

Sandersons Group Ltd and Kotare Properties Plan Change 12

CULTURAL IMPACT ASSESSMENT ON BEHALF
OF NGĀTI APAKURA

October 2020

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Mihi

“ma te whenua hei oranga te iwi mo ake ake ake”

“the land will nurture our people now and forever”

1. Introduction

A Plan Change 12 application (PC12) to the Waipa District Plan (WDP) is being made on behalf of Sandersons Group Limited (Sandersons Group) and Kotare Properties Limited (Kotare) to rezone of an area of land located at the western extent of Te Awamutu.

The site located at 10 Frontier Road and 52 Frontier Road, at the western extent of Te Awamutu is identified as Growth Cell T2 in the WDP.

Growth Cell T2 contains approximately 41ha of land, all of which is currently zoned Deferred Residential in the District Plan.

Sandersons Group Ltd has identified a portion of land within Growth Cell T2 as being a prime location to establish a retirement village and wish to commence construction as soon as possible. In coordination with the retirement village, Sandersons Group have also entered into an agreement to sell part of the land to local developers, Kotare Properties, to undertake an approximately 105 lot residential subdivision.

The WDP provides an opportunity to open identified growth cells for development earlier than originally anticipated, and this is required to be undertaken via a plan change to the WDP. As such, Sandersons Group, in conjunction with Kotare, are seeking to rezone the growth cell to allow for residential development to occur now.

Sandersons Group are a family orientated, leading provider of high-quality retirement villages in New Zealand. Established in 1987, Sandersons have been involved in several retirement village developments in Tauranga, Queenstown, Hamilton and Tamahere.

Kotare Properties are a Waikato-based residential subdivision land developer. Their most recent development is in Cambridge, namely the Kotare Downs development located on Swayne Road.

1.1 Purpose

The purpose of this Cultural Impact Assessment (CIA) is to ensure the significance of the relationship of mana whenua - Ngāti Apakura, is articulated, acknowledged and understood in order to ensure any proposed works as proposed under PC12, is approached in a manner that respects, acknowledges and maintains the integrity of this relationship.

The CIA reaffirms the cultural values of the site and seeks to understand the actual and potential adverse effects on the cultural and environmental values in relation to the proposed PC12 and future development of the retirement village and residential development.

This report also provides a list of recommendations that aim to avoid, remedy, or mitigate and/or improve outcomes for mana whenua in the event of the PC12 and future consents being granted.

1.2 Methods

The methodology used in the preparation of the CIA is broadly based on information provided by Bloxam Burnett & Olliver (BBO) in the report - Growth Cell T2 Rezoning Request for Plan Change No 12 (August 2020) and consultation with Ngāti Apakura.

Reading and reviewing relevant consent documentation in relation to the proposal, including:

- i. Archaeological Assessment prepared by Warren Gumbley Archaeologists
- ii. Ecological Impact Assessment prepared by Ecology New Zealand
- iii. Integrated Transportation Assessment prepared by Stantec
- iv. Stormwater Management Plan prepared by Wainui Environmental
- v. Infrastructure Report prepared by Nicklin CE
- vi. Landscape and Visual Assessment prepared by Boffa Miskell

Below are summaries of each phase and task undertaken in the preparation of this report. The primary responsibility in this process has been to provide the framework for the statutory assessment and the communication of values, issues, and opportunities. The values and uses are those of Ngāti Apakura as expressed by the iwi during consultation.

To assess the potential impact of the proposal the following sources were also researched or reviewed:

- Hui with representatives of Ngāti Apakura
- Skype conversations in August
- Hui and site visit

Identification and evaluation of potential impacts of the proposal against cultural values, objectives and policies outlined in the relevant iwi management plans.

Discussion of the report with feedback and approval from Ngāti Apakura.

2. Description of the Project

2.1 Site and surroundings

As presented in the Growth Cell T2 Rezoning Request for Plan change No 12 report prepared by BBO, the retirement village, called Te Awamutu Country Club (Country Club), is located on the northern part of the 18.2ha block of land at 10 and 52 Frontier Road.

The Growth Cell T2 is the subject of this plan change request, located at the western edge of Te Awamutu.

