

Tangata Whenua of Te Awa-o-Te Atua

Cultural Impacts
Assessment

Of

Resource Consent Applications

For

Matata Township Recovery Works by
Whakatane District Council & Others

And

Te Awa-o-te Atua (Matata Lagoon)
Rehabilitation Works by Department of Conservation

8 January 2007

TABLE OF CONTENTS

1.	Executive Summary	2
1.1	Consent Packages	4
1.1.2	Applicants	6
1.1.3	Consent Term	7
1.1.4	Permitted Activities	7
1.3.1	Watercourses	8
1.3.2	Design Detail	8
1.3.3	Te Awatarariki Stream	9
1.3.4	Management Plans Required	10
1.3.5	Ongoing Monitoring, Active Management and Maintenance	10
1.3.6	Peer Review	11
1.3.7	Resource Consents Table	11
1.3.8	Resource Consents Table	12
2.	Legislative Requirements	17
3.	Introducing the Cultural Assessment Process	17
3.1	Limited Information Provided by Resource Consent Applicants	17
3.2	Avoiding a Man-Made Disaster	17
4.	Areas of Significance to Tangata Whenua	17
4.1	Importance of the Area to Tangata Whenua	17
4.2	Key Points in Relation to Places of Significance to Tangata Whenua	17
4.3	Recorded Sites	17
4.4	Unrecorded Sites	17
4.5	Historic Places Trust Consents Required	17
4.5.1	NZAA & HPT Recorded Areas	17
4.6	Waahi Tapu Sites	17
5.	Protocol For Dealing With <i>Koiwi Or Taonga</i> Unearthed During Construction Operations	17
6.	History of Reserve Status Over Te Awa o te Atua	17
6.1	Statutory Acknowledgements of Settled Iwi	17
6.2	Changing Coastal Outlets	17
7.	Support for Recommendations in Archaeological and Ecological Reports	17

EXECUTIVE SUMMARY

A natural flood event and debris flow involving boulders, rock, silt, vegetation and other material swept through the settlement of Matata on 18 May 2005.

The area affected comprises steep hills, deep gullies and streams. Two streams arrive at the foot of cliffs facing a narrow flat area on which Matata Town is built. North of the town is a former natural river course that had been modified into a triple lagoon system. North of that is the beach and sea.

Similar flood and debris events have happened at Matata in the past. Topographical and weather patterns strengthen the likelihood it will happen again.

The recent event filled two of the coastal lagoons with debris. At least four stream beds were re-directed. Stream catchments are scoured and unstable, Road and rail links were knocked out. Many houses were shifted off their foundations or otherwise destroyed or damaged.

Emergency works have now been completed but recovery works are entering the consenting stage.

Recovery from the disaster involves works to clear debris, build structures, re-direct streams, establish flood flow paths and sediment catching infrastructure, improve and replace road and rail infrastructure, and rehabilitate the lagoon. Consents are needed for most of the works.

There are several applicants, mainly Whakatane District Council, Department of Conservation, TranzRail and Transit NZ.

Tangata whenua have agreed to co-operate with the Department of Conservation in its application for consents to rehabilitate Matata Lagoon.

Tangata whenua note that the Department of Conservation must return Crown funds for rehabilitation of the Matata Lagoon if funds are not spent by June 2007.

Tangata whenua therefore assert that the consent being sought by the Department should not become reliant on the outcomes of applications for resource consent being sought by the Whakatane District Council and others.

Consent authorities for all consents sought include Environment Bay of Plenty, Whakatane District Council, Department of Conservation and Historic Places Trust.

All places affected by the disaster are also important heritage places of great significance to tangata whenua. Despite the disaster these important heritage places are still present at these locations.

It is therefore important that recovery activities do not unnecessarily adversely affect places of significance to tangata whenua.

Tangata whenua have agreed to work together to identify areas of significance for the purpose of assisting recovery that minimises unnecessary adverse effects on those places.

Mandated representatives from Ngati Awa, Ngati Tuwharetoa (BOP), and Ngāti Rangitihī have prepared this Cultural Impact Assessment report.

Tangata Whenua representatives to the Joint Advisory Committee for Whakapaukorero, Matata Scenic Reserve and Te Awa o te Atua (Matata Lagoon) have also contributed to this report. It has also been approved for distribution to consent applicants and authorities.

This report contains:

- Assessments of the potential adverse environmental effects of activities on Maori culture, traditions and relationships with important places in Matata subject to activities for which applications for resource consent are required.
- A map identifying areas of significance to tangata whenua that are likely to be affected by the proposed works
- A Resource Consents Table identifying recommended mitigation methods

With the exception of the application for consent being sought by the Department of Conservation, no specific site plans for proposed activities were provided by the applicant at the time of writing this Cultural Impact Assessment. This limits the report and requires further consultation with tangata whenua as information relating to exact locations and designs come to hand.

It is therefore necessary for consent applicants to formally agree in writing to reconvene discussions with tangata whenua and to accept that some assessments will need to be reviewed by tangata whenua if proposed activities or their locations change after completion this report.

This cultural impact assessment has been carried out using methodology not inconsistent with planning instruments contained within Proposed Plan Change No. 1 to the Bay of Plenty Regional Policy Statement, the Bay of Plenty Regional Water & Land Plan and the Proposed Whakatane District Plan.

It should be noted that sites numbered 1 – 57 identified in the table on page 27 and 28 of this report appear in Appendix 6.4 of the Proposed Whakatane District Plan. They are therefore subject to General Provisions in the proposed District Plan.

Areas 1 – 57 are also recorded with the New Zealand Historic Places Trust. The Historic Places Trust is required to promote the protection of all historic sites, whether recorded or unrecorded, so all site mentioned herein are subject to that protection including requiring the appropriate applications for authorisations to be lodged with the Historic Places Trust in accordance with the Historic Places Act 1993.

