

Before a Board of Inquiry  
MacKays to Peka Peka Expressway Proposal

---

*under:* the Resource Management Act 1991

*in the matter of:* Notice of requirement for designation and resource consent applications by the NZ Transport Agency for the MacKays to Peka Peka Expressway Proposal

*applicant:* **NZ Transport Agency**  
*Requiring Authority*

Statement of evidence of **Amos Kamo** (Cultural/Heritage Effects) for the NZ Transport Agency

---

Dated: 7 September 2012

---

REFERENCE: John Hassan (john.hassan@chapmantripp.com)  
Suzanne Janissen (suzanne.janissen@chapmantripp.com)

## TABLE OF CONTENTS

<b>QUALIFICATIONS AND EXPERIENCE .....</b>	<b>3</b>
<b>SCOPE OF EVIDENCE .....</b>	<b>4</b>
<b>EXECUTIVE SUMMARY .....</b>	<b>5</b>
<b>RMA AND OTHER STATUTORY DOCUMENTS .....</b>	<b>6</b>
Resource Management Act 1991 .....	6
Land Transport Management Act 2003 .....	6
Kāpiti Coast District Plan 1999 .....	7
<b>TANGATA WHENUA IN THE PROJECT AREA.....</b>	<b>7</b>
Te Āti Awa ki Whakarongotai .....	7
Takamore Trust.....	10
<b>CONSULTATION WITH TANGATA WHENUA .....</b>	<b>12</b>
Treaty of Waitangi .....	13
Future consultation with tangata whenua .....	14
Consultation with other stakeholders .....	14
<b>CULTURAL EFFECTS IDENTIFIED IN THE CULTURAL IMPACT ASSESSMENTS .....</b>	<b>14</b>
Impact of discharges to waterways (stormwater, sediment, contaminants) .	16
Impacts on Ecological Values.....	16
Impacts on Mahinga Kai.....	17
Impacts on Sites of Significance (Wāhi Tapu/Wāhi Taonga).....	18
Impacts on Māori Land .....	18
<b>MITIGATION .....</b>	<b>19</b>
Ecological .....	19
Stormwater treatment.....	20
Sediment controls.....	21
Cultural Concerns .....	21
The cultural landscape.....	22
Archaeology and Wāhi Tapu/Wāhi taonga.....	23
Cultural Monitoring .....	24
Relationship agreements.....	24
<b>ASSESSMENT AGAINST RMA AND STATUTORY DOCUMENTS .....</b>	<b>25</b>
RMA – section 5.....	25
Matters of National Importance – section 6: .....	25
Other matters – section 7: .....	26
The Treaty of Waitangi – section 8: .....	26
<b>RESPONSE TO SUBMISSIONS .....</b>	<b>26</b>
New Zealand Historic Places Trust (0647).....	26
Kāpiti Coast District Council (0682) .....	27

Takamore Trust .....	28
Te Runanga o Āti Awa ki Whakarongotai Inc .....	28
Mrs Parata and Mrs Higgot .....	29

**ANNEXURE A: SITES OF SIGNIFICANCE WITHIN THE *TAKAMORE CULTURAL HERITAGE PRECINCT*. .... 31**

**ANNEXURE B: TAKAMORE WĀHI TAPU: KCDC LISTED BOUNDARY, AND NZHPT REGISTERED BOUNDARIES ..... 32**

**ANNEXURE C: CONSULTATION SCHEDULES ..... 33**

Te Ati Awa ki Whakarongotai .....	33
Takamore Trust .....	36

**ANNEXURE D: PROPOSED AMENDMENTS TO RESOURCE CONSENT CONDITIONS ..... 39**

## **STATEMENT OF EVIDENCE OF AMOS KAMO FOR THE NZ TRANSPORT AGENCY**

### **QUALIFICATIONS AND EXPERIENCE**

- 1 My full name is Amos Te Koeti Kamo. I am an Associate Principal consultant (cultural heritage/environmental planning) at the Auckland office of Boffa Miskell Ltd, a company specialising in landscape, urban design and resource management.
- 2 I have a Master of Resource Studies (Environmental Policy and Planning) from Lincoln University and a Bachelor of Arts with Honours (Social Science) from Canterbury University.
- 3 I am a member of the New Zealand Planning Institute (Associate) and a member of ICOMOS New Zealand - the International Council on Monuments and Sites.
- 4 I have undertaken training in community consultation and public participation through the International Association of Public Participation (IAP2) Australasia, which is a globally recognised and accepted qualification.
- 5 My tribal affiliations are to Ngai Tahu (Te Hapu o Ngati Wheke, Arowhenua, Murihuku), Ngati Mutunga (Wharekauri/Urenui), and Te Ati Awa.
- 6 I am an environmental planner with expertise in policy and planning and indigenous resource management practice. This includes tikanga whenua and its application in contemporary resource management. I have experience in project management, heritage management, strategic policy development and governance. I have ten years experience in the public service as a senior policy analyst, planner and heritage adviser.
- 7 Prior to joining Boffa Miskell Ltd in 2010, I worked for the New Zealand Historic Places Trust (*NZHPT*) as a Senior Policy Analyst, Heritage Planner, Māori Heritage Adviser and interim assistant Archaeologist (Southern Regional Office). I am also the former Canterbury Region file keeper for the New Zealand Archaeological Association (NZAA).
- 8 Since joining Boffa Miskell Ltd, I have been involved in the following projects as a technical adviser (Cultural Heritage/Environmental Planner):
  - 8.1 Ruakaka Wastewater Proposal (Northland);
  - 8.2 Puketutu Island Rehabilitation Project (Auckland);

- 8.3 Orakei Papakainga Masterplan (Auckland);
  - 8.4 Brownhill Substation land use options (Auckland);
  - 8.5 Peka Peka to Ōtaki Expressway (PP20) (Wellington);
  - 8.6 Transmission Gully (Wellington);
  - 8.7 Takapuneke Historic Reserve Conservation Plan (Canterbury)
  - 8.8 Interim land management options Canterbury residential red zone areas (RRZ) (Canterbury); and
  - 8.9 Ellerslie Garden Show (Christchurch).
- 9 I have previously appeared as an expert witness in the District Court (prosecutions under the Historic Places Act 1993), the Environment Court, Commissioners Hearings and Boards of Inquiry (Proposed New Zealand Coastal Policy Statement - NZCPS).
- 10 My evidence is given in support of the Notice of Requirement (*NoR*) and applications for resource consent lodged with the Environmental Protection Authority (*EPA*) by the NZ Transport Agency (*NZTA*) for the construction, maintenance and operation of the MacKays to Peka Peka Expressway (*the Project*).
- 11 I am familiar with the area that the Project covers and the State highway and local roading network in the vicinity of the Project.
- 12 I have read the Code of Conduct for Expert Witnesses as contained in the Environment Court Consolidated Practice Note (2011), and I agree to comply with it as if this Inquiry were before the Environment Court. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### **SCOPE OF EVIDENCE**

- 13 In my capacity as a technical adviser on the Project, I have participated in consultation and project open days, coordinated with key stakeholders (public service agencies, NGOs, property owners, etc), managed the iwi engagement process which involved wānanga, hui and meetings with tangata whenua, and prepared reports, including Chapter 14 "Tangata Whenua and cultural heritage" of the Assessment of Environmental Effects (*AEE*).

- 14 In addition, I have assisted various experts on the Project Team in the preparation of mapping, consultation processes and various technical reports.
- 15 The purpose of my evidence is to provide an overview of the engagement and consultation undertaken, identify the cultural effects of the Project and how they are proposed to be avoided, remedied or mitigated and comment on how, in my opinion, the relevant statutory documents (including the Resource Management Act 1991 (*RMA*)) have been addressed as they relate to cultural heritage issues.
- 16 My evidence will deal specifically with the following:
- 16.1 Relevant RMA provisions and key statutory documents;
  - 16.2 Tangata whenua of the Project area;
  - 16.3 Consultation and engagement processes;
  - 16.4 Cultural effects of the Project;
  - 16.5 Methods to avoid, remedy or mitigate cultural heritage effects;
  - 16.6 Assessment of the Project against the relevant RMA matters and other statutory documents;
  - 16.7 Response to submissions; and
  - 16.8 Conclusions.

### **EXECUTIVE SUMMARY**

- 17 The proposed Expressway exists within an area of high cultural value to tangata whenua. The cultural heritage of Te Āti Awa ki Whakarongotai and wider iwi interest groups is tied to the land and water of the Kāpiti Coast.
- 18 Given the significance of the area, the NZTA embarked on an early, robust and transparent engagement process with Te Āti Awa ki Whakarongotai, Takamore Trust and other iwi interest groups.
- 19 The Cultural Impact Assessments prepared by Te Āti Awa ki Whakarongotai and Takamore Trust identified a range of potential effects on cultural values as a result of the Project. Of particular concern are the impacts of discharges of stormwater/sedimentation to the receiving environment i.e. waterways (rivers, streams, tributaries and the marine environment), and impacts on sites and

places of cultural significance (i.e. Takamore cultural heritage precinct).

- 20 In my view, given the nature of the mitigation proposed, it is likely that many of the effects can be effectively remedied and mitigated. A great deal of refinement to the scope of the Project has occurred to date, much of which has been in response to iwi concerns. I anticipate that throughout the life of the Project and beyond, the kaitiaki role of Te Ati Awa ki Whakarongotai will be enhanced.
- 21 I have read the submissions lodged on the Project which raise cultural/heritage issues. Nothing raised in those submissions causes me to depart from the conclusions reached in my evidence.

### **RMA AND OTHER STATUTORY DOCUMENTS**

- 22 Cultural effects and impacts on tangata whenua are identified in the RMA and the relevant regional and district planning documents for this Project. I will focus on and summarise the key provisions on cultural effects and provide an assessment of the Project against them later in my evidence.
- 23 The relevant provisions are set out in detail in Chapter 4 of the AEE, and the statutory assessment of the Project against the relevant provisions is in Chapter 35.

### **Resource Management Act 1991**

- 24 I consider that the relevant Part 2 matters are:
- 24.1 Section 5 – the sustainable management purpose of the RMA, including the requirement to provide for cultural wellbeing;
- 24.2 Sections 6(e) and 6(f) which deal with Māori culture and traditions, historic heritage;
- 24.3 Section 7(a) – kaitiakitanga; and
- 24.4 Section 8 – the principles of the Treaty of Waitangi.
- 25 My evidence and conclusions are by reference to these matters.