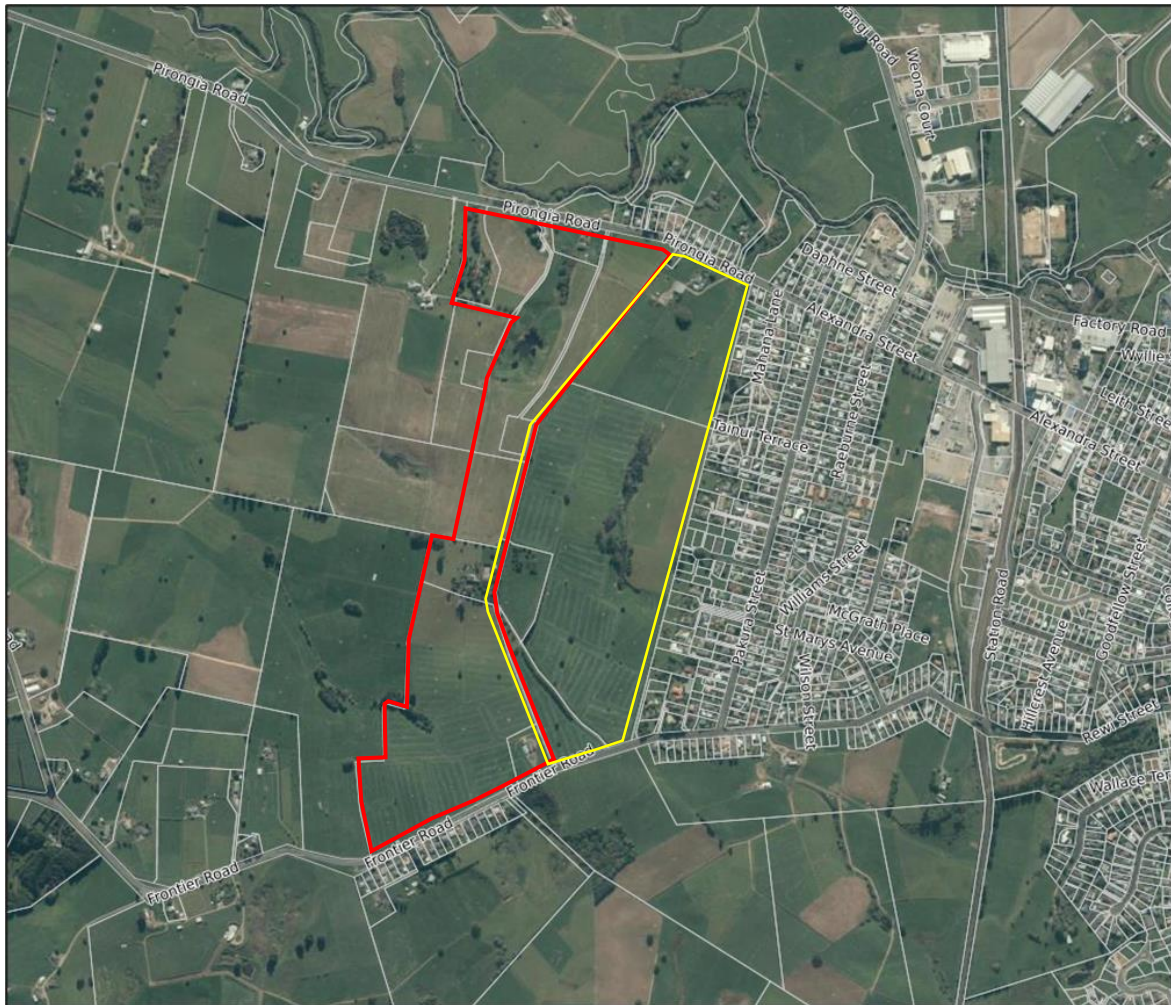


Figure 1: Locality of Growth Cell T2 in red and Growth Cell T1 in yellow (source BBO)

The purpose of PC12 is to allow for residential development within Growth Cell T2 to occur, and to highlight the relevant infrastructure and servicing requirements of the growth cell to guide future development.

The properties within Growth Cell T2 are currently mainly pasture for dairy farming, with some single residential dwellings and garages or sheds.

The site topography consists of rolling hills with moderate to steep slope angles, and incised gullies. There are two gully areas present within the site boundaries, one in the north and one in the south-west.

There are two developments proposals.

Firstly, a proposal to construct a retirement village on the northern part of the 18.2ha block and approximately 8.65ha will be developed as a residential subdivision.

2.2 The proposal

As mentioned previously, two development proposals make up the plan change application

Firstly, the retirement village will comprise approximately 9.56ha of land and includes the following development/amenities:

- Approximately 98 standalone retirement villas;
- A care facility including a dementia unit;
- A club house including a café that will be open to the public;
- A health spa; and
- Recreational amenities including a croquet lawn and bowls green, walkways, and cycleways.

The main access to the Country Club will be from the T1 Growth Cell development to the east.

Construction of a retirement village within the residential zone of the WDP requires a resource consent application, therefore it will be designed and assessed in more detail in the subsequent resource consent application.

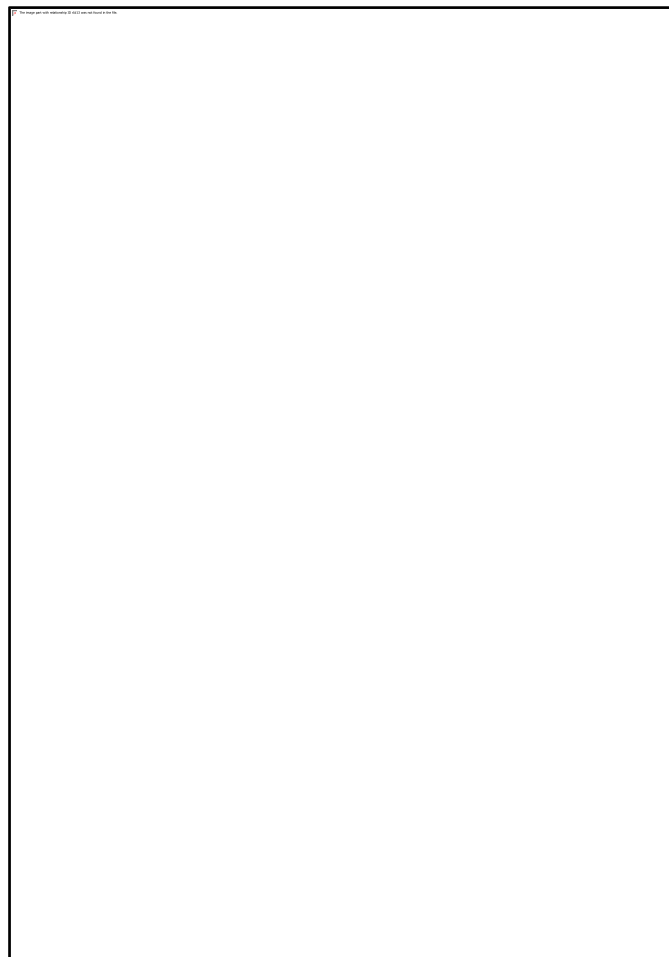


Figure 2: Proposed Retirement Village and Residential Subdivision (source BBO)

Secondly approximately 8.95 ha will be developed as a residential subdivision, which includes the following:

- Approximately 105 residential lots;
- A stormwater reserve, including a stormwater treatment wetland, to vest in Council;
- A recreation reserve to vest in Council;
- Various pedestrian and cycle paths to vest in Council;
- Roading infrastructure;
- Three waters infrastructure; and
- Telecommunications, electricity and natural gas supply connections.

The development of housing would provide for housing supply for Te Awamutu, with a aim to hopefully providing for a social benefit.

Once zoned Residential the subdivision will require resource consent under the WDP. The proposed subdivision will be set out in more detail in the subsequent resource consent application.

3. Tangata Whenua/Mana whenua

The iwi who have rights and interests in the area are Ngāti Apakura are Ngāti Maniapoto, Raukawa and Waikato – Tainui. These iwi are represented variously by post-settlement governance entities and their subsidiaries.

Ngāti Maniapoto is represented by the Maniapoto Māori Trust Board, Raukawa is represented by the Raukawa Settlement Trust and Waikato – Tainui by Te Whakakitenga o Waikato Incorporated.

