

24. Tangata whenua

Overview

The protection of stream habitats and resident native fish species is of paramount concern to Ngati Toa Rangatira both during the construction and operational phases of the Project. Ngati Toa undertake customary food gathering within the Project area and there are areas of historical and cultural significance that must be taken into account. Part 2 of the RMA provides a framework for assessing the actual and potential effects of the Project on tangata whenua. Section 7(a) is of particular importance, where particular regard is given to kaitiakitanga.

There will be direct and indirect effects of construction on waterbodies during construction, the most significant of which is the potential for increased levels of sediment entering waterways from the large scale earthworks required for the Project.

Once the Project is operational, there is potential for the discharge of contaminated stormwater from the road surface to local streams, with potential impacts on water and habitat quality, and effects on sensitive species; and a potential increase of stormwater and contaminant discharge to Porirua Harbour with potential impacts on habitats and sensitive species.

Appropriate mitigation and monitoring measures will be implemented to ensure that effects on habitat and fish species will be appropriately managed. The effects on these things, and the proposed mitigation, which are outlined in this Chapter, are also described in Chapter 19 (hydrology), Chapter 20 (water quality), Chapter 22 (freshwater ecology), and Chapter 23 (marine ecology) and the Ecological Impact Assessment (**Technical Report 11**).

In addition, measures will be put in place to ensure that in the event of accidental discovery of culturally significant material appropriate protocol is followed.

24.1 Introduction

Te Runanga o Toa Rangatira (Ngati Toa) is the predominant iwi in the area in which the Project is located. In order to assess the cultural effects of the Project, a cultural impact assessment was undertaken by Te Runanga o Toa Rangatira Inc on behalf of Ngati Toa Rangatira (**Technical Report 18**). That Report informs this Chapter. The Consultation Summary Report (Technical Report 22) also outlines another iwi group that was consulted in relation to the Project, the Port Nicholson Block Settlement Trust.

The Ecological Impact Assessment (**Technical Report 11**) has also informed this Chapter, as it outlines the bio-physical effects of the Project on the water bodies and habitats that are of paramount concern to Ngati Toa Rangatira.

24.2 Existing environment – tangata whenua

24.2.1 Ngati Toa Rangatira historical background

Ngati Toa Rangatira is a tribe belonging to the Tainui waka, whose traditional homeland was at Kawhia on the west coast of Tainui. However, as a consequence of the pressure from Waikato neighbours and the attractions of the Cook Strait as a place to settle and trade with Pakeha, Te Rauparaha led Ngati Toa Rangatira in a historic resettlement from the Kawhia Region to the Cook Strait in 1819. By 1840, Ngati Toa Rangatira was established as the pre-eminent Iwi dominating the Cook Strait, Kapiti, Porirua, Wellington and Te Tau Ihu (northern South Island) regions.

Ngati Toa Rangatira's rohe (tribal area) spans a large number of local authorities and includes both rural and urban areas. It is important to understand that Ngati Toa Rangatira's rohe is not solely focused on the land. The waters of the Cook Strait are at the heart of the rohe and are as integral to Ngati Toa Rangatira's association as the land.

In respect of the area comprising the Project, Ngati Toa Rangatira's ahi kaa¹⁴⁵ rights were applied mainly through the customary use of resources, rather than strictly through occupation. Ngati Toa Rangatira had settlements at either end of the Project route, at Whareroa in the north and Pauatahanui in the south. However, Ngati Toa Rangatira settled predominantly in coastal locations, such as Wainui (Paekakariki), Pukerua, Taupo (Plimmerton), Paremata and Porirua. The environs of the Pauatahanui Inlet and Porirua Harbour also provided attractive locations for settlement and facilitated access to the coast for fishing and gathering kaimoana.

Historically, importance of the Project area to Ngati Toa Rangatira was therefore primarily as an area of plentiful natural resources that were vital to the Iwi's health and cultural wellbeing, including large areas of forest that sustained important native plants for medicinal purposes as well as food sources, and the network of streams in the area that were highly valued as an important source of kaiawa (river food). The Inlet itself was a key attraction, given its close resemblance to the estuary at Kawhia.