Investigation into alternative activities have been suggested where mitigation measures cannot be recommended for proposed activities, as is the case with the proposed debris detention dam at Te Awatarariki Stream which is not supported by tangata whenua.

Engineering should be designed to withstand stronger debris flow events to that of 18 May 2005 because of the likely recurrence of events and evidence that stronger events have already occurred in the early 1800's, 1869, 1906 and 1939.

Tangata whenua also recommend:

- An archaeologist be on site during all
- Implementation of the Protocol included in this cultural impact assessment
- Inter-iwi discussions in relation to the safe-keeping and ongoing management of artefacts and sites of significance
- Regular reporting over the consent term and invitations to tangata whenua to provide advice in respect of ongoing catchment management.

1.1 Consent Packages

Seven suites of consents are being sought.

	Consent Area	Consent Activity (Main Elements)
1.	<p>Ohinekoao Stream Summary: Redirect the stream channel straight out to the beach via new culverts beneath State Highway 2 and the railway. Construct bunds alongside the stream to maintain the channel alignment and protect the campground</p>	<ul style="list-style-type: none"> • New stream channel up to 20m wide from edge of escarpment to State Highway • New Highway culvert • New railway culvert • New stream channel up to 20m wide from railway to shoreline • Bank protection works • Bed protection works • Bunds to inhibit overland flows towards Murphy Motor Camp • Coastal Outlet structure
2.	<p>Far Western (Railway) Lagoon Summary: Continued use of the lagoon as the main debris disposal location beside SH2, following on from the emergency disposal works after the event</p>	<ul style="list-style-type: none"> • Placement of excavated silt and debris material in stockpiles • Peripheral drainage works to convey runoff • Contouring and vegetation management
3.	<p>Western Lagoon and Te Awatarariki Stream Summary: Construct small bunds along Te Awatarariki Stream downstream of the railway through the urban area. Reform and reinforce the stream banks to maintain capacity, and excavate an outlet to the eastern lagoon. Excavation of part of the western lagoon and formation of sediment detention basins</p>	<ul style="list-style-type: none"> • Possible replacement of Moore's Bridge • Excavation of existing channel to provide design flow capacity • Bunds to provide flood protection, particularly on right bank • Excavation of lagoon at western end to provide area for silt detention pond (approximately 70,000m³ storage capacity) • Excavation of floodway channel across lagoon • Possible works to excavate lagoon • Culvert works in causeway to camping ground
4.	<p>Te Awatarariki Stream Summary: Construction of a semi-permeable debris retention structure (dam) and engineered access track to detain large debris and allow the free flow of water and sediment downstream</p>	<ul style="list-style-type: none"> • Excavation in stream bed for foundations • Removal of material from stream bed for construction material and to provide future storage capacity • Construction of debris retention structures in stream bed (while enabling continued flow of stream at existing bed level) • Stream bed channel excavation between retention structures and (new) railway bridge • Access track(s) for construction and maintenance
5.	<p>Western Lagoon and Matata Township Summary: Preliminary debris/sediment removal from the lagoon and around Matata, principally Clem Elliot Drive area</p>	<ul style="list-style-type: none"> • Construction of haul road along inland toe of dunes • Preliminary excavations of bulk material from lagoon • Transport to debris disposal area

	Consent Area	Consent Activity (Main Elements)
6.	<p>Waitepuru Stream</p> <p>Summary: Installation of a weir, culvert and bunds to divert large flows and protect Manawahe Road houses. Likely to require stoppage of Manawahe Road. Excavation of a debris deposition area upstream of the railway line. Excavation of a new drainage swale through rural land to a new outlet into Burt's Canal(southern route). Minor channel improvements on the original stream channel.</p>	<ul style="list-style-type: none"> • New culvert at Wilson Street • Bank Protection works in town watercourse • Bed protection works in town watercourse • Construction of debris flow and flood protection bunds, upstream of railway • Excavation of material to provide storage capacity for future debris flow material • Construction of flow diversion structure in stream • Excavation of new flood way channel across rural land to east of Matata • New railway culvert for flood flows • New state highway culvert for flood flows • Burt's Canal inlet structure • Bank and bed protection works associated with culverts
7.	<p>Waimea Stream</p> <p>Summary: Improvement of stream capacity, mainly upgrading culverts and bridges, and removing obstacles to water passage in private properties</p>	<ul style="list-style-type: none"> • Excavation of existing channel to provide design flow capacity • Replacement of culverts at Pakeha Street • Replacement of culverts at Division Street, Clarke Street and Arawa Street • Bank Protection works • Bed protection works

The general location and nature of the applications and the proposed works along with associated GIS and data were summarised and provided to tangata whenua, however, with the exception of the proposed rehabilitation works at Te Awa o te Atua (Matata Lagoon) no detailed project drawings or information was at hand at the time of writing this report.

1.1.1 Notification

It is appreciated that time constraints exist and consent applicants and the community is anxious to gain the best outcomes, in the least time and as economically and efficiently as possible.

At the current time consent applications have not been finalised. Site specific information is absent. While tangata whenua and specific members of the Matata community have seen concept drawings evolve, actual applications for proposed works have not been seen or discussed.

In the interests of expediting the process while providing for this important part of the consenting process to be concluded tangata whenua have agreed to recommend that **within one week** of lodgement of completed applications for resource consents with consent authorities, all applicants be required to convene one final consultation event to which mandated iwi representatives, affected parties and all the people of the Matata community ward are invited to see, hear and comment upon:

- Site specific design detail for all seven suites of consents
- Descriptions of proposed works
- Draft consent conditions (drafted by the consent applicants and consent authorities)

It is recommended that consent authorities be present to:

- Observe the information exchanged at the event
- Ask questions of clarification
- Record the outcomes of consultation in order to prepare recommendations to consent decision-makers.

It is recommended that one full week after the consultation event, (during which time iwi and affected parties can make written submissions) relevant staff from the consent authorities meet to jointly deliberate on the outcomes of that final consultation event and identify consent conditions they will recommend to the consent decision-makers.

