

# CULTURAL ADVICE REPORT

J7026 – State Highway 1 – Rolleston Access Improvement -Phase 2

To: Waka Kotahi

Contact: Kate Graham (Beca)

## 1.0 Mana Whenua Statement

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

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

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

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

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

The takiwā of Te Taumutu Rūnanga according to the Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001 is as follows:

- The takiwā of Taumutu Rūnanga centres on Taumutu and the waters of Te Waihora and adjoining lands and shares a common interest with Ngāi Tūāhuriri Rūnanga and Te Rūnanga o Arowhenua in the area south to Hakatere.

<sup>1</sup>Tau & Ors v Attorney-General, HC Christchurch CIV 2020-409-534

The takiwā of Te Ngāi Tūāhuriri Rūnanga according to the Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001 is as follows:

- The takiwā of Te Ngāi Tūāhuriri Rūnanga centres on Tuahiwi and extends from the Hurunui to Hakatere, sharing an interest with Arowhenua Rūnanga northwards to Rakaia, and thence inland to the Main Divide.

The people of Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga hold mana whenua over the Rolleston area.

## 2.0 Summary of Proposal

Waka Kotahi proposes to improve connection between Rolleston Town Centre, the Industrial Zone and residential areas by undertaking upgrades on State Highway 1.

The project is being undertaken in two packages. For the purposes of this consultation the project described as Package 1 in the document provided by Waka Kotahi is being assessed.

The Project involves the construction of a multi-modal overpass of SH1 that will connect the residential and industrial areas of Rolleston. The overpass will provide improved facilities for walking and cycling. The associated works include the following:

- Upgrade of Jones Road/Hoskyns Road, Hoskyns Road/SH1 (left turn onto SH1, northbound only) and Rolleston Drive Nth/Kidman Street intersections together with relocation of traffic signals.
- Safety improvements to intersections along SH1 through Rolleston, with a range of improvements to reduce deaths and serious injuries and better manage the forecast future growth in traffic volumes.
- Extending second southbound lane from Christchurch South Motorway Stage 2 (CSM2).
- Wire rope median barrier from CSM2 to south of Brookside Road.
- Left in / left out access arrangements at Tennyson Street and Rolleston Drive South.
- Safer access, via a southbound off-ramp and service lane, to the town centre and service businesses alongside SH1.
- Associated works and ancillary activities relating to construction and operation, including provision of stormwater detention ponds, reconfiguring property access and changes to local road/street environments.

A NOR (Notices of Requirement to designate land) will be required to facilitate the improvement works.

The material reviewed by Mahaanui Kurataiao Ltd as provided by Waka Kotahi states that the following:

- There are drains in proximity to the project area.
- There are two identified artificial water courses on the northern side of the existing designation.

Resource consents for the following activities will be required:

- s15 discretionary resource consent discharge of operational stormwater under Rule 5.97 of the LWRP NZ Transport Agency Waka Kotahi Rolleston Access improvements – package 2-13 Sensitivity: General
- s15 discretionary resource consent discharge of construction phase stormwater under Rule 5.94B of the LWRP.

The overall status of the Project has been assessed as discretionary activity.

A site overview plan of Package 2 is provided in Figure 1.

### 3.0 Purpose of report

The purpose of this report is to provide preliminary cultural advice. This document is a living document and will be updated as required to respond to changing circumstances. Preapplication consultation is preliminary only and based on information provided. Advice provided in this document does not eliminate the requirement for the consenting authority to consult with mana whenua at the application stage. More details and expert advice become available as part of the consenting process.

Phase 1 of the Rolleston Access Improvements was assessed in October 2024. This report is an adaption of the report provided under Phase 1. This is to expediate the consultation process and as it is more economical for the client. As works are similar and within the same area this has been assessed as acceptable. However, it is important that mana whenua are able to review the packages to determine whether there are specific cultural concerns with each package of works.

### 4.0 Cultural landscape

The site is within the catchment of Te Waihora, a tribal taonga representing a major mahinga kai and an important source of mana.

