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CULTURAL ADVICE REPORT

J6199 - 999 Goulds Road, Rolleston (RC245009)

To: Selwyn District Council

Contact: Andrew Henderson

1.0 Mana Whenua Statement

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

The Te Rūnanga o Ngāi Tahu Act 1996 and the NTCSA 1998 gives recognition to the status of Papatipu Rūnanga as kaitiaki and mana whenua of the natural resources within their takiwā boundaries. Each Papatipu Rūnanga has their own respective takiwā, and each is responsible for protecting the tribal interests in their respective takiwā, not only on their own behalf of their own hapū, but again on behalf of the entire tribe.

The following Rūnanga hold mana whenua over the project's location, as it is within their takiwā:

- Te Ngāi Tūāhuriri Rūnanga
- Te Taumutu Rūnanga

2.0 Summary of Proposal

Cornerstone Church has applied for resource consent from Selwyn District Council (consent number RC245009) to construct and use a new Church facility and associated carparking located at 999 Goulds Road, Rolleston.

3.0 Consultation Methodology

Mahaanui Kurataiao Limited review the application documents and undertake an assessment of the application against the Mahaanui Iwi Management Plan.

A briefing report is prepared for Kaitiaki representatives who have been mandated by the Papatipu Rūnanga they represent to speak on behalf of hapū on environmental issues.

A Mahaanui Kurataiao Limited staff member meets with Kaitiaki representatives to discuss the application and Kaitiaki provide feedback based on Mātauranga Māori.

The Cultural Advice Report is provided to outline the relevant policies in the Mahaanui Iwi Management Plan and the feedback provided by Kaitiaki representatives.

The relevant policies and Kaitiaki feedback for this application are provided in the following sections of this report.

4.0 Mahaanui Iwi Management Plan 2013

The Mahaanui Iwi Management Plan (IMP) is a written expression of kaitiakitanga, setting out how to achieve the protection of natural and physical resources according to Ngāi Tahu values, knowledge, and practices. The plan has the mandate of the six Papatipu Rūnanga, and is endorsed by Te Rūnanga o Ngāi Tahu, as the iwi authority.

Natural resources – water (waterways, waipuna (springs), groundwater, wetlands); mahinga kai; indigenous flora and fauna; cultural landscapes and land - are taonga to mana whenua and they have concerns for activities potentially adversely affecting these taonga. These taonga are integral to the cultural identity of ngā rūnanga mana whenua and they have a kaitiaki responsibility to protect them. The policies for protection of taonga that are of high cultural significance to ngā rūnanga mana whenua are articulated in the IMP.

The policies in this plan reflect what Papatipu Rūnanga support, require, encourage, or actions to be taken with regard to resolving issues of significance in a manner consistent with the protection and enhancement of Ngāi Tahu values, and achieving the objectives set out in the plan.

The relevant Policies of the IMP to this proposal have been identified as:

5.3 WAI MĀORI

WATER QUALITY

Discharges

WM6.8 To continue to oppose the discharge of contaminants to water, and to land where contaminants may enter water.

Controls on land use activities to protect water quality

WM6.16 To require, in the first instance, that all potential contaminants that may enter water (e.g. nutrients, sediments and chemicals) are managed on site and at source rather than discharged off site. This applies to both rural and urban activities.

***Comment**: Water is a significant cultural resource, connecting Ngāi Tahu to the landscape, culture and traditions of the tūpuna. Wai is a taonga, and a life giver of all things. The protection and enhancement of wai is, therefore, of upmost importance to tāngata whenua. The mauri of the wai must be prioritised. The RMA recognises the relationship of Māori to freshwater as a matter of national importance.*

5.4 PAPATŪĀNUKU

SUBDIVISION AND DEVELOPMENT

Basic principles and design guidelines

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

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 wetponds and wetlands (environmental infrastructure), using appropriate native plant species, recognising the ability of particular species to absorb water and filter waste.

DISCHARGE TO LAND

P8.1 To require that discharge to land activities in the takiwā:

(a) Are appropriate to the soil type and slope, and the assimilative capacity of the land on which the discharge activity occurs;

(b) Avoid over-saturation and therefore the contamination of soil, and/or run off and leaching; and

(c) Are accompanied by regular testing and monitoring of one or all of the following: soil, foliage, groundwater and surface water in the area.

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.

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.