### **Land Transport Management Act 2003**

- 26 Section 18G of the Land Transport Management Act 2003 (*LTMA*) requires the NZTA to do everything reasonably practicable to separately consult Māori affected by any activity that is proposed to affect Māori interests. In my view, the NZTA has engaged in a robust consultation process with iwi, hapū and whanau, thereby giving effect to the LTMA requirement. The good faith shown by the NZTA and the MacKays to Peka Peka Alliance (*Alliance*) is

acknowledged in the submissions by the Takamore Trust and Te Runanga o Āti Awa ki Whakarongotai Inc.<sup>1</sup>

### **Kāpiti Coast District Plan 1999**

- 27 Part C, section 6 of the Kāpiti Coast District Plan provides a clear statement of issues of concern to Tangata Whenua on the Kāpiti Coast. These matters are described as subdivision and development, heritage, landscape, ecology, water, coastal environment, noise, visual and natural hazards.
- 28 As kaitiaki, the District Plan recognises that tangata whenua are concerned about the extent of impacts that can occur through the activities such as those described above. Part C, section 6 of the District Plan sets out the following anticipated environmental outcomes:
- *Council meets its obligations in terms of Sections 6, 7 and 8 of the Resource Management Act 1991 in relation to Māori.*
  - *Tangata Whenua has greater opportunity for involvement in resource management processes.*
  - *The interests of Tangata Whenua are taken into account in resource management decisions.*
  - *Tangata Whenua are involved in environmental monitoring of matters of resource management significance to them.*
  - *Tangata Whenua values are incorporated, where appropriate, into sustainable management.*

### **TANGATA WHENUA IN THE PROJECT AREA**

- 29 Māori tribal connections with the Kāpiti Coast are founded on relationships formed out of occupation, settlement and use of the ancestral landscape over hundreds of years. The Kāpiti Coast has always been a highly desirable place to live because of its abundant natural resources and benign climate, and, although the exact date of the first people living on the coast is not known, radiocarbon dating suggests people were present on the Kāpiti Coast by the 14th century.

### **Te Āti Awa ki Whakarongotai**

- 30 Te Āti Awa ki Whakarongotai is recognised as the predominant tribal group (tangata whenua) within the Project area. Their tribal boundary is recognised as extending from the Whareroa Stream (in Queen Elizabeth Park) to the Kukutauaki Stream (Peka Peka) that forms the extent of the Expressway route.

---

<sup>1</sup> Submissions 0703 and 0708 respectively.



- 31 The NZTA and the Alliance have developed and maintained a strong working relationship with Te Runanga o Āti Awa ki Whakarongotai Inc, who are the mandated iwi authority for Te Āti Awa ki Whakarongotai, and the administrative body of iwi estates and assets. Te Runanga also deals with political and public issues of national and local interest through the management of relevant activities such as Treaty of Waitangi claims, resource management matters, and relationships with central and local government.

***Te Āti Awa ki Whakarongotai Origins and Migration South***

- 32 In the early decades of the 19th century, a large proportion of north Taranaki iwi began a migration movement south. Te Āti Awa ki Whakarongotai originate from Waitara in north Taranaki and are descendants of the communities that participated in the southern migrations. Between 1821 and 1922, the ancestors of current day Te Āti Awa ki Whakarongotai accompanied Te Rauparaha on his great migration; several other iwi participated in this event including Ngati Mutunga, and Ngati Raukawa.
- 33 There were various phases of migration from Taranaki to the Kaipiti Coast. According to Ngati Awa tribal tradition, they are as follows:

1821	Te Heke Tahutahu
1822	Te Heke Tataramoa
1824	Te Heke Niho Puta
1827	Te Heke Taranaki
1828	Te Heke Whiri-Nui
1832	Te Heke Tama – Te Uaua
1833-34	Te Heke Paukena, Te Heke Hauhaua
1835	Te Heke Mutunga – Te Puoho

- 34 By 1840, Te Āti Awa ki Whakarongotai were firmly established on the Kāpiti Coast, and through the exercise of customary rights such as raupatu and ahi kaa, they became a dominant force within the district.

***Customary Rights***

- 35 Te Āti Awa ki Whakarongotai customary rights on the Kāpiti Coast derive from two important principles of customary law. These are raupatu and ahi kaa.

***Raupatu***

- 36 There were various tribal groups located on the Kāpiti Coast prior to the arrival of iwi from the Taranaki and Kawhia regions. This included Ngai Tara, Rangitane, Muaupoko and Ngati Apa. Through the process of raupatu, iwi from the Taranaki and Kawhia regions asserted their dominance over the original inhabitants, and by 1822, held a monopoly over territories and natural resources on the Kāpiti Coast.

- 37 However, the Taranaki/Kawhia alliance was fragile, and tensions between the groups built up, particularly between Ngati Raukawa and their traditional enemies from northern Taranaki.
- 38 By 1834, these tensions erupted into a battle named Haowhenua that took place in the Ōtaki district between Ngati Raukawa on the one side and Taranaki iwi on the other. These groups were assisted by several others including different Ngati Toa hapū on each side. Although the battle itself is regarded as being inconclusive, it signalled the end of the general alliance that had existed between the northern migrants.
- 39 By 1839 intertribal warfare between the Kawhia and Taranaki groups was reignited on the Kāpiti Coast. Most of the fighting occurred in and around the pa - Kuititanga and Kukutauaki, north of the Waimea River. At the conclusion of the battle, the Ngati Raukawa invaders were repulsed and returned to their settlements in Ōtaki. Te Āti Awa ki Whakarongotai's ability to subdue Ngati Raukawa and their allies confirmed their manawhenua status within their tribal boundaries through raupatu.

*Ahi Kaa*

- 40 The rights of manawhenua to occupy an area and enjoy the resources of land, rivers and the marine environment are established through raupatu but maintained by the principle of ahi kaa. Ahi kaa, which literally translates as 'burning fires', affirms a peoples rights through continued occupancy and use of natural resources within the area.
- 41 Since 1822, Te Āti Awa ki Whakarongotai have maintained their manawhenua rights within their tribal boundaries from Kukutauaki north of Peka Peka Rd (Waikanae) then south to Whareroa Stream (Raumati South) and inland to Pukemore/Maunganui/Pukeatua/Ngawhakangutu.

***Mackays to Peka Peka Cultural Landscape***

- 42 From the early 1820s, the Te Āti Awa ki Whakarongotai communities were living in an environment rich with resources and opportunities. The coast and estuaries provided fish and shellfish; the forested dunes supported an array of native plants that were gathered for rongoa (medicine) and kai (food). Timber was another important resource obtained from this area and was important for the construction of whare (houses) and waka (canoes). Te Āti Awa ki Whakarongotai's relationship with the environment is founded on relationships formed out of generations of occupation, settlement and use of the cultural landscape over hundreds of years.
- 43 The proposed Project area, beginning at Mackays Crossing and extending north to Peka Peka, traditionally was an area that provided a range of resources vital to the survival of Te Āti Awa ki

Whakarongotai hapū. These hapū groupings included the following: Otaraua, Ngāti Rahiri, Ngāti Uenuku, Ngāti Kura, Manukorihi, Ngāti Kaitangata, Ngāti Puketapu, and Ngāti Tuiti.

- 44 The cultural landscape encapsulating the Project area includes traditional settlements sites (pa/kainga) and areas of wāhi tapu/wāhi taonga significance. It includes the following site types:

Areas of Wāhi Tapu/Wāhi Taonga significance	
Urupa	Burial sites
Wāhi Tapuketia	Buried artefacts
Wāhi Ana	Burial caves
Wai Puna	Natural springs
Wai Ora	Places for healing
Wāhi Tohu	Sites of importance to identity
Wāhi Raranga	Places of weaving
Mahinga Kai	Food gathering areas
Tauranga Waka	Canoe landing places
Maunga	Mountains/landscape features
Wāhi Kaitiaki	Resource indicators (environmental)
Pa Tawhito	Ancient pa sites
Kainga nohoanga	Occupation sites <sup>2</sup>

- 45 There are a number of specific sites and places of wāhi tapu significance within the Project area, including the Maketu tree (burial site), Takamore urupa (gazetted urupa/cemetery), Pukekawa and Te Rere cultivation areas (repositories of taonga and koiwi tangata).
- 46 Te Āti Awa ki Whakarongotai have continued to exercise customary rights within their tribal takiwa. This has been maintained through the exercise of customary activities such as the gathering and use of resources, including those found in the vicinity of the Project, and the exercise of kaitiakitanga in promoting the sustainable management of the environment.

#### **Takamore Trust**

- 47 The Takamore Trust is the recognised mandated body responsible for representing mana whenua (tribal authority) interests in the registered wāhi tapu area called Takamore. This area includes a gazetted urupa under the Te Ture Whenua Māori Act 1993 and encompasses a registered wāhi tapu area under the Historic Places Act 1993 (HPA).

<sup>2</sup> Te Runanga o Ati Awa ki Whakarongotai Inc – Mackays to Pekapeka Expressway Cultural Impact Assessment 2011.

- 48 Key features and sites of wāhi tapu nature within the registered wāhi tapu area that the Takamore Trust has been charged with the responsibility for protecting include:

Key features of the Takamore Wāhi Tapu area	
Takamore urupa	Gazetted burial ground – Te Whenua Māori Act 1993
Ngāhuruhuru, Pukekawa and Te Rere cultivation areas	Gardening areas
Punawai: Te Puna-o-Rongomai and Waikaukau	Natural springs
Whare kohanga	Building for women to use during childbirth
Maketu Tree	Burial ground

- 49 See **Annexure A** to my evidence for a map identifying the location of the above sites.
- 50 The Takamore Trust was formed in 1969 by descendants of the Takamore wāhi tapu, as an entity who sought to protect the cultural and spiritual values of this wāhi tapu on behalf of particular hapū groupings that affiliate to the mana whenua of the Te Hapua to Paripari region, that being Te Āti Awa. These hapū groupings of the Takamore wāhi tapu are the following: Otaraua, Ngāti Rahiri, Ngāti Uenuku, Ngāti Kura, Manukorihi, Ngāti Kaitangata, Ngāti Puketapu, and Ngāti Tuiti. There are also important connections with the wider Te Āti Awa Nui Tonu (Wider Te Āti Awa) groupings, that being the hapū, Ngāti Hinetuhi, of the iwi Ngāti Mutunga. The Takamore Trust has also been entrusted with the mandate to protect the historical, spiritual, and cultural interests of the iwi grouping of Muaupoko within the Takamore wāhi tapu.
- 51 Through agreements reached between Te Runanga o Āti Awa ki Whakarongotai Inc, the Takamore Trust represents iwi interests in the area, referred to as the Takamore Cultural Heritage Precinct. This comprises the Takamore Wāhi Tapu Area registered under the HPA, the Maketu Tree (burial site), and the locations of the Tuku Rakau village and its traditional cultivation areas.
- 52 The NZTA and the Alliance have also developed and maintained a strong working relationship with the Takamore Trust.
- Takamore Wāhi Tapu Area - Historic Places Act 1993***
- 53 The HPA provides for the recognition and protection of New Zealand's heritage sites and places. The purpose of the Act is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand.