The original Māori name for Te Waihora was Te Kete Ika a Rākaihautū, the fish basket of Rākaihautū, named by Te Rakihouia after his father Rākaihautū, the captain of the Uruao waka known for using his famous kō (digging stick) to dig the principal lakes of Te Wai Pounamu. On his coastal journey south from Whakatū (Nelson) Te Rakihouia discovered the great flat plains of Canterbury, which he called Ngā Pākihi Whakatekateka o Waitaha, and the great coastal lake he described as 'flat spread-out water' or Te Waihora. Te Rakihouia claimed the abundant resources of the area for his father and hence named the lake Te Kete Ika a Rākaihautū.

To the south of Rolleston is Waikirikiri/Selwyn River and to the north is Waimakariri River. The people of Ngāi Tahu travelled throughout the island for various reasons, particularly seasonal mahinga kai available in different areas at different times. Given that the area is central to Te Waihora, Waikirikiri and Waimakariri River it is likely that there was transient occupation in the area.

## 4.0 Cultural values and considerations

This section covers the cultural considerations for elements of the proposal that will have cultural impacts on Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga. This section also provides relevant Mahaanui Iwi Management Plan policy.

### **Earthworks**

Land use and development activities in the takiwā must be managed in way that works with the land and not against it. Papatūānuku sustains the people, and the people must in turn ensure their actions do not compromise the life supporting capacity of the environment. The cultural, social and economic wellbeing of people and communities is dependent on a healthy and resilient environment. The proposed works will involve a considerable volume of earthworks which needs to be managed in a culturally responsible manner.

*Mahaanui Iwi Management Plan policy:*

#### 5.4 PAPATŪĀNUKU

##### EARTHWORKS

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

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

##### *Indigenous vegetation*

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

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

##### *Erosion and sediment control*

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

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

An important kaupapa of Ngāi Tahu resource management perspectives and practice is the protection and maintenance of the mauri of Papatūānuku, and the enhancement of mauri where it has been degraded by the actions of humans.

Erosion and sediment control is a key issue of concern with regard to earthworks. Development can leave large areas of land cleared with bare soil exposed, increasing the risk of erosion and the discharge of sediment into waterways, harbours or the sea. An erosion and sediment control plan should be in place during all earthworks and until such time as all exposed soils have been stabilized.

As per policy P11.7 and P11.8 indigenous planting is provided as a mitigating measure for earthworks in the Mahaanui Iwi Management Plan. Where indigenous plants need to be removed, they should be replaced like for like.

### **Stormwater Discharge**

Consent will be required for the activity of discharging construction phase stormwater and for discharging operational phase stormwater.

Stormwater runoff from roads can have significant effects on water quality and waterway health. Improving stormwater management requires on site, land-based solutions to stormwater disposal, alongside initiatives to reduce the presence of sediments and contaminants in stormwater, and reducing the volume of stormwater requiring treatment. Low impact development and low impact urban design are fundamental features of sustainable stormwater management. Aligning stormwater treatment and disposal with best practice methods will have an overall benefit to water quality.

*Mahaanui Iwi Management Plan policy:*

#### **5.4 PAPATŪĀNUKU**

##### **STORMWATER**

**P6.1** To require on-site solutions to stormwater management in all new urban, commercial, industrial and rural developments (zero stormwater discharge off site) based on a multi tiered approach to stormwater management:

- (a) Education - engaging greater general public awareness of stormwater and its interaction with the natural environment, encouraging them to take steps to protect their local environment and perhaps re-use stormwater where appropriate;
- (b) Reducing volume entering system - implementing measures that reduce the volume of stormwater requiring treatment (e.g. rainwater collection tanks);
- (c) Reduce contaminants and sediments entering system - maximising opportunities to reduce contaminants entering stormwater e.g. oil collection pits in carparks, education of residents, treat the water, methods to improve quality; and
- (d) Discharge to land-based methods, including swales, stormwater basins, retention basins, and constructed wetpools and wetlands (environmental infrastructure), using appropriate native plant species, recognising the ability of particular species to absorb water and filter waste.

**P6.5** To encourage the design of stormwater management systems in urban and semi urban environments to provide for multiple uses: for example, stormwater management infrastructure as part of an open space network that provides for recreation, habitat and customary use values.

