

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

18 August 2021

(T:D.90c)

**Attention: Darren de Klerk**

Dear Darren

### **Takapau WWTP Consent Application Update with CIA**

This letter provides an update to the relevant statutory sections of the Statutory and Rules Evaluation – Takapau Wastewater Treatment Plant report (Beca, 2021 – T:D.90b) that supported the consent application and referenced the pending Cultural Impact Assessment (CIA). The CIA and recommendations have now been completed and confirmed with Central Hawkes Bay District Council (CHBDC) and an update to the relevant sections of the statutory evaluation can now be completed. This includes an updated s104D (non-complying gateway test) summary and Part 2- Purpose and Principles summary.

The following will also address the Request for Further Information Letter from Hawkes Bay Regional Council to LEI dated 19/05/2021 in relation to the Cultural Impact (items 1 and 2).

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

## **1 Statutory Evaluation Update (Beca, 2021 T:D90b)**

The CIA was being prepared 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 relevant sections of the consent application to be updated include the objectives and policies within the statutory evaluation section as follows.

### **1.1 National Policy Statement for Freshwater Management (NPS-FM) (Beca, 2021 – T:D.90b, Section 2.3)**

*Policy 2: Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.*

#### Comment:

Tāngata whenua have been engaged with on the project and engagement will continue through the consenting process. A CIA has been prepared by Tāngata whenua which has identified the cultural freshwater values.

A Maori World View report (How,2020:A:B.42) has been used by the project team throughout the engagement process to understand wastewater management from a Maori perspective. It is understood

that discharges of waste needs to be mitigated with transformations from tapu to noa. This is achieved by passage through Papatuanuku which is proposed as Stage 1 of the development.

Whilst the Maori World View report provides a general understanding of mātauranga Maori, the CIA has confirmed the local tāngata whenua's position on the project and freshwater values. The CIA has been prepared to represent Mana whenua of Takapau. The hapū are Ngāi Tahu makakanui (Tahu ki Takapau), Ngāi Toroiwaho, Ngāi Te Kikiri o te Rangi of Te Rongo a Tahu marae and Ngāi Te Rangitotohu and Ngāti Mārau of Rākautātahi marae. The iwi of this area is Ngāti Kahungunu.

The cultural values regarding freshwater are identified in section 3 of the CIA and section 4 provides an assessment of effects on those cultural values as a result of the discharge to land. The recommendations set out in section 5 of the CIA *are provided to assist in addressing cultural concerns, and to provide a basis for consideration of cultural values and participation within this process.* The recommendations have been reviewed and confirmed by the applicant (CHBDC) consistent with Policy 2 of the NPS-FM.

## **1.2 Hawkes Bay Regional Resource Management Plan (RRMP) (Beca, 2021 – T:D.90b, Section 2.4)**

### **Regional Policy Statement (RPS)**

#### ***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 including:*

- a) recognising the mana of hapu, whanau and iwi when establishing freshwater values; and*
- b) recognising the cumulative effects of land use on the coastal environment as recognised through the Ki uta ki Tai ('mountains to the sea') philosophy; and*
- c) recognising and providing for wairuatanga and the mauri of fresh water bodies in accordance with the values and principles expressed in Chapter 1.6, Schedule 1 and the objectives and policies in Chapter 3.14 of this Plan; and*
- d) recognising in particular the significance of indigenous aquatic flora and fauna to tāngata whenua.*

#### **Comment:**

Tāngata Whenua have been engaged on the project and attended a site visit with the project team. Engagement will continue throughout the consenting process. A Cultural Impact Assessment (CIA) has been prepared by tāngata whenua that recognises and addresses cultural values including wairuatanga (section 3.7 of the CIA).

The implementation of the CIA recommendations including the cultural monitoring regime and removal of the discharge from the Makaretu River recognises and provide for tāngata whenua values. The CIA specifically states (section 4.3);

***Whanaungatanga*** - *The relationship between Council and Mana whenua has improved over the past ten years with increased communication and information flow. The ability to contribute to Council processes further reinforces the importance of this relationship consistent with OBJ LW3; and*

***Kaitiakitanga*** – Our role as Kaitiaki is to care for and protect the mana of our waterways. This CIA has given Mana whenua the opportunity to express our cultural values and raise some concerns and issues we have for Mākāretu Awa, also consistent with Policy OBJLW3.