24.2.2 Areas of cultural significance

24.2.2.1 Waahi tapu

Ngati Toa is not aware of any waahi tapu within the proposed designation boundaries. This may be because, as has been explained above, much of this area was not favoured for settlement, but was principally used for gathering resources.

However, there are a number of waahi tapu in the wider Project area, and given Ngati Toa Rangatira's frequent use of the area for gathering customary food and resources; there is the potential for

145. Ahi kaa literally means 'to keep the home fires burning' and recognises observable long-term use of the land; that it is not enough to simply conquer an area but that the conquerors must also retain a presence there.

discovery of waahi tapu along the Main Alignment and within the designation boundaries. A precautionary approach should therefore be taken, and accidental discovery protocol followed¹⁴⁶.

24.2.2.2 Streams

Traditionally, the Te Puka, Horokiri, Pauatahanui and Waiohata (Duck Creek) streams were highly valued by Ngati Toa Rangatira as important sites for gathering mahinga kai (food resources) and despite the general degradation of the catchments over the years the streams continue to provide important habitats for native fish species. The Horokiri and Pauatahanui Streams sustain a particularly important native fishery, including tuna (long and short finned eel), bully, inanga, kokopu and occasionally the rare kakahi (freshwater mussel). These species continue to be highly prized by Ngati Toa Rangatira, and they continue to exercise their customary fishing rights throughout these catchments.

24.2.2.3 Porirua Harbour

Ngati Toa Rangatira initially settled around the Harbour in the early 1820s and from that time maintained control over the Harbour until the mid-nineteenth century when its control was challenged by the Crown and settlers. A number of Ngati Toa Rangatira settlements were situated around the Harbour, including Onepoto, Takapuwahia and a fortified pa at Taupo (Plimmerton) and Paremata, situated at the mouth of the Harbour. At the northern entrance of Porirua Harbour lies Whitireia Peninsula, which is another area of importance containing numerous waahi tapu, burial places, kainga (villages), pa, middens, pits, terraces and tauranga waka (canoe landing sites).

The Harbour was an important source of food for all of the settlements located in its vicinity. Koura, paua and kina were in abundance around the coastal fringes outside the Harbour and cockles, mussels and finfish were extensively collected from within the Harbour. However, over the following decades the effects of intensified land use, contaminants and siltation resulted in poor water quality and an inability to harvest kaimoana. Ngati Toa Rangatira is involved in efforts to revitalise the Harbour¹⁴⁷, with a view to being able to harvest kaimoana in the future.

Although the proposed Main Alignment is not directly adjacent to the Porirua Harbour, the proposed Kenepuru Interchange and Link Road are located in the vicinity of Porirua Stream, which is one of the streams that feeds into the Harbour. Similarly, the Pauatahanui Inlet is fed by six major streams (namely, Pauatahanui, Horokiri, Browns, Ration, and Kakaho Streams and Duck Creek), which are in close proximity to the Main Alignment.

146. This protocol is discussed within this Chapter, and also within Chapter 26 (Archaeology and built heritage) and the Construction Environmental Management Plan (CEMP).

147. Te Runanga O Toa Rangatira, representing Ngati Toa Rangatira, is a leading party in the Memorandum of Understanding (MoU) (along with PCC, WCC and GWRC) regarding the Porirua Harbour and Catchment Strategy, signed in 2010. The MoU serves to formalise support for and participation in preparation of a Harbour and catchment strategy, aimed at cleaning up the Harbour. When complete and once it is adopted, the strategy will set the parameters for all community input into care for the Harbour and its catchment (including the Inlet). The NZTA are a co-signatory to this MoU.

The Pauatahanui Wildlife Reserve incorporates the northern side of the Pauatahanui Inlet, which is in close proximity to SH58 and the proposed Main Alignment. Traditionally, the Inlet sustained an abundance of fish and shellfish that was highly valued by Ngati Toa Rangatira for customary fishing. Pipi and cockles were a particularly important food resource, gathered from the mud flats of the Inlet at low tide. However, due to the effects of silt run-off and contamination from development in the area, the health of the Inlet and its ability to sustain kaimoana has become seriously compromised. Nevertheless, the Inlet is still regarded as mahinga mataitai (traditional seafood gathering place) by Ngati Toa Rangatira, who believe it has the capacity to regenerate if it is protected and nurtured into the future.