Mana whenua refers to the mana or ‘authority’ held by an iwi, hapū or whanau over the land, territory and/or resources of a particular area. The Resource Management Act 1991 provides that ‘mana whenua’ means customary authority exercised by an iwi or hapū in an identified area. This authority is passed down through whakapapa (genealogy) and is based on the settlement and occupation of, and continued use and control of natural resources within, an area.

Mana whenua is also used to describe the people who hold this authority, and who are also considered the kaitiaki (guardian/ caregiver, steward) of their particular area or takiwā.

3.1 Known history of the site and area

There are several narratives of particular events, ancestors and places for the Te Awamutu district, Rohe Potae (King Country) and wider Tainui rohe. Material presented at the Rohe Potae hearings of the Waitangi Tribunal (1990-2014) provide traditions activities relating to Te Awamutu.

4. Statutory Context

4.1 Resource Management Act 1991 (RMA)

The RMA is the primary statute which governs the use and development of natural and physical resources in New Zealand. It applies to all resources within New Zealand (including the coast), and to all people seeking to exercise rights, obligations or powers in relation to those resources. Māori values and world views are a feature of New Zealand's environmental regulatory regime and have an influential role in the management of New Zealand's natural and physical resources.

The primary Part 2 provisions expressly addressing Māori values require persons exercising functions under the RMA to:

- Recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga as a matter of national importance (section 6(e)).
- Recognise and provide for the protection of protected customary rights as a matter of national importance (section 6(g)).
- Have particular regard to kaitiakitanga (section 7(a)).
- Take into account the principles of the Treaty (section 8).

The RMA provisions require substantive and procedural recognition of Māori values. The substantive provisions (such as Part 2) recognise that Māori values and world views will influence the outcome of RMA decisions and are to be given practical effect in policy and planning instruments and consenting processes.

The RMA recognises the role of iwi management plans in the preparation of regional policy statements, regional plans and district plans. Iwi management plans are an important tool in informing the preparation and assessment of applications for resource consent and designations.

4.2 Heritage New Zealand Pouhere Taonga Act 2014

The HNZPTA provides for the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand. It requires that modification or destruction of an archaeological site needs an archaeological authority and sets out penalties for the unauthorised modification or destruction of archaeological sites. It outlines the regulatory function for HNZPT to control activities that may modify or destroy archaeological sites, including archaeological research investigations. It is based on the presumption that sites are avoided in the first instance. However, it also requires HNZPT to manage activities affecting sites in such a way as to balance the benefits of land use and the interests of landowners, with the safeguarding of archaeological heritage.

To recognise and respect the Crown's responsibility to give effect to the Treaty of Waitangi, the HNZPTA contains specific provisions relating to the functions, powers and delegations of the Māori Heritage Council and processes relating to the archaeological authority process, including:

- information requirements for applications,
- determining applications relating to sites of interest to Māori including emergency authorities,
- notification of decisions,

- recommendations for exploratory authorities affecting sites of interest to Māori,
- having regard to any statutory acknowledgment,
- taking steps to prevent activities affecting archaeological sites from continuing without an authority, and
- appeal rights.

HNZPT has special obligations under additional statutes in relation to its administration of the archaeological provisions. These include the Marine and Coastal Area (Takutai Moana) Act 2011, and provisions for specific areas of statutory acknowledgement in settlement statutes. The HNZPTA also complements the RMA and the Protected Objects Act 1975.

4.3 Te Ture Whaimana - Vision and Strategy

Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River is contained within Schedule 2 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 Act.

The Vision and Strategy is a key part of the settlements for the five river iwi; Tuwharetoa, Ngāti Maniapoto, Te Arawa River Iwi, Raukawa and Waikato. Te Ture Whaimana o Te Awa o Waikato is referred to in the iwi management plans of Raukawa and Ngāti Maniapoto.

The Vision and Strategy is the primary direction-setting document for the Waikato River and its catchments, which includes the lower reaches of the Waipa River. The Vision and Strategy for the Waikato River sets out an overall vision to restore and enhance the river. Within the series of objectives for the Vision and Strategy is,

- i. **Objective A.** The restoration and protection of the health and wellbeing of the Waikato River.
- ii. **Objective B.** The restoration and protection of the relationship of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships.
- iii. **Objective C.** The restoration and protection of the relationship of Waikato River Iwi according to their tikanga and kawa, with the Waikato River, including their economic, social, cultural and spiritual relationships.
- iv. **Objective D.** The restoration and protection of the relationship of the Waikato Region’s communities with the Waikato River including their economic, social, cultural and spiritual relationships.
- v. **Objective E.** The integrated, holistic and coordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River.
- vi. **Objective F.** Adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular those effects that threaten serious or irreversible damage to the Waikato River.
- vii. **Objective G.** Recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within its catchments on the health and wellbeing of the Waikato River.
- viii. **Objective H.** The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.
- ix. **Objective I.** The protection and enhancement of significant sites, fisheries, flora and fauna.
- x. **Objective J.** The recognition that the strategic importance of the Waikato River to New Zealand’s social, cultural, environmental and economic wellbeing is subject to the restoration and protection of the health and wellbeing of the Waikato River.

- xi. **Objective K.** The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.
- xii. **Objective L.** The promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities.
- xiii. **Objective M.** The application to the above of both maatauranga Maaori and the latest available scientific methods

4.4 Te Rautaki Taiao a Raukawa

Te Rautaki Taiao a Raukawa, Raukawa Environmental Management Plan was prepared by Raukawa Charitable Trust in 2015. At 243 pages long it is a comprehensive articulation of Raukawa views and perspectives across a broad range of environmental matters. The plan is endorsed by the Raukawa Kaunihera Kaumatua and the Raukawa Settlement Trust (the ultimate Governance entity for Raukawa).

As a result of Treaty settlement negotiations with the Crown, a further re-organisation occurred and the Raukawa Settlement Trust (RST), the Raukawa Charitable Trust (RCT), the Raukawa Asset Holding Company (RAHC) and Raukawa Iwi Development Ltd (RIDL) were formed in 2010.

Te Rautaki Taiao a Raukawa is an environmental management plan for the purposes of the Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010, Part II, sections 61, 66, 74 and 104 of the RMA, and incorporates the entirety of the Raukawa Fisheries Plan.