- 54 The HPA provides various mechanisms for the recognition and protection of heritage sites and places in New Zealand which include:
- 54.1 Heritage covenants;
  - 54.2 Heritage orders (under the RMA);
  - 54.3 Authorities to destroy damage or modify an archaeological site; and
  - 54.4 Registration of historic place or area, wāhi tapu place or area.
- 55 In 1995, an application was lodged with the NZHPT by Mr Robert Ngaia to register Takamore as a wāhi tapu area. The application was considered by the then Māori Advisory Committee and subsequently approved for registration as a wāhi tapu area. A wāhi tapu area under the HPA recognises a place or area as having more than one site of wāhi tapu significance within its boundaries. **Annexure B** to my evidence shows this original wāhi tapu area with the location of the proposed Expressway.
- 56 Registered buildings and sites under the HPA recognise historic heritage and cultural values associated with these places. Registration does not automatically preclude development nor impose any restrictions on building or land owners unless they have also been listed in a district plan. It is through the RMA that registered sites are accorded statutory protection if listed. The area identified in the Kāpiti Coast District Council (KCDC) District Plan is also shown on my **Annexure B**.
- 57 In 2011, an application was submitted to the NZHPT by Mr Benjamin Rameka Ngaia to extend the boundaries of the registered wāhi tapu area.
- 58 In recognising the significance of the area and high level of value local iwi ascribe to the Takamore cultural heritage precinct, the NZTA made a submission in support of the application for an extension to the boundaries of the Takamore wāhi tapu area.
- 59 In December 2011 the NZHPT's Māori Heritage Council decided that the Takamore wāhi tapu area should be extended. The extended area is shown in my **Annexure B**.

#### **CONSULTATION WITH TANGATA WHENUA**

- 60 In March 2010 I was engaged by the Alliance, on behalf of the NZTA, to assist in the development and delivery of a robust engagement strategy with iwi, hapū and whanau that maintain traditional interests in the Project area. I coordinated with local iwi

groups throughout the various consultation phases. They were invited to Project open days that were then followed by wānanga to deliver the information in a culturally safe environment.

- 61 A mutually agreed consultation process occurred, and agreement was reached with tangata whenua on how they wished to be consulted, and what further information they required in order for the consultation proper to be meaningful to them. The consultation schedule is set out in **Annexure C** to my evidence.
- 62 Consultation has, and continues to be, constructive, and is primarily centred on what the cultural issues are for tangata whenua in relation to the site, what form mitigation options might take, and how they may be applied. The feedback received during this consultation process informed decisions made on alignment options, the proposed design and associated mitigation measures.
- 63 Key iwi and hapū groups consulted included: Te Āti Awa ki Whakarongotai, Ngati Toa Rangatira, Ngati Haumia, Nga Hapu o Ōtaki, Ngati Raukawa and Muaupoko. The NZTA and the Alliance have also consulted with affected Māori land owners within the Project area in order to understand their specific concerns with the Project.

#### **Treaty of Waitangi**

- 64 I consider that the principles of the Treaty of Waitangi have been taken into account throughout the process of consultation with tangata whenua.<sup>3</sup> The NZTA acknowledges that tangata whenua are recognised as the Treaty partner and are therefore regarded as having a specific role and function in relation to the effects on the environment that are associated with the Project. The following principles are relevant to this Project:<sup>4</sup>

64.1 Rangatiratanga;

64.2 Partnership;

64.3 Consultation (duty to consult); and

64.4 Active Protection.

#### **Rangatiratanga**

- 65 Rangatiratanga was traditionally the personal authority that Chiefs (Rangatira) had over the assets of an iwi or tribe; hapū or sub-tribe. Rangatiratanga is embodied within the concept of manawhenua, and

---

<sup>3</sup> In accordance with section 8 of the RMA.

<sup>4</sup> These are commonly referred to as the 'Treaty Principles' defined by the Waitangi Tribunal, the Court of Appeal and the Parliamentary Commissioner for the Environment.

defines the ability to exercise and manage the relationship between tangata whenua, their culture, traditions and environment. Rangatiratanga incorporates the right to make, alter and/or enforce decisions pertaining to how the land/whenua is used and managed in accordance with the tikanga and kawa of the relevant iwi/hapū. Contemporary practical expressions of rangatiratanga include active involvement of tangata whenua in resource management decision making.

***Partnership and consultation***

- 66 The principles of partnership and consultation imply a requirement to engage with tangata whenua in a meaningful way. Consultation must be premised on the principles of good faith and cooperation. This may include hui, workshops, site visits, regular meetings, etc. Partnerships can be achieved through the implementation of memoranda of understanding, agreements, contracts for service and appointments to advisory committees. Essentially, these principles direct a long term view on relationship building with tangata whenua groups.

***Active protection***

- 67 The duty of active protection imposes a high level of obligation, particularly where impacts on cultural heritage values are apparent. In the case of this Project, the NZTA has engaged frequently with tangata whenua, initially to ascertain the level of impact on cultural heritage values, and then to develop in direct coordination with iwi appropriate mitigation proposals.

***Future consultation with tangata whenua***

- 68 Consultation is ongoing with tangata whenua to determine appropriate mitigation measures, including the use and development of particular parts of the Project area. I am confident that the principles of the Treaty of Waitangi will continue to be taken into account as consultation with tangata whenua continues through the development of the Project.

***Consultation with other stakeholders***

- 69 The NZHPT were also actively consulted during this time to ensure that potential impacts on archaeology, historic sites and the registered Takamore Wāhi Tapu Area were identified. I will respond to the NZHPT submission later in my evidence.

**CULTURAL EFFECTS IDENTIFIED IN THE CULTURAL IMPACT ASSESSMENTS**

- 70 In recognising the Māori history and traditional relationship with the area, Te Āti Awa ki Whakarongotai and the Takamore Trust were commissioned to prepare two separate Cultural Impact Assessment (CIA) reports that outline the specific concerns of the groups respectively in relation to the Project.

- 71 Te Āti Awa ki Whakarongotai consider that the role and ethic of kaitiakitanga carries a responsibility to maintain the integrity of the environment and the natural life forms that it supports. Traditional matauranga Māori (framework of knowledge) describes a spiritual connection that exists between all things animate and inanimate. This connection is known as mauri, or life force.
- 72 As kaitiaki, Te Āti Awa ki Whakarongotai are charged with the responsibility of preserving the mauri of wāhi tapu and other areas of cultural significance; as well as maintaining mahinga kai (food resources) and natural resources used for cultural purposes such as 'raranga' (weaving) and 'rongoa' (medicinal healing).
- 73 The CIA are included in Volume 3 of the AEE as Technical Reports 11 and 12. They were prepared to assist the NZTA to understand the perspectives of iwi from a cultural/kaupapa Māori standpoint and to address the following issues:
- 73.1 Environmental impacts;
  - 73.2 Cultural health effects;
  - 73.3 Impacts on cultural heritage; and
  - 73.4 Impacts on Māori land.
- 74 The Te Āti Awa ki Whakarongotai CIA addressed impacts within their tribal area, whereas the Takamore Trust CIA focused on those impacts specifically within the area referred to as the Takamore Cultural Heritage Precinct. The CIAs provided information on how the Project could affect the relationships and values that tangata whenua hold. The CIAs also identify, from a tangata whenua view, what measures should be considered to avoid, remedy or mitigate the potential effects.
- 75 The CIAs identified the following as of particular concern to tangata whenua:
- 75.1 Discharges (particularly of waste) to water and air that could compromise the purity or mauri (spirit/life-force) of waters (inland, coastal or offshore);
  - 75.2 Activities potentially compromising the integrity of or access to food resources (mahinga kai) and food gathering areas, wetlands, rivers and tributaries. This includes activities that disturb indigenous flora and fauna, such as the clearance of bush or damming or diversion of waterways; and
  - 75.3 Disturbance or modification of traditional and ancestral sites. This includes incursions into the registered Takamore wāhi



tapu area and cumulative effects of activities near the Takamore urupa and Maketu Tree.

- 76 The following section of my evidence provides some detail on the nature of iwi concerns as they pertain to the customary activities and their role as kaitiaki.

**Impact of discharges to waterways (stormwater, sediment, contaminants)**

- 77 Waterways in the Project area are of cultural significance to Te Āti Awa ki Whakarongotai. Traditionally, rivers, streams and the marine environment were important mahinga kai or food gathering areas. Waterways continue to sustain important habitats for native fish populations, and flora and fauna. Even today, the importance Te Āti Awa ki Whakarongotai place upon waterways for customary activities remains unchanged.
- 78 In the two CIAs prepared for the Project, specific concerns are raised about the risk of sediment contamination during construction, particularly the potential for silt and soils to enter waterways during rain events.
- 79 In addition, the CIAs express concern about the potential for further contamination once the road is operational, such as stormwater discharges affecting waterways (the marine environment, rivers, streams, wetlands etc).
- 80 Te Āti Awa ki Whakarongotai consider that sedimentation can be managed in a way that minimises the risk of contamination of waterways within its tribal rohe. The iwi have recommended careful planning and management of construction activities to reduce the potential for effects on waterways. Te Āti Awa ki Whakarongotai are to be provided an opportunity to review the Project's construction management plans and provide feedback on proposed methodologies for sediment controls.
- 81 Similarly, Te Āti Awa ki Whakarongotai have recommended stormwater discharges from the Expressway be treated to the highest possible standard in order to reduce the potential for impacts on water quality. The iwi are aware of proposed stormwater treatment methodologies and are actively involved in their design.

**Impacts on Ecological Values**

- 82 Te Āti Awa ki Whakarongotai have expressed concerns about the impacts of the Project on environmental and ecological values, in particular, the impacts on natural systems and the life forms they support. The Project will involve construction of numerous culverts and a number of bridges and overpasses that will require diversions

and modifications to the course of waterways, i.e. the Waikanae River, Waimeha and Muaupoko Streams.

