

Central Hawke's Bay District Council
PO Box 127
Waipawa 4170
New Zealand

23 November 2021

(P:D.90c)

Attention: Darren de Klerk

Dear Darren

Pōrangahau and Te Paerahi CIA Objectives and Policies

Tēnā koe Darren,

This letter provides an update to the relevant statutory sections of the Statutory and Rules Evaluation - Pōrangahau and Te Paerahi Long Term – Planning Evaluation (Part B) (Beca, 2021:P:D.90) that supported the Pōrangahau and Te Paerahi Wastewater Treatment Plant Discharge – Resource Consent Application and Assessment of Environmental Effects (AEE) (CHBDC, 2021:P:D.1) and referenced the pending Cultural Impact Assessment (CIA) which has now been received.

We request that this letter is provided to HBRC with the request to update the assessment of the objectives and policies with the information provided below.

1 Statutory Evaluation Update (Beca, 2021 P:D90)

The CIA was being prepared and finalised at the time the consent application was lodged with the intention that the completed CIA would be provided to Hawkes Bay Regional Council (HBRC) as part of the consent application. The CIA has now been received along with a subsequent email from the author of the CIA (Anthony Tipene-Matua email dated 11/11/2021, 1.32pm to Darren de Klerk (CHBDC)) that provides further information regarding the selection of the preferred land application site from a cultural perspective.

In summary, the hapū of Pōrangahau looked at various sites for the irrigation of wastewater to land including; *Mākaramu farm, Oreorewaia farm but the hills and terrain would mean the effluent would go directly into the Mākaramu Stream. The Parimahu land block has too many wahi tapu including midden deposits, Pa, and is directly opposite to the Mahinga kai (cockle beds) site. It was also considered to renew the oxidation pond at Pukepuketahinu, but the Trust wanted the oxidation pond removed as agreed.*

It was agreed that the proposed Stoddard land (474 Beach Road, Pōrangahau) was the best place for the site. The wahi tapu, wahi tupuna and surface archaeological deposits are limited in this area, there are some infilled pits north of the proposed work. There is also a natural large blowhole that would be ideal for a pond to the earthworks.

With the provision of the CIA and subsequent email from the author, the relevant sections of the consent application to be updated include the objectives and policies within the statutory evaluation section as follows.

National Policy Statement for Freshwater Management 2020 (NPS-FM)	
Policy 2: <i>Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for</i>	<p>The CIA confirms local tāngata whenua’s position on the project and freshwater values and values associated with the Pōrangahau River.</p> <p>The proposal would see the eventual 100% of Pōrangahau and Te Paerahi’s wastewater irrigated to land. This seeks to address the direction given by tangata whenua in the initial engagement.</p> <p>The CIA report (pg 6) recognises the principles of partnership, active protection, rangatiratanga and consultation have been undertaken that identify, protect and provide for the Māori freshwater values and cultural values associated with the Pōrangahau River consistent with Policy 2 and Policy 8.</p>
Policy 8: <i>The significant values of outstanding water bodies are protected</i>	
New Zealand Coastal Policy Statement (NZCPS)	
Policy 6: <i>Activities in the coastal environment</i> <i>d. recognise tangata whenua needs for papakāinga, marae and associated developments and make appropriate provision for them;</i>	<p>Tangata whenua needs have been recognised through the removal of the wastewater discharge into the Te Paerahi dunes, a known wahi tapu site, and removal of the wastewater discharge to the Pōrangahau River.</p>
Hawke Bay Regional Coastal Plan (RCEP)	
Policy 2.9: <i>To have particular regard to the maintenance or enhancement of the coastal environment’s existing amenity values and cultural values</i>	<p>Particular regard to cultural values of the coastal environment has been given through the implementation of the CIA recommendations therein and engagement with Ngāti Kere and the CIA prepared by Ngāti Kere. The draft conditions of consent as submitted with the consent application include Cultural Health Index Monitoring that will be led by iwi and hapu according to their respective tikanga. This is consistent with Policy 2.9.</p>
Policy 4.4: <i>To ensure adverse effects on cultural, ecological, historic, geological, and scenic values of Significant Conservation Areas are avoided, remedied or mitigated.</i>	<p>Implementation of the CIA recommendations therein will ensure that adverse effects on cultural values of the Porangahau River are <i>remedied</i> (removal of discharge to the river) and <i>mitigated</i> (implementation of the CIA recommendations), consistent with Policy 4.4.</p>