It is suggested that immediately after recommended consent conditions are identified recommending officers discuss them with mandated iwi representatives and other directly affected parties. Time and processes to negotiate mutually acceptable a) agreements with directly affected residents and b) protocols aimed at protecting and managing heritage values and places can also be identified during those discussions.

It is strongly suggested that this approach of 'limited public notification' can:

- Provide the Matata community one final opportunity to comment on very major works at Matata before decisions are made
- Support consent authorities ability to recommend and make consent decisions that are informed by community comment
- Minimise time in which any properly consented recovery works might be held up by a protracted consultative process
- Minimise the risks of being held up by litigation claiming a lack of consultation with the Matata community on the actual site specific design and location of proposed works
- Minimise continuation of uncertainty for Matata people
- Minimise costs by meeting time constraints that require major earthworks to be completed within season (i.e. before May 2007)
- Minimise the risk of losing significant government funding for the rehabilitation of Matata Lagoon (i.e. before 30 June 2007) thus avoiding an additional rates burden for Matata and Whakatane district
- Avoids a full-blown public notification process while providing all people of Matata with an opportunity to be commence their involvement in their town and surrounds recovery
- Be over and done with within three weeks of lodgement of consent applications.

1.1.2 Applicants

For each consent package the primary applicant will be Whakatane District Council. Whakatane District Council is also one of three consent authorities with which applications for resource consent will be lodged. Tangata whenua will observe Councils procedure in respect of these applications and how it will recognise and provide for Maori relationships with places of cultural significance.

Tangata whenua recommend that the Iwi Liaison Committee be involved in reviewing that procedure to observe and provide guidance to the ways in which Council gives effect to the recommendations contained in this Cultural Impact Assessment, and whether procedure is implemented in accord with Te Tutohinga Protocol.

At the Western Lagoon, the Department of Conservation will be either a joint or separate applicant. At Ohinekoao, Transit NZ and TranzRail will be applicants for consent activities.

A Memorandum of Understanding between all consent applicants is being developed to clarify respective consent conditions, activities, responsibilities and liabilities into the future.

It should be noted that the Memorandum of Understanding between applicants was not provided to tangata whenua at time of writing this report.

It is recommended that a copy of the memorandum of Understanding be provided to tangata whenua via mandated iwi representatives.

1.1.3 Consent Term

Each of the consent packages will cover, as appropriate:

- Applications for retrospective consents for works carried out under emergency provisions immediately following the event;
- Applications for earthworks and construction of structures; and
- Applications for long term sediment and debris removal and associated activities relating to long term maintenance.

Consent terms of 35 years will be sought for all consent packages and activities.

1.1.4 Permitted Activities

It is understood that:

- Site investigations (drilling/test pitting) are likely to be classed as permitted activities under Rule 57 of the Proposed Bay of Plenty Regional Water & Land Plan, subject to assessment of the site investigation plan, which, at time of writing was yet to be provided by Tonkin & Taylor.
- A Certificate of Compliance for the site investigation work will be sought from Environment Bay of Plenty.
- Any other permitted activities identified through the consent application process will be treated similarly, where appropriate.

1.2 Emergency Works

Immediately after the May 2005 disaster Whakatane District Council and others moved to stem its effects on the township.

Many activities were carried out as emergency works including the diversion of streams and the reinstatement of temporary road and rail infrastructure.

Those emergency works are now completed, and forthcoming consents relate to new activities that are aimed at the recovery of Matata town and environs.

1.3 Integrated Approach to Processing of Resource Consents

Statutory and other agencies have also agreed to work together to assist the recovery of Matata Township. They propose to lodge applications for resource consents together. This will assist by minimising costs and time, while maximising co-operative works activities and infrastructure development.

Tangata whenua have agreed the proposed integrated approach to consents is supportable.

Tangata whenua have also agreed to work together to prepare an assessment of effects on areas of cultural significance and to provide advice about appropriate mitigation, remediation or avoidance measures to use to minimize any actual or potential adverse environmental effect on those areas.

1.3.1 *Watercourses*

Regulation and resource management relating to discharges to watercourses is a function of regional council. The Proposed Bay of Plenty Regional Water & Land Plan and the Bay of Plenty Regional Land Management Plan give effect to regional regulations.

Rules relating to the discharge of sediments and silt as a result of river and stream bed disturbance therefore come into effect and all activities in the subject area are required to comply with those regulations.

However, given the emergency and naturalness of the disaster that befell the Matata area, and the integrated and persistent activity approach proposed by the multiple applicants, tangata whenua have agreed to encourage (as much as practicable) minimisation of adverse effects such as silt and sediment loading effects in watercourses and disturbance to fish passage during the construction phase.

In-stream activities and activities that create such adverse effects must be avoided at times when fish are spawning

The following methods of off-site mitigation of adverse environmental effects are also recommended to become consent conditions on any consent granted:

- Provision of fish passages in the design of in-stream structures
- Minimisation of in stream machinery movement
- Contributions towards the construction of sediment and silt detention ponds in the rehabilitation of the Matata Lagoon area

1.3.2 *Design Detail*

It was agreed that a preliminary level of design (rather than detailed design) is an acceptable basis for the *initial* processing of these resource consents.

This was to ensure that repeated consent variations will not be needed if minor detailed design changes occurred to preliminary designs.

If, however, the design and location of structures, significant earthworks, in-stream works, storm water detention ponds, swales, flood flow paths changes in either a minor or major way to those demonstrated in conceptual designs, each of those changes must be a subject of consultation with tangata whenua.

