the Pekapeka block and the New Zealand land wars form a part of the receiving environment.

Future environment and relationship

The NPS-UD 2020 identifies the New Plymouth District as a medium growth area (Tier 2). As such more deliberate planning for growth in the district is required. A strategy for growth for the district is yet to be completed; however, building on the guiding principles from *Tai Whenua, Tai Tangata, Tai Ao*, it is anticipated that some of the outcomes Manukorihi, Otaraua and Te Kotahitanga will recommend the NPDC adopt in Waitara include:

- Mana whenua have a prominent, authentic and active presence in the urban environment. The cultural landscape is not static. Opportunities for developments to acknowledge their locations within this cultural landscape, delivered through the application of Māori design principles and with the support of mana whenua and NPDC.
- Māori life and culture thrives throughout urban areas.
- Te Reo Māori is fully integrated within urban areas. This would bring a strong Māori presence through multiple projects, laying a theme across the area, including Te Reo Māori (spoken, heard, seen and electronic). Recognising the taonga status of our primary language, Te Reo Māori is fully integrated into urban development. Te Reo Māori is accessible to all as part of day to day life, and there is a wide range of opportunities hard wired into the urban fabric for residents and visitors alike to experience and participate in kōrero Māori. This could be through bilingual signage and dual naming.

¹⁷ The High Court has accepted that "ancestral land" is land that has been "owned" by ancestors (i.e. it need not remain in Māori ownership today). However, it is important to note that the traditional Māori relationship with land is different to "ownership" in the western sense. It encompasses a connection between the culture and traditions of the people and the land in question.

- Emergence of a Waitara design approach founded on the recognition of natural, human and cultural ecologies unique to this area. This includes designing development out from waterbodies as opposed to into waterbodies¹⁸.
- Mana whenua are able to undertake their traditional manaakitanga role for all visitors and residents.
- The Māori enterprise, innovation and investment footprint continues to grow.
- Environmental health indicators that benefit from a mātauranga Māori environmental management model.

As set out above, the Waitara Stormwater Project is actively working to improve water quality in smaller streams within urban Waitara.

Summary

The assessment of the character of an area must consider the historic context, as well as how the environment may change in the future as a result of developments reasonably able to be anticipated. The additional assessment of the existing environment set out above provides further context the proposed development must be considered within. Manukorihi and Otaraia has identified a number of other components which make the character and amenity of the existing environment; these include:

- Their relationship with ancestral lands, waters, sites and wāhi tapu;
- The historic and contemporary cultural context/landscape this application is set within – including the Pekapeka block.
- Elements of the future environment reasonably able to be anticipated regarding the connection of urban development and the narratives which link these sites to the broader cultural landscape of Te Atiawa.

¹⁸ A practical application of this approach would mean waterbodies are not seen as ‘stormwater infrastructure’ as one example. Waterbodies would be prominent features in a development as opposed to being subjugated to built form, and left at the rear of allotments as other examples.

5.0 Impact Assessment

This report consolidates the assessment able to be undertaken within the truncated CIA timeframe available through the development of the proposed private plan change, and the part of the process in which this CIA has been engaged in response to submissions.

The following impact assessment of effects is made cognisant of the resource management processes this CIA is informing. This includes plan provisions for the proposed re-zoning of the land at 2 Johnson Street, Waitara, as well as the plan making process to date.

This assessment has implemented the provisions of *Tai Whenua, Tai Tangata, Tai Ao* as they apply in the context of the plan change process.

Engagement/consultation process

Key dates of the consultation process the applicant has followed with mana whenua, and Te Kotahitanga is set out in section two of this report. The limitations of this consultation to date are largely reflected in the information contained within the plan change request.

The lack of reference to Pekapeka, incorrect names for waterbodies within the application site and the absence of any provisions (objectives, policies, rules of definitions) which recognise and provide for the relationship of tangata whenua with this area, or the consideration of provisions which provide for this in the section 32 report are evidence of a process which falls short of the first schedule requirements.

Early, effective and complete consultation is one of the primary means by which the plan change process can take into account the principles of Te Tiriti o Waitangi. This has not been the experience of mana whenua with respect to the development of this plan change request. In our view this should have been required as a matter of priority when the original application was made; and the expert cultural advice commissioned at that time to inform the plan change process, the development of the proposal and associated technical reports. Providing this expert advice immediately prior to the hearing process, as opposed to through the development of the proposed plan change, or to inform the reporting planner in relation to the potential effects of the proposal has made the assessment and management of potential cultural effects difficult to summarise. Manukorihi, Otaraua and Te Kotahitanga believe that cultural values and potential cultural effects would have been more adequately addressed had this CIA process and cultural expert advice been sought at the inception of this plan change process.

Effects on relationship of tangata whenua with – ancestral lands (Pekapeka) and waters (Mangaiti)

Provisions for ancestral land and water in the plan change request partially accord with the provisions of *Tai Whenua, Tai Tangata, Tai Ao*. This assessment considers how the provisions specific to Te Tai o Maru, and urban development.

Ancestral Lands – Pekapeka

As set out above, Waitara has been occupied for hundreds of years within the area the proposed private plan change is located including a number of pā/papakāinga and associated activities. It is a cultural landscape of significance. More recent histories regarding the Pekapeka block and the on-going negative impact those actions have on tangata whenua are significant and inform the relationship mana whenua have with this area.

Tai Whenua, Tai Tangata, Tai Ao includes a number of provisions with respect to the quality of the urban environment and ensuring that urban environments reflect Te Ao Māori. In the context of this proposal mana whenua recommend consideration be given to the provision of public open space within the development, and permeability/connectivity for active modes of transport through and across the development. The adoption of a cultural narrative which is reflected in any public open space, street furniture and treatments are some methods to recognise and provide for the relationship Manukorihi and Otaraua have with these ancestral lands. These align with the principle of manaakitanga; ensuring the built environment provides for the well-being of those future residents of the development.

References to the historic context/mana whenua within the provisions of the plan change is required to achieve those outcomes. The provisions of the plan change – including the structure plan, policies, rules and associated assessment criteria – are completely silent on these matters. The lack of appropriate provisions limits the scope to consider these matters through subsequent consent processes (both land use and subdivision).

The effect of these provisions on the historical and/or cultural values for present and future generations is considered significant. Provisions which facilitate a euro-centric urban development typology that fails to recognise and provide for the relationship of tangata whenua with this area results in adverse effects which are not acceptable.

Mangaiti

The relationship of the proposed development with the Mangaiti partially aligns with the provisions of *Tai Whenua, Tai Tangata, Tai Ao* in respect to the waterbody is retained and enhanced with on-going protections provided through the Open Space zoning proposed. Tangata whenua support the retention of the Mangaiti tributaries on site and their planting, public access to control weeds, pests and predators, and to protect the waterbodies; and note that the remediation of these waterbodies must be the outcome sought for any land use change that interacts with these areas.

However, Manukorihi, Otaraua and Te Kotahitanga stress that these waterbodies are primarily waterbodies with their own mana and mauri that must be recognised and provided for ahead of any 'ecosystem service' they provide to the development through the treatment and conveyance of stormwater. This aligns with national direction regarding Te Mana o te Wai.

Significant concerns regarding the amount and the management of stormwater run-off that will result from the development, and how it will be managed to ensure the avoidance of contaminants from migrating into the Mangaiti will be achieved, how unnatural fluctuations in water level will be avoided, and the impact of any other structure required as a part of stormwater management will assist in remediating these waterbodies.