#### **Recognition of Matters of Significance to Iwi/Hapu**

***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.***

***POL 58 To share information on matters of resource management significance to Maori and on processes to address them.***

#### Comment:

As noted above, the CIA has recognised that *Kaitiakitanga – Our role as Kaitiaki is to care for and protect the mana of our waterways. This CIA has given Mana whenua the opportunity to express our cultural values and raise some concerns and issues we have for Mākāretu Awa*, which is consistent with Policy OBJ34 and Policy 58.

***OBJ 35 To consult with Maori in a manner that creates effective resource management outcomes.***

***OBJ 36 To protect and where necessary aid the preservation of waahi tapu (sacred places), and tauranga waka (landings for waka).***

***OBJ 37 To protect and where necessary aid the preservation of mahinga kai (food cultivation areas), mahinga mataitai***

***POL 64 Activities should not have any significant adverse effects on waahi tapu, or tauranga waka.***

***POL 65 Activities should not have any significant adverse effects on taonga raranga, mahinga kai or mahinga mataitai.***

***POL 66 The importance of coastal, lake, wetlands and river environments and their associated resources to Maori should be recognised in the management of those resources.***

#### Comment:

The proposal provides for a long-term wastewater solution that better serves tangata whenua values over and above the current system. The CIA (consistent with OBJ 35) states: *Discharges of wastewater to land are preferred over discharges to fresh water. Promoting discharges to land is an efficient way of significantly reducing adverse effects on water quality and achieving water quality outcomes. The means of cleansing water from a Māori perspective requires some form of passage through Papatūānuku. Limited land passage of contaminants through land instead of water is better than water passage* (section 4.2). The removing of the existing discharge from a river environment site, protects and preserves mahinga kai, mahinga mataitai, taonga raranga and taonga Rongoa consistent with OBJ 36 and OBJ 37.

As the CIA states (noted above), the removal of the discharge to the river is preferred by iwi and this proposal seeks to achieve this and with the implementation of the CIA recommendations the proposal is addressing the cultural concerns of discharge of wastewater to the river consistent with POL 64, POL 65 and POL 66 of the RPS (RRMP).

## **2 Section 104D Particular restrictions for non-complying activities (Beca, 2021 – T:D.90b, Section 2.5)**

Section 104D sets out the 'Gateway Test' for consent authorities to grant resource consent for non-complying activities (the consent application). The application needs to pass one of the two tests, either; the adverse effects on the environment will be minor, or the proposal is not contrary to objectives and policies of the RRMP.

The Statutory Evaluation (Beca, 2021:P:D.90) report had determined that the proposal is largely consistent with the relevant objectives and policies. However, at the time of lodgement a **CIA had not been received and it was not appropriate for the project team to assess whether the relevant objectives and policies relating to tangata whenua had been met.** Therefore, the gateway test required by section 104D(1)(b) was not adequately informed at that time as to be conclusive in regard to the objectives and policies relating to tangata whenua.

Now with the CIA provided and based on the assessment of the relevant objectives and policies relating to tangata whenua (this letter) the proposal is considered not contrary to objectives and policies of the RRMP and therefore passes the 104D(1)(b) gateway test.

Based on the findings of the technical assessments submitted with the AEE, the adverse effects of the proposal on the environment will be minor (in fact negligible to less than minor) and therefore satisfies the s104D(1)(a) gateway. In addition, the proposal is also considered not contrary to objectives and policies of the RRMP satisfying the 104D(1)(b) allowing Council to grant resource consent for this non-complying activity pursuant to section 104B and 108 of the RMA.

## **3 Part 2 Purpose and Principles of the RMA (Beca, 2021 – T:D.90b, Section 2.6)**

### **3.1 Section 7 - Other Matters**

In terms of section 7 (other matters), it is considered that particular regard to the following cultural matters has been undertaken.

Kaitiakitanga and the ethic of stewardship (section 7(a) and 7(aa)) has been regarded through the implementation of the broad Maori world view approach to transition away from direct discharges to the river and through the engagement and due consideration of the cultural effects from iwi and hapu groups with mana whenua in Takapau that are set out in the CIA. Section 4.3 of the CIA addresses Kaitiakitanga – *Our role as Kaitiaki is to care for and protect the mana of our waterways. This CIA has given Mana whenua the opportunity to express our cultural values and raise some concerns and issues we have for Mākāretu Awa.* The proposal has had particular regard to Kaitiakitanga and the ethic of stewardship.