The proposed level of technical detail that, at time of writing, was yet to be provided as part of the preliminary design includes:

- Footprint of works
- Design levels on embankment crests
- Typical cross sections for
 - Flow channels
 - Stream bunding
 - Debris retention structures
- Volumes of material to be excavated for works
- Design for flows and paths
- Design flood levels
- Preliminary sizing of hydraulic structures
- Design for debris flow and material parameters
- Ongoing monitoring and maintenance requirements and planning

It should also be noted that while further preliminary information relating to many of the seven suites of consents activity area had been provided, similar information relating to the proposed Awatarariki debris detention dam was not able to be provided at the same time.

1.3.3 Te Awatarariki Stream

Tangata whenua acknowledge that while Whakatane District Council might have decided to apply for consent for the 17.7m debris detention dam, it has not discussed with tangata whenua how it arrived at its decision.

It is possible that discussion may bring agreement however in the meantime tangata whenua strongly oppose the proposed 17.7m debris detention dam and request that Whakatane District Council consider alternatives for Te Awatarariki catchment.

The proposed detention dam is not supported as it does not appear to contribute to catchment management but merely attempts to catch from single events, thousands of tonnes of destructive debris immediately before it arrives at the Matata Township.

A graduated series of regularly monitored and maintained debris detaining structures extending from the upper catchment to the lower catchment as well as active and ongoing catchment monitoring and riparian management is preferred. Tangata whenua strongly recommend investigation into this potential alternative.

If it has not already been included, it is strongly recommended that all Geotechnical Reports for Te Awatarariki Stream Catchment works contain a geological assessment as well as an assessment of the following natural hazards:

- Potential effects of a 200 year flood event similar to that which resulted in the rock group off-shore adjacent to Te Awatarariki Stream (said to have occurred in the 1800's)
- Potential effects of a 100 year flood event similar to that which occurred on 18 May 2005

It is also recommended the Geotechnical Report for activities relevant to subject land north of Matata Main Road contain informed and qualified comment on:

- Potential effects of a tsunami event or storm surge wave run-up, particularly on the subject areas north of the main road but including land within 1 km of mean high water springs (MHWS)

- Potential effects of an earthquake on the subject areas as if proposed structures have been consented as applied for
- Flood events described above.

Such information is critical to determining the design and location of safe structures and infrastructure that will be able to withstand the tests of future natural disaster events in the Matata locality.

Placement of structures and infrastructure will also be advantaged by consideration of these important factors at the planning stage for activities.

It is further asserted that Environment Bay of Plenty must take responsibility for active and ongoing management of Te Awatarariki catchment.

Whakatane District Council should remain responsible for the management and maintenance of any structures they establish in Te Awatarariki catchment and elsewhere.

Both regional and district council are encouraged to commit to integrated management planning and activities for Te Awatarariki and other streams in the Matata disaster area.

Likewise Transit NZ, Ontrack-NZ Rail and the Department of Conservation shall be responsible for the construction, ongoing management and maintenance of structures and works they develop in the vicinity of Te Awatarariki.

Consent conditions to be imposed by consent authorities, and the proposed memorandum of understanding being developed by consent applicants must require the applicants to remain clear about their respective and collective responsibilities and liabilities at the time of construction and in perpetuity thereafter.

1.3.4 Management Plans Required

It is agreed that the following generic management plans are required for each consent package where relevant:

- Traffic management
- Dust, Sediment and erosion control
- Heritage/cultural protocols
- Monitoring and Ongoing Maintenance of Structures
- Monitoring and Ongoing Management of Catchments

Where amendments to these management plans relate to a change to consent activity, consent location, design of structures and infrastructure, and their construction, tangata whenua should be consulted prior to lodgement of the amendment with the consent authority. This will allow tangata whenua to identify any potential issues, and provide advice as to mitigation, remediation or avoidance measures.

1.3.5 Ongoing Monitoring, Active Management and Maintenance

Ongoing monitoring, and active management and maintenance of :

- Catchments
- Structures
- In stream values
- Sites of significance

- Riparian margins
- Meteorological conditions
- Geology and earthquake fault-lines
- Coastal hazards is required

Responsibility and liability for adverse effects resulting from the granting of consents relevant to the recovery of Matata must be clearly determined through the consenting process.

Tangata whenua request to be involved in future reporting and decision-making in respect of ongoing monitoring, active management and maintenance of the above-mentioned catchments, issues and structures.

1.3.6 Peer Review

It is recommended that Environment Bay of Plenty be empowered by the applicant to seek an external peer review of the Te Awatarariki dam design at the applicant's expense.

It is also recommended that peer review comments on Natural Hazards assessments be sought from Messers Peter Blackwood, Stephen Lamb (or Russ Martin) and Dougall Gordon at Environment Bay of Plenty.

1.3.7 Resource Consents Table

The following table shows:

- Main elements of the proposed consent activity
- General consent location
- Consent applicant
- Consent authority
- Sites of significance in close proximity to the proposed activity location
- Recommended consent conditions designed to mitigate adverse effects on cultural values, relationships and places of significance to tangata whenua.

1.3.8 Resource Consents Table

Consent Area	Consent Activity (Main Elements)	Consent Location	Consent Applicant	Historic Areas in Close Proximity	Mitigation, Avoidance, Remediation
Ohinekoao Stream		Northwest of Matata on land between the escarpment and the coast		<u>Ngati Awa Sites</u> 300 - Puakowhai 302 - Whakarewa V15/67 – Pa V15/64 – Terrace V15/65 – Midden V15/66 – Trail V15/71 – Pa V15/69 – Pa V15/68 – Pa	There is a likelihood of discovery of sites, features, koiwi or artefacts of significance in the vicinity of proposed works. Please see the attached Protocol for Discovery of Koiwi, Artefacts and Archaeological Features. Provision of fish passages in the design of in-stream structures Minimisation of in stream machinery movement. Contributions towards the construction of sediment and silt detention ponds in the rehabilitation of the Matata Lagoon area Any structure or activity area should be made to a standard that provides for walking access only. Tangata whenua opposes public vehicular access to the dunes and foreshore. Tangata whenua request to be involved in future reporting and decision-making in respect of ongoing monitoring, active management and maintenance of the above-mentioned catchments, issues and structures. Bunds to be located and designed to avoid erosion at waahi tapu and waahi taonga. Coastal outlet structures to be located and designed to minimise coastal erosion
	New stream channel up to 20m wide from edge of escarpment to State Highway		Whakatane District Council		
	New Highway culvert		Transit NZ		
	New railway culvert		Ontrack		
	New stream channel up to 20m wide from railway to shoreline		Whakatane District Council		
	Bank protection works		Whakatane District Council		
	Bed protection works		Whakatane District Council		
	Bunds to inhibit overland flows towards Murphy Motor Camp		Whakatane District Council		
	Coastal Outlet structure		Whakatane District Council/EBOP		