The applicant through engineering evidence and analysis has outlined that they can achieve hydraulic neutrality and propose a detention pond within the bed and channel of the Mangaiti to hold and store stormwater. Policy 23.10 is specifically proposed to guide this outcome through subsequent consenting processes¹⁹. A bund is proposed to be installed at the northern end of the application site within the bed and channel of the Mangaiti within the structure plan area – effectively turning the

¹⁹ Landpro Ltd (13 March 2019). *Hareb Investments Ltd Request for Private Plan Change to New Plymouth District Council: To rezone land from Rural Environment Area with Future Urban Development Overlay to Residential A Environment Area and Open Space, 2 Johnston Street, Waitara, New Plymouth*, Appendix C.

Mangaiti into stormwater infrastructure. This does not align with *Tai Whenua, Tai Tangata, Tai Ao*, or national directions regarding Te Mana o te Wai.

Water Sensitive Urban Design (WSUD) is being discussed in literature across New Zealand to recognise Te Ao Māori in water management²⁰. WSUD can be summarised to include the following:

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

Specific provisions that recognise this and require that any stormwater management solution remediate existing effects, and avoid any further adverse effect on the mauri of these waterbodies is required.

The provisions of *Tai Whenua, Tai Tangata, Tai Ao* are directive with respect to contaminants entering waterbodies and the requirement to avoid the adverse effects these may have. Given the current poor water quality in the Mangaiti catchment, technology to remove as much paru (dirt) entrained in stormwater before it enters the Mangaiti is also recommended. Vortex separators within the street, utilisation of rain gardens/tree bowls and the like to receive/clean stormwater before it enters the waterbody are recommended. Specific design controls on allotments (e.g. with respect to permeable surfaces) may also be required pending the outcome of engineering advice.

The proposed provisions of the plan change request informing the design of the stormwater system do not require any technology to remove contaminants entrained in stormwater before it is discharged into the Mangaiti. The importance of this is elevated given the significance of the salt marsh/wetland the catchment discharges into.

The remediation of the catchments as a part of a programme of works under the Waitara Stormwater Project has commenced in urban Waitara; the proposed re-zoning of the land at 2 Johnson Street has the potential to contribute positively to the outcomes of that programme through stormwater treatment, and riparian planting with a focus on species that provide habitat for taonga and native species in the catchment; however, specific and direct provisions to achieve this are considered necessary of which the plan change request is currently silent on.

The proposed plan change request has an opportunity to remediate the cumulative effects of successive land ownership and restrictions/limitation this has had on the ability of mana whenua to have an active relationship with the Mangaiti, as well as land use practise directing contaminants into waterbodies. In light of WSUD best practice models, it is considered that the plan change should consider provisions around controlling impervious surfaces on sites and building footprints, as well as engineering solutions to manage and treat stormwater on sites and roads prior to entering these tributaries (e.g. swale drains, tree bowls). These solutions are available to the applicant under NZS4404:2010 land development and subdivision infrastructure standard with local amendments, but

²⁰ Afoa, E. & Brockbank, T. (2019). [Te Ao Māori and Water Sensitive Urban Design](#). Report for Building Better Homes, Towns and Cities: Activating water sensitive urban design for healthy resilient communities (Contestable Research), Wellington: BBHTC.

clear policy direction in relation to this outcome is required to ensure the remediation of Mangaiti is achieved over time.

Overall, the provisions of the proposed plan change do not adequately take into account the provisions of *Tai Whenua, Tai Tangata, Tai Ao*, and results in potentially adverse effects that are not acceptable to Manukorihi and Otaraua.

Effects on sites and areas of significance to Māori, wāhi tapu and Historic Heritage

The primary means by which protection of Historic Heritage is provided for is by scheduling items or areas in the District Plan. However, even if an item or area is not scheduled, section 6(f) may still apply in favour of protection²¹.

Despite the archaeological evidence included in the plan change request, the archaeological record in the area considered through this CIA is not complete. Based on the proximity of pā/ papakāinga to the application site it is reasonable to consider further archaeological material may be found.

The provisions of *Tai Whenua, Tai Tangata, Tai Ao* are directive with respect to wāhi tapu and Historic Heritage; that is to avoid earthworks in relation to these areas, and to protect them via various mechanisms available under the RMA.

Specific provisions to manage those earthworks and provide for the on-going cultural monitoring of subsequent development by hapū kaitiaki that is coordinated across the earthworks for the initial services as well as the subsequent land use development is required.

The provisions of the proposed plan change are silent with respect to historic heritage and the management of earthworks to avoid adverse effects on those resources.

Having particular regard to kaitiakitanga

Manukorihi and Otaraua are mana whenua of the area the application site is located within. Through Manukorihi and Otaraua there are cultural narratives which form a key component of the character of the area. The recognition of this must be reflected in the proposed development to avoid or mitigate potential adverse effects on the character of the area, and the relationship Manukorihi and Otaraua has with the application site and surrounds.

Ensuring our voice is present throughout the development process is considered necessary to have particular regard to kaitiakitanga, noting our relationship with resources that are impacted by the proposed development.

Provisions of the proposed plan change request do not include sufficient scope to ensure that the role of Manukorihi and Otaraua as kaitiaki will be provided for in subsequent consent processes, effectively removing the ability for mana whenua to consider the impacts of development in this location further as more specific proposals are made. The impact of this is exacerbated given the lack of reference/provision of the relationship with the Pekapeka block provided for within proposed provisions. It is considered that as a result the proposal is out of step with the requirements of the Act.

²¹ Environment Foundation (4 January 2018). *Section 6 – Matters of National Importance*, accessed 10 September 2020, <<http://www.environmentguide.org.nz/rma/principles/section-6-matters-of-national-importance/>>

Summary

The values of Mana whenua have been applied to the proposal and information available to date. The site and receiving environment is a landscape of cultural significance, and contains a number of significant historical and contemporary cultural features, including being within the Pekapeka block, and the Mangaiti. The proposal has the potential to adversely affect this cultural landscape, and the Mangaiti through the construction and development of residential living. It also has the potential to protect, acknowledge and remediate the environment, and respond to cultural values present in this location. If the commission was of a mind to grant the application request, substantial amendments to the provisions of the structure plan would be required to provide for the relationship Manukorihi, Otaraua and Te Kotahitanga have with this area, as well as to protect the historic heritage of the area. There are residual issues that cannot be addressed at this time and would require this CIA process to continue. As set out above the provisions of the proposed plan change will result in significant adverse effects that are not acceptable to Manukorihi, Otaraua and Te Kotahitanga, nor are they consistent with the provisions of higher order planning documents, or adequately take into account the provisions of *Tai Whenua, Tai Tangata, Tai Ao*.

6.0 Conclusions & recommendations

The engagement of mana whenua to inform the plan change request has not met the expectations of mana whenua. Manukorihi, Otaraua and Te Kotahitanga believe that cultural values and potential cultural effects would have been more adequately addressed had this CIA process and cultural expert advice been sought at the inception of this plan change process.

The proposed structure plan design does not adequately take into account the provisions of the Te Atiawa iwi environmental management plan *Tai Whenua, Tai Tangata, Tai Ao*. The design is not considered to be the most efficient design to adequately address sections 6(a), (d), (e) and (f); 7(a), (b), (c), (f); and 8 of the Act.

In its amended form, the plan change request will have adverse effects on mana whenua and effects which are unacceptable on the relationship of Manukorihi and Otaraua with their ancestral lands, waters and sites and the ability of the development and use to give particular regard to Manukorihi and Otaraua exercising kaitiakitanga.

