

# He Whakamārama mō Waipu

To: New Plymouth District Council

From: Puketapu Hapū

Date: January 2025

Version: Draft

Subject: Subdivision proposals, 56 Pohutukawa Place, Bell Block (Lot 2 DP 521660)

*Kei tukua noatia tāu wāhi whenua – kia mou, kia ū, kia tū Puketapu ai tātou*

## 1.0 He Kupu Arataki/Background

The purpose of this He Whakamārama (memorandum) is to consolidate the cultural advice provided by Puketapu with respect to the Robe and Roche subdivision application and associated proposals at 56 Pohutukawa Place, Bell Block (Scheme Plans attached as appendix 1), the receiving environment, and the actual and potential effects of the proposal that may result. This He Whakamārama addresses the following applications:

1. The Robe and Roche application lodged as SUB21/47803 (and associated Taranaki Regional Council ('TRC') consents 23-11136-1.0, 23-11139-1.0, 23-11146-1.0;
2. A proposed subdivision to create a 4839m<sup>2</sup> allotment to be transferred to/acquired by Avatar Corporation Limited (the Avatar Proposal); and
3. A proposed subdivision to create a 2.679ha allotment to be transferred to/acquired by Summerset (the Summerset Proposal).

From the outset Puketapu Hapū ('Puketapu' or 'the Hapū') has been consistent in their advice that development in this area has the high probability of resulting in adverse effects on the environment, inclusive of their relationship with their sites, water, ancestral lands, wāhi tapu and other taonga within and adjacent to the Development Area.

As described in the Application and various consultation registers SUB21/47803 has been discussed since early 2021, formally lodged with New Plymouth District Council ('NPDC') in May 2021 and subsequently publicly notified on 22 February 2023. Te Kotahitanga o Te Atiawa, Ngāti Tawhirikura and Puketapu hapū collectively made a submission to the Proposal (Attachment or Enclosure) on 23 March 2023.

Concurrent to public notification, TRC made it known via letter that the proposal would require consent pursuant to the Regional Freshwater Plan for Taranaki and that an application to TRC should be made to enable joint processing of the various consents associated with the proposed subdivision activity and associated infrastructure requirements. A further information request was made by TRC, subsequent to that application dated 8 September 2023.

Both applications have been placed on hold until the required information is received.

The relevant statutory planning documents planning documents for the application are the Resource Management (National Environmental Standards for Freshwater) Regulations 2020,

the New Plymouth District Plan ('**NPDP**') both proposed and operative, the Regional Freshwater Plan for Taranaki. Tai Whenua, Tai Tangata, Tai Ao is the relevant Iwi Management Plan<sup>1</sup>.

Since these applications have been 'on hold', Puketapu and the Applicant have engaged extensively to understand the content of the submission, previous advice regarding Waipu and, as a consequence the scheme plan and application has been amended to better recognise and provide for the relationship of Puketapu and their culture and traditions associated with Waipu, wāhi tapu and their ancestral lands these subdivisions are proposed to occur on.

Through this engagement, related applications to provide for the Avatar (Maida Vale) submissions and a potential extension of the Summerset Lifestyle Village to the north-east were raised. Scheme plans for these related proposals have been received and form the basis of this assessment.

From the outset it is important to understand and recognise that cultural effects arise in both the process and the outcome of a project/development, and that methods as well as the physical changes that may result from a project are important contributing factors to the overall scale of cultural effects that may or may not arise.

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<sup>1</sup> [Tai Whenua, Tai Tangata, Tai Ao | Te Kotahitanga o Te Atiawa](#)

## 2.0 Te Taiao/Existing environment

Environment is a broad term defined by the Resource Management Act 1991 to include:

- a) *ecosystems and their constituent parts, including people and communities; and*
- b) *all natural and physical resources; and*
- c) *amenity values; and*
- d) *the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters.*

Developing a complete assessment of environmental effects relies upon a full understanding of the existing environment; this includes an understanding of the cultural landscape, and the values present/associated with the receiving environment. In addition to the description of the existing environment in section 2 of the application the following attributes of the existing environment are also described.

### Mana Whenua

The existing environment includes Puketapu, as tangata whenua who hold mana whenua<sup>2</sup>. Through Puketapu there are rights and interests, values, processes, narratives and associations past, present and future which form a part of this existing environment. It is understood that some of these include:

- Numerous pā/papakāinga including Te Oropuriri, Ngahinapouri and Tapuirau, associated with the kāinga Hoewaka and other unnamed kāinga, and the associated archaeological, cultural, historic, scientific and technological features of these sites and surrounding areas.
- The historic achievements and deeds of prominent individuals within our collective histories and how those are reflected in the landscape today.
- The obligations, rights and interests of Māori in their ancestral lands, sites, waters, wāhi tapu and other taonga.
- That all water is interconnected, including through whakapapa.
- That water has its own mana, and is its own intelligent being with memory, spirit and feelings, and is a living, breathing phenomena fundamental to the identify and well-being of Māori.
- The depth of relationship and connection tangata whenua have with all water within our tākiwa, also being recognised in statute through settlement legislation<sup>3</sup>.
- Through whakapapa tangata whenua are connected with all waters in our rohe, and through this hold kaitiaki obligations and responsibilities, and that the exercise of these obligations is in turn intimately linked with the identity of tangata whenua.

In more recent times, this area was home to Hinerahuia and Hinerangi, two hapū of Puketapu. The arrival of British settlers and colonisation, Cooke's Farm, the Puketapu Feud,

<sup>2</sup> Puketapu are tangata whenua who hold mana whenua for the project area. This status traces its origins from the original Kāhui people of the land being Te Kāhui Rū, Te Kāhui Tū, Te Kāhui Rangī, Te Kāhui Tawake and Te Kāhui Ao, Maru-iwi and Pohokura, from various tūpuna from the Tokomaru waka, and from the eponymous ancestor – Awanuiārangi and his union with Rongoueroa.

<sup>3</sup> Statutory acknowledgements at sections 29 – 37 and Schedule 1 of the Te Atiawa Claims Settlement Act 2016; and the Statement of Association for the Waipu Stream and its tributaries as detailed in the Te Atiawa Deed of Settlement 2014: Deeds of Settlement Schedule: Documents.

the New Zealand Land wars, successive acts of parliament have all shaped the complex changes to this area over time<sup>4</sup>.

Turning to the future environment as it is reasonably able to be anticipated, Te Ika o Te Rangi (Planning Document shown as Attachment one) is the strategic planning document for Puketapu to be realised within our ancestral lands. Table 1 below summarises these outcomes:

Priority	Outcome
Ūkaipō Ora	Puketapu uri are (re)connected to the whenua and living within our rohe where they are supported to thrive.
Taiao Ora	Puketapu champions innovation in environmental sustainability & resilience, economic wealth generation & future focused opportunities for our mokopuna
Puketapu Ora	Puketapu reo, tikanga & mātauranga are practiced, passed on & elevated in all spaces, especially our marae & the arts.
Mokopuna Ora	Puketapu whenua & wai are regenerated and protected for generations to come.