<p>Policy 4.5 To promote the restoration and rehabilitation of areas of significant indigenous flora and fauna where appropriate in the coastal environment and in particular wetlands, estuaries, dune systems, lagoons, river mouths and coastal hill faces.</p>	<p>CIA (pg 25) Riparian Management/ Indigenous Species- For Ngāti Kere, rehabilitation of riverbanks, lakes, and repo with indigenous vegetation is an important part of improving ecosystem health. Planting exotic rather than indigenous species is contrary to the restoration approach Ngāti Kere support as a matter of course.</p> <p>Native planting along the riparian margins and identified water courses are proposed and is consistent with the CIA recommendation 7 which states: (7. Native plantings to consider as a possible avenue to assist mitigation. Planting and fencing to create or protect whitebait spawning habitat around the site would be viewed as positive and may even assist in protecting the river from flooding). This is consistent with Policy 4.5.</p>
<p>Hawkes Bay Regional Resource Management Plan (RRMP)</p>	
<p>OBJ LW3 Tāngata whenua values in management of land use and development and freshwater - Tāngata whenua values are integrated into the management of freshwater and land use and development.</p>	<p>As noted above, the CIA report (pg 6) recognises the principles of partnership, active protection, rangatiratanga and consultation. These principles have been applied so that Tāngata whenua values are integrated into the management of freshwater, land use and development.</p> <p>This is evident in the CIA recommendations 5 and 9 which include ongoing use of Ngāti Kere, Ngāti Manuhiri cultural monitors and future monitoring of the river will include iwi representation and any opportunities for iwi young to learn and train. These recommendations have been incorporated into the proposed conditions of consent.</p>
<p>Recognition of Matters of Significance to Iwi/Hapu - RPS</p>	
<p>OBJ 34 To recognise tikanga Maori values and the contribution they make to sustainable development and the fulfilment of HBRC’s role as guardians, as established under the RMA, and tangata whenua roles as kaitiaki, in keeping with Maori culture and traditions.</p> <p>OBJ 35 To consult with Maori in a manner that creates effective resource management outcomes.</p>	<p>The CIA (pg 23) states: Ability to practice kaitiakitanga - Cultural impact assessments are a necessary and important part of environmental impact assessments – they are expressions of kaitiakitanga and provide information about how activities or management approaches impact on Ngāti Kere values associated with an area or a taonga. Council willingness to fund this report acknowledges the kaitiaki role of Ngāti Kere.</p>
<p>POL 58 - To share information on matters of resource management significance to Maori and on processes to address them.</p>	<p>The CIA goes on to state (pg 23): Ability to practice kaitiakitanga - Practical recognition of the kaitiaki (guardian) role will need to be reflected in</p>