4.5 Ko Tā Maniapoto Mahere Taiao

The Maniapoto Environmental Management Plan (Plan) was prepared by the Maniapoto Māori Trust Board on behalf of the people of Maniapoto. For the purposes of Section 35A of the Resource Management Act 1991, the Maniapoto Māori Trust Board is considered an iwi authority for Maniapoto and the Plan is considered an iwi management plan. Geographically the Plan covers the Maniapoto rohe and is a high-level direction setting document and describes issues, objectives, policies and actions to protect, restore and enhance the relationship of Maniapoto with the environment. The Plan sets out that resource users and regulators will usually be required to assess the effects of a project on the matters covered in the Plan.

The following sections of the Plan are considered relevant to the proposal:

Part 10: Maniapoto Cultural Heritage

Objective 10.3.1: Recognition of the role of Maniapoto as rangatira and kaitiaki

To ensure Maniapoto participate at the highest level of decision making on matters that affect cultural heritage within Maniapoto rohe

Policy 10.3.1.1 - Maniapoto is involved at the highest level of decision making to ensure that cultural heritage in the Maniapoto rohe is protected and enhanced.

Objective 10.3.2: Wāhi tapu and sites of significance

To protect Maniapoto wāhi tapu and sites of significance from the adverse effects of activities

Policy 10.3.2.1 - Maniapoto wāhi tapu are protected from damage, desecration, or adverse effects.

Objective 10.3.3: Site management protocols

Site Management protocols are in place for all work sites that ensure wāhi tapu, kōiwi and taonga are treated in a respectful manner.

Policy 10.3.3.1 - Site management protocols are incorporated into site management plans ensuring site works manage the discovery of wāhi tapu, kōiwi and taonga in a respectful way.

Objective 10.3.4: Discovery of taonga and/or archaeological sites

To ensure procedures are in place to manage the discovery and accidental discovery of taonga and archaeological sites

Policy 10.3.4.1 - Appropriate guidelines are in place to undertake archaeological surveys and excavations (information and permission).

Policy 10.3.4.2 - A clear protocol is followed in the event of discovering taonga.

Policy 10.3.4.3 - The appropriate protocol is followed after the accidental discovery of archaeological sites.

Part 14: Fresh Water

Objective 14.3.1: Recognition of the role of Maniapoto as rangatira and kaitiaki of Ngā Wai o Maniapoto
Ngā Wai o Maniapoto is healthy and enhanced to protect the relationship of Maniapoto and water bodies.

Policy 14.3.1.1 - To give effect to the rangatira and kaitiaki role of Maniapoto in co-governance and co-management frameworks for Ngā Wai o Maniapoto.

Policy 14.3.1.2 - Ngā Wai o Maniapoto continue to provide sustenance to Maniapoto (including physical and spiritual nourishment).

Policy 14.3.1.3 - Access to freshwater bodies to undertake customary activities and uses are enhanced and protected.

14.3.2 Objective: Water quality - Restore and enhance the mauri of Ngā Wai o Maniapoto and protect Te Mana o te Wai

Policy 14.3.2.1 - Water quality supports healthy ecosystem functioning.

Policy 14.3.2.2 - Restoration and protection of Ngā Wai o Maniapoto makes best use of resources and time.

Policy 14.3.2.3 - Indigenous aquatic ecosystems are restored and maintained

Policy 14.3.2.4 - Sedimentation is managed to protect and restore the mauri of water.

Policy 14.3.2.5 - Physical characteristics of waterways are enhanced and/or restored.

Part 15: Wetlands

Objective 15.3.1: Recognition of the role of Maniapoto as rangatira and kaitiaki of wetlands.

Wetlands are healthy and enhanced to protect the relationship of Maniapoto and wetlands

Policy 15.3.1.1 - To achieve Maniapoto representation at the council decision-making table on matters that affect wetlands.

Objective 15.3.2: Mauri of wetlands

To enhance and protect natural wetlands to produce an overall net gain in wetland area in the rohe as wetlands are restored

Policy 15.3.2.1 - The net area of wetlands increases with no loss of existing natural wetland area.

Objective 15.3.3: Mauri of wetlands

To ensure planning and regulations for land use adjacent to wetlands restores and maintains wetland health

Policy 15.3.3.1 - Adjacent land-use practices do not impact negatively on wetlands.

Part 18: Land

Objective 18.3.1: Unsustainable and inappropriate land use practices

Land management and land use enhance and protect the holistic functioning and interconnected relationships of the natural environment and are compatible with Maniapoto values and principles.

Policy 18.3.1.1 - Land management and land use are sustainable, and the mauri of land is protected and enhanced.

Objective 18.3.2: Recognition of the role of Maniapoto as rangatira and kaitiaki for land and associated resources

To ensure Maniapoto participate at the highest level of decision making on matters that affect the relationship of the people with catchments in Maniapoto rohe.

Policy 18.3.2.1 - Maniapoto engage and participate at the highest level of decision-making on matters that affect the people in the catchment.

Objective 18.3.3: Soil Conservation

To effectively manage the mauri of land and soils by reducing soil nutrient loss, nutrient leaching, and runoff to water bodies.

Policy 18.3.3.1 - Best practice land and soil management techniques are implemented to minimise erosion and soil degradation or loss because of land development and use.

Part 19: Natural Heritage and Biodiversity

Objective 19.3.1: Biodiversity - The diversity of natural heritage areas, habitats and ecosystems are preserved in a healthy state alongside more modified ecosystems to ensure indigenous species and subspecies maintain genetic diversity and viable population densities

Policy 19.3.1.2 - Indigenous biodiversity is maintained, restored, enhanced, and protected throughout Maniapoto rohe.

Objective 19.3.2: Landscapes - To protect and enhance significant cultural, spiritual, natural, and ecological landscapes, features, and locations in the Maniapoto rohe and to protect and enhance Maniapoto relationships and associations with these features.

Policy 19.3.2.1 - Activities and uses that adversely affect significant cultural, spiritual natural and ecological landscapes, features or locations in the Maniapoto rohe are avoided, and Maniapoto relationships with those landscapes, features or locations are maintained and restored.

Part 22: Infrastructure

Objective 22.3.1: Relationship

To avoid adverse effects of infrastructure on the relationship of Maniapoto with significant sites and resources.

Policy 22.3.1.1 - Maniapoto participate at the highest level of decision making for infrastructure development to enhance the relationship of Maniapoto with significant sites and resources.