Stormwater should be treated prior to discharge to ground to ensure groundwater is not impacted by stormwater containing contaminants. As the stormwater will be generated from road surface treatment for heavy metals should be included in the treatment train. The use of flocculants is discouraged as residual chemicals can be toxic to indigenous species. There should be a suitable minimum distance between the bottom of a soakpit or soakage pond and the maximum groundwater table.

### **Potentially contaminated material**

The site is likely to contain contaminated material and/or soil. Contaminated land can have adverse effects on the environment, including the potential for contaminants to leach into groundwater.

Contaminated land can also have effects on Ngāi Tahu cultural associations. Contaminated sites or areas may be on, near or adjacent to land with mahinga kai, wāhi tapu or historical associations.

*Mahaanui Iwi Management Plan policy:*

#### 5.4 PAPATŪĀNUKU

##### CONTAMINATED LAND

**P10.1** The management of contaminated land must recognise and provide for specific cultural issues, including:

- (a) The location of contaminated sites;
- (b) The nature of the contamination;
- (c) The potential for leaching and run-off;
- (d) Proposed land use changes; and
- (e) Proposed remediation or mitigation work.

**P10.2** To require appropriate and meaningful information sharing between management agencies and tāngata whenua on issues associated with contaminated sites.

Where levels on contamination exceed human health or terrestrial ecological guidelines, soil should be removed from the site and disposed of at a licensed facility. Contaminated material, such as buried asphalt concrete should be removed from the site and disposed of at a licensed facility.

##### **Ecological impacts**

The widespread loss of indigenous biodiversity has significant adverse effects on the relationship of Ngāi Tahu with ancestral land, water and sites, and the health of land, water and communities. Roadside environments can provide habitat for taonga/indigenous species such as lizards and skinks, and invertebrates.

*Mahaanui Iwi Management Plan policy:*

#### 5.5 TĀNE MAHUTA

##### MAHINGA KAI

*Ki Uta Ki Tai*

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

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

##### INDIGENOUS BIODIVERSITY

*Ngāi Tahu interests in biodiversity*

**TM2.1** To require that local authorities and central government actively recognise and provide for the relationship of Ngāi Tahu with indigenous biodiversity and ecosystems, and interests in biodiversity protection, management and restoration, including but not limited to:

- (a) Importance of indigenous biodiversity to tāngata whenua, particularly with regard to mahinga kai, taonga species, customary use and valuable ecosystem services;
- (b) Recognition that special features of indigenous biodiversity (specific areas or species) have significant cultural heritage value for Ngāi Tahu;

- (c) Connection between the protection and restoration of indigenous biodiversity and cultural well-being;
- (d) Role of mātauranga Ngāi Tahu in biodiversity management; and
- (e) Role of Ngāi Tahu led projects to restoring indigenous biodiversity (e.g. Mahinga Kai Enhancement Fund; Kaupapa Kēreru).

**TM2.2** To recognise Te Tiriti o Waitangi as the basis for the relationship between central and local government and tāngata whenua with regard to managing indigenous biodiversity, as per the duty of active protection of Māori interests and the principle of partnership.

Indigenous biodiversity, and the landscapes and ecosystems that support it, is a fundamental part of the culture, identity and heritage of Ngāi Tahu, particularly with regard to mahinga kai and the connection between people and place through resource use. Ngā Pākihi Whakatekateka o Waitaha and Te Pātaka o Rākaihautū have experienced significant land use change and resultant habitat and biodiversity loss over the last century and a half, and this has had a marked effect on Ngāi Tahu mahinga kai values.

An ecologist should survey the site for taonga/indigenous species. If taonga/indigenous species are found works should be undertaken under the supervision of an ecologist.

Indigenous planting is encouraged to increase indigenous habitat in the takiwā.

### **Cultural landscape impacts**

The proposed works will further impact on the cultural landscape of the area. The whole of the Canterbury region has cultural landscape value: Ngāi Tahu travelled through, engaged with and named the land, and tāngata whenua history is part of the landscape. However, within this landscape of Ngāi Tahu land use and occupancy particular areas are identified as cultural landscapes.

Historical river rifts often contain springs and are part of the natural landscape. River rifts form natural watershed paths and are part of the cultural landscape of the area.

Waipuna (springs) are considered to be wāhi taonga by Ngāi Tahu, treasured for their role in protecting and enhancing mauri, as providing habitat for mahinga kai. Waipuna should be retained, protected and enhanced.