This CIA sets out a number of recommendations to improve the private plan change request, including, but not limited to:

- The provision of useable open space within the proposed development and associated policy and rule framework provisions;
- Provision for the development of a cultural narrative to inform the development including through cultural expression, integration of te reo Māori (bilingual signage and dual naming), street furniture, open space, etc in the policy and rule framework;
- Redesign of proposed stormwater infrastructure and the policy and rule framework including but not limited prohibition of any structures within the channel and bed of the Mangaiti, to provisions controlling impervious surfaces and building footprints on sites, as well as engineering solutions to manage and treat stormwater on sites and roads prior to entering these tributaries (e.g. swale drains, tree bowls, Vortex separator);
- Policy framework provisions which allow for the development of environmental health indicators for the Mangaiti which benefit from mātauranga Māori;
- Provision of permeability/connectivity for active modes of transport through and across the development;
- Specific provisions to ensure retention of the natural landform, management of earthworks and provide for the on-going cultural monitoring of subsequent subdivision and land use development;
- Provisions in relation to Historic Heritage and process to amend the design in the event there is an unrecorded archaeological find.

As mentioned there are residual issues that cannot be addressed at this time and would require this CIA process to continue. The cultural expertise of mana whenua should be engaged to inform any proposed changes to the private plan change request.

Appendix 1 – Cultural Impact Assessment

A CIA is a report documenting Māori cultural values, interests and associations with an area or a resource, and the potential impacts of a proposed activity on these. CIAs are a tool to facilitate meaningful and effective participation of Māori in impact assessment.

There is no statutory requirement for applicants or a territorial/regional council to prepare or commission a CIA. However, an assessment of impacts on cultural values and interests can assist both applicants and the council to meet statutory obligations in a number of ways, including:

- preparation of an AEE in accordance with the fourth schedule of the Resource Management Act 1991 ('the RMA');
- requests for further information under s92 of the RMA in order to assess the application;
- providing information to assist the council in determining notification status under ss95 to 95F of the RMA;
- providing information to enable appropriate consideration of the relevant Part 2 matters when making a recommendation on a s104, s108 of the RMA.

CIAs are often prepared to articulate the effects of a proposal or activity and are framed in response to Part 2 matters under the RMA, usually as part of a consent. In particular, CIAs address how a proposal is:

- Recognising and providing for the relationship of tangata whenua with their ancestral lands, waters, forests, wāhi tapu and other taonga;
- Recognising and providing for the protection of historic heritage;
- Having particular regard for Kaitiakitanga;
- Taking into account the principles of the Treaty of Waitangi; and
- Taking into account any iwi planning document.

Appendix 2 – Proposed Rule Framework

A: Proposed Rules to be added to the OVERLAYS section of the New Plymouth District Plan in relation to the Waitara- Area D Structure Plan (REVISED NOVEMBER 9 2020)

Red - changes to reflect Waka Kotahi submission

Blue - changes to reflect matters raised in CIA

Green - changes to reflect on the officers report and other corrections

Rule Number	Parameter	Conditions Permitted	Standards and terms Controlled	Discretionary	Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
OL60H	Development and subdivision within the Waitara – Area D structure plan in Appendix 32	1) Development that is undertaken as part of any subdivision that has already been approved in accord with the Waitara – Area D structure plan in Appendix 32; or 2) Where subdivision has not been undertaken the erection of STRUCTURES and BUILDINGS and associated development work that is in accord with the Waitara – Area D Structure Plan and meets OL60I to OL60NO and other applicable overlay and Environment Area rules	Subdivision (including allotment size) shall be in accordance with the Waitara – Area D structure plan in Appendix 32. No more than 50 allotments are subdivided from the parent title existing at 25 June 2019.	Does not meet the conditions for a permitted activity or standards and terms for a controlled activity	Matters of control as for rules Res54-64 as they apply to the RESIDENTIAL A ENVIRONMENT AREA; and, a) Procedures to be followed if artefacts are discovered including the provision of an opportunity for on-site monitoring during excavation within the area identified as Open Space B by Tangata Whenua b) Provision for adaptive management in the event of the discovery of previously unrecorded archaeological remains;	1) Where the proposed development is not in accordance with the Waitara - Area D Structure Plan, the extent of the non compliance with the Waitara – Area D structure plan and how this effects the ability for comprehensive development and or comprehensive SUBDIVISION of the structure plan area and the environmental outcomes including the following: a) The degree to which comprehensive development and integrated management of all the land within Waitara – Area D is able to be achieved when the structure plan area is held in multiple ownership. b) The degree to which infrastructure provisions are co-ordinated within the Waitara – Area D structure plan area. c) The degree to which site specific characteristics of the Waitara – Area D structure plan have been addressed in the design and layout of the area. d) Whether the INDICATIVE ROAD network has taken into account the design/layout of Waitara – Area D structure plan area.

Rule Number	Parameter	Conditions Permitted	Standards and terms Controlled	Discretionary	Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
					<p>c) Design of planting and landscaping; d)The form of and provision for ‘no complaints’ covenants over all proposed allotments to address reverse sensitivity with the surrounding rural zone; e) Provision for the development of environmental health indicators for the Mangaiti Stream which benefit from mātauranga Māori; f) Provision for the development of a cultural narrative to inform the development including through cultural expression, integration of te reo Māori (bilingual signage and dual naming) and street furniture.</p>	<p>e) The effect of modifications to the alignment of the INDICATIVE ROADS on the ROAD TRANSPORTATION NETWORK and the connections and linkages desired for the comprehensive development of Waitara – Area D structure plan area. f) The degree to which the activity achieves public access along the stream. g) The extent to which the design/layout of the INDICATIVE ROADING NETWORK and the Open Space area is integrated. h) Protection of the stream and stream margins is achieved. i) Roothing/pedestrian connectivity is provided. j) The extent to which the design of the ROAD TRANSPORTATION NETWORK considers pedestrian safety. k) How the matters over which control under this rule is reserved are given effect to, including full consideration of the activity in relation to these matters.</p> <p>2) Where the proposal will result in more than 50 allotments subdivided from the parent title at 25 June 2019, the effect on the safety and efficiency of the intersection of Raleigh Street with State Highway 3; including; a) Findings of a detailed integrated traffic impact assessment relevant to the traffic environment at the time of application; and,</p>

Rule Number	Parameter	Conditions Permitted	Standards and terms Controlled	Discretionary	Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
						<p>b) How feedback from Waka Kotahi has been incorporated into the integrated traffic assessment prepared in (a) above; and,</p> <p>c) Written Approval from Waka Kotahi.</p>
OL60I	Maximum Number of HABITABLE BUILDINGS on sites within the Waitara- Area D Johnston Street Structure plan area	1	n/a	More than 1	n/a	<p>1) The adverse effects of the increased number of HABITABLE DWELLINGS on the SITE on:</p> <ul style="list-style-type: none"> - the character and visual amenity of the area; the privacy and outlook of adjoining SITES; - the ability to provide adequate outdoor living space on the SITE or the location of alternate recreation areas; - OUTSTANDING or REGIONALLY SIGNIFICANT LANDSCAPES; and - the natural character of the coastal environment or PRIORITY WATERBODIES. <p>2) The ability to mitigate adverse effects through the use of screening, planting or alternate design.</p>
OL60J	Maximum HEIGHT of HABITABLE and NON HABITABLE buildings on sites within the Waitara- Area D Johnston Street Structure plan area	6m	n/a	Greater than 6m	n/a	<p>1) The extent to which the extra HEIGHT of the proposed BUILDING will:</p> <ul style="list-style-type: none"> - adversely affect the character and visual amenity of the surrounding area; - reduce privacy of adjoining SITES; - have an overbearing effect on SITES within the RESIDENTIAL ENVIRONMENT AREA; - adversely affect OUTSTANDING and REGIONALLY SIGNIFICANT LANDSCAPES; and