Tūtohi 1: Summary strategic priorities from Te Ika o te Rangi, Puketapu 2037 Strategy

## Waipu

All development within this area propose to utilise Waipu as the receiving waters for treated stormwater generated across the development. Future stages (shown partially in the Scheme Plan in Figure 1 above) are understood to also be designed to utilise Waipu in the same manner.

Waipu is subject to statutory acknowledgement which recognises the relationship of Puketapu with this catchment<sup>5</sup>. Historic uses of Waipu are associated with burial traditions of Puketapu, and as such differ from other waterbodies in this area. As outlined above, all wai is interconnected. While the surface features of Waipu are readily visible, these are intimately connected with groundwater, both flows in and out from Waipu. It is these elements that made Waipu suitable for these types of uses, historically.

Retention and remediation of these functions, and Waipu intact as far as possible in the landscape are fundamental attributes of the relationship of Puketapu and our traditions hold with these spaces.

Today, despite the modification to Waipu these areas remain significant refugia and habitat for native species as set out in the various ecological reports and assessments for Waipu. The kaitiaki obligations of Puketapu, and the whanaungatanga relationships between mana whenua

<sup>4</sup> These histories and events underpin and inform the archaeological landscape described in the Geometria memo attached completed as a part of the Constraints and Opportunities project for this area.

<sup>5</sup> <https://www.tearawhiti.govt.nz/te-kahui-whakatau-treaty-settlements/find-a-treaty-settlement/te-atiawa-taranaki/>

and the natural world dictate that these areas be restored to the healthiest state possible given the scale of degradation and overall health of te ao turoa in this location<sup>6</sup>.

These kaitiaki obligations and associated tikanga as they relate to the ecology and current state of Waipu form a part of the existing environment.

### Sites and Areas of Significance to Māori, and Archaeological Sites

As defined in the New Plymouth District Plan, Sites and Areas of Significance to Māori ('SASM') are *Ko te wāhi taonga momo wāhi, he whenua rānei e noho ai te tangata whenua, a, he wāhi i arotia ai ngā tangata whenua ma i ngā rā o mua taenoa ki ēnei rā; ko te wāhi he wāhi tikanga, he wāhi tapu rānei ki ngā tangata whenua. Ko te wāhi taonga ki ngā tangata whenua e whakaaturia kei runga i ngā mahere whenua whakatakoto kaupapa.*

*Site and area of Significance to Māori means a site or place the tangata whenua has, or at any time had an interest in; and the site holds cultural or spiritual significance to Māori, including wāhi tapu.*

By definition these are not required to be listed in a district plan to be a SASM. Some SASM hold archaeological features. These form a part of the exiting environment.

The description contained in the Archaeological Memorandum from Geometria<sup>7</sup> accurately describes the archaeological record as we understand it. The Geometria memorandum includes the following statements as they relate to the area this subdivision is proposed:

*It is critical that the growth area be considered as an archaeological and cultural landscape, rather than as a series of discrete sites, as this most accurately presents the challenges of developing this area. It is also critical that the provided dataset be considered a dynamic dataset. Our understanding of the archaeological and historical record is constantly advancing and evolving as new evidence is discovered and new datasets become available.*

*The archaeological potential of the growth area can be summarised as generally very high, including areas in which no archaeological sites have previously been recorded. Previous excavations in the general area have demonstrated the high potential for unrecorded subsurface archaeology even in areas with no visible surface archaeology, or no previous history of archaeological material having been found.*

...

*The centre of the growth area is dominated by the Waipu Lagoon, a large repo (wetland). The oral history of Puketapu tells that this was a place where the dead were washed before burial, which makes this an extremely significant and tapu place for Māori. Beyond simply washing of the dead, it was not uncommon for Māori to bury their dead within*

<sup>6</sup> This is consistent with section 6(a) of the Act requiring the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development be recognised and provided for as a matter of national importance, along with the strategic objectives and associated policies for waterbodies. This includes having regard to Te Mana o te Wai as a strategic outcome in the Plan. This is also consistent with section 6(c) of the Act which requires the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna be recognised and provided for as a matter of national importance.

<sup>7</sup> Geometria Archaeological Memo – Tapuirau to Bell Block Growth Area, dated 3 April 2024

significant, tapu wetlands, and this could have occurred at Waipu, although to my knowledge there are no records of this occurring. The Mangati Urua is recorded in the PDP as site 2037, north of Waipu.

Several other wetlands are noted within and on the fringes of the growth area, on historic plans as well as the 1950s aerial photographs (Figure 1). Wetlands held great significance to early Māori. They were rich resource sources, providing materials for weaving, such as raupo and harakeke, medicinal plants and paru, a mud rich in iron salts, especially iron tannate, which was used for dyeing and preserving textiles. Wetlands were also mahinga kai, being habitat and spawning grounds for plants, birds, fish and eels, all of which were critical to providing resources and sustenance to early Māori. It is common throughout New Zealand for the remnants of eel traps (hīnaki) and similar artefacts to be encountered in wetlands, sometimes having sunk deep into the peat at the base of the wetland system.

The anaerobic nature of wetlands was also frequently exploited by Māori, who stored timber taonga tūturu (Māori artefacts) such as garden tools in them between seasons, primarily to condition and harden the timber. In times of war, taonga tūturu were frequently hidden away in wetlands to keep them safe from capture. Throughout Taranaki, and particularly along the North Taranaki coast, it is common for taonga tūturu to be found in old wetlands, including the famous Motunui epa carved panels, recovered from wetlands near Waitara. Although many of the identified wetlands have been drained or reduced in size, previous excavations I have undertaken in drained wetlands near Rapanui Stream, Tongaporutu have demonstrated that taonga tūturu can survive in “drained” wetlands as long as water remains at the deepest levels of the system. Any wetlands in the vicinity of old Māori settlements that have not been archaeologically excavated present the risk of encountering taonga tūturu in either a disturbed or undisturbed state.

This memorandum alludes to urban development across the Bell Block area as having impacted upon archaeology substantially over time. Almost all recent developments have re-encountered our heritage, destroyed or significantly impacted upon these sites and areas, cumulatively eroding the overall integrity of the physical remnants of our heritage.

Reports collated for the Waitangi Tribunal for the Taranaki hearings, local Kaumatua provided the following evidence regarding the importance of the area to Tangata Whenua.