<p>POL 62 -The following is the recommended approach for consultation with tangata whenua:</p> <p>(a) Where the issue is at a macro, region-wide level consultation be with iwi.</p> <p>(b) Where the issue is localised, yet non site specific, consultation be with hapu</p> <p>(c) Where the issue is site-specific consultation be with whanau.</p>	<p><i>the conditions placed on the consent and the degree to which Ngāti Kere are involved in the management of waterways and wāhi tapu in the future.</i></p> <p>As noted above, the relevant cultural recommendations have been incorporated into the proposed conditions of consent (i.e. Cultural Health Index Protocols and Monitoring).</p> <p>The CIA report also recognises (pg 6) the principles of consultation consistent with Policy 58.</p> <p>The CIA (pg 42) states that: <i>The CIA has described the reasons for the involvement of Ngāti Kere and Ngāti Manuhiri, recounting the traditional and historical cultural connections and taonga of the site which includes the Pa, wahi tapu, papakainga, Taurekaitai River, Streams, and the wider environs.</i></p> <p>The CIA further states that (pg 27): <i>the Ngāti Kere Authority/ Te Mana o Ngāti Kere is the only mandated authority in Porangahau, endorsed at a public hui and endorsed by Te Kāhui Kaumatua.</i></p> <p>The tangata whenua consultation is consistent with Policy 62.</p>
<p>OBJ 36 To protect and where necessary aid the preservation of waahi tapu (sacred places), and tauranga waka (landings for waka).</p> <p>OBJ 37 To protect and where necessary aid the preservation of mahinga kai (food cultivation areas), mahinga mataitai</p>	<p>The CIA (pg 25) states: Loss of mahinga kai and rongoā species - <i>For Ngāti Kere, restoring riparian margins with indigenous species and controlling introduced pests are important steps towards enhancing wai. There is a real danger that further mahinga kai and rongoā will be lost under the current approach to river works.</i></p>
<p>POL 64 Activities should not have any significant adverse effects on waahi tapu, or tauranga waka.</p>	<p>Comment: The current approach to ‘river works’ (as described in the CIA i.e. discharge of wastewater) is direct discharge to the river. The proposed consent reflects a change in approach (discharge to land) consistent with the concerns raised by Ngāti Kere.</p>
<p>POL 65 Activities should not have any significant adverse effects on taonga raranga, mahinga kai or mahinga mataitai.</p>	<p>The CIA continues: <i>As plant and animal pests spread throughout catchments, this increases the adverse effects on Ngāti Kere values associated with indigenous resources, including the ability to practice customary use.</i></p>
<p>POL 66 The importance of coastal, lake, wetlands and river environments and their associated resources to Maori</p>	<p>The CIA (pg 25) goes on to state: Riparian Management/ Indigenous Species - <i>For Ngāti Kere, rehabilitation of riverbanks, lakes, and repo [replanting] with indigenous vegetation is an important part of improving ecosystem health.</i></p>

	<p><i>Planting exotic rather than indigenous species is contrary to the restoration approach Ngāti Kere support as a matter of course.</i></p> <p>The CIA Recommendation 7 reflects the mitigation for the above statements - <i>Native plantings to consider as a possible avenue to assist mitigation. Planting and fencing to create or protect whitebait spawning habitat around the site would be viewed as positive and may even assist in protecting the river from flooding.</i></p> <p>As noted above the cultural recommendations have been incorporated into the proposed conditions of consent that include planting native species wherever it is appropriate. In addition, the cessation of the wastewater discharge to the Te Paerahi dunes (known wa ahi tapu area) and removal of the ponds at the existing Te Paerahi dune site is consistent with the above CIA statements.</p> <p>The proposal is consistent with Policy 64, 65 and 66.</p>
<p>PC7 – Outstanding Water Bodies (OWB)</p>	
<p>Policy LW3A Resource Consent Decision Making Criteria – Outstanding Water Bodies identified in Schedule 25 (new activities).</p> <p><i>1. The consent authority must take into account;</i></p> <p><i>a. the extent to which the activity may adversely affect the outstanding value(s) identified in Schedule 25 of the relevant outstanding water body; and</i></p> <p><i>b. the extent to which the activity may adversely affect the significant values (if any) identified in Schedule 25 of the relevant outstanding water body; and</i></p> <p><i>c. whether, in order to protect the water body’s outstanding values and significant values:</i></p> <p><i>i. the location of the proposed activity is appropriate; and</i></p> <p><i>ii. if time limits, including seasonal, or other limits on the activity may be appropriate.</i></p> <p>Policy PC2 Resource Consent Decision Making Criteria – Outstanding Water Bodies Identified in Schedule 25 in the coastal environment (new</p>	<p>The extent to which the activity may adversely affect cultural and spiritual values of the Porangahau River has been identified in the CIA (pg 42) which states; <i>The report (CIA) identifies key issues resulting from the activity based on information to date, and sets out recommendations for the protection of cultural taonga.</i></p> <p>Recommendation 2 (pg 42) states: <i>Taurekaitai river is sacred to Ngāti Kere, Ngāti Manuhiri in the traditional sense, mahinga kai (whitebait spawning area, patiki, kahawai, Tuna, Moki) and ritual sense, tohi, whakanoa and all strategies should be taken to protect this taonga.</i></p> <p>In protecting the taonga of the Pōrangahau River and Estuary the CIA (pg 24) states: Water Quality - <i>For Ngāti Kere, monitoring water quality is an essential practice for measuring the health of wai over time. The information gained through monitoring is necessary to guide future management practices in order to maintain and enhance waterways and associated ecosystems.</i></p> <p>This is also reflected in the CIA Recommendations 3, 5 and 9. CIA Recommendation 3 seeks - <i>Improvements in water quality and a net gain in</i></p>