Rule Number	Parameter	Conditions Permitted	Standards and terms Controlled	Discretionary	Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
						<ul style="list-style-type: none"> - adversely affect the natural character of PRIORITY WATERBODIES. 2) The extent to which topography, planting or set backs can mitigate the adverse effects of extra HEIGHT. 3) The ability to mitigate adverse effects through the use of screening, planting or alternate design.
OL60K	Controls on roofing and exterior cladding on HABITABLE and NON HABITABLE buildings on sites within the Waitara- Area D Structure plan area	1) a light reflectivity value (LRV) of 25% or lesser for all roofs; and 2) a light reflectivity value (LRV) of 40% or less for all exterior cladding materials	n/a	1) a light reflectivity value (LRV) of greater than 25% for any roofs (or part of any roof); and 2) a light reflectivity value (LRV) of greater than 40% or less for any exterior cladding materials.	n/a	1) The extent to which the increased LRV will: <ul style="list-style-type: none"> - adversely affect the character and visual amenity of the surrounding area; and - adversely affect OUTSTANDING and REGIONALLY SIGNIFICANT LANDSCAPES; 2) The extent to which topography, planting or set backs can mitigate the adverse effects of the increased LRV. 3) The ability to mitigate adverse effects through the use of screening, planting or alternate design.
OL60L	Reduced Front yard Requirements for areas marked as 'Smaller Lots' within the Waitara – Area D Structure Plan.	Minimum 1.5m front yard	n/a	n/a	n/a	
OL60M	Fencing restrictions for sites within Waitara – Area D Structure Plan.	1) Solid fencing 1.2m in height or less Fencing is provided in accordance with the Waitara - Area D structure plan; and	n/a	1) Solid fencing greater than 1.2m in height Fencing is not in accordance with the Waitara -		1) The extent to which the extra HEIGHT of the proposed fence will: <ul style="list-style-type: none"> - adversely affect the character and visual amenity of the surrounding area; - reduce privacy of adjoining SITES;

Rule Number	Parameter	Conditions Permitted	Standards and terms Controlled	Discretionary	Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
		2) no fencing of any sort shall be located on any site between the street and front elevation of its associated HABITABLE DWELLING.		Area D Structure Plan; and/or 2) any fencing located on any site between the street and front elevation of its associated HABITABLE DWELLING.		<ul style="list-style-type: none"> – have an overbearing effect on SITES within the RESIDENTIAL or RURAL ENVIRONMENT AREA; – adversely affect OUTSTANDING and REGIONALLY SIGNIFICANT LANDSCAPES; and – adversely affect the natural character of PRIORITY WATERBODIES. <p>2) The extent to which topography, planting or set backs can mitigate the adverse effects of the extra HEIGHT of the fence.</p> <p>3) The ability to mitigate adverse effects of the proposed fence through the use of screening, planting or alternate design.</p>
OL60N	Controls on Cut and Fill batters where visible from the RURAL ENVIRONMENT AREA	1) Cut and Fill batters less than 1.5m in height, or 2) Cut and Fill batters greater than 1.5m in height where designed by an appropriately qualified landscape professional to be battered at a gradient to match gently and smoothly into existing contours.	Any other cut and fill batters	n/a	1) The revegetation of the batters. 2) The timing within which works and revegetation shall be completed. 3) Mitigation of effects through the use of screening. Planting or alternate design. 4) Consistency with the natural landform	n/a
OL60O	Stormwater disposal from ROADS, right of ways and paved surfaces as part of development and or SUBDIVISION within		Stormwater disposal from ROADS, rights of way and paved surfaces as part of SUBDIVISION is	Does not meet the standards and terms for a controlled activity	1) Matters of control as for rules Res54-64 as they apply to the RESIDENTIAL A ENVIRONMENT AREA	1) The effects of direct stormwater discharges into the stream on the receiving environment. 2) The effects that the disposal of stormwater into the stream has on the archaeological, waahi tapu, cultural and

Rule Number	Parameter	Conditions Permitted	Standards and terms Controlled	Discretionary	Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
	the Waitara Area D Structure plan area		designed so that it discharges into low impact design stormwater systems such as (but not limited to) onsite soak holes, detention ponds, wetlands, vegetated swales, rain gardens, rainwater tanks, soakage pits and soakage holes, filter strips, infiltration trenches/basins, permeable paving, green roofs or tree pits to avoid direct discharges into the stream		2) The consistency and integration of the design with stormwater management projects within the Norman Catchment.	spiritual values held by TANGATA WHENUA. 4) The ability of an alternative stormwater disposal method to minimise the environmental impact of additional stormwater on flood flows. 5) The extent to and reasons why low impact stormwater design cannot be met. 6) The consistency of the design with stormwater management projects within the Norman Catchment.
OL60P	Vesting of Open Space Area within Waitara Area-D		Area is in accordance with the Waitara Area-D Structure Plan		a) Detailed design of the Open Space Area including: i) Areas of open space and proposed planting, ii) Details of plant species (noting preference for locally indigenous species and a focus on species that provide habitat for taonga and native species),, trail design and surfacing,	1) Where the proposed Open Space Area is not in accordance with the Waitara - Area D Structure Plan, the extent of the non compliance with the Waitara – Area D structure plan and how this effects the ability for comprehensive development and or comprehensive SUBDIVISION of the structure plan area and the environmental outcomes including the following: a) The degree to which infrastructure provisions are co-ordinated within the Waitara – Area D structure plan area.

Rule Number	Parameter	Conditions Permitted	Standards and terms Controlled	Discretionary	Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
					<p>furniture and any other features;</p> <p>iii) Details of specific features and design elements that have been incorporated to reflect the cultural narrative of the site, including details of consultation with Otaraua and Manukorihi Hapū in relation to the design, location and form of these features and elements;</p> <p>iv) Detailed plans and sections of the proposed road crossings of the Mangaiti Stream, including culverts and abutments and planting proposed to remediate the stream banks and other features required to ensure an attractive crossing point when viewed from the reserve.</p> <p>v) the location of pipework and sewerage infrastructure within the reserve and provision made to</p>	<p>b) The degree to which site specific characteristics (including the cultural matters) of the Waitara – Area D structure plan have been addressed in the design and layout of the area.</p> <p>d) Whether the INDICATIVE ROAD network has taken into account the design/layout of Waitara – Area D structure plan area,</p> <p>e) Whether the alternative layout has taken into account the cultural concerns of Manukorihi and Otaraua Hapū,</p> <p>f) The effect of modifications to the alignment of the INDICATIVE ROADS on the ROAD TRANSPORTATION NETWORK and the connections and linkages desired for the comprehensive development of Waitara – Area D structure plan area.</p> <p>g) The degree to which the activity achieves public access along the stream.</p> <p>h) The extent to which the design/layout of the INDICATIVE ROADING NETWORK and the Open Space area is integrated.</p> <p>i) Protection of the stream and stream margins is achieved.</p> <p>j) Roading/pedestrian connectivity is provided.</p> <p>h) Procedures to be followed if artefacts are discovered including the provision of an opportunity for on- site monitoring during excavation at installation by TANGATA WHENUA</p> <p>i) Provision for adaptive management in the event of the discovery of previously unrecorded archaeological remains.</p>

Rule Number	Parameter	Conditions Permitted	Standards and terms Controlled	Discretionary	Matters over which control is reserved	Assessment Criteria COUNCIL has restricted the exercise of its discretion to these matters for land use consents
					avoid, remedy and mitigate potential spills in the event of pipeline breaches, b) Provision for defects liability.	j) the degree to which the detailed design matters over which control is reserved under this rule are achieved.

B: Proposed new Policies and Reasons to be added to the New Plymouth District Plan in relation to the Waitara – Area D, Structure Plan.

Policy 23.10 Stormwater

To ensure stormwater management within the Waitara – Area D structure plan area is designed in accordance with best practice to minimise environmental impact, including recognising that the proposed stormwater system is to align with any future stormwater management projects for the Norman Catchment and the objectives of reducing flooding and improving water quality in this catchment.

