

CULTURAL ADVICE REPORT

J6335 – 137 Cambridge Terrace (RMA/2024/596)

To: Christchurch City Council

Contact: Scott Blair

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:

- Ngāi Tūāhuriri Rūnanga

2.0 Summary of Proposal

Cambridge 137 Limited has applied for resource consent from Christchurch City Council consent number (RMA/2024/596) to demolish a heritage building and construct a hotel on the site.

Activity status is Discretionary.

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

TĀNGATA WHENUA RIGHTS AND INTERESTS

WM1.1 Ngāi Tahu, as tāngata whenua, have specific rights and interests, in how freshwater resources should be managed and utilised in the takiwā.

CHANGING THE WAY WATER IS VALUED

WM2.2 To require that water is recognised as essential to all life and is respected for its taonga value ahead of all other values.

Comment: All water originated from the separation of Rangī and Papatūānuku and their continuing tears for one another. Rain is Rangī's tears for his beloved Papatūānuku and mist is regarded as Papatūānuku's tears for Rangī.

5.4 PAPATŪĀNUKU

STORMWATER

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

- (a) Education- engaging greater general public awareness of stormwater and its interaction with the natural environment, encouraging them to take the steps to protect their local environment and perhaps re-use stormwater where appropriate;
- (b) Reduce 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 wet ponds and wetlands (environmental infrastructure), using appropriate native plant species, recognising the ability of particular species to absorb water and filter waste.

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.

Risk of damage of modification to sites of significance

- P11.2** To require that tāngata whenua are able to identify particular areas whereby earthworks activities are classified as a restricted discretionary activity, with Ngāi Tahu values as a matter of discretion.
- P11.3** To use the methods identified in Section 5.8 Policy CL4.6 (Wāhi tapu me wāhi taonga) where an earthworks activity is identified by tāngata whenua as having actual or potential adverse effects on known or unknown sites of significance.
- P11.4** To advocate that councils and consent applicants recognise the statutory role of the Historic Places Trust and their legal obligations under the Historic Places Act 1993 where there is any potential to damage, modify or destroy an archaeological site.
- P11.5** To require the Historic Places Trust (HPT) and local authorities recognise and provide for the ability of tāngata whenua to identify wāhi taonga and wāhi tapu that must be protected from development, and thereby ensure that an Authority to damage, destroy or modify is not granted.
- P11.6** To avoid damage or modification to wāhi tapu or other sites of significance as opposed to remedy or mitigate.

Indigenous vegetation

- P11.7** To require that indigenous vegetation that is removed or damaged as a result of earthworks is replaced.
- P11.8** To require the planting of indigenous vegetation as an appropriate mitigation measure for adverse impacts that may be associated with 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: *An important kaupapa of Ngāi Tahu resource management perspectives and practice is the protection and maintenance of the mauri of Papatūānuku, and the enhancement of mauri where it had been degraded by humans.*

5.5 TĀNE MAHUTA

MAHINGA KAI

Ki Uta Ki Tai

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

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

Comment: *Following European settlement, the drainage of swamps and wetlands, the felling of bush, the conversion of land to agriculture use, and the introduction of acclimatised species had a devastating effect on mahinga kai resources and sites, and the physical loss of land and access to mahinga kai sites had an equally devastating effect on the ability of tāngata whenua to provide for their own sustenance.*

5.8 NGĀ TŪTOHU WHENUA

WĀHI TAPU ME WĀHI TAONGA

CL3.1 All taonga within the takiwā of Ngāi Tahu, accidental discovery or otherwise, belong to the Papatipu Rūnanga/ Te Rūnanga o Ngāi Tahu.

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: *Wāhi tapu and wāhi taonga are sites and places that are culturally and spiritually significant to tāngata whenua history and identity, and include sites such as urupā, pā, midden, umu, tauranga waka, and places where taonga have been found.*

6.5 IHUTAI

DECLINE IN WATER QUALITY

IH3.1 To improve water quality in the Ihutai catchment by consistently and effectively advocating for a change in perceptions of waterways: from public utility to wāhi taonga.

Comment: *The Ihutai catchment is an area of immense cultural and historical importance to tāngata whenua. The area was a place of significant settlement and food gathering for Waitaha, Ngāti Mamoe and Ngāi Tahu for over 600 years.*

4.1 Guidance to Moderate Impacts on Cultural Values

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

The increased involvement of Ngāi Tahu in urban development processes in the region will result in urban development that is better able to recognise and provide for tāngata whenua values, including affirming connections between Ngāi Tahu culture, identity, and place in the urban environment. To ensure appropriate protocols are in place in the event that cultural material is accidentally uncovered, it is essential that an Accidental Discovery Protocol (ADP) (Appendix 1) is in place for the entirety of works. All contractors working on site must be made familiar with this protocol and strictly adhere to it. This condition does not constitute a response under the Heritage New Zealand Pouhere Taonga Act (HNZPT 2014).

Air, water, and soil are taonga; they provide a vast array of essential ecosystem services. Although these services are often taken for granted, they have immense value to cultural, social, and economic wellbeing. Therefore, a robust erosion and sediment control plan must be in place during all earthworks to ensure the protection of water, soil, and air.

The decline in water quality in the takiwā is a result of the continuing practice of using water as a receiving environment for the discharge of contaminants and waste, and unsustainable land use. Eliminating the discharge of contaminants to water is one of the most important challenges for future management of the Ihutai catchment. Papatipu Rūnanga seek to achieve water quality standards in the Ihutai catchment conducive to mahinga kai. This is one of the most significant natural resource issues for tāngata whenua. Rigorous processes to ensure contaminants do not enter water should be applied during the demolition, construction, and operation phase of the development. This discharge of contaminants (such as flocculants) to water is not supported.

Contaminated sites or areas may be on, near or adjacent to land with mahinga kai, wāhi tapu or historical associations. Tāngata whenua need to be aware of the locations and extent of contaminated land in their takiwā and be involved in decision making about these sites. Provisions must be included for the disposal of contaminated materials and/or soil at a suitable facility and to protect the environment from contaminated runoff if contaminated material is found during the demolition of the current building.

5.0 Rūnanga – Affected Party or Not

The Kaitiaki representatives of 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 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. Stringent erosion and sediment controls measures must be in place during all earthworks and until such time as all exposed soils have been stabilised.
3. If any contaminated material is found during demolition of the current building the site must be remediated. This must include provisions to protect the environment from contaminated runoff and disposal of contaminated soils at a suitable facility.

The following advice note must be included in final decision:

1. Te Ngāi Tūāhuriri Rūnanga do not support discharge of contaminants, such as flocculants to water or land where contaminants may enter water. This should be considered in the stormwater system design (operational and construction phase) and for dewatering activity.

On behalf of Mahaanui Kurataiao Ltd, this report has been prepared by Renée Cridland | Mahaanui Kurataiao Ltd Environmental Advisor, and peer reviewed by Henrietta Carroll | Mahaanui Kurataiao Ltd Kaihautū.

Date: 4 April 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 Ngāi Tūāhuriri 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, Tuahiw.Marae@ngaitahu.iwi.nz