Objective 22.3.4: Transport networks

To ensure transport infrastructure connects Maniapoto communities and enables industry and businesses to develop while minimising negative impacts on the environment.

Policy 22.3.4.2 - Transport infrastructure avoids unacceptable adverse effects on the environment.

Part 26: Tourism and Recreation

Objective 26.3.1: Tourism activities

To ensure tourism activities are sustainable and provides for environmental, social, cultural and economic wellbeing of Maniapoto while protecting Maniapoto sites and culture

Policy 26.3.1.1 - Tourism in the Maniapoto rohe is operated in a manner that provides for environmental, social, cultural and economic wellbeing of Maniapoto while protecting Maniapoto sites and culture

Objective 26.3.2: Recreation Activities

To ensure recreation use and activities do not adversely affect the environment and facilities are available to provide for the reasonable needs of users, including supporting Maniapoto to restore and maintain their relationships with the environment.

Policy 26.3.2.1 - Recreation and associated facilities are managed to ensure that the environment is protected, that human health and safety is maintained and that Maniapoto can restore and maintain their relationships with the environment through recreation.

4.6 Tai Tumu Tai Pari Tai Ao

Tai Tumu, Tai Pari, Tai Ao (Waikato-Tainui Environmental Plan) covers a comprehensive list of environmental issues.

The plan was prepared by Waikato-Tainui Te Kauhanganui Incorporated, the mandated iwi authority at the time. The plan is a recognised iwi planning document for the purposes of the RMA (sec 35A), Waikato River Act (sections 40 & 94) and clause 9 of the Waikato-Tainui Deed of Settlement.

The Plan applies generally to the area populated by Waikato-Tainui marae including Manukau harbour in the north to Te Kuiti in the south, the west coast to Ngatira in the east.

The overarching purpose of the plan is to provide a pathway that will return the Waikato-Tainui rohe to the modern-day equivalent of the environmental state that it was in when Kiingi Taawhiao composed his maimai aroha.

5. Mana Whenua Consultation

Iwi engagement was conducted with members of Ngati Apakura reaffirmed following:

- Reaffirmed identity, whakapapa and enduring relationship with the whenua or land in Te Awamutu. The project area is of historic, cultural, and spiritual significance and important to iwi.
- Mana motuhake, rangatiratanga are key concepts underpinning how we exercise 'kaitiakitanga'. Through these concepts we demonstrate our authority of kaitiakitanga over the environment and its resources. They enable us to protect, enhance, restore, and utilise natural and physical resources appropriately.
- Freshwater is the source of all life. Protection and access to Mangapiko Stream, including protecting its heritage values should be upheld.

Mana whenua concerns regarding land management stem primarily from the effects of human activities. This relates to any development, mismanagement, unsustainable planning of land resources which has potential implications for water quality, aquatic biodiversity, habitat loss, heritage protection and the survival of indigenous flora and fauna.

Mana whenua considers all land within the rohe to be ancestral land. Even if they are not the 'owners' of the land they still have responsibilities and obligations as kaitiaki, therefore inappropriate activities that have adverse impacts on whenua, wai ora and heritage are not acceptable. Effective planning processes are needed for managing these effects.

6. Overview of Cultural Values and Issues

Mana whenua considers all land within Te Awamutu is ancestral land. Even if mana whenua are not the 'owners' of the land they still have responsibilities and obligations as kaitiaki, therefore inappropriate activities that have adverse impacts need to be addressed.

6.1 Heritage

An archaeological assessment of the entire Growth Cell T2, including historic maps and aerial photographs area has been undertaken by Warren Gumbley Archaeologists. No archaeological sites have been recorded on or adjacent to growth cell T2. The closest site is the pa site recorded as S15/86, S15/233 and the Otawaho Pa (S15/332). These pa sites are displayed in the following figure. The proposed rezoning and structure plan will not disturb or destroy any of these pa.