Consent Area	Consent Activity (Main Elements)	Consent Location	Consent Applicant	Historic Areas in Close Proximity	Mitigation, Avoidance, Remediation
<p>Far Western (Railway) Lagoon</p> <p>Summary: Continued use of the lagoon as the main debris disposal location beside SH2, following on from the emergency disposal works after the event</p>	<p>Placement of excavated silt and debris material in stockpiles</p> <p>Peripheral drainage works to convey runoff</p> <p>Contouring and vegetation management</p>	<p>Northwest of Tohi Street, between railway embankment and the dunes</p>	<p>Whakatane District Council</p> <p>Whakatane District Council</p> <p>Whakatane District Council</p>	<p>319 - Te Kaokaoroa 307 - Punawhenua V15/85 - Terraces V15/83 - Pa V15/86 - Pa V15/87 - Terraces</p>	<p>There is a likelihood of discovery of sites, features, koiwi or artefacts of significance in the vicinity of proposed works.</p> <p>Please see the attached Protocol for Discovery of Koiwi, Artefacts and Archaeological Features.</p> <p>The height of the proposed deposition area shall not exceed the height of the road or the railway, whichever is the lowest. This will provide a viewshaft that does not obscure the view of the sea from the road.</p> <p>Any structure or activity area should be made to a standard that provides for walking access only. Tangata whenua oppose public vehicular access to the dunes and foreshore.</p> <p>Consultation with tangata whenua will be necessary prior to the undertaking of contouring and vegetation planting. The establishment of recreational facilities needs to be prohibited in certain areas. Tangata whenua can identify those areas at a plenary meeting to be held prior to this decision-making.</p> <p>Please see Ongoing Monitoring and Maintenance Section above for recommended conditions involving tangata whenua.</p> <p>Tangata whenua request to be involved in future reporting and decision-making in respect of ongoing monitoring, active management and maintenance of the above-mentioned catchments, issues and structures.</p>

Consent Area	Consent Activity (Main Elements)	Consent Location	Consent Applicant	Historic Areas in Close Proximity	Mitigation, Avoidance, Remediation
<p>Te Awatarariki Stream</p> <p>Summary: Construction of a semi-permeable debris retention structure (dam) and engineered access track to detain large debris and allow the free flow of water and sediment downstream</p>	<p>Excavation in stream bed for foundations</p> <p>Removal of material from stream bed for construction material and to provide future storage capacity</p> <p>Construction of debris retention structures in stream bed (while enabling continued flow of stream at existing bed level)</p> <p>Stream bed channel excavation between retention structures and (new) railway bridge</p> <p>Access track(s) for construction and maintenance</p>	<p>Southwest of railway corridor, inland of the escarpment face</p>	<p>Whakatane District Council</p> <p>Whakatane District Council</p> <p>Whakatane District Council</p> <p>Whakatane District Council</p> <p>Whakatane District Council</p>	<p>265 – Whakapaukorero</p> <p>V15/28 – Pa V15/90 – Pa V15/91 – Pa</p> <p>262 – Te Awa o te Atua 298A – Waimea 299 – Te Awatarariki 317 – Atoangapoto 318 – Te Pamu</p> <p>There are also two extremely important yet unrecorded waahi tapu in the immediate upper catchment.</p> <p>These will be seriously damaged by any inundation resulting from a poorly maintained detention dam.</p> <p>That potential damage is unacceptable to Ngati Awa, Ngati Rangitahi and Ngati Tuwharetoa (BOP).</p> <p>Alternative methods for detaining sediment and debris are required.</p>	<p>Please refer to the section in this report entitled Te Awatarariki Stream.</p> <p>The proposed 17.7m detention dam is not supported.</p> <p>Potential damage to sites of significance and the Matata Township is unacceptable to Ngati Awa, Ngati Rangitahi and Ngati Tuwharetoa (BOP).</p> <p>Investigation into alternative methods for detaining sediment and debris in Te Awatarariki catchment is required</p> <p>There are two extremely important yet unrecorded waahi tapu in the immediate upper catchment.</p> <p>These will be seriously damaged by any inundation resulting from a poorly maintained detention dam.</p> <p>Please see the attached Protocol for Discovery of Koiwi, Artefacts and Archaeological Features.</p> <p>Provision of fish passages in the design of in-stream structures</p> <p>Minimisation of in stream machinery movement.</p> <p>Contributions towards the construction of sediment and silt detention ponds in the rehabilitation of the Matata Lagoon area</p> <p>Please see Ongoing Monitoring and Maintenance Section above for recommended conditions involving tangata whenua. Tangata whenua request to be involved in future reporting and decision-making in respect of ongoing monitoring, active management and maintenance of the above-mentioned catchments, issues and structures.</p>