Comment: *Papatūānuku is the birthplace of all things of the world and the place to which they return. The protection and maintenance of the mauri of Papatūānuku, and the enhancement of mauri where it has been degraded is, therefore, of upmost importance to Ngāi Tahu. Subdivision and development activities can compromise the mauri of the land and the life it supports if not managed appropriately. Subdivision and development activities must implement low impact, innovative, and sustainable solutions to water, stormwater, and energy issues.*

5.8 NGĀ TŪTOHU WHENUA

Protecting wāhi tapu and 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)

Comment: *For Ngāi Tahu cultural heritage isn't something that happened in the past; but rather a reflection of an ongoing and enduring relationship with the land.*

4.1 Guidance to Moderate Effects on Cultural Values

The above policies from the Mahaanui IMP provide a framework for assessing the potential negative effects of the proposed activity on cultural values and provide guidance on how these effects can be moderated.

Ngāi Tahu cultural heritage includes sites, places, resources, traditions, knowledge, and landscapes of importance to Ngāi Tahu. This includes wāhi tapu, wāhi taonga, mahinga kai and other sites of significance, and the traditional and contemporary landscapes within which they occur. For Ngāi Tahu, cultural heritage is not something that happened in the past, but rather a reflection of an ongoing and enduring relationship with the land. Any activity that involves land disturbance has the potential to uncover or damage previously unrecorded Māori artefacts or taonga. To ensure the protection of taonga and Māori archaeological sites, an Accidental Discovery Protocol (Appendix 1) should be in place during all earthwork activities. This protocol outlines the procedures to be followed if culturally sensitive material is uncovered.

In addition to the above, earthworks can have significant adverse effects on the environment through erosion and sedimentation of waterways, impacting the mauri of these wāhi taonga. As such, during all works associated with the development of the proposed commercial property an Erosion and Sediment Control Plan (ESCP) must be in place and strictly adhered to until such a time as soils have been stabilised. If the erosion and sediment controls prove to be inadequate, works must cease until appropriate and effective measures are in place. All disturbed surfaces must be adequately topsoiled and vegetated as soon as possible to limit sediment mobilisation. All contractors working on site must be made aware of these measures and strictly adhere to them. The ESCP must include specific dust suppression measures to protect the mauri of air on site.

Indigenous biodiversity, landscapes and ecosystems are a fundamental part of the culture, identity, and heritage of Ngāi Tahu. Indigenous vegetation provides a range of benefits such as increasing indigenous habitat throughout the takiwā, binding/stabilising soil, nutrient uptake, and carbon sequestration – all of which help support a healthy environment. To mitigate the effects of earthworks, enhance the cultural landscape, increase indigenous habitat, filter sediment and sequester carbon, indigenous planting is required on site.

Contaminated land can have adverse effects on the environment, including the potential for contaminants to runoff into surface water, or leach into groundwater. Contaminated land can also have effects on mana whenua cultural values such as wāhi taonga. Contaminated material should be disposed of at a suitable facility and contaminated material should not be stockpiled on site. During earthwork an accidental contamination discovery protocol must be implemented to ensure contaminated materials are correctly handled and disposed of.

Kaitiaki are also concerned with the accumulation of contaminants such as heavy metals in the receiving environment. Long term, untreated discharges have the potential to cause the accumulation of contaminants in soils and water. An effective filtration mechanism an/or heavy metal traps must be installed and regularly maintained to treat dissolved contaminants in stormwater (e.g., dissolved metals) from all hardstand areas on site, for the protection of the environment. The filtration mechanism can include swale, rain garden, or proprietary device.

Stormwater infrastructure (both operational and construction phase) is designed to ensure the ongoing protection of land/soil and groundwater used as the receiving environment. Operational phase stormwater infrastructure must be maintained and monitored in accordance with the manufacturers guidelines to ensure designed levels of treatment.

The overall development of the proposed building should align with the Ngāi Tahu Subdivision and Development Guidelines (Appendix 2) to the greatest practical extent, particularly with regards to stormwater controls and greywater re-use. The issues addressed in these guidelines provide a framework for Papatipu Rūnanga to influence subdivision and development activities positively and proactively within their takiwā, while also enabling developers and council to identify issues of importance to tāngata whenua and their desired outcomes for protecting the landscape in their takiwā.

5.0 Rūnanga – Affected Party or Not

The Kaitiaki representatives of Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga have reviewed this application and provided the consent conditions and advice notes outlined in Section 6.0 to align this proposal more closely with the provisions in the Mahaanui IMP. If the consent conditions are provided for, the Rūnanga will not consider themselves to be an adversely affected party.

6.0 Consent Conditions

If a resource consent is granted, the following conditions are recommended by Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga to moderate effects of this proposed activity on mana whenua values:

1. An accidental discovery protocol (ADP) must be in place during all earthworks to deal with archaeological finds and protect the interests of mana whenua. This condition does not constitute a response under the Heritage New Zealand Pouhere Taonga Act (HNZPT 2014).