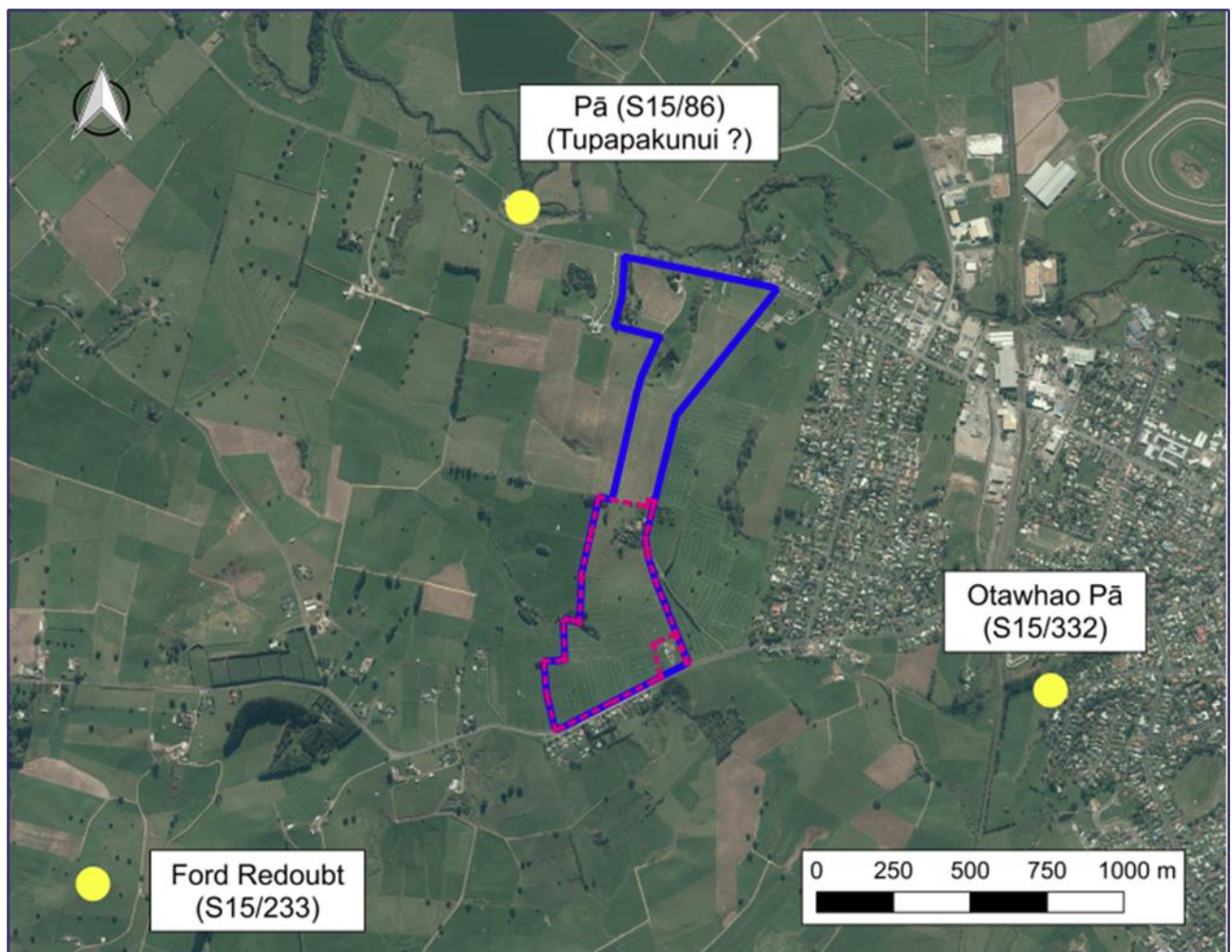


Figure 3: Recorded Archaeological Sites in the locality

A site investigation by Warren Gumbley was undertaken for the southern half of the growth cell and no evidence of archaeology was noted. A site investigation was not undertaken for the northern half of the growth cell. The archaeological report for this area notes that potential for archaeological sites within this area is considered to be low, however there is slightly increased potential for archaeological remains within proximity to Mangapiko Stream and the pa recorded as S15/86.

Mangapiko Stream is a watercourse of significance to iwi and the heritage overlay near Mangapiko confirms mana whenua expectations that all parties be committed to ensuring the appropriate protocols (tikanga and kawa) are followed throughout the project. Protocols need to be consistent with tikanga Māori.

The development does not involve any direct works within the Mangapiko Streambank that will compromise the cultural character and amenity or heritage values of the riverbank area.

Overall, the proposed rezoning will not have any heritage or archaeological effects, because it is expected that at the time of resource consent application for future development consent, conditions relating to accidental discovery and heritage will be imposed.

6.2 Ecological

Development on the site will result in removal of exotic and pest plant dominated vegetation and low ecological value natives on the site.

Vegetation on the site may cause impacts on nesting birds and their eggs during breeding season, loss of potential habitat and resources for lizards, there may be indirect impacts on long-tailed bats and loss of aquatic habitat and wetland habitat and potential mortality of native fish during stream works.

Mana whenua want to ensure the sustainable management and development of their environment. It is recommended that a process be established to develop a Taiao Environmental Management Plan. A number of wānanga could be established to ensure appropriate tikanga are established post the plan change including sensitive protection of information.

6.3 Landscape

No doubt any subdivision development will cause changes to the outlook of the surrounding locality. The level of effects is considered to be low because the primary visual effect will be the loss of the existing rural outlook. The LVA makes a number of recommendations to ensure that landscape and amenity values in the surrounding environment are maintained, which include;

- A buffer planting zone, building setbacks and shared pathways along the western boundary of the growth cell;
- Height restrictions for buildings and fencing along Frontier Road; and
- Requirements for specimen tree planting along Frontier Road.

Mana whenua assurances require....

6.4 Water, Wastewater and Stormwater

A water supply assessment was undertaken by WSP-Opus for the entire growth cell. It was concluded that there is adequate water supply in the Council system for the growth cell. A booster pump is required to provide adequate pressure for the demands within growth cell T1 and T2.

Stormwater Management Plan outlines treatment through two strategies for T2:

- Open swale system; or
- Centralised wetland.

Stormwater from the treatment devices and will then be discharged into the downstream receiving environment/catchment and makes its way to the Mangapiko Stream. The stormwater approach relates to the best practise design guidelines and overall stormwater management.

For T2 south, there are three main components to the wastewater system, being gravity reticulation network, wastewater pumping station and a rising main. Appropriate viable solution for wastewater reticulation within the growth cell and discharge to the existing wastewater network and treatment plant will apply.

Consistency should be applied when discharging into the Mangapiko Stream. Mana whenua expects alignment to report cards that have been developed, which is consistent with Waikato-Tainui aspirations of their Vision and Strategy (Te Ture Whaimana) for restoration of the health and wellbeing of the river and its people.

There must be a coordinated approach through the establishment of an advisory body comprising of mana whenua of the Mangapiko Stream to ensure an holistic approach is consistent with the desire of Ngaa Iwi Toopu o Waipa to keep intact the mauri of the Mangapiko in its entirety.

6.5 Geology

The geotechnical report concludes that the site is geotechnically suitable for the proposed rezoning and subsequent residential development. At the time of writing this report, further geotechnical investigations are required to provide a full understanding of the hazards and risks across the site.

Further engagement with mana whenua will be provided for during the resource consenting phase of the development.

6.6 Contamination

A Preliminary and Detailed Site Investigation has been prepared for the southern half of the growth cell, directly relating to the retirement village and residential subdivision finds the following:

- Mean concentrations of heavy elements in surface soils are below applicable standards across the site;
- Asbestos fibres are not present;
- Offal pits may be present near the former dairy shed adjoining the southern eastern boundary that may contain non-organic wastes;
- Elevated lead and zinc are present.

Overall, due to the potential for waste disposal pits to be encountered on the site during bulk earthworks the report recommends that contingency measures are adopted into earthworks management plans to manage the risks associated with these wastes if encountered.

Furthermore, these matters will be addressed at resource consent stage for bulk earthworks and future development on the site.

Mana whenua expects further engagement to ensure best practise methods and approaches will be upheld and applied.

7. Recommendations and Mitigation

Cultural and environmental issues raised by mana whenua, proposed mitigation, remedial or avoidance measures should be addressed through appropriate consent conditions.

Overall, it is considered that the proposed Sandersons Group retirement village and Kotare Properties subdivision development will not be inconsistent with or have overly negative impacts on the cultural values associated with the area.

This is based on the view that adequate provision of the cultural values associated the area , including Mangapiko Stream overlay area will be provided for through appropriate measures.