Reasons 23.10

The Mangaiti Stream begins within the Waitara – Area D structure plan area, and runs through the site, entering the NPDC stormwater infrastructure within the Waitara West Industrial Area downstream. This infrastructure discharges at the Waitara Estuary. Te Atiawa Iwi, Manukorihi Hapū and Otaraua Hapū have concerns about the effects of additional stormwater entering the Mangaiti Stream including:

- Potential for exacerbated flooding downstream; and
- Contaminants in the stormwater entering the Mangaiti Stream polluting and damaging it.

The technical stormwater assessments for Waitara - Area D determined that a combination of on-site soakage, disposal to the existing stream (and the NPDC stormwater reticulation network downstream), and stormwater detention (in-stream culvert and bund) is the most appropriate way to manage stormwater for the development, resulting in a hydraulically neutral stormwater system.

Stormwater disposal from ROADS, right of ways and paved surfaces is (at the time of plan change) proposed to be discharged via kerb and channel with cut-outs into rain gardens, into underground stormwater pipes and onward into the stream. Alternative options could also be considered at the time of stormwater design, reflecting the latest technology. Within the stream will be a culvert pipe and detention bund to buffer downstream flows. The final ground contour and road network will be designed so that secondary overland flow (surface stormwater greater than a 20% AEP storm event) will naturally drain overland into the stream.

Efficient stormwater design can make the stormwater discharge from Waitara – Area D hydraulically neutral by reducing peak flows before they drain north from the area, via onsite soak holes to address stormwater from dwellings and associated impervious areas within an allotment, rain gardens, and detention within the waterway in times of flooding.

The Waitara Community Board has expressed concerns about the low impact systems (Swales and rain gardens) and expressed concern that much of Waitara does not have kerb and channel. The Waitara Community Board has indicated that their strong preference is for a conventional kerb and channel stormwater

management system, and this must be balanced with cultural effects. Kerb and channel systems can however operate in conjunction with low impact stormwater treatment options.

Waitara is the subject of a number of stormwater management projects, and future stormwater management projects for the Norman Catchment are likely to have objectives of reducing flooding and improving water quality in this catchment. This policy ensures that the design of any stormwater system for Waitara - Area D considers the objectives of these projects.

NZS4404:2010 Land Development and Subdivision will be followed.

Method of Implementation

NZS4404:2010 Land Development and Subdivision is to be followed.

Rule O1600 allows for the use of low impact systems as a controlled activity, and if unable to meet the controlled standards, the activity will be restricted discretionary.

Policy 23.11 Buildings and structures within Waitara - Area D

To control the design of buildings and structures within the Waitara – Area D structure plan area by;

- avoiding visual clutter and maintain a sense of appropriate building density with the adjacent rural area
- avoiding a dominance of built form over open space and to maintain visual permeability
- creating a subdivision that blends with its rural context
- allowing for small lot sizes in the area labelled ‘Smaller’ lots, front yard requirements will be reduced
- ensuring an open streetscape and reducing urban clutter.
- **Allowing for provision for reverse sensitivity via a ‘no complaints’ covenant.**

Methods of Implementation 23.11

- a) Develop a Structure Plan for Lot 3 Deposited Plan 446773 that shows the desired pattern of development by ENVIRONMENT AREAS. This will be titled Structure Plan – Waitara Area D **and included as Appendix 33.**
- b) Identify the extent of the Waitara - Area D Structure Plan area on the relevant planning maps.

c) Develop a new set of rules explicit to the Waitara – Area D Structure Plan, including rules requiring development and subdivision to be undertaken in accordance with the Structure Plan in Appendix 33.

d) Rules specifying standards relating to:

- I. Maximum HEIGHT of BUILDINGS and STRUCTURES within the Structure Plan Area.
- II. Number of HABITABLE BUILDINGS per ALLOTMENT.
- III. Maximum COVERAGE of SITES in the Medium Density Area.
- IV. Reduced COVERAGE in the FRONT YARDS in the area identified as ‘smaller lots’ on the Structure Plan.
- V. Light Reflectance Values for roof and other exterior claddings for STRUCTURES and BUILDINGS.

f) Covenants on Records of Title (CFR) restricting build form in front yards and within landscape buffers, **and reflecting reverse sensitivity concerns via no complaints provisions.**

Reasons 23.11

The Waitara - Area D Structure Plan area has been developed to avoid effects. The location, size, and orientation of the various character types have been carefully considered and designed to create varied but integrated development. Policy 23.11 covers those matters relating to structures and buildings that are not able to expressed either through the Waitara - Area D Structure Plan layout and which are not covered by existing rules.

Policy 23.10 and associated rules OL60H, I, J K L and M are to ensure that the effects of residential development on the character of the area are able to be considered.

Policy 23.12 Excavated Landforms within Waitara - Area D

To control excavated landforms (cut and fill batters) within the Waitara – Area D structure plan area by placing controls on excavated landforms to minimise visual effects.

Reasons 23.12

In order to ensure that likely changes in topography appear natural over time, cut and fill batters, where visible from rural environment areas, should be battered at a gradient to match gently and smoothly into existing contours. This is most likely to be relevant at the northern end of the site along the north-western boundary, where the landform drops towards the stream.

Policy 23.12 and associated rule OL60N covers those matters associated with excavated landforms that are not able to be expressed either through the Structure Plan layout and which are not covered by existing rules.

Policy 23.13 Effects of Waitara - Area D on the transportation network

To ensure that development of **Waitara -Area D** can be progressed, while also ensuring effects of traffic generation at the intersection of Raleigh Street with State Highway 3 are acceptable to Waka Kotahi.

Reasons 23.13

Waka Kotahi is planning safety upgrades to the stretch of State Highway 3 between Bell Block and Waitara. At the time of this plan change (plan Change 49), Waka Kotahi were unsure on the timing and detail of these upgrades, and what this would mean for the intersection of State Highway 3 and Raleigh Street.

Upgrades to the intersection of State Highway 3 and Raleigh Street are expected, and timing of the upgrades is also expected to co-incide with the later stages of development of **Waitara-Area D**. This policy is included to enable the first stages of the development of **Waitara-Area D** to proceed (stages 1-3 - 50 lots) but to ensure Waka Kotahi are involved in later stages in the event that the works on State Highway 3 are delayed or altered.

Methods of Implementation 23.13

- a) Include rules that require assessment of the effects of the development of **Waitara-Area D** on the safety and efficiency of this intersection via an Integrated Traffic Impact Assessment and accordingly, written approval from Waka Kotahi once the number of lots created exceeds 50 from the parent title (at 25 June 2019).

Policy 23.14 Cultural Effects within Waitara - Area D

To ensure that the Cultural Effects associated with development of **Waitara -Area D** are avoided, remedied and mitigated and Manukorihi and Otaraua Hapū are given the opportunity for cultural expression and monitoring.

Reasons 23.14

The provisions of the Te Atiawa iwi environmental management plan *Tai Whenua, Tai Tangata, Tai Ao* must be taken into account when developing this land. The design must adequately address sections 6(a), (d), (e) and (f); 7(a), (b), (c), (f); and 8 of the Act.

To allow for the relationship of Manukorihi and Otaraua with their ancestral lands, waters and sites and the ability of the development and use to give particular regard to Manukorihi and Otaraua Hapū and Te Atiawa Iwi exercising kaitiakitanga; and recognising;

- Their relationship with ancestral lands, waters, sites and wāhi tapu;
- The historic and contemporary cultural context/landscape this application is set within including the Pekapeka block; and,
- The connection of urban development and the narratives which link these sites to the broader cultural landscape of Te Atiawa.