24.2.2.4 Battle Hill Farm Forest Park

Battle Hill Farm Forest Park (BHFFP) was the site of the last battle in the region between Ngati Toa Rangatira and the Crown in 1846, and the grave sites and site of the battle itself on the ridge leading up to the BHFFP summit are regarded as waahi tapu by Ngati Toa Rangatira.

The Project will pass through a section of BHFFP. However, the grave sites and the battle site proper are not located within the proposed boundaries of the Main Alignment.

24.2.2.5 Horokiri Wildlife Reserve

The Horokiri Wildlife Reserve is located in the vicinity of Motukaraka Point (accessed off Grays Road, Pauatahanui) which was an important settlement for the Ngati Ira iwi prior to Ngati Toa Rangatira's arrival in the 1820s¹⁴⁸. A pa site was established on this site by Ngati Toa Rangatira, due to its strategic advantages in elevation and surrounding steep banks. The Wildlife Reserve is not located within the proposed designation boundaries, but is an area of cultural significance to Ngati Toa Rangatira, within the wider Project area.

24.2.2.6 QE Park

QE Park is located within a historic Ngati Toa Rangatira reserve, which was set aside by the Crown as part of the purchase of Porirua in 1847. It includes areas of early Ngati Toa Rangatira settlement and contains a number of important waahi tapu, including urupa and pa sites. There are two significant streams that pass through the Park, the Wainui and Whareroa Streams, which were traditionally used for fishing and still retain important cultural associations for Ngati Toa Rangatira.

The proposed Main Alignment does not pass directly through the Park, and it is located some distance from known waahi tapu, which are generally situated towards the coast.

148. With the arrival of Ngati Toa in the 1820s the Ngati Ira iwi was forced to move to the Wairarapa.

24.2.2.7 Whareroa Farm

Whareroa Farm is also located within the vicinity of the Project area, on the east of the existing SH1, opposite the entrance to QE Park. Whareroa Farm is located within an early area of Ngati Toa Rangatira settlement and contains a number of waahi tapu, including urupa. Whareroa Farm is in the vicinity of the Project; however, the waahi tapu sites are not located within the proposed boundaries of the Main Alignment.

24.3 Assessment of effects on tangata whenua

Potential effects on tangata whenua values can arise from both the construction and the operation of the Project.

The streams and waterways in the Project area provide important habitat for a variety of native fish species. There are relatively few streams in the Wellington Region that support significant fish populations, therefore protection of these stream habitats is of particular importance to Ngati Toa Rangatira. Native fish species continue to be highly prized by Ngati Toa, and they continue to exercise their customary fishing rights throughout these catchments. As such, any adverse effects on water bodies will compromise their ability to exercise these customary fishing activities, as well as their cultural relationship with the water bodies.

24.3.1 Construction of the Project

24.3.1.1 Direct effects of construction on water bodies

As outlined in Chapter 22 (Freshwater ecology), the main construction activities that have the potential to affect freshwater habitat and species are construction works in stream beds which could degrade habitat through physical disturbance and / or the increase of contaminants (mainly sediment) into the water column.

Works in streams (such as the construction of bridges and culverts) have the potential to disturb freshwater species, both through direct physical disturbance and the disturbance of sediment in stream beds. This effect can be adequately managed to minimise habitat disturbance so that species are not significantly affected. Stream works will not be undertaken in wetted channels and temporary upstream diversions will be put in place prior to works starting in the natural channel. Where necessary, fish will be captured and transferred to alternative sites. Fish passage and natural debris flow are of importance to Ngati Toa Rangatira, given the high cultural significance of streams in the catchment, and the Porirua Harbour.

The establishment of the track for construction access will require the installation of approximately 60 temporary culverts, which will be in place for approximately two years. Many of these will only be in ephemeral water bodies. Due to the temporary and small scale of these culverts any potential adverse effects on freshwater ecology are considered to be minor. Any damage to streams banks or riparian vegetation will be remediated after the culverts have been removed.