Adequate construction particularly using stormwater retention ponds, as well as the use of accidental discovery protocols and the careful treatment of any springs is also considered critical.

Developing a landscape plan and considering a planned approach to the sourcing of native plants for landscaping are significant initial steps in the process going forward.

7.1 Kaitiakitanga – Guardianship

The protection of the Mangapiko Stream is essential. Assurances are required that wastewater discharge, storm water control, sediment control, culvert construction and associated impacts on fisheries and their migration is managed in accordance to best practice. An ongoing role for mana whenua is critical to any future work on proposed development. This includes the need to engage further around understanding infrastructure, detailed landscape design, cultural monitoring.

Recommendation 1: To establish, grow and maintain relationships with mana whenua by entering into working or formal relationships with mana whenua to oversee the implementation of the project and the relevant conditions and undertakings. This could also include facilitating economic and social development opportunities for mana whenua.

7.2 Whakapapa - Heritage

Whakapapa - heritage is important to mana whenua because it reaffirms identity and provides physical and emotional links to the past, present and future. This makes protecting heritage, cultural and traditions vital to continued cultural well-being.

Recommendation 2: Ensure that cultural protocols are established for not limited to: (a) observing tikanga before works commence. (b) The placement of cultural features within the development.

Recommendation 3: That an accidental discovery protocol (ADP) be implemented as part of any future consent granted/or work undertaken.

Recommendation 4: That any contractors involved in earthworks be given appropriate guidance on mana whenua tikanga and protocols including an understanding of the ADP which may be delivered by a mana whenua representative or designate, and that agreement is duly noted.

7.3 Ngā Wai Ora- Freshwater

Wai ora are considered taonga and require protection to maintain the special qualities they possess.

Recommendation 5: A cultural health indicator framework for water quality standards and water quantity take in relation to Mangapiko Stream be applied.

Where relevant and applicable, further support be provided via the restoration of wetlands and riparian margins in and around the local area in recognition of their purification role and for the improvement and protection of mauri.

7.4 Kotahitanga- Partnership

Partnership and communication are required during the PC12 process as well as future consents.

Recommendation 6: A partnership Kawenata be developed, agreed, and signed by mana whenua and Sandersonss Group Ltd and Kotare Properties.

8. Conclusions and Recommendations

This report provides a brief background to the purpose of PC12 and proposed retirement village and residential development, the methods undertaken , includes a brief analysis of relevant iwi management plan policies, a summary of key cultural issues, as well as potential mitigation opportunities to consider alongside this proposed future development.

Overall from a mana whenua perspective, it is considered that PC12 and the proposed development of the retirement village and subdivision will not be inconsistent with the relevant policies of iwi management plans or have overly negative impacts on the cultural values associated with the area.

Mana whenua desire to build a strong and meaningful partnership with Sandersonss Group Ltd and Kotare Properties on all aspects of the PC12 and future resource consents, to ensure accountability towards cultural environmental and holistic well-being.

Appendix 1 Māori customary practices and beliefs/tikanga

Cultural Impact Assessment **Cultural considerations based on Māori customary** **practices and beliefs/*tikanga***

“Whatungarongaro te tangata, toitū te whenua
Man disappears but the land remains”

Haupai Puke

Reference: Request for Plan Change No. 12
Application to the Waipa District Council Growth Cell T2 Rezoning

Introduction

A Cultural Impact Assessment must include issues of historical importance concerning the proposed site to be developed. An archaeological assessment carried out for the adjoining Frontier Developments Growth Cell T1 begun in 2019, by Alexy Simmons focussed “on events and peoples associated with the general Structure Plan area, or who may have influenced activities in the area” (Simmons & Associates Ltd, 2015) and also provides context.

The study area: The area of development consists of Pirongia Road to the west of the site, Frontier Road to the south, and the western boundary of Te Awamutu township, known as the Growth Cell T2.

This report provides an assessment of:

1. the history of the land to be developed including
2. the Māori cultural values associated with the land to be developed,
3. any impact that the development may have on these cultural values, and
4. possible mitigations to alleviate any such impacts,
5. *tikanga*/customs and *kawa*/processes of the *iwi*/tribes upon whose traditional lands the development is to be undertaken.

An historical overview of the site to be developed

Ngāti Apakura and Ngāti Hikairo are identified as being the *iwi*/tribes of the Structure Plan area known as the Growth Cell T2 and often acted as one people (Simmons & Associates Ltd, 2015) although both are intimately connected through *whakapapa*/relationship. Information is provided by local European-authored histories (Robertson, 1966, pp.5-7) and confirmed by local *iwi*/tribes, where Thorne (2013, p.64) states the tribal boundary as “Following the Ōhaupō Ridge south including the lakes to the immediate east, until just north-west of Te Rahu, then south to Kaipaka on the Mangapiko Stream to down the Mangapiko Stream to Tūpāpakurua, then Tutupōrutu.....”

In Gumbley's Archaeological Assessment of the Frontier Road site (2020), he identifies one of these *pā*/fortification sites as Tūpāpakunui (S15/86) but which has also been identified as Tūpāpakuraa (Thorne). In the Summary of NZAA Recorded Archaeological sites it is noted as "A Ngāti Apakura *pā* on the north side of the Mangapiko Stream near the Te Awamutu sedimentation pond." "This might be the site of a series of battles between Ngāti Apakura and Ngāti Puhiaawe, based on the information included in the site record in December 1965". Ōtāwhao Pā, as stated by Gumbley is 1.3 kilometres east of the proposed development. That distance was nothing to *iwi*/tribes in those days, used to walking what are not really long distances.

Robertson (1966, p.5) wrote of Ngāti Apakura being in the Waipā area by the 16 Century at Ngāroto, Pāterangi, Te Rore, Pirongia, Ōhaupō and Rangiaowhia, spreading out on eventual prosperous lands. Between the Mangapiko Stream and the Puniu river is what is known as the Mangapiko Ridge, now Frontier Road. They occupied sites along the Mangapiko Stream and its tributaries, on lakes and areas alongside. There were always *kāinga*/settlements that were temporary when food-gathering on land and water, and *pā* /fortification sites river-lakeside and hillside for habitation.