- 83 In total, the Project will require approximately 30 intermittent or perennial stream crossings; 8 by bridge and 22 by culvert. This will affect 1,431 metres of stream. There will also be approximately 1,525 metres of stream diversions and 2,016 m of new streams constructed.<sup>5</sup>
- 84 Key waterways of high ecological value within the Project corridor include:

Hadfield Kowhai Stream
Paetawa Drain
Smithfield Drain
Kakariki Stream
Ngarara Creek
Waimeha Stream
Waikanae River
Muaupoko Stream
Mazengarb WWTS
Mazengarb Stream
Wharemauku
Whareroa Drain/Tributary <sup>6</sup>

- 85 These water bodies support various aquatic fish species as well as an array of native flora and fauna. Te Āti Awa ki Whakarongotai are concerned that the proposed diversions, realignments and straightening may lead to the loss of significant areas of stream habitat which in turn may affect the 'mauri' and integrity of these waterways.

#### **Impacts on Mahinga Kai**

- 86 Te Āti Awa ki Whakarongotai are concerned about the potential effects on mahinga kai activities that could result from impacts on waterways. In particular, the iwi are concerned for loss of native fish and native flora and fauna (vegetation) as well as the impacts on migratory patterns of native bird species.
- 87 The iwi suggest that, unless effective measures are imposed, local populations of native fish and bird life are likely to decline due to the loss of habitat. This may occur through clearance of native vegetation as well as culverting and waterway realignments.

<sup>5</sup> These are discussed in detail in the evidence of **Dr Vaughan Keesing**.

<sup>6</sup> See Technical Report 30.

- 88 Feedback from iwi for mitigating these impacts suggest that sufficient planting along riparian margins of waterways, as well as reinstating wetlands to facilitate migrations and passage of native birds would be appropriate. Additionally, fish passage techniques are recommended i.e. fish ladders, to support seasonal migratory movements of native fish populations.<sup>7</sup>
- 89 Te Āti Awa ki Whakarongotai are actively encouraging restoration of waterway habitats such as extensive re-vegetation of riparian margins, as well as ecosystem restoration and enhancement.

**Impacts on Sites of Significance (Wāhi Tapu/Wāhi Taonga)**

- 90 The Expressway route passes near several areas of significant cultural value and directly impacts the Takamore cultural heritage precinct in Waikanae.
- 91 Te Āti Awa ki Whakarongotai, and in particular the Takamore Trust who represent iwi interests in this area, are particularly concerned about the various impacts on sites of significance, including sites of wāhi tapu/wāhi taonga significance identified earlier in my evidence.
- 92 The NZTA has entered into a Memorandum of Understanding (*MoU*) with the Takamore Trust, not only for this Project but also beyond. The MoU outlines relationships protocols and procedures for resolving issues between the parties. In addition to this, the NZTA has developed an accidental discovery protocol (*ADP*) with Te Āti Awa ki Whakarongotai and the Takamore Trust to manage the potential for discovery of wāhi tapu or taonga if these are unearthed during construction.<sup>8</sup>
- 93 The ADP directs that in the instance of an accidental discovery that all work ceases immediately, and that iwi monitors and NZHPT are contacted to complete all necessary rituals and cultural/archaeological assessments. Proposed designation condition DC.60 requires the preparation of the ADP, and all subcontractors will be fully briefed as to the appropriate procedures to be followed in the event that cultural material is encountered.<sup>9</sup>

**Impacts on Māori Land**

- 94 There are a number of Māori freehold and customary land titles potentially affected by the Project. These include:

94.1 Ngarara West E Lots 2,4 and 5 DP 72985 block;

---

<sup>7</sup> Wetland restoration and freshwater mitigation measures are discussed in the evidence of **Mr Matiu Park** and **Dr Keesing**.

<sup>8</sup> The ADP is discussed in the evidence of **Ms Mary O'Keeffe** – the Project archaeologist.

<sup>9</sup> Refer to proposed designation condition DC.60. **Ms O'Keeffe** discusses this condition in her evidence.

- 94.2 Ngarara West A Section 24 c block;
- 94.3 Ngarara West A25B2A; and
- 94.4 Ngarara West A25B2B & Ngarara West A25B2C (Takamore urupa).
- 95 Te Āti Awa ki Whakarongotai acknowledge that, while they do not speak on behalf of the beneficial owners of these land blocks, they are concerned about the further alienation of Māori freehold title within its tribal rohe.
- 96 The iwi recommend that the NZTA seek to meet the expectations of beneficial Māori land owners, and to manage these relationships in an honest and transparent manner.
- 97 Of particular concern to the iwi are the potential adverse effects on the Takamore urupa in Waikanae, which is a gazetted Māori reserve.
- 98 The NZTA has done everything possible to avoid direct impacts on Ngarara West A25B2B & Ngarara West A25B2C (Takamore urupa). This has included various route options, mitigation measures to reduce visual and noise impacts, and robust assessment of vibration effects on the surrounding dune systems upon which the Takamore urupa is located.
- 99 The NZTA is negotiating various mitigation measures with the Takamore Trust to offset impacts on cultural heritages sites within the Takamore cultural heritage precinct.<sup>10</sup>

### **MITIGATION**

- 100 The NZTA has sought, as far as practicable, to avoid affecting sites of significance to tangata whenua in developing the final alignment and the design of the proposed Expressway. However, there are locations along the extent of the Expressway where impacts (direct and indirect) cannot practicably be avoided. The NZTA has directly engaged with tangata whenua to seek to determine appropriate mitigation measures to address these impacts.
- 101 I have reviewed the proposed designation and resource consent conditions and recommend amendments below under the relevant headings.

### **Ecological**

- 102 Technical Report 26: *Ecological Impact Assessment* provides a summary of the key findings of the set of ecological technical reports prepared for this Project. These findings and the mitigation

---

<sup>10</sup> As identified in the Takamore Trust submission (0703).

measures proposed are discussed in detail in the evidence of **Mr Park** and **Dr Keesing**. In summary, the Project will cause the:

- 102.1 loss of approximately 1.8 hectares of wetland habitat;
- 102.2 loss of approximately 3.8 hectares of terrestrial vegetation (kanuka forest, regenerating mahoe and mature indigenous forest); and
- 102.3 loss and modification of approximately 1,000 metres of freshwater habitat through culverting, and the loss and modification of approximately 300 metres of freshwater habitat by bridges and associated armouring, and the loss and modification of approximately 1,500 metres of freshwater habitat through stream diversions and modifications.

103 The mitigation proposed is:

- 103.1 the restoration and retirement of approximately 5.4 hectares of wetlands;
- 103.2 a minimum of 7.6 hectares of mixed indigenous planting close to areas of vegetation being lost; and
- 103.3 the retirement and riparian planting of approximately 5,000 lineal metres of stream habitat.<sup>11</sup>

104 Te Āti Awa ki Whakarongotai continue to be engaged on the proposed mitigation which, amongst other things, includes revegetation proposals for terrestrial habitat loss. The quantum of land identified for retirement and land proposed to offset loss of habitat will result in positive ecological effects over the long term. I have some concerns that the proposed resource consents do not ensure that Te Āti Awa ki Whakarongotai and Takamore Trust will be involved in the Ecological Management Plan. I will discuss my recommended changes to these conditions below.

#### **Stormwater treatment**

105 During consultation, Te Āti Awa ki Whakarongotai has expressed concern about stormwater impacts and recommend that stormwater discharges should be treated to minimise the effect of contaminants on water quality of the freshwater and coastal environments. Technical Report 22: *Assessment of hydrology and stormwater effects* provides a range of mitigation methodologies for stormwater treatment such as the use of swales, stormwater detention ponds, and wetlands.

---

<sup>11</sup> This is discussed in the evidence of **Mr Park**, and **Dr Keesing**.

- 106 Te Āti Awa ki Whakarongotai has expressed a preference for methodologies that effectively remove contaminants from stormwater through natural processes. Wetland treatment is the preferred option for Te Āti Awa ki Whakarongotai due to the creation of new habitats that can support native fish, birds and flora and fauna. This is considered a holistic approach consistent with tikanga Māori.
- 107 The methodologies proposed by the NZTA for stormwater treatment are discussed in more detail by **Mr Graham Levy**.
- 108 Based on responses from Te Āti Awa ki Whakarongotai there is a clear preference for treatment of stormwater via natural processes.
- 109 Therefore, I support an amendment to the proposed resource consent conditions to ensure Te Āti Awa ki Whakarongotai and Takamore Trust are consulted in the preparation of the Contaminated Soils and Groundwater Management Plan. These amendments to conditions are shown in my **Annexure D**.

#### **Sediment controls**

- 110 Te Āti Awa ki Whakarongotai will be provided an opportunity to review the Project's erosion and sediment control management plan recommended in Technical Report 24: *Baseline water and sediment quality investigation report*.<sup>12</sup>
- 111 Mitigation of the downstream impacts of sediment from earthworks on streams and estuaries will require a range of measures to manage erosion and treat sediment during construction. These are discussed in the evidence of **Mr Graeme Ridley**.
- 112 I understand that Te Āti Awa ki Whakarongotai consider that the mitigation of these effects can be achieved by the range of measures proposed for the management of erosion, and the capture and treatment of sediment during construction.
- 113 I recommend that Te Āti Awa ki Whakarongotai be given the opportunity to provide feedback on proposed methodologies for sediment control as well as measures for managing extreme events such as large rainfalls, king tides, and flooding. This would be achieved through amendments to proposed resource consent conditions E.2, E.3 and E.9. My recommended changes are shown in **Annexure D** to my evidence.

#### **Cultural Concerns**

- 114 Maintaining the 'mauri' of the natural environment affected by stream diversions, reclamations, discharges etc will be mitigated

---

<sup>12</sup> See my recommended amendments to the proposed resource consent conditions below in the evidence.

through appropriate cultural ritual/protocol to be conducted by Te Āti Awa ki Whakarongotai and representatives of the Takamore Trust. The proposed resource consent conditions should provide opportunities for iwi to be consulted about the locations of waterway diversions and straightening prior to works being undertaken. The opportunity should also be provided for Te Āti Awa ki Whakarongotai to undertake any cultural ceremony at the site of the construction activity should this be deemed necessary.