The main potential effect during construction that could have significant adverse effects on freshwater ecosystems is increased levels of sediment entering waterways from the large scale earthworks required for the Project. While a level of sediment is required for the healthy function of freshwater ecosystems, too much sediment can adversely affect ecosystems, including smothering species that live on the streambed, interfering with the gills of fish and invertebrates, and changing the visual clarity of water, which can affect the ability of fish to see their prey.

The effects of sediment discharges during construction on Porirua Harbour depends on a number of variables, the size of the rainfall event, the direction and strength of winds and associated wave activity. Under regular conditions (i.e. not during a significant rainfall event¹⁴⁹) erosion and sediment control measures are expected to control and minimise the volume of sediment entering streams to such an extent that negligible (if any) adverse effects on freshwater ecology are predicted. Current temporary increases in turbidity following rainfall events appear to cause few negative effects on freshwater ecosystems. The likely reasons for this is that the species present have a relatively good tolerance of these types of events and are able to withstand short (less than three days) exposure to elevated sediment levels.

24.3.1.2 Indirect impacts on water bodies

The key indirect impacts on freshwater quality, ecology and species are the discharge of sediment and the discharge of contaminants from construction machinery, such as oils and lubricants. The likelihood of these substances entering streams is very low as the CEMP has procedures to avoid this, such as requiring all refuelling to be done well away from streams. It also contains procedures for accidental spills.

24.3.1.3 Effects of construction on other areas of cultural significance

As outlined above, the construction of the Project will require large-scale earthworks, which will potentially have considerable effects on the surrounding environment.

Of all the culturally significant areas identified in the cultural impact assessment, BHFFP will be the most greatly impacted by the construction of the Project. The Main Alignment will travel through the Park, meaning there will be construction activity within and around the Park and several of the existing tracks will be used for construction access, limiting public access at these points, including walking and cycling connections. However, the grave sites and the battle site proper are not located within the area proposed for the Main Alignment and therefore Ngati Toa Rangatira do not consider that construction of the Project will undermine customary interests or Iwi's relationship with BHFFP. The most important issue at the Park will be ensuring that construction effects (such as sediment and stormwater discharges) on water bodies in close proximity will be appropriately managed, as outlined above.

149. Further details regarding sediment yield increases in streams after storm events is included in Chapter 22 (Freshwater ecology).

The construction of the Project will also generate large quantities of excavated material requiring disposal, which has the potential to adversely affect the surrounding environment, especially at sites of cultural significance and high ecological value. Therefore, it is important to develop and implement appropriate measures to mitigate the potential adverse effects of disposal sites to an acceptable level, such as through SSEMPs.

24.3.1.4 Accidental discovery of artefacts

Although there are few sites of cultural significance and no waahi tapu have been identified within the area of the proposed Main Alignment, there is the potential that there are sites that have not yet been discovered, or identified. As such, it is important that a precautionary approach is taken, as there may be a possibility of unknown sites being present and adversely impacted on, especially during construction. Measures will be in place to ensure correct protocol is followed, in the event of an accidental discovery of culturally significant material.

24.3.2 Operation of the Project

The protection of stream habitats, the Pauatahanui Inlet, Porirua Harbour and resident native fish species is of paramount concern to Ngati Toa Rangatira both during the construction phase and once the Project is operational. Ngati Toa wish to ensure that fish passage is maintained within fords and culverts and runoff (e.g. stormwater into waterways) is managed during the Project's operation. This is to protect both Ngati Toa Rangatira's customary interests in the area and the environment of value to them.

The Ecological Impact Assessment (**Technical Report 11**) outlines the key effects on water bodies once the Project is operational¹⁵⁰:

- Potential discharge of contaminated stormwater from the road surface to local streams, with potential impacts on water and habitat quality, and effects on sensitive species; and
- Potential increase of stormwater and contaminant discharge to Porirua Harbour with potential impacts on habitats and sensitive species.

In terms of the cumulative effects on Porirua Harbour, the Project will add to its long term accumulation of stormwater derived contaminants. However, the Project forms only a small proportion of the contributing discharges into the Harbour, as there is other land use and development derived contaminants.

As outlined above, BHFFP is a culturally significant area that will be affected by the Project. Once the road is operational; Ngati Toa Rangatira considers that while the development of a road in this location will affect the rural character and surrounds of BHFFP, the area is already modified by forestry activity, transmission lines and roading, including Paekakariki Hill Road. As such, Ngati Toa Rangatira does not consider the operation of the Project will undermine customary interests or Iwi's relationship with BHFFP.