*“the location of burial places are the large sand dunes to the east, between Rewarewa and Bell Block township. This seems likely in view of their use at Puketapu where the dead were wrapped in flax mats causing their flesh to rapidly decompose. At a specific time of the year the remains would be exhumed and the bones would be cleaned of the remaining flesh. Over the time this was being done those people involved would be tapu and so forbidden to eat until the work was completed. The bones were then often placed in specially made caskets and placed in wetland areas to keep the bones of the tipuna safe from desecration at the hands of enemies who delighted in using them for such common purposes as fish hooks and jewellery. (Grant Knuckey per comm Aug 1994).*

An 1887 account adds further detail to these comments:

*“Great feasting used to take place at these gatherings to exhume the dead and the office of bones scarping and polishing was always performed by tohunga (priests)... the priest would carry the remains to the nearest stream or creek, and literally scrape the cheesy*

*flesh that adhered to the bones into the baskets with their skinny fingers, and then empty the disgusting mass into the stream, and compliment the departed in a chant as the water swept it away. The skeleton would then be pulled to pieces, joint by joint, until the body was dismembered. The skull would be most carefully gone over, and all the flesh and hair that remained would be carefully picked off with their long nails. Then the bones would be scraped and polished, and then smeared over with a preparation of shark's oil and pigeon 's fat and red ochre, and carefully wrapped in newly-dressed flax" (McDowell, 1887,p599).*

This somewhat graphic account was written in the north but local comments about the practises at Puketapu make it likely that this kind of procedure was followed here too. In relation to materials used it is especially interesting to note that there is a particularly well known ochre site near the summit of mount Taranaki. Dieffenbach's guide, Tangutu-na-Waikato from Ngati Te Whiti, mentions trips to the mountain with a party to fetch Kokowai (red Ochre) many years ago (Rawson, 1990,p.52).

Rawson comments that:

*"To the Maoris, ochre (iron oxide ore, or hematite), was a valuable resource. They called it karamea. When it was burnt, it produced a dark umber colour, it was called kokowai... ochre was also used to paint the bones of chiefs, after they had been disinterred, before they were placed finally..." (ibid,pp. 159-160).<sup>8</sup>*

In the following report;

Waipu Lagoon

*"the Waipu Lagoon (whose name means seems to mean red or to redden). But in general wetland area such as this lagoon were often areas where caskets of bones were laid to rest."*

*"Given this areas closeness to so many densely settled areas and natural resources between the Waiwakaiho River and Puketapu Native Reserve, and the many known Urupa in similar sandhills at Puketapu, it seems quite likely that the number of prominent sandhills in this section are possible burial sites. We would be concerned if these dunes were disturbed in any way by future development and we recommend that they be investigated by an archaeologist accompanied by local kaumatua."<sup>9</sup>*

This is exacerbated to the extent where little to no reflection of these areas remain in the urban fabric of the Bell Block, and little reference to the natural and physical resources that contribute to an understanding and appreciation of Puketapu's history and cultures, deriving from archaeology, architecture, historic, scientific and technological innovations contained within our sites and areas of significance to Māori.

These are attributes of the existing environment.

### Character and amenity within the receiving environment

Character is not defined in the RMA or the New Plymouth District Plan. It is however understood to include the range of natural elements and processes of an area, along with experiential and relationships of people and communities with those elements and processes<sup>10</sup>. This is

<sup>8</sup> Boulton.L. March 1995. Research of Wahitapu sites and land title history of the Waiwakaiho or Katere Native Reserve. Pg 58-59

<sup>9</sup> Boulton.L August 1994 Bell Block/Hickford Park: Historical Research and Land Title History pg 48-49

<sup>10</sup> See policy 13(2) of the New Zealand Coastal Policy Statement 2010 for example.

recognised in the NPDP where provisions work to ensure development is consistent with the role, function and planned character of the residential zone. This is described in the plan as being *generally characterised by one building per site, with houses typically being detached, one or two storeys in height and set on spacious sections, with areas of private outdoor space, some large trees and gardens or landscaping. The General Residential Zone also contains natural features, landscapes, and waterbodies, and ancestral land and sites and areas of significance to Māori. This land and these features contribute to the character and context of the zone and hold significance to tangata whenua*<sup>11</sup>.

To restate the submission:

*The relationship of tangata whenua with the landscape is not limited to physical attributes of the environment. Like the concept of amenity, there are tangible, intangible, experiential and relational attributes which also make up this relationship. Through whakapapa, these relationships include obligations for Puketapu as mana whenua and for Tawhirikura who has a shared interest. These include the well-being of people who live in communities within our rohe.*

These descriptions speak to the experiential elements of the character in this receiving environment, beyond what has been described in the application to date.

The uses of Waipu, and its connections within the overall cultural landscape are elements of the character of this area.

### Summary of the existing environment, inclusive of the relationship of Puketapu, and our culture and traditions with our sites, areas, waters, wāhi tapu and other taonga

Over the many centuries and successive generations of Puketapu the obligations, rights, interests, aspirations, uses and developments of the Hapū are all imbued in this area. It is not possible to justice to the depth of relationship Puketapu maintains with the existing environment in a document such as this. The explanations outlined above provide some insight into this relationship and particular attributes of the environment the proposed subdivision and resultant community is seeking to establish within.

In determining whether a subdivision or development is appropriate within this context, and the scale of actual and potential adverse effects that may result requires these attributes of the environment to be engaged directly with.

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<sup>11</sup> <https://districtplan.npdc.govt.nz/eplan/rules/0/11/0/0/0/150>



### 3.0 The Proposals

#### Robe & Roche – SUB21/47803 / TRC – 23-11136-1.0, 23-11139-1.0-, 23-11146-1.0

The proposal is described at section 3 of the application and not repeated here. Additional features of the application include:

- Additional stormwater system design, utilising low impact urban design principles are adopted into the application, as shown in the plans attached as appendix 1.
- That a sewer pump be required within stages 7 and 8 to service lower lying allotments.
- No overall earthworks plan has been made for proposed allotments with the application. The commentary is that bulk earthworks with this subdivision are to construct the road and infrastructure networks. Any consents for earthworks to achieve building platforms are expected at a later date. It is reasonable to anticipate substantial earthworks would be required within each stage to develop building platforms.
- A plan showing area of previous earthwork derived is attached within the application. Alongside this archaeological assessment of the site concludes that the risk of (re)encountering archaeology in this area is high, and proposes to employ an accidental discovery protocol, and a general archaeological authority pursuant to the Heritage New Zealand Pouhere Taonga 2014.
- The applicant is adopting an adaptive management approach to avoid, remedy or mitigate the potential adverse effects that may result from earthworks on archaeology (both known, and where it is reasonably expected to be re-discovered).

#### The Avatar Proposal

A full application has not been received. However, Puketapu has the following understanding of the proposal through discussions with the applicant:

- The proposal is effectively a boundary adjustment where the new Lot to be created is to be amalgamated with Lot 2 DP 458099.
- The proposed new Lot is an irregular shape that is designed to preserve the views and outlook from the existing Maida Vale Retirement Village, as opposed to providing for additional development. It is understood this is to address concerns raised in a submission to SUB21/47803.