- 115 I am aware that Te Āti Awa ki Whakarongotai have been previously consulted on the proposed methods for mitigating the impacts on ecological values and the 'mauri' of the natural environment. I recommend amendments to proposed resource consent conditions G.34 *Ecological Management Plan* and G.38 *Ecological Monitoring* to ensure there are ongoing opportunities for iwi review and propose methods to minimise vegetation and habitat loss, construction effects on freshwater and marine environments impacts on native fish, birds etc. These amendments are shown in **Annexure D** to my evidence.

#### **The cultural landscape**

- 116 As discussed, the Expressway route passes near several areas of significant cultural value and directly impacts the Takamore cultural heritage precinct in Waikanae. These sites and places are important components that comprise the cultural landscape of Te Āti Awa ki Whakarongotai.
- 117 Technical Report 7: Assessment of landscape and visual effects describes physical effects to the landscape such as changes to the dune systems, floodplains and wetlands. These sites and places are also part of the wider cultural landscape, and yielded significant volumes of natural resources critical to the survival of Te Āti Awa ki Whakarongotai communities. Biophysical effects and permanent changes to natural landforms due to the large scale of the physical changes proposed are of particular concern.
- 118 The loss and fragmentation of indigenous vegetation and habitats, while undesirable, will be mitigated, through replanting, rehabilitation and offset mitigation measures. However, the benefits of such measures will be effective only if they are properly managed and maintained; in some instances this will require maintenance and ongoing long term management.<sup>13</sup>
- 119 The proposed Expressway Alignment has avoided all but four wetland areas, three of which lie within the Otaihanga South character area, and will be fragmented and reduced in size. An area

---

<sup>13</sup> Landscape mitigation and maintenance requirements are discussed in evidence of **Mr Boyden Evans**.

of new wetland proposed in the same character area will go some way to offset this loss.

- 120 The large crescent-shaped dune with advanced regenerating indigenous vegetation near Puriri Street, north of the Takamore urupa, will be substantially altered by large cuts and the loss of an area of advanced secondary native vegetation. The crescent shaped dune is also reputed to be of wāhi tapu significance and the presence of potential burials and artefacts has been communicated to the Project Team by representatives of Te Āti Awa ki Whakarongotai and the Takamore Trust.
- 121 Conditions of consent have been proposed to address the concerns of Te Āti Awa ki Whakarongotai. Proposed designation condition DC.54 provides opportunities for consultation and engagement of a number of key stakeholders in the development of a Landscape Management Plan (LMP). Te Āti Awa ki Whakarongotai and the Takamore Trust are specifically mentioned in proposed designation condition DC.54 (c) and will have an opportunity to provide input and make recommendations on the proposed methodologies for mitigating and monitoring landscape effects.

#### **Archaeology and Wāhi Tapu/Wāhi taonga**

- 122 Archaeological assessments undertaken for the Project identify potential for impacts on a number of recorded archaeological sites and numerous unrecorded sites and places of archaeological significance.
- 123 The HPA makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of the NZHPT. This is the case regardless of whether the site is designated, the activity is permitted under the District or Regional Plan, or a resource or building consent has been granted. The HPA also provides for substantial penalties for unauthorised destruction, damage or modification. The HPA process and likely requirements are discussed in the evidence of **Ms O’Keeffe**.
- 124 In addition to the above statutory requirements, contractors engaged by NZTA to carry out the earthworks will be fully briefed on the ADP. This is to ensure that the right procedures are followed, i.e. that work ceases immediately in the event of encountering a cultural site/material, and that Te Āti Awa ki Whakarongotai and Takamore Trust are contacted so that the appropriate site investigations and cultural ceremonies can be carried out before recommencing work.
- 125 Proposed designation conditions DC.60 to DC.63 provide specific provisions for Te Āti Awa ki Whakarongotai and the Takamore Trust’s involvement in the preparation of the ADP, training of contractors (DC.60 (a)), notification preceding works (DC.60 (b)),



and cultural ceremonies (DC.60 (c)). Additionally, the Takamore Trust will be provided the opportunity to commission a detailed geophysical survey of the gazetted Takamore urupa and its surrounds to establish the true extent of the burial ground, (DC.62).

- 126 Te Āti Awa ki Whakarongotai and Takamore Trust have also been actively involved in archaeological assessments and in the preparation of applications for archaeological authorities under the HPA.
- 127 Cultural monitoring is proposed to continue for the life of the Project and beyond. Further detail on cultural monitoring is provided in the following section.

### **Cultural Monitoring**

- 128 Cultural monitoring and monitoring generally will be critical to the success of achieving many of the mitigation outcomes sought for this Project. In my view, the proposed resource consent conditions did not adequately address iwi involvement in monitoring. I consider that Te Āti Awa ki Whakarongotai and representatives of the Takamore Trust should be provided opportunities to monitor effects and treatments proposed throughout the construction and operational phases of the Project.
- 129 The amendments I propose to the resource consent conditions, along with the proposed designation conditions, will ensure a robust cultural monitoring programme to assess, in particular, the following:
- 129.1 Construction monitoring of fish passage;
  - 129.2 Monitoring and maintenance of stormwater treatment devices;
  - 129.3 Assessment of waterways particularly water quality, sediment deposition and ecology; and
  - 129.4 Monitoring during the construction phases especially in areas of a wāhi tapu nature i.e. Takamore cultural heritage precinct.
- 130 Post construction monitoring is also proposed to ensure that treatment devices are working effectively and that anticipated outcomes are being achieved.
- 131 Specific provisions for post construction monitoring are provided for in proposed designation conditions DC.54 to DC.63.

### **Relationship agreements**

- 132 As part of the mitigation of cultural effects for the Project, NZTA has entered into a MoU with the Takamore Trust and currently has a

draft relationship agreement with Te Runanga o Āti Awa ki Whakarongotai Inc.

- 133 These relationship agreements formally recognise the mandate of Te Runanga o Āti Awa ki Whakarongotai Inc to represent the interests of Te Ati Awa ki Whakarongotai and the role and responsibility of the Takamore Trust in the area described as the Takamore cultural heritage precinct.
- 134 In addition to the above, a range of additional mitigation proposals for Te Āti Awa ki Whakarongotai and the Takamore Trust have been developed to date. These proposals are referred to as '*Restoring the Mauri*'. As the major impact of the Project on cultural heritage will occur within the Takamore Cultural Heritage Precinct, including the registered Takamore Wāhi Tapu Area, the mitigation proposals are focused on addressing potential impacts on a number of highly sensitive sites and places within this area. Overall, the desired outcome is to address the various impacts I outlined above.
- 135 As acknowledged in the submissions by Te Runanga o Āti Awa ki Whakarongotai Inc and Takamore Trust, ongoing discussions are occurring to work through the additional mitigation proposals.

## **ASSESSMENT AGAINST RMA AND STATUTORY DOCUMENTS**

### **RMA – section 5**

- 136 As I identified above, the purpose of the RMA includes the requirement to provide for cultural wellbeing. In my opinion the Project, through the consent conditions and mitigation proposals, achieves the purpose of the RMA.

### **Matters of National Importance – section 6:**

- 137 Taking into account the effects of the Project and the mitigation proposed, coupled with the robust engagement process followed to date, I consider that the NZTA has adequately addressed the specific statutory provisions in section 6 of the RMA. In relation to section 6(e) and the requirement 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, I believe this has been achieved in the following ways:

137.1 Proposed mitigation and conditions that specifically address Te Āti Awa ki Whakarongotai values, particularly those relating to the sustainable management of the environment, i.e. waterways, ecology, landscape features, etc. This includes measures for avoidance and rehabilitation of sites of cultural significance;

137.2 Proposed consent conditions for cultural monitoring (landscape, ecology and archaeology);

137.3 The development of an inclusion of ADP to management plans;

137.4 The implementation of protocols for engagement with Te Āti Awa ki Whakarongotai and the Takamore Trust through relationship agreements (MoU).

**Other matters – section 7:**

138 Section 7(a) requires decision makers to have particular regard to kaitiakitanga. Kaitiakitanga is defined as the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources, and includes the ethic of stewardship.

139 In my view, the Project has had particular regard to kaitiakitanga through consultation and engagement with iwi and the proposed designation and resource consent conditions. The proposed conditions will ensure Te Āti Awa ki Whakarongotai and Takamore Trust continue to be involved in the development of management plans affecting the natural resources of concern.

140 The exercise of kaitiakitanga by Te Āti Awa ki Whakarongotai has also been recognised through the engagement of the Runanga to provide specific cultural impact statements on behalf of Te Āti Awa ki Whakarongotai and Takamore Trust in relation to the Project area (Technical Reports 11 and 12).

**The Treaty of Waitangi – section 8:**

141 I consider that the principles of the Treaty of Waitangi have been taken into account, through the MoU relationship agreements. The consultation and engagement has recognised the partnership with Te Ati Awa ki Whakarongotai.

**RESPONSE TO SUBMISSIONS**

142 A number of submissions have been lodged that address concerns about potential effects of the Project on Māori cultural values. A number of these submissions refer directly to breaches of specific provisions of the RMA in particular sections 6(e), 6(f) and 8.

143 The submissions that relate specifically to this statement of evidence include submissions from the NZHPT, KCDC, Te Runanga o Ati Awa ki Whakarongotai Inc and the Takamore Trust, Mrs Ani Parata (0625) and Mrs Higgot (0297).

**New Zealand Historic Places Trust (0647)**

144 The submission of the NZHPT is opposed to the Project in part. Opposition is against applications for resource consents and the notice of requirement (NoR) through the registered Takamore wāhi

tapu area. The NZHPT states that the Māori Heritage Council of the NZHPT, which has quasi governance roles and functions, has directed the NZHPT to oppose applications through the registered area. I acknowledge that the NZHPT has a statutory function to advocate for the protection of historic heritage and that the function of the Māori Heritage Council pursuant to the Historic Places Act 1993 is to advocate for the protection of Māori cultural heritage nationally. However, it should be noted that the Māori Heritage Council do not speak for the manawhenua of this area, in this case Te Āti Awa ki Whakarongotai.

145 In addition to the above, the NZHPT states in its submission that the Project does not meet the provisions of the KCDC District Plan and the proposed Greater Wellington Regional Council Regional Policy Statement. Specific reference is made to Objective C8.1.0 of the KCDC Plan and Objective 15 and Policy 45 of the GWRC Regional Policy Statement.<sup>14</sup>

146 The NZTA acknowledges that there will be unavoidable impacts on cultural heritage values. To offset these impacts, the NZTA has proposed conditions as well as prepared comprehensive mitigation proposals. These matters are the subject of ongoing negotiations with Te Āti Awa ki Whakarongotai and the Takamore Trust.