150. The Ecological Impact Assessment (**Technical Report 11**) provides an assessment of operational impacts.

24.4 Measures to avoid, remedy, mitigate or offset potential adverse effects on tangata whenua

From the cultural impact assessment, potential adverse effects on tangata whenua were identified for both the construction and operation of the Project. The construction and operational effects on water bodies in the vicinity of the Project are of paramount concern to Ngati Toa Rangatira.

24.4.1 Construction

The Ecological Impact Assessment (**Technical Report 11**) outlines the measures for mitigation of the direct and indirect effects of construction on water bodies in the vicinity of the Project. For the avoidance of potential adverse effects during construction, efforts should be made to limit impacts to streams outside the construction footprint. This includes culverting temporary construction access tracks and reinstating the stream bed once works are complete. It also includes retention of as much riparian vegetation as possible, which is an important component of the stream habitat, reduces stream bank erosion, and assists with entrapment of overland sediment.

The complete list of mitigation measures (including site specific mitigation) for construction effects is included in **Technical Report 11**. Some of the proposed mitigation measures include:

- Staging of works and establishment of maximum open earth worked area to reduce risk of sediment discharge;
- Stream and marine water quality and aquatic habitat monitoring during construction, with a focus on adaptive management;
- Storm event disaster plan during construction;
- Temporary culverts, which will be in place for up to two years, will need to follow correct protocols to ensure fish passage is maintained; and
- SSEMP have also been developed for several sites, including Te Puka and Horokiri Streams, which describe how environmental management, including for fill deposit sites, should be identified and carried out.

The effects of sediment discharges during construction on Porirua Harbour depends on a number of variables, the size of the rainfall event, the direction and strength of winds and associated wave activity. Overall, the effects of the discharge of sediment generated by construction earthworks, assessed over a range of rainfall events scenarios, is likely to have between negligible and moderate effects on the ecological values of Porirua Harbour.

Deposition on stream beds does have the potential to have adverse ecological effects. A range of measures are proposed for the management of erosion, and the capture and treatment of sediment during construction. Treatment devices have been designed to exceed regional guidelines.

With regard to freshwater systems, the comprehensive erosion control and sediment treatment that is outlined in the Assessment of Hydrology and Stormwater Effects (**Technical Report 14**), estimates increases in sediment yield will vary between 7% and 20% from stream to stream. This is a significant reduction from calculations made with minimal treatment. These levels of increased sediment yield are

predicted to lead to high effects in only one catchment, Upper Duck Creek. Moderate adverse effects are likely in Te Puka and Horokiri streams, with low to very low effects in all other streams.

24.4.2 Operation

The complete list of mitigation measures (including site specific mitigation) for effects once the Project is operational is included in **Technical Report 11**. Several of the mitigation measures are as follows:

- A scheduled and on-going programme of maintenance and monitoring is required for all culverts that take into account continued fish passage requirements;
- In the long term, retirement and revegetation of land in the Te Puka, Horokiri, Duck and Kenepuru catchments will create corridors of riparian communities and stream habitat of increased value; and
- There are also opportunities for additional offset mitigation through the repair of perched culverts in Duck Creek, which are limiting fish movement within these catchments. The replacement of these culverts would provide significant ecological benefits within these catchments.

Overall, it is believed that direct effects on aquatic habitat can be mitigated. In the long term it is considered that effects on water quality will be negligible and the quality and quantity of freshwater habitat may be improved. Therefore, Ngati Toa Rangatira's relationship with the network of streams is provided for and customary fishing activities can continue. Part 2 matters of the RMA are also provided for, particularly 6(a):

“the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development”

24.4.3 Discovery of artefacts

Although no waahi tapu have been identified within the area of the proposed designations, there is always the potential that there are sites that have not yet been discovered. A number of measures will be in place to ensure correct protocol is followed, in the event of an accidental discovery of potential archaeological material. An accidental discovery procedures protocol for the Project has been developed and agreed with the NZHPT and Ngati Toa Rangatira. A copy of this is located in the draft CEMP.