#### The Summerset Proposal / Subdivision of the Bolton residence from the balance

A full application has not been received for this proposal. However, Puketapu has the following understanding of the proposal through discussions with the applicant and Summerset:

- The proposal is to create a new 2.679ha Lot to provide for an extension to the existing Summerset Lifestyle village adjoining in Lot 1 DP 534197.
- This proposal is not directly related to SUB21/47803. However, the proposed shape of the allotment provides for the amended scheme plan for SUB21/47803 outlined above.

- The layout, density, stormwater treatment system and the like of any future lifestyle village is not known.

There is not sufficient detail to address this application within this He Whakamārama. On-going engagement with the current owner, agents and potential future developer is committed to, to better understand the nature of this proposal. After which this He Whakamārama will be amended.

It is considered important that this application and subsequent development of the site is considered alongside the other proposals outlined above so as to ensure a coherent and consistent application of the adaptive management strategy to be employed to recognise and provide for the protection of historic heritage (both known and re-discovered), strategies for the treatment of water in the area (including the restoration of Waipu), the provision of infrastructure, and the final built environment.

## 4.0 Ngā Take/Actual and Potential Environmental Effects

A number of potential adverse effects<sup>12</sup> may result from the proposals outlined in section 3 above. Specific effects include:

- a) Limiting the ability of mana whenua to undertake their role as kaitiaki, and decision making which fail to take into account Te Tiriti o Waitangi
- b) Adverse ecological effects resulting from additional people and pressure on the wetland and their margins within environment.
- c) Poor integration of infrastructure with the receiving environment, and resultant impacts on the values of the receiving environment
- d) The re-discovery of archaeological sites or areas during construction works and erosion of our historic heritage, including the exacerbation unresolved adverse effects and interference with wāhi tapu resulting from previous developments in this area.
- e) Patterns of urban development that further detract from a well-functioning environment that provide for cultural wellbeing.

This assessment of effects has been undertaken to address The Avatar, and Robe and Roche applications only. It will be updated once more detail is known regarding the Summerset/Bolton proposal as outlined above.

### Te Tai o Maru – Freshwater

The provisions outlined in Te Tai o Maru talk to the rights, values, interests and responsibilities of Puketapu with respect to freshwater. Resource management practice (including the consenting pathway) has evolved from a complex drawing together/contest of tino rangatiratanga, British common law and statute that has developed over time. Tikanga has standing in the law. This is to say that the principle of Te Mana o te Wai is one element of far broader and complex set of rights, interests and obligation of Māori with freshwater.

To reiterate the evidence of Mr Te Poihi Campbell, Pouwhakakaupapa at Te Kotahitanga o Te Atiawa provides a steer for a more general Taranaki perspective of the concept of Te Mana o te Wai<sup>13</sup> as follows:

*Environmental disturbance, historical trauma, social issues and collective health challenges have led to Iwi and hapū encouraging the wider Taranaki community to develop a more responsive environmental strategy that is holistic in its approach. This includes acknowledging the inherited responsibilities and obligations bestowed upon us*

<sup>12</sup> Effect being defined at section 3 of the Act to include:

- (a) any positive or adverse effect; and
- (b) any temporary or permanent effect; and
- (c) any past, present, or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects—regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

<sup>13</sup>

*all to respect, manage and treat all water bodies as a collective. This perspective requires all communities to adopt the value of “service” towards respecting water which includes implementing appropriate protocols to uphold the integrity of water (te mana o te wai).*

*Ensuring a holistic approach is achieved will require the essence and principles of “te mana o te wai” to flow freely, without obstruction or hinderance. Narratives about wai from Iwi and hapū are etched in the local landscape and remain an essential guiding influence in all our lives. Wai, in its many manifestations and forms, can continue informing a framework that works to restore balance and promote good health and well-being for all Taranaki residents.*

*He Kawa Ora – The effervescence of life.*

The receiving waters and areas most impacted by this proposal are Waipu along with the associated freshwater/groundwater system, the overall functioning of these areas, and the historic cultural practices this enabled. These waters are wāhi tapu, owing to the nature of the relationship Puketapu maintains with these waters. In the most literal sense systems of tapu and noa are practises to keep people and communities safe when interacting with spaces such as the western portion of Waipu.

### Robe & Roche Application

SUB21/47803 has been amended to adopt a low impact stormwater treatment philosophy recognising the importance of Waipu. Specifically, this is through the employment of a system of rain gardens distributed across the development providing for ground water recharge, and primary treatment of stormwater prior to it entering the Waipu catchment. This works to implement an overall strategic approach as outlined in the BECA memo (attached as appendix 1) to provide for the values of Waipu.

This engineering solution, coupled with an extension to the size of reserve area, and remediation/restoration planting around Waipu are expected to address the scale of potential adverse effects that may result from SUB21/47803 on Waipu. Puketapu and the Applicant have worked on a set of consent conditions that underpin these outcomes. These conditions for the TRC consents associated with SUB21/47803 are attached as appendix 2. Recommended conditions for the subdivision application that work in conjunction with these conditions to provide for the restoration of water across the area, including Waipu are attached as appendix 3.

Overall, SUB21/47803 (and associated TRC consents) accords with the provisions of Te Tai o Maru.

### The Avatar Proposal

The proposed Lot is to be amalgamated with the existing Maida Vale lifestyle village. Given the shape of the Lot, topography and the purpose of the subdivision to protect the outlook from the existing development the provisions of Te Tai o Maru, and the actual and potential effects of this proposal are considered to be limited, and are acceptable in this instance.

### Summary – Te Tai o Maru

The BECA memorandum sets out strategies to manage and treat stormwater across this area relative to characteristics of the receiving environment, including values associated with Waipu.

In the absence of adopting these strategies, and the conditions recommended in appendices 2 and 3 there is limited ability beyond this subdivision to ensure the actual and potential adverse environmental effects associated with stormwater management in the Waipu catchment are avoided, remedied or mitigated.

Where stormwater design and management of water generally across the proposed developments departs from these recommendations and an approach that works to mimic more natural flows from surface through ground water and into Waipu that the wetland is dependent on, has the potential to further imbalance the health of Waipu.

Where there is potential for these ground water relationships to be interrupted, and the overall size, shape, volume and functioning of Waipu this results in adverse effects on Puketapu and the values we hold with Waipu, as outlined above. Given the cumulative impact of urban development on Waipu it is considered that the capacity for these wetlands to accommodate further impact such as those that may result is limited.

## Te Tai Hekenui – Wāhi Tapu / Wāhi Taonga, Sites and Areas of Significance to Māori and Archaeology

The provisions of Te Tai Hekenui attend to the protection of wāhi tapu, both identified and to be re-discovered, as well as ensuring that development is undertaken in a manner which respects the cultural context of the receiving environment. Relying on the expertise of mana whenua to achieve this is fundamental.