**Kāpiti Coast District Council (0682)**

147 The KCDC submission specifically acknowledges the hard work undertaken by the NZTA to establish and maintain relationships with the Takamore Trust and Te Āti Awa ki Whakarongotai. KCDC recommends the following actions be undertaken:

147.1 Appropriate resourcing of tangata whenua to engage effectively with the process at all levels;

147.2 Implementation of the actions identified in the report '*Takamore Cultural Heritage Precinct, Restoring the Mauri*'; and

147.3 Supporting Māori landowners through the processes associated with the Project.

148 It is my view that the NZTA has met and will meet the above objectives. The relationship agreements ensure that tangata whenua are resourced appropriately to effectively engage in the process. The NZTA continues to discuss the mitigation proposal known as *Restoring the Mauri* with Te Āti Awa ki Whakarongotai and the Takamore Trust.

---

<sup>14</sup> **Mr Robert Schofield** undertakes the planning assessment for the Project.

### **Takamore Trust (0703)**

- 149 The submission of the Takamore Trust is noted as being in principle opposed to the Project. The Takamore Trust lists its concerns as relating to effects on the environment and sites of cultural heritage significance. The Takamore Trust submission does make specific comment on its satisfaction with the engagement process to date and a desire to continue working with the NZTA. In light of this, the NZTA is seeking to maintain this relationship and continue to discuss the mitigation proposal '*Takamore Cultural Heritage Precinct, Restoring the Mauri*' and a Masterplan designed to offset impacts on cultural values and restore iwi kaitiakitanga over lands and natural resources within the Takamore cultural heritage precinct.
- 150 The Takamore Trust submission notes that the proposal is inconsistent with the principles of the Treaty of Waitangi. I consider that the NZTA has gone beyond the RMA section 8 provision '*to take into account the principles of the Treaty of Waitangi*'. This is evidenced by the engagement process adopted by the NZTA with iwi, hapu and whanau affected by the expressway proposal. The high level of consultation, which the Takamore Trust submission describes as being '*inclusive, constructive, and respectful, with a high level of sensitivity to the principles of the Takamore Trust*'. Additionally, the NZTA's mitigation proposals to offset impacts and recognise and provide for kaitiakitanga, in my opinion, satisfy the section 8 requirement.

### **Te Runanga o Āti Awa ki Whakarongotai Inc**

- 151 Te Runanga o Ati Awa ki Whakarongotai Inc has also lodged a submission to the proposal. In a similar vein to the Takamore Trust, the Runanga state their satisfaction with the engagement process and then outline their concerns in regard to impacts of cultural values, which include the following:
- 151.1 The environment (land, water bodies, wetland areas);
  - 151.2 The cultural landscape (heritage sites and places, wāhi tapu/wāhi taonga);
  - 151.3 Cultural health; and
  - 151.4 Māori freehold land.
- 152 The submission concludes by stating that the Runanga accepts that, in balancing its broad range of considerations (social, economic, environmental, etc), the NZTA's decision has been made in favour of the proposed route. The Runanga is working towards a comprehensive mitigation agreement to offset the impacts of the proposal within its tribal takiwa. The NZTA will continue to engage


with Te Runanga o Ati Awa ki Whakarongotai Inc, including discussions on mitigation proposals.

**Mrs Parata and Mrs Higgot**

- 153 Mrs Ani Parata and Mrs Hariata Mei Higgot, individual members of Te Āti Awa ki Whakarongotai, have made individual submissions in opposition to the Project.
- 154 In her submission Mrs Parata states her tribal affiliations as Te Āti Awa, Ngati Awa ki Waikanae, but her submission is made on her own behalf. Mrs Parata's opposition to the Project relates to impacts on customary activities (kaitiakitanga) and effects on cultural values (manaakitanga).
- 155 These impacts are summarised as environmental, ecological, noise and visual effects. Collectively, Mrs Parata describes the above as adversely affecting the iwi's ability to exercise kaitiakitanga and manaakitanga within their rohe.
- 156 Mrs Higgot's concerns are similar to Mrs Parata's, but include comments concerning Treaty of Waitangi breaches, specifically Article 2. Mrs Higgot believes that the Project breaches section 6 of the RMA and that there has been limited consultation.
- 157 In response to these submitters I make the following comments. In 2010 the Alliance, on behalf of the NZTA, adopted a broad engagement approach with iwi to gain a comprehensive understanding of Māori issues. This included hui a iwi, wananga, workshops at Whakarongotai marae and meetings. Mrs Parata and Mrs Higgot were involved in a number of these meetings and workshops. In developing its relationship with Te Āti Awa ki Whakarongotai, the Alliance regularly engaged with the Te Āti Awa ki Whakarongotai Kaumatua Committee, a charitable trust mandated to represent broad tribal interests and provide direction to Te Runanga o Āti Awa ki Whakarongotai Inc, the legal representative body for Te Āti Awa ki Whakarongotai.
- 158 In 2010 the Kaumatua committee delegated responsibility to represent tribal issues to the Te Āti Awa ki Whakarongotai Expressway Committee. The Expressway Committee representatives originally included Mr Toka Graham (Chair – Te Runanga o Ati Awa ki Whakarongotai Inc), Mr Daniel Mullen, Mr Manaahi Baker and Mr Shannon Parata, replaced by Mr Mahutonga Blenkinsopp in 2011.
- 159 Engagement with the mandated representative group - Te Āti Awa ki Whakarongotai Expressway Committee has been ongoing since mid 2010 (see the engagement schedule in **Annexure C**). The Alliance has regular meetings with the representatives and has assisted them in the preparation of cultural impact assessment

reports including the *Cultural Impact Assessments* (discussed earlier in my evidence), and the *Otaihanga Road Roundabout Cultural Heritage Brief* (June 2012). These reports provide an assessment of all of the issues raised in the submissions of Mrs Parata and Mrs Higgot, and more. They also provide recommendations on how to mitigate these impacts, and the Alliance has been working closely with representatives of the Te Āti Awa ki Whakarongotai Expressway Committee to achieve outcomes that remedy and mitigate effects but also reinstate the iwi's role as kaitiaki within their tribal rohe.

- 160 I am satisfied that the NZTA has undertaken robust and transparent consultation with Te Āti Awa ki Whakarongotai and the Takamore Trust.

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a horizontal line extending to the right.

Amos Kamo

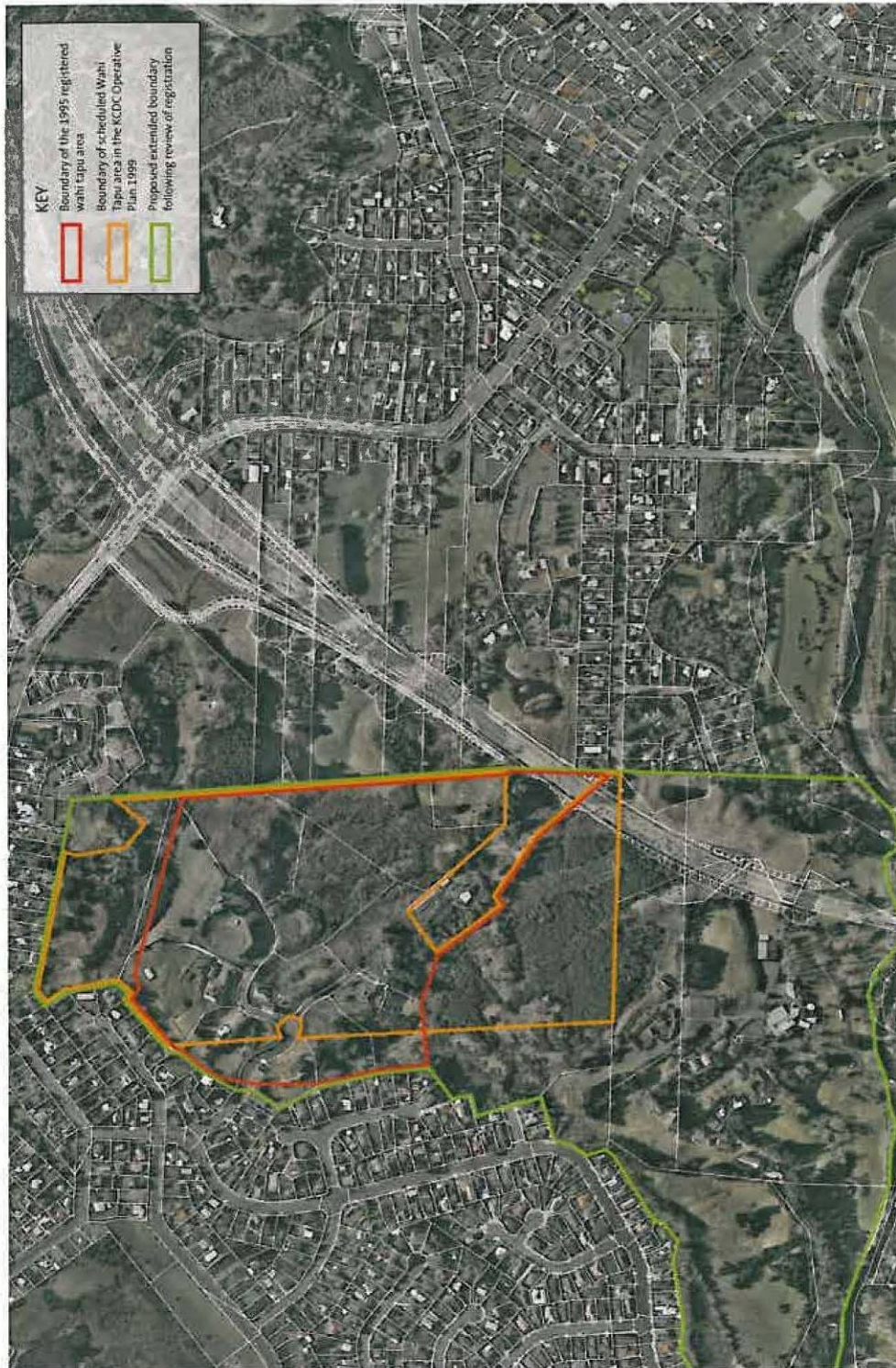
7 September 2012

**ANNEXURE A: SITES OF SIGNIFICANCE WITHIN THE TAKAMORE CULTURAL HERITAGE PRECINCT.**





# ANNEXURE B: TAKAMORE WĀHI TAPU: KCDC LISTED BOUNDARY, AND NZHTP REGISTERED BOUNDARIES



## EXTENT OF REGISTRATION MAP

Date: 30 November 2011 | Revision B |  
Prepared for: Kaipara District Council | MacKays to Peka Peka  
Author: mb.lamb@ Kaipara.govt.nz | Contact: 09 438 4000