activities); as per above policy LW3A but in coastal environment.

mahinga kai values, consistent with the long-term vision of mana whenua to protect and restore the cultural health of the Taurekaitai River.

To support this, Recommendations 5 and 9 include ongoing use of Ngāti Kere, Ngāti Manuhiri cultural monitors and future monitoring of the river. These recommendations have been incorporated into the proposed conditions of consent.

Specifically, Condition 19 as submitted with the application states –

Within six months of the commencement of this consent, the Consent Holder must invite [to be determined] to undertake Cultural Health Index Monitoring according to their respective tikanga. If the engagement is accepted, the Consent Holder must commission [to be determined] to undertake Cultural Health Index Monitoring in compliance with the Cultural Health Index Monitoring Protocol prepared in accordance with Condition 20.

Condition 20 –

If the engagement is accepted to undertake Cultural Health Monitoring as set out in Condition 19, the Consent Holder must commission [to be determined] to prepare a Cultural Health Monitoring protocol that as a minimum, must:

- *Describe the relationship of tangata whenua to the discharge area and the sites of interest in or near the locations to which these consents apply;*
- *Describe the tikanga relevant to the proposed cultural monitoring (including kaitiakitanga, mauri of awa, whenua, tangata, whanaungatanga and te ha tawhirimatea), the activities, and the site(s);*
- *Identify and map (with map references) the site(s) to be monitored;*
- *Set out the frequency of monitoring;*
- *Describe the procedures required to access the application site for the monitoring (in particular health and safety requirements);*
- *Identify the parameters and methods used for the monitoring;*
- *Set out the matters to be included in the Cultural Health Monitoring Report and the frequency of the reporting obligations;*