As outlined in the Geometria Memorandum<sup>14</sup> it is reasonable to suspect that further archaeological sites/material will be encountered during earthwork in this area, and it is a high-risk archaeological landscape. Geometria make the following recommendations specific to this area:

- *All planning decisions should consider the growth area as a contextually linked heritage landscape, rather than as a series of discrete, recorded archaeological and cultural sites.*
- *All planning decisions should consider that archaeological heritage is a valuable non-renewable resource that is actively being depleted along the North Taranaki coast. Destruction of archaeological sites, whether recorded or not, reduces the integrity of the heritage landscape.*
- *It is possible, through careful planning, to protect the key aspects of the heritage landscape of the growth area, while still allowing development within it. If development impacts archaeological sites mitigation efforts should be considered.*
- *All earthworks within the growth area should require an HNZPT archaeological authority as a resource consent condition, unless a comprehensive archaeological assessment demonstrates that it is not required for a specific development.*
- *The Te Oropuriri / Tapuirau / Ngahinapouri settlement landscape should be protected from development as much as is practically possible. This settlement landscape has already seen extensive, irreversible destruction of archaeological sites, to the point where it has lost a significant amount of contextual cohesion.*

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<sup>14</sup> REF Geometria Memo

- *All development should be prohibited within the immediate vicinity of any former or current wetlands. Archaeological sites in and around the growth area cluster around the wetlands, and it is reasonable to expect that this trend would continue around those wetlands not yet developed.*

### Robe & Roche Application

As outlined above, and adaptive management strategy is to be employed through this development whereby test stripping to confirm the presence or absence of archaeology within each stage is to be undertaken, after-which the consent holder will work with Puketapu Hapū on the best and most appropriate manner to recognise and provide for the protection of any elements of historic heritage encountered.

A variety of methods to recognise and provide for this protection; including through shifting mobile heritage elements to places within the development, story boarding and narratives, places of remembrance and the like. Decision making regarding which method to employ will be made in partnership with Puketapu Hapū.

In conjunction with this approach, the subdivision layout has been amended to further separate people from Waipu, and the associated issues that may arise as a result of people living in proximity to wāhi tapu such as this. Ensuring that this separation of people continues, and is reflected in the design and management of the reserve spaces to be set aside through this development is necessary. A condition of consent regarding reserve management is included in the list of recommended conditions included in Appendix 3.

This approach is supported as it recognises that previous strategies to simply work to accidental discovery protocols, and general archaeological authorities have done little to provide for the protection of historic heritage.

In these respects, this proposal better accords with the provisions of Te Tai Hekenui.

### The Avatar Proposal

As outlined above limited development is expected to be facilitated by this proposed subdivision. However, given the archaeological environment the allotment is located within as similar adaptive management approach is recommended to that being employed in the Robe and Roche subdivision. It is recommended that this is secured by consent condition and as a s.221 notice on the new title.

### Summary – Te Tai Hekenui

Overall, the amendments to the scheme plan, along with the adaptive management strategy to be employed are considered to better accord with the provisions of the Te Tai Hekenui chapter of Tai Whenua, Tai Tangata, Tai Ao.

### Te Tai o Tāne Tokorangi – Flora and Fauna

The provisions of Te Tai o Tāne Tokorangi generally look to protect and enhance indigenous biodiversity and taonga species within Te Atiawa, recognising the extreme devastation to native ecology over time through land-use change and practises over time.

As outlined above, despite the degradation of the natural environment Waipu remain a refugia for native species of fish, plants and birds. This recognised as being a Key Native Ecosystem, Significant Natural Area, and regional wetland. In similar situations improving the shape of the natural area to reduce edge effects, establishing green spaces, plantings and linkages to achieve a net ecological benefit at time of landuse change are commonly sought through urban development.

In this area the use of plant species (such as Kumarahou) once prevalent across this environment associated with Puketapu settlement are the practical implementation sought in the provisions of Te Tai o Tāne Tokorangi.

### Robe and Roche Proposal

The proposed subdivision has adopted previous feedback in places where additional reserve areas are nominated adjacent to Waipu. This, coupled with the development and implementation of restoration plans/planting for these reserve areas, and the distributed stormwater network utilising rain gardens are anticipated to result in a net biodiversity gain within this localised area.

### The Avatar Proposal

Given the location and shape of this allotment the particular provisions of Te Tai o Tāne Tokorangi are not considered applicable.

### Summary – Te Tai o Tāne Tokorangi

Overall, a net biodiversity gain is anticipated across this proposed subdivision. Recommended conditions of consent to support these outcomes being achieved are included in appendix 2 and 3.

## Te Tai Awhi-Nuku – Inland and Coastal Whenua

The provisions of the Te Tai Awhi-Nuku chapter of Tai Whenua, Tai Tangata, Tai Ao primarily set a direction to remediate and restore the mauri of Awhi-Nuku (being another name for Papatūānuku). This chapter also talks to the process of urban planning and development – including expressions of narrative in built form and landscaping in urban environments.

This is consistent with the provisions of the General Residential Zone set an expectation that it is the planned character of an area to be worked towards, as opposed to maintaining the existing character of an area.

Planned character is not defined in the Proposed District Plan, nor elsewhere in the RMA. It is understood that the term was deliberately added throughout the plan following submissions of

Kāinga Ora to clearly convey to plan users that the provisions of the Plan anticipate a level of change<sup>15</sup> across the district from the current character of neighbourhoods and places<sup>16,17</sup>.

Planned character is inclusive of working to restore the environment, realising applied cultural expressions at appropriate places and in appropriate ways, and reflecting historic heritage in the landscape as advised by mana whenua within various zones and planning processes including the General Residential Zone<sup>18</sup>.

As discussed above, the subdivision layout has been amended to provide for many of these outcomes. Setting development further away from Waipu, adopting a more water sensitive stormwater design, and the approach to adaptive management of archaeology across the development all align with these expectations of planned character, and what a well-functioning urban environment inclusive of Puketapu consists of.

Opportunities within reserve management, and elsewhere through the final design processes following consent approval to implement applied cultural expressions in partnership between the applicant and Puketapu further align the proposal with the provisions of the District Plan, and Te Tai Awhi-Nuku.

It is recommended that conditions of consent secure the use of applied cultural expression. Recommendations are included in appendix 3.

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<sup>15</sup> As set out in Decision Report 38, the deliberate use of Planned Character throughout urban zones in the Plan strengthened the connection with, and implementation of urban form and development strategic objectives. Planned character was deliberately introduced in place of 'local character' or 'predominant character' recognising that maintenance of "existing character is not desirable, particularly in light of the suite of tools that have been proposed in the PDP to enhance vitality and vibrancy". At paragraph 725 the section 42A report to Hearing 16 the report writer goes on to state "Following Hearing 1, we now have the benefit of Interim Guidance from the Hearings Panel on the Urban Form and Development strategic objectives. In particular, I note the emphasis in UFD-13 on anticipated change of urban environments over time and use of the phrase "planned character" in UFD-19".