Consent Area	Consent Activity (Main Elements)	Consent Location	Consent Applicant	Historic Areas in Close Proximity	Mitigation, Avoidance, Remediation
<p>Western Lagoon and Te Awatarariki Stream</p> <p>Summary: Construct small bunds along Te Awatarariki Stream downstream of the railway through the urban area. Reform and reinforce the stream banks to maintain capacity, and excavate an outlet to the eastern lagoon. Excavation of part of the western lagoon and formation of sediment detention basins</p>	<p>Possible replacement of Moore's Bridge</p> <p>Excavation of existing channel to provide design flow capacity</p> <p>Bunds to provide flood protection, particularly on right bank</p> <p>Excavation of lagoon at western end to provide area for silt detention pond (approximately 70,000m³ storage capacity)</p> <p>Excavation of floodway channel across lagoon</p> <p>Possible works to excavate lagoon</p> <p>Culvert works in causeway to camping ground</p>	<p>Lagoon northwest of Clem Elliot Drive between the houses and the dunes, and Te Awatarariki Stream from the railway culvert downstream to the lagoon</p>	<p>Transit</p> <p>Whakatane District Council</p> <p>Whakatane District Council</p> <p>Whakatane District Council</p> <p>Whakatane District Council</p> <p>Department of Conservation</p> <p>Whakatane District Council</p>	<p>262 – Te Awa o te Atua 298A – Waimea 299 – Te Awatarariki 317 – Atoangapoto 318 – Te Pamu</p>	<p>Please see the attached Protocol for Discovery of Koiwi, Artefacts and Archaeological Features.</p> <p>Provision of fish passages in the design of in-stream structures</p> <p>Minimisation of in stream machinery movement.</p> <p>Contributions towards the construction of sediment and silt detention ponds in the rehabilitation of the Matata Lagoon area</p> <p>Bund height, design and location to be consulted upon with tangata whenua.</p> <p>Tangata whenua support the rehabilitation of Matata Lagoon as detailed by Wildlands Ecological Rehabilitation Consent Plan Vegetation dated 1 December 2006.</p> <p>Please see Ongoing Monitoring and Maintenance Section above for recommended conditions involving tangata whenua.</p> <p>Tangata whenua request to be involved in future reporting and decision-making in respect of ongoing monitoring, active management and maintenance of the above-mentioned catchments, issues and structures.</p>

Consent Area	Consent Activity (Main Elements)	Consent Location	Consent Applicant	Historic Areas in Close Proximity	Mitigation, Avoidance, Remediation
<p>Western Lagoon and Matata Township</p> <p>Summary: Preliminary debris/sediment removal from the lagoon and around Matata, principally Clem Elliot Drive area</p>	<p>Construction of haul road along inland toe of dunes</p> <p>Preliminary excavations of bulk material from lagoon</p> <p>Transport to debris disposal area</p>	<p>Lagoon southeast of Clem Elliot Drive between the houses and the dunes, and urban area around Clem Elliot Drive</p>	<p>Whakatane District Council</p> <p>Whakatane District Council</p> <p>Whakatane District Council</p>	<p>300 Puakowhai 302 Whakarewa 319 Te Kaokaoroa 262 Te Awa o te Atua 309 Mihimarino 299 Te Awatarariki 318 Te Pamu 317 Atoangapoto 298B Waitepuru 298A Waimea</p> <p>Short and mid-term aims in respect of Otaramuturangi and a repository of koiwi – to include recommendation for bunding, protective wall and other inundation and debris flow mitigation infrastructure.</p>	<p>There is a likelihood of discovery of sites, features, koiwi or artefacts of significance in the vicinity of proposed works.</p> <p>It is extremely important that excavations to remove debris from this area does not go so deep as to excavate the original land height as if that was to occur then the bones of fallen at Te Kaokaoroa are likely to be excavated also.</p> <p>Please see the attached Protocol for Discovery of Koiwi, Artefacts and Archaeological Features.</p> <p>Provision of fish passages in the design of in-stream structures</p> <p>Minimisation of in stream machinery movement.</p> <p>Contributions towards the construction of sediment and silt detention ponds in the rehabilitation of the Matata Lagoon area</p> <p>Please see Ongoing Monitoring and Maintenance Section above for recommended conditions involving tangata whenua.</p> <p>Tangata whenua request to be involved in future reporting and decision-making in respect of ongoing monitoring, active management and maintenance of the above-mentioned catchments, issues and structures.</p>

Consent Area	Consent Activity (Main Elements)	Consent Location	Consent Applicant	Historic Areas in Close Proximity	Comment
<p>Waimea Stream</p> <p>Summary: Improvement of stream capacity, mainly upgrading culverts and bridges, and removing obstacles to water passage in private properties</p>	<p>Excavation of existing channel to provide design flow capacity</p> <p>Replacement of culverts at Pakeha Street</p> <p>Replacement of culverts at Division Street, Clarke Street and Arawa Street</p> <p>Bank Protection works</p> <p>Bed protection works</p>	<p>Waimea Stream from escarpment through Matata to outlet at Western Lagoon</p>	<p>Whakatane District Council</p> <p>Transit</p> <p>Whakatane District Council</p> <p>Whakatane District Council</p> <p>Whakatane District Council</p>	<p>Upper catchment 264 Otamapiri V15/1196 – Pa V15/81 – Pa V15/91 – Pa V15/1198 – Pa</p> <p>Lower catchment 298A Waimea</p>	<p>There is a likelihood of discovery of sites, features, koiwi or artefacts of significance in the vicinity of proposed works in the Waimea Stream catchment and receiving environment.</p> <p>Please see the attached Protocol for Discovery of Koiwi, Artefacts and Archaeological Features.</p> <p>Provision of fish passages in the design of in-stream structures</p> <p>Minimisation of in stream machinery movement.</p> <p>Contributions towards the construction of sediment and silt detention ponds in the rehabilitation of the Matata Lagoon area.</p> <p>Please see Ongoing Monitoring and Maintenance Section above for recommended conditions involving tangata whenua.</p> <p>Tangata whenua request to be involved in future reporting and decision-making in respect of ongoing monitoring, active management and maintenance of the above-mentioned catchments, issues and structures.</p>

LEGISLATIVE REQUIREMENTS

Māori cultural values, relationships and areas of significance are matters of national importance. They are to be recognised and provided for in accordance with s6(e) in Part II of the Resource Management Act 1991.