2. Indigenous planting is required to enhance the cultural landscape, increase indigenous habitat, filter sediment and sequester carbon.

3. Contaminated soils are not to be re-used on site.

4. Contaminated soils must be removed from site and disposed of at an appropriate facility.

5. During earthwork activity, an accidental contamination discovery protocol must be implemented.

6. All erosion and sediment controls installed must be constructed, inspected, and maintained in accordance with Environment Canterbury's *Erosion and Sediment Control Toolbox*.
    a) All contractors working on site must be made aware of these measures and strictly adhere to them.
    b) Where measures prove to be inadequate, works must cease until appropriate and effective measures are in place.
    c) The ESCP must include specific dust suppression measures to protect the mauri of air on site.

7. All disturbed surfaces must be adequately topsoiled and vegetated as soon as possible to limit sediment mobilisation.

8. Operational stormwater discharged from all hardstand areas on site must be treated via a heavy metal trap prior to discharge to land.

9. Operational phase stormwater infrastructure must be maintained and monitored in accordance with the manufacturers guidelines to ensure designed levels of treatment.

The following advice note must be included in final decision:

10. The Applicant should incorporate the Ngāi Tahu Subdivision and Development Guidelines to the greatest practical extent. The lot should incorporate sustainable urban design features with respect to stormwater runoff and greywater reuse including:

a) Greywater capture and reuse.
b) Rainwater capture and reuse (i.e., rainwater collection tanks).
c) Minimising imperious cover (e.g., using permeable paving and maintaining grass cover).
d) The use of rain gardens and swales (or other land-based methods) rather than standard curb and channel.
e) The applicant should avoid the use of building material known to generate contaminants such as copper guttering and roofing.

On behalf of Mahaanui Kurataiao Ltd, this report has been prepared by Angela Burton | Mahaanui Kurataiao Ltd Environmental Advisor, and peer reviewed by Megan Hickey | Mahaanui Kurataiao Ltd Senior Environmental Advisor.

Date: 15 February 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 / Te Taumutu Rūnanga. Te Ngāi Tūāhuriri Rūnanga / Te Taumutu Rūnanga are the 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@historic.org.nz

HNZPT Southern Regional Office (03) 357 9629 infosouthern@historic.org.nz

HNZPT Māori Heritage Advisor (03) 357 9620 mhadvisorcw@historic.org.nz

Kaitiaki Rūnanga:

Te Ngāi Tūāhuriri Rūnanga: (03) 313 5543, Tuahiwi.Marae@ngaitahu.iwi.nz

Te Taumutu Rūnanga: 03 371 2660, taumutu@ngaitahu.iwi.nz

Appendix 2: Ngāi Tahu Subdivision and Development Guidelines

Note: *These guidelines are to be read in conjunction with Policies P4.1, P4.2 and P4.3 within the Mahaanui IMP.*

Cultural landscapes

1.1 A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites [refer Section 5.8 Issue CL1].

1.2 Subdivision and development that may impact on sites of significance is subject Ngāi Tahu policy on Wāhi tapu me wāhi taonga and Silent Files (Section 5.8, Issues CL3 and CL4).

1.3 Subdivision and development can provide opportunities to recognise Ngāi Tahu culture, history and identity associated with specific places, and affirm connections between tāngata whenua and place, including but not limited to:

(i) Protecting and enhancing sites of cultural value, including waterways;

(ii) Using traditional Ngāi Tahu names for street and neighborhood names, or name for developments;

(iii) Use of indigenous species as street trees, in open space and reserves;

(iv) Landscaping design that reflects cultural perspectives, ideas and materials;

(v) Inclusion of interpretation materials, communicating the history and significance of places, resources and names to tāngata whenua; and

(vi) Use of tāngata whenua inspired and designed artwork and structures.

Stormwater

2.1 All new developments must have on-site solutions to stormwater management (i.e. zero stormwater discharge off site), based on a multi-tiered approach to stormwater management that utilises the natural ability of Papatūānuku to filter and cleanse stormwater and avoids the discharge of contaminated stormwater to water [refer to Section 5.4, Policy P6.1].

2.2 Stormwater swales, wetlands and retention basins are appropriate land based stormwater management options. These must be planted with native species (not left as grass) that are appropriate to the specific use, recognising the ability of particular species to absorb water and filter waste.