*Mahaanui Iwi Management Plan policy:*

#### **5.8 NGĀ TŪTOHU WHENUA**

#### **RECOGNISING CULTURAL LANDSCAPES**

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

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

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

#### **WĀHI TAPU ME WĀHI TAONGA**

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

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

Natural landform features such as river rifts and waipuna (springs) should be retained, protected and enhanced with indigenous planting. Indigenous planting increases indigenous habitat in the takiwā and enhances the cultural landscape. Plants should be locally sourced and selected to assimilate the pre-European landscape of the area.

Any activity that involves ground disturbance has the potential to uncover cultural material or wāhi tapu. Activities such as earthworks can increase the sensitivity of a site with regard to effects on sites of significance. Ngāi Tahu use a number of mechanisms to manage the risk to wāhi tapu and wāhi taonga as a result of earthworks. An accidental discovery protocol (see Appendix 1) should be in place during all earthworks, and it may be appropriate to have a cultural monitor onsite during earthworks to ensure that there is a procedure in place in the case of archaeological discovery.

### **Discharge to air**

The discharge of contaminants into air can have adverse effects on Ngāi Tahu values such as mauri, mahinga kai, wāhi tapu, wāhi taonga and marae.

*Mahaanui Iwi Management Plan policy:*

## **5.2 RANGINUI**

### **DISCHARGE TO AIR**

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

**R1.2** To require that the regional council recognise and provide for the relationship of Ngāi Tahu with air, and the specific cultural considerations for air quality, including the effects of discharge to air activities on sites and resources of significance to tāngata whenua and the protection of cultural amenity values.

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

**R1.4** To support the use of indigenous plantings and restoration projects as a means to offset and mitigate industrial, agricultural and residential discharges to air.

The discharge of contaminants to air can have adverse effects on sites or resources of significance to tāngata whenua, or the values associated with them. The deposition of air pollutants onto mahinga kai, wāhi tapu or marae will require specific consideration in regional policies on air. Dust particles



can migrate offsite and into waterways causing sedimentation. It can compromise the ability to enjoy and appreciate natural and cultural landscapes, including views of important landmarks such as maunga. Discharges can also affect the health and well-being of our people and communities.

It is important that there is a dust management plan in place during the works phase and until such time as exposed soils have been stabilised and stockpiles have been removed.

Policy R1.4 of the Mahaanui Iwi Management Plan provides for indigenous planting as a means to offset and mitigate discharges to air. Therefore, indigenous planting is required should a consent for the activity of discharge to air be sought/issued.

## Summary of cultural assessment

The issues of concern have been categorised into three main categories as set out in the table below. The table also provides a summary of concerns and whether the category is likely to be deemed culturally acceptable or not. Where an activity is deemed likely to be assessed as culturally acceptable, this is on the basis that recommendations provided will form part of the project brief and construction methodology.

Category of issues	Summary of preliminary concerns	Culturally acceptable with suitable conditions (Likely/No)
Earthworks and potentially contaminated land	Erosion and sediment control. Archaeological discovery. Possible migration of contaminants from the site. Long-term storage of contaminated material.	Likely
Discharging stormwater to land and contaminants to air	Migration of contaminants. Possible contamination of groundwater. Possible contamination of soil.	Likely
Cultural landscape, indigenous biodiversity and ecology	Natural landform and waipuna. Indigenous species and habitat. Impact of structures on the landscape.	Likely

## Discussion

The construction of new roads and other transport infrastructure involves earthworks and therefore the potential risk to wāhi tapu and wāhi taonga must be considered. Sediment and contaminant discharges associated with earthworks and stormwater are also important issues, as these discharges can affect water quality in local waterways. Land transport infrastructure can also provide opportunities to enhance cultural values, through initiatives such as roadside plantings using indigenous species. The protection of sites of significance and indigenous biodiversity, and the potential for erosion and sedimentation are issues of importance with regard to land transport infrastructure.

A cultural landscape approach is used by Papatipu Rūnanga to identify and protect tāngata whenua values and interests from the effects of development. While many specific sites are protected and recognised historic heritage, the wider context, setting or landscape in which they occur are not. A cultural landscape approach enables a holistic identification and assessment of sites of significance, and other values of importance such as waterbodies, wetlands and waipuna.