The 'protection of historic heritage from inappropriate subdivision, use and development' is also a matter of national importance, having been elevated to that status as a result of amendments to the Resource Management Act in 2003. (S6(f) RMA 2003 refers).

Kaitiakitanga is another matter to which consent authorities are to 'have particular regard'.

While there has never been a requirement in the Resource Management Act 1991 for a resource consent applicant to consult Māori, there is a duty on consent authorities to demonstrate how they have recognised and provided for Part II matters.

S 104 of the Resource Management Act 1991 is subject to Part II of the Act.

1.4 District Plan Provisions

All places affected by the disaster are also important heritage places of great significance to tangata whenua. Despite the disaster these important heritage places are still present at these locations.

It should be noted that all sites and areas identified in this Cultural Impact Assessment are also listed in Appendix 6.4 – Cultural Heritage Features identified in the Proposed Whakatane District Plan.

Various district planning instruments are relevant to the proposed activities.

These include (but are not limited to) the following:

General Provision 3.5 in the Whakatane District Plan 'has a requirement to consult with tangata whenua in the establishment of policy and in the consideration of resource consent applications'.

Objective LRS2 aims 'to maintain and enhance the traditions, lifestyle and cultural identity of Māori.

Policy 1 To take into account the outcomes of consultation with the tangata whenua in the sustainable management of the districts resources.

Assessment Criteria for 'Discretionary Activities/Non-complying Activities' relevant to 'Scheduled Cultural Heritage Features' appear in section 3.11.12.

Of particular relevance is General Provision 3.11.12.1(a) – (g) inclusive:

3.11.12.1 Council shall have regard to:

- (a) the reasons (cultural and spiritual) for inclusion of the heritage feature in the schedule
- (b) the impact of the proposed activity on the values, character and integrity of the heritage feature including:
 - I. the location, design, scale, dimensions and materials of any structures or buildings or alterations, and how any adverse effect on the Scheduled Feature may be avoided, remedied or mitigated

- II. the nature of vehicle traffic about the site
- III. the effects of the activity, particularly with regard to the generation of noise, dust, fumes, smoke, or odours which may be noxious, dangerous or offensive to the values inherent in the feature, for example the effect on a protected tree and its ability to continue to grow and flourish
- (c) Restoration and enhancement proposals for any heritage feature that may be affected by the activity
- (d) The effect of existing or proposed formalised public access to the feature and whether:
 - I. It is sustainable in terms of the continued protection of the feature
 - II. Consent has been obtained from affected landowners
- (e) Whether there is reasonable alternative siting for the proposed activity or any alternative subdivision layout that will avoid or reduce the impact on the feature
- (f) Whether there is a change in circumstance that has resulted in a reduction of the value of the resource since it was scheduled in the plan. For example dead or dying trees.
- (g) Whether the proposed activity detracts from the intrinsic value of the resource.

General Provisions for Natural Hazards also appear in section 3.11.10 of the proposed District Plan. Provision 3.11.10.1(a)(vii) is particularly relevant:

- 3.11.10.1 Council shall have regard to whether the land is appropriate for the development proposed and/or the conditions under which development will be appropriate, including:
- a) The land and any building site are not likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source.

In relation to inundation from any source, Council shall have regard to the following factors:

- (vii) the effects on any mahinga kai or other sites of significance to tangata whenua.

1.5 Regional Plan Provisions

Regional policy and planning instruments support assessments of the importance of places of significance to tangata whenua. In the absence of such policy in the Whakatane District Plan it is necessary to refer to these regional planning instruments.

The Operative Bay of Plenty Regional Policy Statement instruments including proposed Plan Change No.1: Heritage Criteria, including (but not limited to) the following:

5.3.2 Maori Culture and Traditions

5.3.2(a) Objective

Recognition of and provision for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

5.3.2(b) Policies

- 5.3.2(b)(i) To recognise and provide for traditional Maori uses and practices relating to natural and physical resources such as mahinga mataitai, waahi tapu and taonga raranga, where appropriate.

- 5.3.2(b)(ii) To recognise and provide for the role of tangata whenua as kaitiaki of their resources, where appropriate.
- 5.3.2(b)(iii) To recognise the particular sensitivity of Maori heritage and the inappropriateness of expressly identifying some sites of value to tangata whenua.
- 5.3.2(b)(iv) To recognise that only Maori can identify their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.
- 5.3.2(b)(v) to assess the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga in relation to section 6(e) of the Act, by the extent to which criteria not inconsistent with those in Appendix F set 4: Maori culture and Traditions are met
- 5.3.2(b)(vi) To use criteria not inconsistent with those in set 4 of Appendix F when preparing provisions relation to the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, in relation to section 6(e) of the Act, for inclusion in regional and district plans for the purpose of Part V of the Act.

5.3.2(c) Methods of Implementation

Environment Bay of Plenty, City and District Councils are encouraged to:

- 5.3.2(c)(i) Include in plans, through consultation with iwi and hapu, policies and methods to protect the mauri of resources.
- 5.3.2(c)(ii) Provide, in plans and resource management decisions, for the protection of areas or sites of traditional value or of other significance to tangata whenua.
- 5.3.2(c)(iii) Develop appropriate provisions, in consultation with iwi and hapu, for managing and protecting the relationship of Maori with sites or places which are of special significance to tangata whenua.
- 5.3.2(c)(v) provide for identified Maori traditional and cultural relationships with their ancestral sites and areas when considering the impact of a proposed activity.

5.3.2(d) Explanation/Principal Reasons

All persons exercising functions and powers under the Act are required to recognise and provide for the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu, and other taonga as a matter of national importance. Pukenga, experts recognised by iwi and hapu in accordance with tikanga Maori, have the knowledge and mana to assess the importance of values and places to Maori. In addition, the Act requires all persons exercising functions and powers under the Act, in relation to managing the use, development and protection of natural and physical resources, to have particular regard to kaitiakitanga.