2.3 Stormwater management systems can be designed to provide for multiple uses. For example, stormwater management infrastructure as part of an open space network can provide amenity values, recreation, habitat for species that were once present on the site, and customary use.

2.4 Appropriate and effective measures must be identified and implemented to manage stormwater run off during the construction phase, given the high sediment loads that stormwater may carry as a result of vegetation clearance and bare land.

2.5 Councils should require the upgrade and integration of existing stormwater discharges as part of stormwater management on land rezoned for development.

2.6 Developers should strive to enhance existing water quality standards in the catchment downstream of developments, through improved stormwater management.

Earthworks

3.1 Earthworks associated with subdivision and development are subject to the general policy on Earthworks (Section 5.4 Issue P11) and Wāhi tapu me wāhi taonga (Section 5.8, Issue CL3), including the specific methods used in high and low risk scenarios for accidental finds and damage to sites of significance.

3.2 The area of land cleared and left bare at any time during development should be kept to a minimum to reduce erosion, minimise stormwater run off and protect waterways from sedimentation.

3.3 Earthworks should not modify or damage beds and margins of waterways, except where such activity is for the purpose of naturalisation or enhancement.

3.4 Excess soil from sites should be used as much as possible on site, as opposed to moving it off site. Excess soil can be used to create relief in reserves or buffer zones.

Water supply and use

4.1 New developments should incorporate measures to minimise pressure on existing water resources, community water supplies and infrastructure, including incentives or requirements for:

(i) low water use appliances and low flush toilets;

(ii) grey water recycling; and

(iii) rainwater collection.

4.2 Where residential land development is proposed for an area with existing community water supply or infrastructure, the existing supply or infrastructure must be proven to be able to accommodate the increased population prior to the granting of subdivision consent.

4.3 Developments must recognise, and work to, existing limits on water supply. For example, where water supply is an issue, all new dwellings should be required to install rainwater collection systems.

Waste treatment and disposal

5.1 Developments should implement measures to reduce the volume of waste created within the development, including but not limited incentives or requirements for:

(i) Low water use appliances and low flush toilets;

(i) Grey water recycling; and

(ii) Recycling and composting opportunities (e.g. supporting zero waste principles).

5.2 Where a development is proposed for an area with existing wastewater infrastructure, the infrastructure must be proven to be able to accommodate the increased population prior to the granting of the subdivision consent.

5.3 New rural residential or lifestyle block developments should connect to a reticulated sewage network if available.

5.4 Where new wastewater infrastructure is required for a development:

(i) The preference is for community reticulated systems with local treatment and land based discharge rather than individual septic tanks; and

(ii) Where individual septic tanks are used, the preference is a wastewater treatment system rather than septic tanks.

Design guidelines

6.1 New developments should incorporate low impact urban design and sustainability options to reduce the development footprint on existing infrastructure and the environment, including sustainable housing design and low impact and self sufficient solutions for water, waste, energy such as:

(i) Position of houses to maximise passive solar gain;

(ii) Rainwater collection and greywater recycling;

(iii) Low energy and water use appliances;

(iv) Insulation and double glazing; and

(v) Use of solar energy generation for hot water.

6.2 Developers should provide incentives for homeowners to adopt sustainability and self sufficient solutions as per 6.1 above.

6.3 Urban and landscape design should encourage and support a sense of community within developments, including the position of houses, appropriately designed fencing, sufficient open spaces, and provisions for community gardens.

6.4 Show homes within residential land developments can be used to showcase solar hot water, greywater recycling and other sustainability options, and raise the profile of low impact urban design options.

Landscaping and open space

7.1 Sufficient open space is essential to community and cultural wellbeing, and the realization of indigenous biodiversity objectives, and effective stormwater management.

7.2 Indigenous biodiversity objectives should be incorporated into development plans, consistent with the restoration and enhancement of indigenous biodiversity on the landscape.

7.3 Indigenous biodiversity objectives to include provisions to use indigenous species for:

(i) street trees;

(ii) open space and reserves;

(iii) native ground cover species for swales;

(iv) stormwater management network; and

(v) home gardens.

7.4 Indigenous species used in planting and landscaping should be appropriate to the local environment, and where possible from locally sourced seed supplies.

7.5 Options and opportunities to incorporate cultural and/or mahinga kai themed gardens in open and reserve space can be considered in development planning (e.g. pā harakeke as a source of weaving materials; reserves planted with tree species such as mātai, kahikatea and tōtara could be established with the long term view of having mature trees available for customary use).

7.6 Developers should offer incentives for homeowners to use native species in gardens, including the provision of lists of recommended plants to avoid, discounts at local nursery, and landscaping ideas using native species.