<sup>16</sup> See Decision Report 38, section 9 page 14 -

<sup>17</sup> For example, Kāinga Ora submission point 563.571 in relation to CCZ policy CCZ-P1, utilised throughout the CCZ, TCZ, LCZ and MUZs

<sup>18</sup> See the evidence of Ms Sarah Mako to Hearing 16 -

<https://proposeddistrictplan.npdc.govt.nz/hearings/hearing-16-commercial-and-mixed-zones/>. See the evidence of Mr Rangi Kipa to Hearing 17(a) & 15(b) - <https://proposeddistrictplan.npdc.govt.nz/hearings/hearing-17-a-15-b-design-guidelines-and-residential-zones/>



## 5.0 Conclusions and Recommendations

Urban development presents an important opportunity where landuse change can be done in a way which achieves positive outcomes for communities and the environment.

Te Ika o te Rangi provides an insight into how this can be achieved within Puketapu. This is where design approaches look to genuinely address housing and living challenges, the natural world is enhanced, and infrastructure provides for connections to place. Outcomes where the cultural capital of the community is increased through the celebration of the innovation of our forebears in applied cultural expressions taking reference from archaeological remnants and recognising the role of sites and areas of significance to Māori to our collective identities. These outcomes are entirely consistent with the provisions of Tai Whenua, Tai Tangata, Tai Ao.

The amendments to SUB21/47803 (and associated TRC consents) following the submission process have resulted in a development that better accords with the provisions of Tai Whenua, Tai Tangata, Tai Ao.

The amendments to the proposal are considered to recognise the cultural expertise provided by Puketapu to the overall development.

Overall, subject to the conditions of consent recommended in appendix 2 and 3 being adopted SUB21/47803 (and associated applications to TRC) and The Avatar proposal are able to be supported, where the actual and potential adverse effects on the environment are avoided, remedied, mitigated or offset to a level that is acceptable.

As outlined above, this He Whakamārama will be updated following the receipt of further information and a better understanding of the Summerset proposal to address that specific application; noting the overall reliance on consistent outcomes across the receiving environment at Waipu and surrounds.

## Appendix 1 – stormwater management approach

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## Appendix 2 – Recommended Consent Conditions for 23-11136-1.0 & 23-11146-1.0.

Resource Consent: 11136-1.0 - To discharge stormwater from roading surfaces onto and into land in circumstances where it may enter the Waipu Lagoons for the purposes of urban development and infrastructure management.

Applicant: Robe & Roche Investments Limited

Recommended Expiry Date: 1 June 2044

### General condition

- a. The consent holder shall pay to the Taranaki Regional Council ('the Council') all the administration, monitoring and supervision costs of this consent, fixed in accordance with section 36 of the Resource Management Act 1991.

### Special conditions

1. The exercise of this consent must be undertaken in general accordance with the information submitted in support of the application documentation and supporting documents as follows:
  - a. "Beca Memorandum - Feasibility Assessment for Tapuirau and Hoewaka to Bell Block, Mangati and Oropuriri – Stormwater Constraints, Strategy and Opportunities" (Document #3317952);
  - b. "Engineering report, Parklands subdivision – Stormwater Management" (Document #3317953);
  - c. "W & C Bolton, Proposed Development, Parklands Ave, Bell Block" (Document #3315623) dated 24 October 2024;
  - d. "Assessment of Potential Ecological Effects for a Proposed Subdivision at Pōhutukawa Drive, Bell Block, Taranaki (Document #3315625) ; and
  - e. The partial further information response titled "RE: Request for Further Information – Consents: 11136-1.0, 11139-1.0 & 11146-1.0" (Document #3304221) submitted to the Council on the 27 August 2024.
  - f. Stormwater and typical rain garden drawing set, titled: W & C Bolton Proposed Development Parklands Ave, Bell Block, File No. DWG-3917-C-03, dated 24/10/2024.

Where the information, supporting plans, correspondence, reports and technical appendices outlined in condition 1 are inconsistent with any conditions of consent set out below, the conditions will prevail.

2. The consent holder must at all times adopt the best practicable option, as defined in section 2 of the Resource Management Act 1991, to prevent or minimise any adverse effects on the environment from the exercise of this consent.
3. Any updates to the stormwater management design, outlined in condition 1 c, including, but not limited to, the design of the raingardens, the stormwater outlets and the roading layout must be provided to the Council and Puketapu Hapū 20 working days prior to the construction of the stormwater management system.

4. Constituents of the discharges shall meet the standards shown in the following table.

Constituent	Standard

These standards shall apply before entry of the treated stormwater into the receiving waters at a designated sampling point determined by the Council as per condition 5.

Condition above not finished.

5. The consent holder shall ensure that there is always a clear and safe all-weather access to a point where the discharges can be sampled to check compliance with condition 4 above.
6. Prior to completion of the construction of the stormwater management system, the consent holder must submit a Stormwater Management Plan (SMP) to the Council, for certification. The SMP must detail how the discharges will be managed and monitored to minimise the effects of the discharge on the Waipu Lagoons, and generally ensure that the conditions of this consent must be met. The SMP must include, but not be limited to, the following:
  - a. locations and receiving catchments of each stormwater outfalls;
  - b. estimated volumes of stormwater to be discharged at each stormwater outfall;
  - c. processes for ensuring the maintenance of the stormwater management system;
  - d. any other relevant matter.

Advice note: this management plan can be combined with the management plan required for consent 11146-1.0.

7. The consent holder must undertake an annual review of the SMP, and provide an update to the Council, before 30 June each year. While review is mandatory, amendments are only required if there have been incidents, changes to the catchment size and changes to the stormwater network which are inadequately addressed by the current SMP, as determined by the Council. Any SMP amendments must be submitted to the Council for review and certification. The site must be operated in accordance with the certified SMP and any certified variation thereafter.

Advice Note: Certification of Management Plans

Certification of the Stormwater Management Plan by the Council relates only to those aspects of the management plan that are relevant under the Resource Management Act 1991. The certification does not amount to an approval or acceptance of suitability by the Council of any elements of the management plan that relate to other legislation, for example, but not limited to, the Building Act 2004, the Heritage New Zealand Pouhere Taonga Act 2014, or the Health and Safety in Employment Act 1992.

8. There must be no loss of wetland extent, as a result of the exercise of this consent, as shown in figure 2 in "Assessment of potential ecological effects for a proposed subdivision at Pōhutukawa drive, Bell Block, Taranaki" (Document #3315625) and shown in Appendix 1.
  1. The consent holder must, as far as practicable, manage the amount of stormwater that will be discharged directly into the Waipu Lagoons, using the methods identified in the documentation submitted in support of the application, outlined in condition 1.
10. The discharge of stormwater must not cause significant erosion, scour or deposition.
11. Within 3 months of consent commencement, the consent holder must submit a Wetland Restoration Plan (WRP) to the Council, for certification. The WRP must be developed in consultation with Puketapu Hapū, and detail the restoration works to be undertaken within and within the 20 metre buffer of the wetlands around both the western and eastern lagoons and must include, but not be limited to, the following:
  - a. Locations and size of the proposed restoration areas; and
  - b. Timing and schedule of restoration works; and
  - c. Pest animal and plant control management and methodologies to be undertaken; and

- d. The site specific indigenous species to be planted and the spacing between them; and
- e. The Puketapu Hapū statement of association and values set out as follows: Kaitiakitanga - Active Protection of the Waipu Lagoons, the environment and knowledge; Kanohi ki te Kanohi - Engagement and Formal Consultation; Manawhenua - Recognition of the mana of Puketapu Hapū and respect for the Puketapu Hapū's relationship with its Waipu Lagoons sites; Tikanga - Appropriate action; and Rangatiratanga - leadership, integrity and ethical behaviour in all actions and decisions.