Methods of Implementation 23.13

- a) Inclusion of matters of control and discretion within the rules that provide for the development of a cultural narrative to inform the development including through cultural expression, integration of te reo Māori (such as bilingual signage and dual naming), street furniture, open space;
- b) Ensure policy and rule framework addresses the cultural concerns of Manukorihi and Otaraua in relation to both quantity and quality of stormwater and potential effects on the Mangaiti Stream, and appropriately provides for the provision of low impact stormwater design;
- c) Inclusion of provisions within the policy framework that allow for the development of environmental health indicators for the Mangaiti which benefit from mātauranga Māori;
- d) Provision for active modes of transport through and across the development by requiring the development by setting the expectation that development occurs in accordance with the structure plan in Appendix 33, and allowing greater scrutiny of the proposal if deviation from the structure plan in Appendix 33 is proposed;
- e) Provisions to ensure retention of the natural landform and management of earthworks
- f) Provision for appropriate cultural monitoring of subsequent subdivision and development; and,
- g) Provisions for specific consideration of adaptive management within the rule/consenting framework and process, requiring that detail on how amendments to the design of the development will occur in the event there is an unrecorded archaeological find are provided.

C: Proposed Appendix 32

APPENDIX 33 STRUCTURE PLAN (Plan Change 49) Waitara – Area D Structure Plan

The provision for the subdivision and development of the **Waitara – Area D** Structure Plan apply specifically to Lot 3 Deposited Plan 446773, as identified in this Appendix, and as identified as a Structure Plan area on planning map B40.

The Structure Plan guidance notes and associated rule framework ([Existing ONPDP Issue 23, Objective 23, Policy 23.1, Method of Implementation 23.1 and Reasons 23.1 and associated rules, and proposed new Policies and Reasons 23.10-14, Policy 23.11, Reasons 23.11 and Rules OL60H to OL60P](#)) are intended to provide for the comprehensive development of the site.

Figure 1. Waitara Area D – Structure Plan



PROJECT: Raleigh Street Proposed Subdivision

DRAWING NO: GA6.0

SCALE: 1:2000@A3

DATE: 09.11.20

FILE NO.: 3077

REVISION: 02

TITLE: STRUCTURE PLAN

Structure Plan Guidance

Waitara Area D is made up of one parcel of land and has the ~~Mangaiti~~ ~~an unnamed~~ Stream running through the middle of it. Issue 23, Objective 23, Policy 23.1, Method of Implementation 23.1, Reasons 23.1, Policies 23.10-14, Reasons 23.8-13, and Rules OL60H to OL60P, address comprehensive development and structure plans providing a policy framework to ensure development within a structure plan area is in accordance with the structure plan.

A structure plan is a framework to guide the development of an area. It contains maps and concept plans, supported by text explaining the background to the issues and the desired environmental outcomes for an area. Waitara - Area D is being rezoned from RURAL ENVIRONMENT AREA (FUD overlay) to RESIDENTIAL A ENVIRONMENT AREA and OPEN SPACE B ENVIRONMENT AREA . A structure plan has been developed to promote an understanding of the issues specific to the area and to achieve comprehensive development of the area.

The Mangaiti Stream is of cultural and spiritual significance to Otaraua and Manukorihi Hapū. Despite the stream not being listed as WAAHI TAONGA/SITES OF SIGNIFICANCE TO MAORI or ARCHAEOLOGICAL SITE in the District Plan, landowners, developers and contractors need to be aware of the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 and/or any national legislation relating to archaeological sites, should an archaeological find arise during ground disturbance. The stream and the protection of it is therefore recognised and provided for through the Waitara - Area D Structure Plan and also through specific consideration to stormwater disposal.

Any consent for earthworks or subdivision within Waitara - Area D shall include reference to the above legislation, and shall include a condition requiring the consent holder to prepare and adhere to an Accidental Discovery Protocol.

Stormwater

The Mangaiti Stream begins within the Waitara – Area D structure plan area, and runs through the site, entering the NPDC stormwater infrastructure within the Waitara West Industrial Area downstream. This infrastructure discharges at the Waitara Estuary. Te Atiawa Iwi, Manukorihi Hapū and Otaraua Hapū have concerns about the effects of additional stormwater entering the Mangaiti Stream including:

- Potential for exacerbated flooding downstream; and
- Contaminants in the stormwater entering the Mangaiti Stream polluting and damaging it.

A combination of on-site soakage, disposal to the existing stream (and the NPDC stormwater reticulation network downstream), and stormwater detention (in-stream culvert and bund) is the most appropriate way to manage stormwater for the development, resulting in a hydraulically neutral stormwater system.

Stormwater disposal from ROADS, right of ways and paved surfaces is (at the time of plan change) proposed to be discharged via kerb and channel with cut-outs into rain gardens, into underground stormwater pipes and onward into the stream. Alternative options could also be considered at the time of stormwater design, reflecting the latest technology. Within the stream will be a culvert pipe and detention bund to buffer downstream flows. The final ground contour and road network will be designed so that secondary overland flow (surface stormwater greater than a 20% AEP storm event) will naturally drain overland into the stream.

Efficient stormwater design can make the stormwater discharge from Waitara – Area D hydraulically neutral by reducing peak flows before they drain north from the area, via onsite soak holes to address stormwater from dwellings and associated impervious areas within an allotment, rain gardens, and detention within the waterway in times of flooding.

The Waitara Community Board has expressed concerns about the low impact systems (Swales and rain gardens) and expressed concern that much of Waitara does not have kerb and channel. The Waitara Community Board has indicated that their strong preference is for a conventional kerb and channel stormwater management system, and this must be balanced with cultural effects. Kerb and channel systems can however operate in conjunction with low impact stormwater treatment options.

Waitara is the subject of a number of stormwater management projects, and future stormwater management projects for the Norman Catchment are likely to have objectives of reducing flooding and improving water quality in this catchment. This policy ensures that the design of any stormwater system for Waitara - Area D considers the objectives of these projects.

All structures in and discharges to the Mangaiti Stream are subject to the Taranaki Regional Freshwater Plan, and may require consent under this plan.

Open Space B

An Open Space B environment area has been placed along the stream margin of the eastern and western boundaries of the ~~Mangaiti Stream~~ ~~unnamed tributary~~. The reserve will manage and preserve the stream margin as a whole and ensure that the stream remains in one ownership to assist this. Placing the Open Space B Environment Area along the margins of the stream will provide for linkages along the stream, protect and enhance the natural character of the area, protect the waterway and allows the stream edges to be actively managed and maintained.

Mangaiti ~~Unnamed~~ Stream

Section 6 (e) of the Resource Management 1991 requires councils to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

The Mangaiti Stream, a tributary of the Waitara River runs through Waitara Area D. It is entirely within the Open Space B Environment Area which will allow for opportunities to recognise cultural significance of this Stream.

Appendix 3 – Manukorihi Hapū and Te Kotahitanga o Te Atiawa Trust
submissions to PPC18/00049

Manukorihi Hapū
C/- PO Box 155
Waitara

23 July 2019

District Planning Team
New Plymouth District Council
Private Bag 2025
New Plymouth 4340

Attention: Juliet Johnston

By email: submissions@npdc.govt.nz

PRIVATE PLAN CHANGE PPC18/00049 – REZONING OF LAND IN JOHNSTON STREET, WAITARA – MANUKORIHI HAPŪ SUBMISSION

Tēnā koe Juliet,

1. On behalf of Manukorihi Hapū, we appreciate the opportunity to provide a submission on Private Plan Change PPC18/00049.