	<ul style="list-style-type: none"> • Set out the procedures for amendments to the Cultural Health Index Monitoring; and • Set out the duration of the monitoring to be undertaken and a review process should the relevant parties determine that monitoring is no longer required. <p><i>Advice Note: there are multiple tools for assessing cultural health, including the Mauri Compass. The selection of the methodology is up to the relevant body representing Māori interests.</i></p> <p>Overall, the cultural values associated with the Pōrangahau River and Estuary will be enhanced as the existing direct discharge to the river will cease.</p> <p>In addition, the implementation of the recommendations outlined in the CIA (set out in the draft conditions for the Cultural Health Index Protocols and Monitoring) will help address the extent of potential adverse impacts on the cultural and spiritual values of OWB11 consistent with Policy LW3A and PC2.</p>
Part 2 Purposes and Principles of the RMA	
<p>Section 6 - Matters of national Importance</p> <p><i>In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:</i></p> <p><i>(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:</i></p> <p><i>(g) the protection of protected customary rights:</i></p>	<p>It is noted that engagement with Ngāti Kere, Ngāti Manuhiri, Ngāti Pihere and Puketauhinu has been ongoing and adverse effects on ancestral lands, water, sites, waahi tapu, and other taonga have been recognised and provided for in accordance with section 6 (e) and 6 (g) through the provision of the CIA and implementation of the recommendations therein.</p>
<p>Section 7 - Other matters</p> <p><i>In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –</i></p> <p><i>(a) kaitiakitanga:</i></p> <p><i>(aa) the ethic of stewardship:</i></p>	<p>Kaitiakitanga and the ethic of stewardship (section 7(a) and 7(aa)) have been given regard to through the provision of the CIA and through the engagement and due consideration of the cultural effects from iwi and hapu groups with mana whenua.</p> <p>This is confirmed in the CIA which states (pg23): Ability to practice kaitiakitanga - Cultural impact assessments are a necessary and important part of environmental impact assessments – they are expressions of kaitiakitanga and provide</p>

	<p><i>information about how activities or management approaches impact on Ngāti Kere values associated with an area or a taonga. Council willingness to fund this report acknowledges the kaitiaki role of Ngāti Kere.</i></p> <p>The CIA (pg 23) goes on to confirm that the Ability to practice kaitiakitanga - Practical recognition of the kaitiaki (guardian) role will need to be reflected in the conditions placed on the consent and the degree to which Ngāti Kere are involved in the management of waterways and wāhi tapu in the future.</p> <p>The proposal is consistent with the broad Maori world view approach to transition away from direct discharges to the Pōrangahau River while incorporating kaitiakitanga through ongoing involvement into the future. This includes the implementation of the proposed Cultural Health Index Monitoring that will be developed and undertaken by the relevant iwi/hapu groups into the future as kaitiaki and provides the ability to practice kaitiakitanga for the Pōrangahau River, estuary and coastal environment.</p>
<p>Section 8 – Treaty of Waitangi</p> <p><i>In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).</i></p>	<p>In terms of section 8 (Treaty of Waitangi), it is noted that engagement with Ngāti Kere, Ngāti Manuhiri, Ngāti Pihere and Puketauhinu has been ongoing and adverse effects on ancestral lands, water, sites, waahi tapu, and other taonga have been identified and the principles of the Treaty of Waitangi taken into account.</p>

2 Summary

The CIA for the project has now been received from Te Tore o Puanga Māori Resource Management Unit on behalf of the hapū of Porangahau, including Ngāti Kere. The objectives and policies within the statutory evaluation have been updated to reflect the findings in the CIA. The above assessment of the CIA against the relevant statutory provisions confirms that the proposal is consistent with the objectives and policies of the NPS-FM, NZCPS, RCEP, RPS, RRMP including PC7 – Outstanding Waterbodies and the recognition of matters important to iwi/hapu and tāngata whenua values in management of land use and development and freshwater and in the coastal environment.

This conclusion is consistent with the summary of the Pōrangahau and Te Paerahi Wastewater Treatment Plant Discharge – Resource Consent Application and Assessment of Environmental Effects (AEE) (CHBDC, 2021:P:D.1) that was submitted on 27th August 2021 in that the proposal is considered consistent with Part 2 Purpose and Principles of the RMA having recognised and provided for the relationship of Maori and their culture (Matters of National Importance - section 6) and with particular regard to Kaitiakitanga and the ethic

of stewardship (Other matters – section 7) and the principles of the Treaty of Waitangi have been taken into account (Treaty of Waitangi - section 8).

Should you need anything further or any further clarification, please don't hesitate to get in touch.

Nāku iti noa, nā

A handwritten signature in black ink, appearing to read 'Chris Moore', is written over a light grey rectangular background.

Chris Moore (Planning)

Associate - Planning

on behalf of

Beca Limited

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