Takamore Cultural Heritage Precinct:  
Restoring the Mauri

**MacKays to Peka Peka**

**ANNEXURE C: CONSULTATION SCHEDULES****Te Ati Awa ki Whakarongotai**

<b>Number</b>	<b>Description of Consultation Activity</b>	<b>Date</b>
1	Initial meeting with Te Ati Awa ki Whakarongotai at Whakarongotai marae (Waikanae) – representative of Te Runanga o Ati Awa ki Whakarongotai Inc, Kaumatua Committee and Marae Trustees.	26 May 2010
2	Meeting with the Chairman (Paul Ropata) of the Kaumatua Committee o Te Ati Awa ki Whakarongotai as well as representatives of the committee – Ōtaki. NZTA represented by Frank Fernandez and Amos Kamo.	24 June 2010
3	Meeting with Marae Committee Chair Ani Parata. Discussion re: Expressway proposal and proposed hui a iwi.	15 July 2010
4	Meeting with Marae Committee Chair Ani Parata. Discussion re: Expressway proposal and proposed hui a iwi.	12 August 2010
5	Workshop with Kaumatua Committee o Te Ati Awa ki Whakarongotai at Whakarongotai Marae - Waikanae. Presentation of Expressway proposal – includes overview of proposed alignment options.	1 September 2010
6	Meeting Marae Committee Chair Ani Parata. Discussion re: Expressway proposal and proposed hui a iwi.	26 September 2010
7	Hui a Iwi – Weekend hui at Whakarongotai Marae to present the Project to Te Ati Awa ki Whakarongotai.  And also the Takamore Trust.	7-9 October 2010
8	Meeting with representatives of Te Ati Awa ki Whakarongotai – debrief of hui a iwi and further engagement methodology.	27 October 2010
9	Meeting with Bill Carter – Chair Te Runanga o Ati Awa ki Whakarongotai Inc Asset Holdings Company (Chair). Attended by Mary O’Keefe (Project Archaeologist). Regarding Project MoU and contracts for service – (CIA)	18 November 2010

10	Meeting with Te Runanga o Ati Awa ki Whakarongotai Inc Committee Chairs. Delegation to Te Ati Awa ki Whakarongotai Expressway Committee – Toka Graham, Danny Mullen, Shannon Parata, Manaahi Baker.	9 December 2010
11	Meeting with Kaumatua Committee o Te Ati Awa ki Whakarongotai at Whakarongotai Marae – Waikanae. Resolution to delegate engagement to Te Ati Awa ki Whakarongotai Expressway Committee – Danny Mullen to be first point of contact.	20 December 2010
12	Meeting with Danny Mullen re: MoU and contracts for service (Cultural Impact Assessment): Runanga office - Waikanae	12 January 2011
13	Meeting with Danny Mullen re: MoU and contracts for service (Cultural Impact Assessment) Runanga office - Waikanae – continued.	25 January 2011
14	Meeting with Danny Mullen re: MoU and contracts for service (Cultural Impact Assessment) Runanga office - Waikanae – continued.	12 February 2011
15	Meeting with Danny Mullen re: MoU and contracts for service (Cultural Impact Assessment) – continued.	23 February 2011
16	Hui a iwi – Whakarongotai Marae. Presentation of proposed mitigation options to assembled representatives of the Takamore Trust (includes representatives of Te Ati Awa ki Whakarongotai). Presentation was attended by various project technical advisers in ecology, archaeology, engineering, construction, design, etc.	23 March 2011
17	Meeting with Danny Mullen re: MoU and contracts for service (Cultural Impact Assessment). Contract for service confirmed and tentative date for completion of CIA agreed to.	30 March 2011
18	Meeting with Danny Mullen to discuss proposed alignment options (northern and southern end, includes alignment options through Takamore cultural heritage precinct)	5 April 2011

19	Meeting with Te Ati Awa ki Whakarongotai Expressway Committee to discuss proposed alignment options (northern and southern end, includes alignment options through Takamore cultural heritage precinct)	13 April 2011
20	Meeting with Danny Mullen – NZHPT archaeological authorities proposed schedule for submission of applications for geo technical testing.	9 May 2011
21	Meeting with Danny Mullen – NZHPT archaeological authorities proposed schedule for submission of applications for geo technical testing. Meeting attended by Te Ati Awa ki Whakarongotai Expressway Committee and Project team representatives – Greg Vossler and Mary O’Keefe.	24 May 2011
22	Design workshop – Whitmore St includes representatives from Te Ati Awa ki Whakarongotai and affected Māori land owners.	16 June 2011
23	Meeting with Danny Mullen. – Final design meeting before design freeze.	7 July 2011
24	Meeting with Danny Mullen following submission of 1 <sup>st</sup> draft Cultural Impact Assessment.	14 July 2011
25	Meeting with Kaumatua Committee o Te Ati Awa ki Whakarongotai at Whakarongotai Marae – Waikanae. Project update and progress to date.	26 July 2011
26	Meeting 9 with Danny Mullen following submission of final draft Cultural Impact Assessment, review and amendments meeting.	25 August 2011
27	Meeting with Danny Mullen at Waikanae – draft MoU	1 September 2011
28	Meeting with Danny Mullen at Waikanae – draft MoU	7 September 2011
29	Meeting with Danny Mullen at Waikanae – draft MoU	23 September 2011
30	Meeting – draft MoU	1 October 2011
31	Meeting with Danny Mullen at Waikanae - preparation of AEE and consents applications.	17 November 2011

32	Meeting with Danny Mullen at Waikanae - preparation of AEE and consents applications.	21 December 2011
----	---	------------------

### **Takamore Trust**

	<b>Description of Consultation Activity</b>	<b>Date</b>
1	Initial Meeting 1 at Port Nicholson Trust Office with Ben Ngaia attended by Amos Kamo (Alliance) and Frank Fernandez (NZTA). Project overview and discussion on way forward.	12 August 2010
2	Meeting 2 at Port Nicholson Trust Office – further overview of the Project, proposed route and alignment maps provided.	26 August 2010
3	Meeting 3 at Port Nicholson Trust Office – follow up from initial engagement meeting. Discussion regarding engagement principles.	9 September 2010
4	Meeting 4 at Port Nicholson Trust Office – Further information provided (request for Takamore Trust representation at Hui a iwi – Whakarongotai Marae 7-9 October).	26 September 2010
5	Hui a Iwi – Weekend hui at Whakarongotai Marae to present the Project to wider iwi stakeholder group – includes Takamore Trust.	7-9 October 2010
6	Meeting 5 - with representatives of the Project team at Whitmore St Office – includes consents and approvals, design and engineering team members.	28 October 2010
7	Meeting 6 at Port Nicholson Trust Office - with Mary O’Keeffe (Project archaeologist), overview of proposed assessment methodology provided.	18 November 2010
8	Meeting 7 at Port Nicholson Trust Office – again with Mary O’Keeffe to discuss archaeological matters within the Takamore cultural heritage precinct.	9 December 2010
9	Meeting 8 – Amos Kamo and Ben Ngaia (Lunch meeting at Thistle Inn) final year meeting and discussion on way forward for 2011.	23 December 2010
10	Meeting 9 at Port Nicholson Trust Office - Discussion on draft Memorandum of	13 January 2011

	Understanding (Takamore Trust and NZTA).	
11	Meeting 10 at Port Nicholson Trust Office - Follow up discussion on draft Memorandum of Understanding (Takamore Trust and NZTA).	27 January 2011
12	Meeting 11 at Port Nicholson Office – Meeting to discuss potential mitigation options, meeting attended by Jim Bentley (Project manager) Robert Schofield and Graham Spargo (consents and approvals managers)	14 February 2011
13	Meeting 12 at Port Nicholson Office – Further discussion Meeting on proposed mitigation options, Ben Ngaia, Jim Bentley and Amos Kamo.	24 February 2011
14	Hui a iwi – Whakarongotai Marae. Presentation of proposed mitigation options to assembled representatives of the Takamore Trust. Presentation was attended by various Project technical advisers in ecology, archaeology, engineering, construction, design, etc.	23 March 2011
15	Meeting 13 at Port Nicholson Trust – presentation of revised mitigation proposal to Ben Ngaia, attended by Jim Bentley and Amos Kamo.	31 March 2011
16	Meeting 14 - Meeting with Mr Leo Watson (Takamore Trust Legal Counsel) Paekakariki. Meeting attended by Mr Leo Watson, Ben Ngaia, Lisa Ngaia, Amos Kamo, Jim Bentley, and Jane Black. Meeting to establish Leo Watson’s role as legal counsel to Takamore Trust.	6 April 2011
17	Meeting 15 at Port Nicholson Trust – Further discussion with Ben Ngaia concerning the mitigation proposal.	13 April 2011
18	Meeting 16 at Port Nicholson Trust – Further discussion with Ben Ngaia concerning the mitigation proposal.	10 May 2011
19	Meeting 17 at Port Nicholson Trust – Further discussion with Ben Ngaia concerning the mitigation proposal.	25 May 2011
20	Design workshop – Whitmore St includes representatives from Te Ati Awa ki Whakarongotai and affected Māori land owners.	16 June 2011

21	Meeting 18 at Port Nicholson Trust – Final design meeting before design freeze. Discussion with Ben Ngaia on issues within the Takamore Cultural Heritage Precinct.	7 July 2011
22	Meeting 19 At Port Nicholson Trust – attended by Mr Leo Watson and Jim Bentley. Discussion on final decision making re: preferred alignment option through the Takamore Cultural Heritage Precinct.	14 July 2011
23	Meeting 20 At Port Nicholson Trust – discussion with Ben Ngaia concerning the preparation of a cultural impact assessment (CIA) on behalf of the Takamore Trust.	27 July 2011
24	Meeting 21 At Port Nicholson Trust - discussion re: the contract for service for the preparation of the cultural impact assessment (CIA)	25 August 2011
25	Meeting 22 At Port Nicholson Trust - review draft cultural impact assessment (CIA)	1 September 2011
26	Meeting 23 At Port Nicholson Trust - mitigation meeting (Ben Ngaia, Jim Bentley, Amos Kamo)	7 September 2011
27	Meeting 24 At Port Nicholson Trust - mitigation meeting (Ben Ngaia, Jim Bentley, Amos Kamo)	23 September 2011
28	Meeting 25 At Port Nicholson Trust - mitigation meeting (Ben Ngaia, Jim Bentley, Amos Kamo)	29 September 2011
29	Meeting 26 Alliance Office – Update on preparation of AEE and consents applications (Ben Ngaia, Jim Bentley, Amos Kamo)	27 October 2011
30	Meeting 27 Alliance Office – Update x2 on preparation of AEE and consents applications (Ben Ngaia, Jim Bentley, Amos Kamo)	17 November 2011
31	Meeting 28 Alliance Office – Update x3 on preparation of AEE and consents applications (Ben Ngaia, Jim Bentley, Amos Kamo)	15 December 2011
32	Meeting 29 Alliance Office – review draft MoU (Ben Ngaia, Jim Bentley, Amos Kamo)	23 February 2012
33	Meeting 30 Port Nicholson Trust – MoU Signing	5 March 2012
34	Meeting 31 – Site visit Takamore and judicial conference Māori Land Court (Aotea)	22 March 2012