Introduction – Manukorihi Hapū

2. Manukorihi Hapū is a hapū of Te Atiawa Iwi ('Te Atiawa') and exercise mana whenua (authority) over the ancestral lands, waters, taonga species, wāhi tapu and wāhi taonga within the rohe (area of interest) which the proposed private plan change is located within.

Submission on the proposed Private Plan Change

3. Manukorihi Hapū has reviewed the proposed private plan change documents and in accordance Schedule 1 of the Resource Management Act 1991 we make this submission.
4. This is a submission on a change to the following plan, being a private plan change request: Proposed private plan change PPC18/00049 (Johnston Street, Waitara Rezoning) ('the proposal') to the Operative New Plymouth District Plan (District Plan).
5. Manukorihi Hapū could not gain an advantage in trade competition through this submission.
6. The specific provisions of the proposal that this submission relates to is the proposal in its entirety.
7. Whilst Manukorihi Hapū does not have an in-principle objection to growth, it is considered that any significant residential development should be provided for in appropriate locations by way of appropriate methods.
8. The proposal will have significant adverse effects on the environment (including the quality of the environment) including (but not necessarily limited to) significant adverse:
 - Cultural effects – limited consultation has been undertaken by the applicant to define the cultural values associated with the application site including engaging Manukorihi Hapū to provide expert cultural evidence. The unnamed stream that crosses the application site is



a tributary of the Waitara Awa and forms Statutory Acknowledgement to Te Atiawa and Manukorihi Hapū.

- Environmental and social effects including ecological effects
 - Amenity values, landscape (including visual) and rural character effects
 - Traffic and transport effects including accessibility and connectivity
 - Infrastructure, services and community infrastructure effects
 - Stormwater, wastewater and water effects – significant concerns about the proposed disposal of stormwater directly to the unnamed stream
 - Earthworks and construction effects
 - Cumulative effects.
9. The proposal's adverse effects will not be, nor are capable of being, adequately or appropriately avoided, remedied or mitigated.
 10. As mentioned previously, there has been a lack of proper or any meaningful consultation with tangata whenua; nor engagement of iwi/ hapū to provide expert cultural advice.
 11. Manukorihi Hapū seek the following decision from the local planning authority: that the proposed private plan change be declined/ rejected in its entirety.
 12. If others make a similar submission, Manukorihi Hapū will consider presenting a joint case with them at a hearing.
 13. Manukorihi Hapū support Te Kotahitanga o Te Atiawa Trust's submission.

Conclusion

14. Manukorihi Hapū wishes to be heard in relation to this submission. If others make a similar submission, Manukorihi Hapū will consider presenting a joint case with them at a hearing.

Heoi ano me nga mihi

Pat Bodger
Chairperson
Manukorihi Hapū



23 July 2019

District Planning Team
New Plymouth District Council
Private Bag 2025
New Plymouth 4340

Attention: Juliet Johnston

By email: submissions@npdc.govt.nz

PRIVATE PLAN CHANGE PPC18/00049 – REZONING OF LAND IN JOHNSTON STREET, WAITARA – TE KOTAHITANGA O TE ATIAWA TRUST SUBMISSION

Tēnā koe Juliet,

1. On behalf of Te Kotahitanga o Te Atiawa Trust ('Te Kotahitanga') and Manukorihi and Otaraua Hapū, we appreciate the opportunity to provide a submission on Private Plan Change PPC18/00049.

Introduction – Te Atiawa

2. Te Atiawa Iwi ('Te Atiawa') exercise mana whenua (authority) over the ancestral lands, waters, taonga species, wāhi tapu and wāhi taonga within the Te Atiawa rohe (area of interest) which extends from Te Rau o Te Huia along the coast to the Herekawe Stream, inland to Maunga Taranaki and offshore out to 12 nautical miles. Te Atiawa has occupied this rohe for centuries.
3. Te Kotahitanga is the governance entity for the iwi of Te Atiawa (Taranaki) and has a responsibility to ensure that the interests of Te Atiawa are safe-guarded. This includes considering the extent to which proposed policy may impact on the historical, cultural and spiritual interests of Te Atiawa within its rohe and those areas under statutory acknowledgement and/ or Te Atiawa Iwi Claims Settlement Act 2016.
4. Te Atiawa has rights and interests including, but not limited to:
 - a) Rights and interests arising under the Te Atiawa Iwi Claims Settlement Act 2016;
 - b) Te Atiawa Iwi Environmental Management Plan ('IEMP') – *Tai Whenua, Tai Tangata, Tai Ao*.
 - c) Rights and interests
 - o according to tikanga and customary law;
 - o arising from the common law (including the common law relating to aboriginal title and customary law); and
 - o under Te Tiriti o Waitangi and its principles.
5. Te Atiawa seek to ensure that these rights and interests are recognised in proposed Council policy and there is alignment with the outcomes of Te Atiawa's key iwi documents:
 - a) Te Atiawa Iwi Claims Settlement Act 2016; and

b) *Tai Whenua, Tai Tangata, Tai Ao.*

Submission on the proposed Private Plan Change

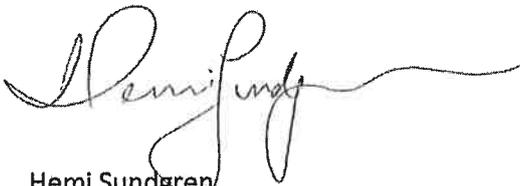
6. Te Kotahitanga has reviewed the proposed private plan change documents and in accordance Schedule 1 of the Resource Management Act 1991 we make this submission.
7. This is a submission on a change to the following plan, being a private plan change request: Proposed private plan change PPC18/00049 (Johnston Street, Waitara Rezoning) ('the proposal') to the Operative New Plymouth District Plan (District Plan).
8. Te Kotahitanga could not gain an advantage in trade competition through this submission.
9. The specific provisions of the proposal that this submission relates to is the proposal in its entirety.
10. Whilst Te Kotahitanga does not have an in-principle objection to growth, it is considered that any significant residential development should be provided for in appropriate locations by way of appropriate methods.
11. The proposal is not the most appropriate or suitable way to achieve the purpose and principles of the Resource Management Act 1991 ('the Act') or the stated objectives of the proposal or the objectives of the District Plan.
12. The proposal is not designed to accord with and assist the territorial authority to carry out its functions in order to achieve the purpose of the Act.
13. The proposal will not properly give effect to, and is contrary to and inconsistent with, the National Policy Statements for Urban Development Capacity and Freshwater Management and the proposed National Policy Statement for Indigenous Biodiversity; Regional Policy Statement for Taranaki, the Regional Air Quality, Freshwater and Soil Plans for Taranaki; the Land Supply Review 2007-2027 Final Framework for Growth; Waitara Community Board Plan: A Thirty Year Vision; and is not the most appropriate method for achieving the objectives of the New Plymouth District Plan.
14. In addition to the above, the proposal would conflict with the objectives of Te Atiawa's iwi environmental management plan – *Tai Whenua, Tai Tangata, Tai Ao.*
15. The proposal will have significant adverse effects on the environment (including the quality of the environment) including (but not necessarily limited to) significant adverse:
 - Cultural effects – the applicant has had limited engagement of iwi and hapū to provide expert cultural advice in relation to the proposal. The unnamed stream that crosses the application site is a tributary of the Waitara Awa and forms Statutory Acknowledgement to Te Atiawa.
 - Environmental and social effects
 - Amenity values, landscape (including visual) and rural character effects
 - Lighting and light overspill effects
 - Noise, vibration and privacy effects
 - Traffic and transport effects including accessibility and connectivity
 - Infrastructure, services and community infrastructure effects
 - Stormwater, wastewater and water effects – significant concerns about the proposed disposal of stormwater directly to the unnamed stream
 - Agricultural land (in terms of loss of and fragmentation of agricultural land) and soil conservation effects;
 - Reverse sensitivity effects;

- Earthworks and construction effects;
 - Cumulative effects.
16. The proposal's adverse effects will not be, nor are capable of being, adequately or appropriately avoided, remedied or mitigated.
17. The proposal is not considered to be a sustainable use of the whenua and will not be efficient or effective; neither does it properly consider alternatives. As mentioned previously, there has been a lack of proper or any meaningful consultation with tangata whenua; nor engagement of iwi/ hapū to provide expert cultural advice.
18. The proposal will not achieve sustainable management and is contrary to the purpose and principles of the Act.