With regard to the NOR (Notices of Requirement to designate land) required to facilitate the improvement works. An initial review of land tenure in the proximity of the site has not identified Māori Reserve Land, however, Waka Kotahi should undertake a thorough investigation to ensure no further confiscation of Māori land will occur because of the proposed works.

Tāngata whenua has always supported discharge to land as an alternative to discharge to water, given the natural ability of Papatūānuku to cleanse and filter contaminants from waste. However, support for discharge to land is provisional on appropriate management of the activity. Over-saturation and overburdening of soils with wastewater, effluent, or other discharge compromises the mauri of the land and can result in run-off or seepage into groundwater and waterbodies in the area.

Soil is a fundamental resource, and together with air and water, is the basis on which life depends. As the natural capital upon which much of the region's economy depends, the true (and non-replaceable) value of our soils must be recognised and provided for in policy and planning processes.

Drains are a common feature across Ngā Pākihi Whakatekateka o Waitaha, given that much of the land in lower catchment areas was originally swamp. An extensive network of drains provides flood protection for settlement and land use. Some of these drains are modified natural waterways, and many connect or empty into existing waterways and waterbodies. For this reason, drain management is an important kaupapa for tāngata whenua. While drains may not be highly valued in the wider community, drains that function as mahinga kai habitat and where mahinga kai resources are gathered may be identified as wāhi taonga by Ngāi Tahu. Mana whenua advocates for the retention, protection, and enhancement of waterways including drains and water races.


The initial assessment of the project against the Mahaanui Iwi Management Plan is that the project is likely to be viewed as culturally acceptable with suitable conditions. The preliminary recommendations are provided below. It should be noted that this is preliminary advice based on the information provided and is subject to change as more details and information becomes available as part of the consenting process.

## 6.0 Recommendations

Recommendations are provided to align the project more closely with policy within the Mahaanui Iwi Management Plan:

1. An erosion and sediment control plan should be in place during all earthworks and until such time as all exposed soils have been stabilized.
2. Where indigenous plants need to be removed, they should be replaced like for like.
3. Indigenous planting is required to increase indigenous habitat in the takiwā and enhance the cultural landscape.
4. Stormwater should be treated prior to discharge to ground to ensure groundwater is not impacted by stormwater containing contaminants. Treatment for heavy metals should be included in the treatment train.
5. The use of flocculants is discouraged as residual chemicals can be toxic to indigenous species.
6. There should be a suitable minimum distance between the bottom of a soak pit or soakage pond and the maximum groundwater table.
7. Contaminated material should be removed from the site and disposed of at a licenced facility.

8. An ecologist should survey the site for taonga/indigenous species. If taonga/indigenous species are found works should be undertaken under the supervision of an ecologist.
9. Natural landform features such as river rifts and waipuna (springs) should be retained, protected and enhanced with indigenous planting where practical.
10. Mana whenua advocate for the retention, protection and enhancement of waterways including drains and water races.
11. An accidental discovery protocol should be in place during all earthworks, and it may be appropriate to have a cultural monitor onsite during earthworks to ensure that there is a procedure in place in the case of archaeological discovery.
12. There should be a dust management plan in place during the works phase and until such time as exposed soils have been stabilised and stockpiles have been removed.



On behalf of Mahaanui Kurataiao Ltd, this report has been prepared by Kelly Sunnex | Mahaanui Kurataiao Ltd Environmental Advisor.

Date: 20 November 2024

## Appendix 1: Accidental Discovery Protocol (ADP)

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

### Purpose

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

### Background

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

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

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

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

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

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

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

### **Contact Details**

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

HNZPT Southern Regional Office (03) 357 9629 [infosouthern@heritage.org.nz](mailto:infosouthern@heritage.org.nz)

HNZPT Māori Heritage Advisor (03) 357 9620 [pouarahisouth@heritage.org.nz](mailto:pouarahisouth@heritage.org.nz)

### **Kaitiaki Rūnanga:**

Te Ngāi Tūāhuriri Rūnanga: (03) 313 5543, [TuaHiwi.Marae@ngaitahu.iwi.nz](mailto:TuaHiwi.Marae@ngaitahu.iwi.nz)