"There was no extensive settlement along the wetland and swamp areas, but these provided plentiful food sources for the *iwi* who inhabited the surrounding area. Hence a network of walking tracks along the ridgelines of the area would give easy access to these wetland food resources. It is highly likely that the present Pirongia Road and Frontier Road were constructed on foot pathways that formerly crisscrossed the area" (Puke, 2019, p.5).

Within the Growth Cell T1 is a wetland which is being developed to encourage wildlife to inhabit that area. **A similar project could be instigated by Sanderson Group Ltd and/or Kōtare Properties Ltd, as well as the naming of roads to commemorate the origins of the Growth Cell site.**

The relationship between Ngāti Apakura and Ngāti Hikairo and how they became separate is one that is intimately known by the people of Kawhia and Pirongia and features in carved story in the *wharenuī*/meeting house at Purekireki marae. Indeed, traditionally, marriages in particular based on the custom of *taumau*,¹ occurred till the beginning of the 20th century. As is stated in Simmons & Associates Ltd (2015, p.5) “genealogical relationships and their role in preserving survival and prosperity have been demonstrated time and time again throughout history and are an intrinsic part of Māori cultural history”.

Trading in this part of the Te Ika a Māui/The North Island began in Kawhia, being a coastal settlement, in the 1820s with flax growing and its many uses such as medicinal purposes, and ropemaking as a lucrative trade. Traders aplenty there were, and flax commerce thrived in the area. After the battle of Mātakitaki pā at Pirongia (Alexandra as it was then known) in 1822, refugees from there were taken in by other tribes in the area including Ngāti Apakura, notably Ngāti Raukawa, Ngāti Maniapoto, Ngāti Kauwhata, Ngāti Ruru, Ngāti Kōura and Ngāti Waenganui amongst others. For example, Paewaka, who was closely related by marriage ties to Ngāti Apakura built Ōtāwhao Pā at Wallace Terrace. “This was the origin of Ngāti Ruru at Ōtāwhao” (Robertson, 1966, p.6) as the later township of Te Awamutu was then known. The sudden increase in population, customs, leadership etc. all resulted in small and large conflicts between the hosts and the refugees, eventually culminating in changes in the settlement pattern of Ngāti Apakura.

The Māori settlements noted by Europeans that were in the general proximity of the Structure Plan area, included Ōtāwhao Pā and Kaipaka Pā at the junction of the Mangaōhoi and Mangapiko Streams, the headquarters of Ngāti Rāhui *hapū*/subtribe of Ngāti Apakura. From here the Awamutu (*end of the navigable stream*) was an indefinite frontier with Ngāti Raukawa (later Ngāti Paretekawa) to the Puniu River which formed the southern boundary connecting to the Waipā River. The Ōtāwhao Mission and Farm in present-day Gorst Avenue, does not extend west to the Structure Plan area, but it does border the Mangapiko Stream which would have served as a significant transport corridor for the Mission station.

¹**Taumau** the act of appropriating land either by discovery, or absence of ownership; maintaining a tribal or family relationship through marriage (Williams, p. 400).

Furthermore, as the inland population increased, bringing European traders and settlers, intermarriage between Māori and Pākehā occurred, and with it new ideas such as growing and milling wheat and lifestyles, as well as European clothing. Those were the heydays of cultivations and enterprise by Māori in the Waipā area, principally through provision of food supplies to Auckland. The crossing of the Mangatāwhiri line and subsequent sacking of Rangiaowhia in 1864 affected Māori aspirations for continued prosperity from this provision of food items to the increasing numbers of settlers in Auckland from England and Europe. Redress is in the process of being sought from the New Zealand Government by Ngāti Apakura for this travesty in 1864 and its subsequent effects still impacting to this day. Descendants of those early settlers in Kawhia, namely Cowell (Kaora), Payne (Pepine), Turner (Tana), Kent, and others, who brought with them new skills and knowledge, have predominantly remained in the district till recent times. As *kaitiaki*/guardians they maintain their cultural and spiritual values and roles over their *tupuna*/ancestral *awa*/rivers and *manga*/streams, *roto*/lakes, flora and fauna, *whenua*/land, and *pā*/fortifications sites along the Mangapiko Stream, its tributaries and margins and the larger river of the Waipā.

The land where the Growth Cell T1 is situated once contained the Goodfellow Orchard (Simmons & Associates, 2015), having been purchased by Hugh and John Goodfellow after the military occupation of the land in the mid to late 1860s, thence being converted into a European style farm with the orchard established sometime prior to 1903. Simmons states that with knowledge of the history of the site “Consultation was carried out with Dr Rachel Darmody of Heritage New Zealand (HNZ) who advised that the orchard satisfied the criteria for an archaeological site under the Pouhere Taonga Act 2014” (p.1), and “If development of the orchard site is carried out an HNZ archaeological authority will be required for this work. Because the potential for discovery of buried pre-1900 archaeological deposits could not be totally ruled out it is recommended in the report that the earthworks for the development be carried out using an accidental discovery protocol” (p.1). **It is thus not unlikely that artefacts may surface in the preparation of ground-work of the site and Protocols for Archaeological Investigations must be followed.**

Concerns for the proposed situation resultant from the application

Significantly those prime lands mentioned in the last section have been taken over by varied farming practices which contribute to the country's gross product. Growth Cell T2 itself is situated in a prime locale within immediate distance of flourishing townships Te Awamutu, and further, Cambridge. Surrounding land features desirable aspects of two major bush-laden mountains, Pirongia and Kakepuku, part of the Alexandra Geological formation, known by Māori as Paewhenua, rich in lore and steeped in Māori tradition.

2.3 Table No. 2 Costs and Benefits Evaluation for Proposed Plan Change 2 Environmental

The following was noted: **There are no identified environmental costs.** It is assumed that the term 'costs' here is financially related. Evidence of the sustainability of the environment with regards to the proposed development will need to be clearly demonstrated when a Resource Application is submitted especially with regards to the Mangapiko Stream even though it is situated some distance away on the other side of Pirongia Road. *Iwi* as a partner to the application process hold a great concern for effects on the Mangapiko Stream. Influx from the Mangapiko Stream causes flooding to the Waipā River at its confluence at Pirongia which would endanger any future plans for a river-side walk esplanade in Pirongia township as per the proposed new concept plan. Any plan change should and will be tested for "acceptance by the community in a comprehensive manner."

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