Conclusion

19. Te Kotahitanga and Manukorihi and Otaraua Hapū seek the following decision from the local planning authority: that the proposed private plan change be declined/ rejected in its entirety.
20. Te Kotahitanga wishes to be heard in relation to this submission. If others make a similar submission, Te Kotahitanga will consider presenting a joint case with them at a hearing.

Nāku me ngā mihi
Te Kotahitanga o Te Atiawa Trust



Hemi Sundgren
Pouwhakahaere/ Chief Executive
Te Kotahitanga o Te Atiawa Trust

Appendix 4 – expansion of values identified in *Tai Whenua, Tai Tangata, Tai Ao*

Whakapapa is a genealogical sequence which places humans in an environmental context with all other flora and fauna and natural resources as part of a hierarchical genetic assemblage. Whakapapa follows a sequence beginning with the void, Ngā Tai o Te Kore, Ngā Tai o te Pō, then emerging light, Ngā Tai o te Ao Mārama through to the creation of the tangible world (Kei te whakarururu ngā tai o Pupuke), the union of two primeval parents Ranginui (sky father) and Papatūānuku (earth mother) who were separated by Tānetokorangi and Tangaroa. This saw each of their offspring becoming deities (atua) and personified as kaitiaki of respective environmental domains. Humankind also evolved from them. The main atua include Tangaroa (marine

and sealife), Tāne (in his many forms) (Trees, plants, bush and forrest) and all living things within them, Tāwhiri-mātea (meteorological and atmospheric elements), Rongo (agricultural and horticultural elements),

Rūaumoko (geology and volcanology), Tū-te-nganahau (god of man and war). Our entire environment and its connections through whakapapa are preserved through these systems. Whakapapa is central to Te Ātiawa's framework for managing important environmental and cultural resources, our perspective is holistic and integrated.

Rangatiratanga is the right of Te Ātiawa to exercise authority and self-determination within our Te Ātiawa rohe.

Kaitiakitanga is an inherent intergenerational responsibility and right of those who are tangata whenua

to ensure the mauri of environmental and cultural resources within their rohe is healthy and strong, and

the life-supporting capacity of these ecosystems is preserved. For Te Ātiawa, kaitiakitanga entails an active responsibility to preserve and protect the whenua, waters, taonga species, wāhi tapu/wāhi taonga, urupā and sites of significance to Māori within our Te Ātiawa rohe, today and for generations to come.

Mauri is the active life-giving principle or physical life-principle. It is an intangible and intrinsic value. Mauri was created through the union of Ranginui and Papatūānuku and became ora (living) when they separated.

Mauri radiates outwards from the environments to the species for which it was intended. Mauri is unable to protect itself against unnatural changes to the environment, though it does have the ability to mend and heal, given appropriate time and conditions. Mauri can be used as a measure of understanding the health and wellness of that place or being. Mauri is therefore central to Te Ātiawa's role as kaitiaki and we seek to ensure the mauri of the ecosystem and environment is protected and enhanced.

Wairuatanga is an understanding that the spiritual and physical worlds are inherently intertwined. All places and beings have their own wairua. Like mauri, wairua is an intangible and intrinsic value that is also used as a measure of understanding the health and wellness of a place or being. Wairuatanga is therefore central to Te Ātiawa's role as kaitiaki and we seek to nourish and nurture the wairua of the environment and our people.

Wāhi tapu/wāhi taonga, urupā and sites of significance to Māori are places and things that are sacred or treasured and valued.

Mahinga kai is food and other resources and the location they are sourced from. The protection and enhancement of biodiversity and mahinga kai, and our ability to continue practices in accordance with tikanga underpin the issues and objectives of *Tai Whenua, Tai Tangata, Tai Ao*.

Mai te Taranaki Maunga ki uta ki tai Tangaroa extends from the awa of Taranaki Maunga to the moana. Managing environmental and cultural resources in a holistic manner, recognising they are interconnected.

Manaakitanga the act of giving and caring for others, and reciprocity of kindness, respect and humanity. **Kotahitanga** unity, cohesion and collaboration to meet the common goal of sustainable resource

management.

Te Ātiawatanga working together to create a sense of belonging and strengthen Te Ātiawa's identity.

Mahi tahi collaborating with collective responsibility, accountability and commitment to support and care for each other throughout all endeavours.

Appendix 5 – Waitara River Scenic Reserve section of the Taranaki Regional Council (2006) Key Native Ecosystems: Inventory of sites with indigenous biodiversity values of regional significance (Document no. 2676)

Waitara River Scenic Reserve

At a glance (last updated: February 2006)

TRC reference:	0863-0	Ecological district:	Egmont
Other reference:	DOC 70692	LENZ environment:	F5.2b
Land tenure:	Crown	Protection status:	A, B
GPS:	2616459E – 6245216N	Area:	2.3 ha

Location

The Crown-owned Waitara River Scenic Reserve is located in the Waitara township. The Reserve lies in the Egmont Ecological District.

General description

This Waitara River Scenic Reserve (2.3 ha) is part of the Waitara River estuary, located approximately 500 metres upstream from the sea. The wetland site consists of mudflats which support saltmarsh vegetation, whitebait and wading birds.



Ecological features

Vegetation

The Waitara River Scenic Reserve contains saltmarsh vegetation including sea sedge (*Carex litorosa*), which is identified as 'Chronically Threatened (Serious Decline)', and the regionally uncommon saltmarsh ribbonwood (*Plagianthus divaricatus*).

Other saltmarsh vegetation includes rushes (*Leptocarpus* species), sedge (*Isolepis nodosa*), raupo (*Typha orientalis*), flax (*Phormium tenax*), taupata (*Coprosma petiolata*), and cabbage trees (*Cordyline australis*).

Fauna

The wetland is a whitebait congregating and spawning area. It also provides a habitat for many wading birds, including occasional royal spoonbills

(*Platalea regia*),- and white faced heron (*Ardea novaehollandiae novaehollandiae*).

Ecological values

Ecological values	Rank	Comment
Rarity and distinctiveness	High	Contains the regionally uncommon saltmarsh ribbonwood and 'Chronically Threatened' sea sedge
Representativeness	High	Contains indigenous vegetation on F5.2b – an 'Acutely Threatened' LENZ environment
Ecological context	High	The wetlands provides an important whitebait spawning area and provides habitat for threatened and regionally uncommon indigenous flora
Sustainability	Positive	In good vegetative condition. Key ecological processes still influence the site. Under appropriate management, it can remain resilient to existing or potential threats

Management threats and response

Potential and actual threats to the sustainability of the Waitara River Scenic Reserve's ecological values are as follows:

Threats to ecological values	Level of risk	Comment
Pest animals	Medium to high	Possums, cats, mustelids, and rats
Weeds	Low	
Habitat modification and other threats	Low	Pre season whitebait poaching

Site protection measures addressing potential threats and actual threats are as follows:

Site protection	Yes/No	Description
A	Yes	Public Conservation Estate (Scenic Reserve)
B	Yes	Site specific rules apply – Taranaki Regional Council rules for wetlands (refer Appendix IIA of the Regional Fresh Water Plan) General regional or district rules might also apply
C	No	