All restoration works must be undertaken in accordance with the certified WRP.

12. Within 3 months of consent commencement, the consent holder must submit a Wetland Monitoring Plan (WMP) to the Council, for certification. The WMP must be developed in consultation with Puketapu Hapū, and detail the monitoring of the wetlands and the western and eastern lagoons and must include, but not be limited to, the following:

- a. Baseline monitoring of all requirements outlined in condition 12 b, c, d, e and f, that must be completed prior to any works on the site shown in appendix 1;
- b. Monitoring of the extent and vegetation composition of the wetlands;
- c. Surveys of weed populations present within and within 20 metre buffer of the wetlands;
- d. Water quality testing from each lagoon which will test for the constituents outlined in condition 5, including monitoring after significant rainfall;
- e. Monitoring of contaminants present within sediments in the wetlands, including but not limited to:
  - i. Total Hydrocarbons; ii. Lead;
  - iii. Poly Aromatic Hydrocarbons (PaHs);
- f. Monitoring of the water level within the lagoons
- g. any cultural health index method; and
- h. Methodology of all monitoring undertaken.

Advice notes: - This monitoring plan can be combined with the monitoring plan required for consent 11146-1.0.  
 - Wetland extent and vegetation composition can be monitored through the use of vegetation plot monitoring or Aerial imagery vegetation monitoring.

13. The consent holder must undertake an annual review of the WMP, and provide an update to the Council, before 30 June each year. While review is mandatory, amendments are only required if the certified WMP inadequately addresses the impacts of the discharge on the wetlands and lagoons, as determined by the Council.

Any WMP amendments must be:

- a. supplied to Puketapu Hapū for advice on cultural impacts of the amendments no less than 30 working days prior to the consent holder submitting the WRP/WMP to the Taranaki Regional Council for certification; and
- b. submitted to the Council for review and certification, along with advice on cultural impacts (if any) received by the consent holder from Puketapu Hapū in relation to the amendments.

The site must be operated in accordance with the certified WMP and any certified variation thereafter.

14. This consent lapses 5 years after its date of commencement, unless the consent is given effect to before the end of that period or the consent holder has applied for an extension
- before the end of that period and the Council fixes a longer period pursuant to section 125(1A)(b) of the Resource Management Act 1991.
15. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June 2032 and/or June 2038, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

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Appendix 1: Extent of the proposed Parklands Subdivision and boundaries of adjacent wetlands  
(Document #3315625)



Resource Consent: 11146-1.0 -To divert groundwater within 100 metres of the Waipu Lagoons by increasing impermeable surfaces for the purposes of housing, roading and infrastructure placement for urban development.

Applicant: Robe & Roche Investments Limited

Recommended Expiry Date: 1 June 2044

#### General condition

- a. The consent holder shall pay to the Taranaki Regional Council ('the Council') all the administration, monitoring and supervision costs of this consent, fixed in accordance with section 36 of the Resource Management Act 1991.

#### Special conditions

1. The exercise of this consent must be undertaken in general accordance with the information submitted in support of the application documentation and supporting documents as follows:
  - a. "Beca Memorandum - Feasibility Assessment for Tapuirau and Hoewaka to Bell Block, Mangati and Oropuriri – Stormwater Constraints, Strategy and Opportunities" (Document #3317952);
  - b. "Engineering report, Parklands subdivision – Stormwater Management" (Document #3317953);
  - c. "W & C Bolton, Proposed Development, Parklands Ave, Bell Block" (Document #3315623) dated 24 October 2024;
  - d. "Assessment of Potential Ecological Effects for a Proposed Subdivision at Pōhutukawa Drive, Bell Block, Taranaki (Document #3315625) ; and
  - e. The partial further information response titled "RE: Request for Further Information – Consents: 11136-1.0, 11139-1.0 & 11146-1.0" (Document #3304221) submitted to the Council on the 27 August 2024.
  - f. *Stormwater and typical rain garden drawing set, titled: W & C Bolton Proposed Development Parklands Ave, Bell Block, File No. DWG-3917-C-03, dated 24/10/2024.*

Where the information, supporting plans, correspondence, reports and technical appendices outlined in condition 1 are inconsistent with any conditions of consent set out below, the conditions will prevail.

2. There must be no loss of wetland extent, as a result of the exercise of this consent, as shown in figure 2 in "Assessment of potential ecological effects for a proposed subdivision at Pōhutukawa drive, Bell Block, Taranaki" (Document #3315625) and shown in Appendix 1.
3. Prior to completion of the construction of the stormwater management system, the consent holder must submit a Stormwater Management Plan

(SMP) to the Council, for certification. The SMP must detail how soakage to groundwater will be managed and monitored to minimise the effects on the Waipu Lagoons, and generally ensure that the conditions of this consent must be met. The SMP must include, but not be limited to, the following:

- a. locations and receiving catchments of each raingarden;
- b. estimated volumes of stormwater to be discharged to groundwater at each raingarden;
- c. volume of retention available for each raingarden and their combined total;
- d. processes for ensuring the maintenance of the stormwater management system; and
- e. any other relevant matter.

Advice note: this management plan can be combined with the management plan required for consent 11136-1.0.

4. The consent holder must undertake an annual review of the SMP, and provide an update to the Council, before 30 June each year. While review is mandatory, amendments are only required if there have been incidents, changes to the catchment size and changes to the stormwater network which are inadequately addressed by the current SMP, as determined by the Council. Any SMP amendments must be submitted to the Council for review and certification. The site must be operated in accordance with the certified SMP and any certified variation thereafter.

#### Advice Note: Certification of Management Plans

Certification of the Stormwater Management Plan by the Council relates only to those aspects of the management plan that are relevant under the Resource Management Act 1991. The certification does not amount to an approval or acceptance of suitability by the Council of any elements of the management plan that relate to other legislation, for example, but not limited to, the Building Act 2004, the Heritage New Zealand Pouhere Taonga Act 2014, or the Health and Safety in Employment Act 1992.

5. Within 3 months of consent commencement, the consent holder must submit a Wetland Monitoring Plan (WMP) to the Council, for certification. The WMP must detail the restoration works to be undertaken within the 20 metre buffer and the wetlands around both the western and eastern lagoons and must include, but not be limited to, the following:
  - a. Baseline monitoring of all requirements outlined in condition 5 b, c, and d that must be completed prior to any works on the site shown in appendix 1;
  - b. Monitoring of the extent and vegetation composition of the wetlands;
  - c. Monitoring of the water level within the lagoons;
  - d. Methodology of all monitoring undertaken.