## ANNEXURE D: PROPOSED AMENDMENTS TO RESOURCE CONSENT CONDITIONS

Staff Training	
G.11	<p>The consent holder shall ensure that earthworks contractors responsible for supervising site staff shall undergo environmental awareness training, required by the CEMP. This training shall occur at least five working days week prior to the commencement of any earthworks or earthworks stage and shall be given by a suitably qualified and experienced person certified by the Manager to deliver a practical on-site training session. Specifically, contractors shall be briefed as follows:</p> <ol style="list-style-type: none"> <li>Contractors likely to be involved in the construction and maintenance of erosion and sediment control devices shall receive training on the performance standards to be achieved by the erosion and sediment control devices; and</li> <li>Contractors likely to be involved in the construction of any stream diversions or other in-stream works shall be briefed on the values of the stream, the objectives of stream design, the requirements of native fish for fish passage, and the sensitivity of the receiving environment to sediment discharge.</li> <li>Contractors likely to be involved in any works involving vegetation clearance shall be briefed on the values of any significant areas of vegetation that are to be retained, and the methods that shall be used to identify and protect them during construction.</li> <li><b>All contractors shall be briefed on the requirements of Te Ati Awa ki Whakarongotai and Takamore Trust for cultural ceremonies to occur before the commencement of works.</b></li> </ol>
Groundwater (Level) Management Plan	
G.29	<p>The consent holder shall finalise, submit and implement through the CEMP, the Groundwater (Level) Management Plan (GMP) to be submitted to the Manager for certification at least 15 working days prior to works commencing. The purpose of the management plan is to address the minimum standards, outline the best practicable options for groundwater management and procedures to minimise the effects on groundwater levels.</p> <p><b>The GMP shall be finalised in consultation with Te Ati Awa ki Whakarongotai and Takamore Trust.</b></p> <p>The GWMP shall include information regarding:</p> <ol style="list-style-type: none"> <li>the schedule of groundwater monitoring bores identifying piezometer depth, screen length and geological unit;</li> <li>the locations of groundwater monitoring bores shown on plans;</li> <li>the locations of monitoring stations on the Wharemauku Stream and Drain 5;</li> <li>monitoring frequency;</li> <li>monitoring methods <b>(including the role of Te Ati Awa ki Whakarongotai and Takamore Trust);</b></li> <li>reporting requirements;</li> <li>alert and action programmes;</li> <li>response management; and</li> <li>review procedures.</li> </ol>
Contaminated Soils and Groundwater Management Plan	
G.32	<p>The consent holder shall finalise, submit and implement through the CEMP, the Contaminated Soils and Groundwater Management Plan (CSGMP) to be submitted to the Manager for certification at least 15 working days prior to works commencing. The purpose of this Plan is to highlight the minimum standards and identify the best</p>



	<p>practicable option for management of contaminated soil and groundwater for the Project. <u>The CSGMP shall be finalised in consultation with Te Ati Awa ki Whakarongotai and Takamore Trust.</u></p> <p>The CSGMP shall include information regarding:</p> <ul style="list-style-type: none"> <li>a) implementation and operational procedures including: <ul style="list-style-type: none"> <li>i. roles and responsibilities of the Contaminated Land Specialist;</li> <li>ii. management of as yet un-investigated potentially contaminated sites;</li> <li>iii. management of areas of known contamination;</li> <li>iv. risk register records and</li> <li>v. a contingency action plan for unexpected discoveries.</li> </ul> </li> <li>b) soil and groundwater contamination monitoring requirements and testing and disposal procedures;</li> <li>c) site validation report;</li> <li>d) consent monitoring requirements <u>(including the role of Te Ati Awa ki Whakarongotai and Takamore Trust in monitoring stormwater treatment devices)</u>; and,</li> <li>e) review procedures.</li> </ul>
	<p>Ecological Management Plan</p>
G.34	<ul style="list-style-type: none"> <li>a) The consent holder shall finalise, submit and implement through the CEMP, the Ecological Management Plan (EMP). The EMP shall be submitted to the Manager for certification at least 15 working days prior to works commencing. The purpose of the Plan is to outline the ecological management programme to protect, reduce and remediate impacts on the environment during the construction phase of the Project. This EMP shall also document the permanent mitigation measures, such as restoration planting, and the mechanisms by which to develop relevant mitigation and restoration plans for terrestrial and freshwater habitat.</li> <li><u>b) The EMP shall be finalised in consultation with Te Ati Awa ki Whakarongotai and Takamore Trust.</u></li> <li>c) The EMP shall detail the monitoring to be undertaken pre-construction, during construction and post-construction as outlined below in Condition G.38-G.40. <u>The EMP shall detail the role that Te Ati Awa ki Whakarongotai and Takamore Trust will have observing monitoring.</u></li> <li>d) The EMP shall provide information on how the following outcomes will be achieved: <ul style="list-style-type: none"> <li>i. Minimise loss of valued vegetation and habitats;</li> <li>ii. Minimise construction effects on freshwater and the marine environments;</li> <li>iii. Minimise effects on identified wetlands resulting from hydrological changes to water tables;</li> <li>iv. Minimise effects on fish during stream works;</li> <li>v. Minimise disturbance of nationally threatened or at-risk birds (as listed by the most up to date Department of Conservation threat classification lists) during breeding periods;</li> <li>vi. Re-establish affected lizard habitat and minimise lizard mortality resulting from construction of the Project;</li> <li>vii. Carry out monitoring in a manner that will confirm that adverse effects are as predicted; any exceedance is identified; and appropriate actions are undertaken to rectify;</li> <li>viii. Ensures that mitigation requirements are undertaken and monitored to ensure success is achieved; and</li> <li>ix. Carry out monitoring in a manner that confirms that mitigation meets objectives.</li> </ul> </li> </ul>
G.39	<p>All ecological monitoring required under the EMP shall be managed by a suitably qualified and experienced ecologist.</p> <p>The results of all monitoring carried out pursuant to the EMP shall be:</p> <ul style="list-style-type: none"> <li>a) available for inspection during normal office hours where such data is available;</li> <li>b) <u>provided to Te Ati Awa ki Whakarongotai and the Takamore Trust.</u></li> </ul>

	<p>c) submitted to the Manager at quarterly intervals for certification that the appropriate monitoring has been undertaken;</p> <p>d) submitted to the Director-General of Conservation and KCDC for information; and</p> <p>e) summarised and submitted as part of the annual report required under Condition G.14.</p>
Erosion and Sediment Control	
E.2	<p>The consent holder shall prepare, submit and implement through the CEMP, site specific Construction [stage] Erosion and Sediment Control Plans (CESCPs) to be submitted to the Manager for certification at least 10 days prior to work commencing in that site. The purpose of the CESCP is to allow the consent holder and GWRC to further develop methodologies to be implemented throughout the duration of the project to address the specific characteristics of various sites along the route. <b>The CESCPs shall be prepared in consultation with Te Ati Awa ki Whakarongotai and Takamore Trust</b>. In addition, the CESCP shall:</p> <p>a) The CESCP will be consistent with the CEMP as required for G.20 and the ESCP as required for G.27 and E.1 above.</p> <p>b) Any changes to the CESCP shall be approved by the Manager prior to the amendment being implemented.</p>
E.3	<p>The CESCPs shall meet the purpose in Condition E.2 and include, but need not be limited to:</p> <p>a) Contour information at suitable intervals;</p> <p>b) Erosion and sediment control measures including specific pond design (including calculations supporting pond sizing);</p> <p>c) Chemical treatment design and details;</p> <p>d) Catchment boundaries for the erosion and sediment control measures;</p> <p>e) Location of the Work, and cut and fill operations;</p> <p>f) Details of construction methods to be employed, including timing and duration;</p> <p>g) Design details including:</p> <ol style="list-style-type: none"> <li>i. Contributing catchment area;</li> <li>ii. Retention volume of structure (dead storage and live storage measured to the top of the primary spillway);</li> <li>iii. Shape of structure (dimensions of structure);</li> <li>iv. Location of flood waters</li> <li>v. Safety and access</li> <li>vi. Position of inlets/outlets</li> <li>vii. Stabilisation of the structure; and</li> <li>viii. Maintenance.</li> </ol> <p>h) A programme for managing non-stabilised areas of earthworks, including progressive stabilisation considerations;</p> <p>i) The identification of appropriately qualified and experienced staff to manage the environmental issues onsite;</p> <p>j) The identification of staff who have clearly defined roles and responsibilities to monitor compliance with the Consent Conditions and the ESCP;</p> <p><b>k) The role of Te Ati Awa ki Whakarongotai and the Takamore Trust in monitoring;</b></p> <p>l) Provision of details of a chain of responsibility for managing environmental issues and details of responsible personnel; and</p> <p>m) Methods and procedures to be undertaken for decommissioning of erosion and sediment control measures.</p>
E.9	<p>In the event of either a failure of erosion and sediment control devices or where a storm event exceeds the design volume of the device, and where the discharge is to a perennial or intermittent freshwater body, wetland or estuarine/marine environment, a suitably qualified ecologist(s) shall be notified within 24 hours, who shall then inspect the relevant area to determine whether significant adverse effects on the affected area's ecological values have occurred.</p>

	<p>The Project's Environmental Manager shall, <u>in consultation with Te Ati Awa ki Whakarongotai and the Takamore Trust</u>, prepare a report on the effects of the failure and any recommended measures that may be required to remedy the effects; the report shall be submitted to the Manager for approval within 5 working days of the event. The remedial measures shall be implemented within 10 working days of the approval of the Manager.</p>
--	---