### **3.2 Section 8 – Treaty of Waitangi**

It is noted that engagement with Takapau iwi and hapu groups has been ongoing and adverse effects on ancestral lands, water, sites, waahi tapu, and other taonga have been identified in the CIA. Through the implementation of the agreed recommendations in the CIA and engagement with tangata whenua, the principles of the Treaty of Waitangi have been taken into account.

## 4 Section 92 Request for Further Information

The Request for Further Information Letter from Hawkes Bay Regional Council to LEI dated 19/05/2021, included the following cultural points to be addressed.

### **Cultural Impact**

*1. Please provide the cultural impact assessment for the proposed activity, documenting Māori cultural values, interests and associations with the area surrounding the proposed activity and downstream of the discharge.*

The CIA is provided as part of the s92 response. The assessment of the relevant objectives and policies of the statutory planning instruments has been updated in consideration of the CIA and proposed recommendations.

*2. Please provide an assessment of the proposed activity in regard to the archaeological site identified in the operative Central Hawke's Bay District Plan, reference '246', description: urupa. The draft CHBDC Plan (at the date of writing, not yet notified as the proposed plan) provides more information at Appendix C – '1994 Scattered pits recorded from aerial 2008: A Single pit identified during visit - 3 x 3 m and 0.5 m deep. Several other depressions in area.'*

*NB, given the identification of the 'Area of Cultural Significance to Tangata Whenua' on the site, in accordance with Regulation 10 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003, HBRC are required to serve notice of the application for resource consent to Heritage New Zealand Pouhere Taonga.*

### Comment:

On review of the operative and proposed plans of the CHBDC, the site referred to is not an archaeological site.

The archaeological site (246) referred to in the letter is not identified in the CHBDC Plan or the Proposed Plan (online Planning Maps) nor is it identified in the NZ Archaeological Association (NZ Arch site) list of registered archaeological sites. Appendix F – Schedule of Archaeological Sites in the CHBD Plan (Operative and Proposed) does not include this site (the sites numerically only go up to #228).

However, Appendix C to the CHBD Plan - Schedule of Sites of Cultural Significance to Tangata Whenua does include reference to '246' as per the letter. This has been transposed into the proposed CHBDC Plan as a Site & Area of Significance to Maori (SASM – 54) but it is not identified as an archaeological site.

The SASM and potential effects of the proposal on the identified SASM-54 is covered in the CIA prepared specifically for this project. The CIA that has been prepared and provided by Tangata Whenua address the relevant sites of significance including Wahi tapu and Wahi taonga (section 3.10 – CIA). As noted previously, the CIA has been prepared to represent Mana whenua of Takapau. The hapū are Ngāi Tahu makakanui (Tahu ki Takapau), Ngāi Toroiwaho, Ngāi Te Kikiri o te Rangi of Te Rongo a Tahu marae and Ngāi Te Rangitotohu and Ngāti Mārau of Rākautātahi marae.

## 5 Summary

The CIA for the project has now been received from Joanne Heperi on behalf of Ngāi Tahumakakanui, Ngāi Toroiwaho, Ngāi Te Kikiri o te Rangi, Ngāi Te Rangitotohu and Ngāti Mārau. We have updated the objectives and policies within the statutory evaluation to reflect the findings in the CIA. The CIA confirms that the proposal is consistent with the objectives and policies of the NPS-FM, RPS and RRMP including recognition of matters important to iwi/hapu and tāngata whenua values in management of land use and development and freshwater.

As part of the statutory assessment consideration of s104D for non-complying activities is required. With confirmation from the CIA that the proposal is considered not contrary to objectives and policies of the RRMP the proposal now passes the 104D(1)(b) gateway test. The AEE submitted to HBRC initially concluded that the effects of the proposal also met the 104D(1)(a) test in that the effects were less than minor. We now consider that both 'gateway test' are met (being 104D(1)(a) and 104D(1)(b)).

The proposal is considered consistent with Part 2 Purpose and Principles of the RMA having had particular regard to Kaitiakitanga and the ethic of stewardship (Matters of National Importance section) and the principles of the Treaty of Waitangi have been taken into account (Treaty of Waitangi - section 8).

The cultural impact items in the s92 request for further information have been addressed. The CIA has been prepared and provided by Tangata Whenua and provides a cultural assessment of the relevant sites of significance including Wahi tapu and Wahi taonga for this proposal that address the s92 cultural impact items.

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

Yours sincerely



**Chris Moore (Planning)**

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on behalf of

**Beca Limited**

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Hamish Lowe, LEI