Advice notes: - This monitoring plan can be combined with the monitoring plan required for consent 11136-1.0.

- Wetland extent and vegetation composition can be monitored through the use of vegetation plot monitoring or Aerial imagery vegetation monitoring.

6. This consent lapses 5 years after its date of commencement, unless the consent is given effect to before the end of that period or the consent holder has applied for an extension before the end of that period and the Council fixes a longer period pursuant to section 125(1A)(b) of the Resource Management Act 1991.
7. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June 2032 and/or June 2038, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

## Appendix 3: Recommended Conditions of Consent for SUB21/47803

### **Kaitiaki Forum and Tikanga Māori Conditions**

1. The Consent Holder shall take all reasonable endeavours, and in good faith, to convene and resource a Kaitiaki Forum. The Forum shall establish and commence immediately following granting of consent, and prior to the preparation of any plans and works commencing on the site.
2. The function and purpose of the Kaitiaki Forum shall be formally agreed by the Consent Holder and Puketapu Hapū, and be formally documented in a Forum Collaboration Agreement. This agreement shall include (but not be limited to):
  - a. Input into the design and application process for any stormwater infrastructure associated with the development;
  - b. Confirmation of the scope and matters for engagement with, and input by the Forum to, including but not limited to;
    - i. Changes to engineering design where these may have an effect on key issues of significance to Puketapu Hapū. This includes works within or adjacent to waterbodies, wetlands, quality of stormwater discharge and stormwater infrastructure discharging to waterbodies;
    - ii. Hard and soft landscaping;
    - iii. Cultural monitoring of earthworks and water quality;
    - iv. Conditions 4 to 9 of this consent; and
    - v. Management plans.
  - c. The entities to be represented on the Forum are the Consent Holder, Puketapu Hapū and Te Kotahitanga o Te Atiawa;
  - d. The entities that form quorum;
  - e. The number of representatives and the representatives from the entities on the Forum;
  - f. The frequency the Forum shall meet. There is an expectation that meetings shall be arranged on a more regular basis when bulk earthworks, works in proximity to Waipu and any other sensitive areas are underway. In addition, meetings on a regular two monthly cycle are anticipated unless the parties agree otherwise;
  - g. Any certification / decision-making process that will be used by the Forum;
  - h. The duration of the Forum;
  - i. A dispute resolution clause;
  - j. Any role for New Plymouth District Council and/or Taranaki Regional Council staff in relation to the role and function of the Forum; and
  - k. Anything further the participating entities deem appropriate to consider.
3. A copy of the Forum Collaboration Agreement shall be provided to the New Plymouth District Council – Planning Lead or nominee prior to the commencement of works.
4. The Consent Holder shall engage with the Kaitiaki Forum to:

- a. Contribute to the induction process of all persons working on the site, control and provide over-sight of all earthworks undertaken within the development;
  - b. Provide Puketapu Hapū with the opportunities to undertake a pre-start blessing and cultural monitoring of the earthworks within the application site. Puketapu Hapū shall be engaged no less than ten (10) working days prior to any earthworks commencing.
- 5. The Consent Holder shall make an application for road names in accordance with New Plymouth District Council road naming policy. This shall include engagement and collaboration with Puketapu Hapū with a view to gaining endorsement for any road name requests.
- 6. Prior to a s.223 certificate application, the Consent Holder shall undertake a co-design process with Puketapu Hapū and NPDC Planning and Design team that will include details for all works proposed to implement Applied Cultural Expression across the development to finalise a Cultural Expression Plan. This Cultural Expression Plan shall include:
  - a. The location of any Toi Māori to be installed across the development; and
  - b. How this plan will co-exist with the Reserve Management Plan (required under condition 9); and
  - c. Details on all ongoing maintenance requirements; and
  - d. Naming of the reserve/s.
- 7. In the event any unrecorded Historic Heritage (at the date of this consent condition), is encountered through the construction / earthworks phase of the development, the Applied Cultural Expression Plan and any other relevant management plans and documents, shall be reviewed by the Kaitiaki Forum who shall certify how this information may be incorporated into the overall design, construction and operation of any parts of the site.

Commented [SZ1]: s.221 notice to secure this to titles

#### **Archaeological Sites and Discovery Protocols**

- 8. If the Consent Holder discovered any material of a cultural origin including but not limited to kōiwi, wāhi taonga (resources of importance), wāhi tapu (places or features of special significance) or other Māori artefacts, the Consent Holder shall implement the following Accidental Discovery Protocol without delay:
  - a. Notify the Consent Authority, Tangata Whenua and Heritage New Zealand and in the case of kōiwi, the New Zealand Police.
  - b. Stop work with the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand Pouhere Taonga and Puketapu Hapū and their advisors, who shall determine whether the discovery is likely to be extensive, if further site investigation is required, and whether an Archaeological Authority is required.
  - c. Any kōiwi discovered shall be handled by kaumatua responsible for the tikanga appropriate to its removal or preservation.
  - d. Site works shall recommence following engagement with the Consent Authority, Heritage New Zealand Pouhere Taonga, Tangata Whenua and in the case of kōiwi, the New Zealand Police.

- e. Adopt and implement any additional or alternative Accidental Discovery Protocol as agreed by the Kaitiaki Forum.

**Reserves (incl. road reserves)**

9. Prior to a s.223 certificate application, the Consent Holder shall undertake a co-design process with Puketapu Hapū and NPDC Planning and Design Team to confirm a Reserve Plan that will include all details for all works within the proposed reserve areas to be vested for approval. This plan will include (but not be limited to):
- a. All earthworks and changes to the existing topography;
  - b. Provision for Toi Māori, planting and fencing within the reserve and in particular along the boundary interface;
  - c. Provision and construction for public access into and across the proposed reserve that avoids interfering with wāhi tapu;
  - d. The location and construction details of all fencing adjoining the reserve area;
  - e. Details on how the works satisfy and align with any consent and conditions associated with the Taranaki Regional Council;
  - f. The location, planting, habitat creation and operation of constructed stormwater treatment swales within the development;
  - g. Measures necessary to ensure the conclusions and recommendations set out in the Wildlands Ecology Report contract report 6969 are achieved; and
  - h. Details of ongoing maintenance requirements.

As part of the Council review of the Plan, Council will meet Puketapu Hapū to discuss the plan and details before making any decision on the final works.

A Developer Agreement may be required to set out the agreed design and costings for any construction work, including Toi Māori through the reserve.

10. Prior to a s.224 certificate application, the Consent Holder shall complete all approved works as determined in accordance with condition 9.

**Stormwater**

It is anticipated that the stormwater conditions will reference the plans attached as Appendix 1.