Te Taumutu Rūnanga: 03 371 2660, [taumutu@ngaitahu.iwi.nz](mailto:taumutu@ngaitahu.iwi.nz)



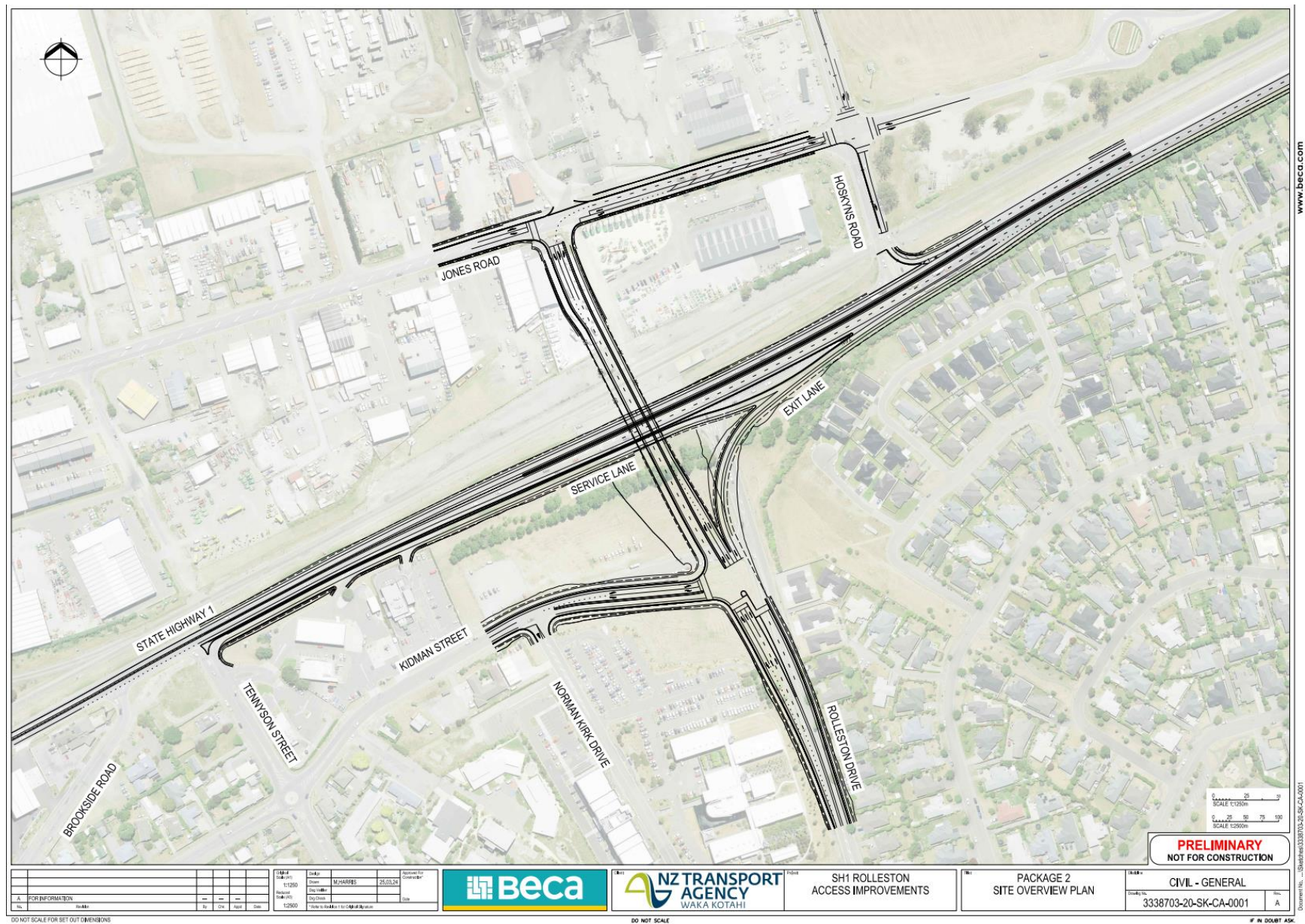


Figure 1: Site overview plan of Package 2 (source Beca/Waka Kotahi)