1 See also policy 15.3.1(b)(ix) and the heritage criteria user guide.

Maori Culture and Traditions

Policies 15.3.1(b)(iv), 15.3.1(b)(ix), 15.3.1(b)(xii)

Methods 15.3.1(c)(i), 15.3.1(c)(xii)

Mauri

4.1 Ko te mauri me te mana o te waahi, te taonga ranei, e ngakaunuitia ana e te Maori;

The mauri (for example life force and life supporting capacity) and mana (for example integrity) of the place or resource holds special significance to Maori;

Waahi Tapu

4.2 Ko tera waahi, taonga ranei he waahi tapu, ara, he tino whakahirahira ki nga tikanga, ki nga puri mahara, me nga wairua a te Maori;

The place or resource is a waahi tapu of special, cultural, historic and or spiritual importance to Maori;

Korero Tuturu/Historical

4.3 Ko tera waahi e ngakaunuitia ana e te Maori ki roto i ona korero tuturu;

The place has special historical and cultural significance to Maori;

Rawa Tuturu/Customary Resources

4.4 He waahi tera e kawea ai nga rawa tuturu a te Maori;

The place provides important customary resources for Maori;

Hiahiatanga Tuturu/Customary Needs

4.5 He waahi tera e eke ai nga hiahia hinengaro tuturu a te Maori;

The place or resource is a venue or repository for Maori cultural and spiritual values;

Whakaaronui o te Wa/Contemporary Esteem

4.6 He waahi rongonui tera ki nga Maori, ara, he whakaahuru, he whakawaihanga, me te tuku matauranga;

The place has special amenity, architectural or educational significance to Maori.¹

¹ In the event of any conflict in meaning between the Maori and the English versions of the Maori culture and traditions criteria, the Maori version shall prevail.

Bay of Plenty Regional Water & Land Plan

The Bay of Plenty Regional Water and Land Plan also contains an array of planning instruments that are now operative, including (but not limited to):

- Method 12 Take into account any relevant iwi resource management strategies or plans when considering applications for resource consents under the regional plan
- Method 13 Consult tangata whenua through tribal federations. Iwi authorities, tribal Runanga, hapu or whanau, as appropriate to the issue
- Method 14 Consult with tangata whenua at hui held at marae where this is possible, practicable, appropriate to the scale of the issue, and agreed to between parties. Alternative venues and processes may be used where agreed to by the parties involved
- Method 19 Require resource consent applicants to supply evidence of consultation with all tangata whenua who are likely to be affected by the proposed activity in an application. The details of consultation will be required as part of a resource consent application.
- Method 20 Avoid adverse effect on those characteristics, sites, features, resources or attributes of water, land and geothermal resources that are of significant cultural value or special significance to tangata whenua, where these are known. This applies to the community when planning use and development activities, and to Environment Bay of Plenty when considering resource consent applications.
- Method 21 Encourage tangata whenua to recommend appropriate measures to avoid, remedy or mitigate adverse environmental effects on cultural values, resources or sites, from the use and development activities as part of consultation for resource consent applications.

Method 21 is being given effect in the development of this Cultural Impact Assessment.

INTRODUCING THE CULTURAL ASSESSMENT PROCESS

Despite the recent disaster, important heritage values are still present in the Matata area. In some instances places of significance are buried beneath the debris, while others areas are left relatively unscathed but vulnerable to earth moving and other construction activities.

Council and other statutory organisations are responsible for the recovery of the Matata town and community.

A raft of resource consent applications will be lodged to ensure that any recovery works are undertaken in ways that create a no more than minor adverse environmental effect. Adverse environmental effects include damage, destruction and modification of places or areas of significance to tangata whenua.

Tangata whenua have therefore agreed to co-operate with one another in the development of this Cultural Impact Assessment which will contribute to the Assessments of Environmental Effects lodged in conjunction with applications for resource consent.

In doing so, tangata whenua assessments will contribute important information that consent authorities must recognise and provide for in their decision making.

The anticipated outcome is that any consent granted will include conditions that recognise and provide for matters of importance to tangata whenua as required by the Resource Management Act, the Historic Places Act, Reserves Act, Conservation Act, regional and district planning instruments and statutory acknowledgements held by settled iwi.

1.6 Limited Information Provided by Resource Consent Applicants

This Cultural Impact Assessment has been prepared in the early stages of development of applications for Resource Consents.

This means that at the time of writing the applicants provided broad descriptions and generalised locations of proposed work sites, conceptual engineering drawings and generalised works specifications to tangata whenua for assessment. Over the period of preparation various draft reports have been received.

Tangata whenua have asserted that in the event of any changes to the proposed locations and works activities the applicants will engage in further consultation with tangata whenua to seek their advice as to the appropriate mitigation, avoidance or remediation measures to be used.

Tangata Whenua have therefore agreed to identify areas of significance to them prior to receipt of specific details relevant to the proposed works on the understanding that consents applicants will consult further and explore every alternative to ensure that maintenance and protection of areas of cultural significance is achieved.

When applications for resource consent are finally lodged with consent authorities, tangata whenua request that the process outlined in the section entitled 'Notification' be undertaken by consent authorities.

1.7 Avoiding a Man-Made Disaster

Waahi tapu, sites and other taonga affected by the natural disaster of May 2005 are at further risk from adverse environmental effects resulting from the proposed works activities. Man-made damage, destruction or modification of sites of significance in this area is to be avoided, mitigated or remedied.

Ngāti Awa, Ngāti Tuwharetoa (BOP), and Ngāti Rangitahi have collaborated in the development of this Cultural Impact Assessment to ensure recognition and provision for their cultural heritage and to give effect to kaitiakitanga.

This Cultural Impact Assessment therefore provides the most authoritative assessment of effects of proposed recovery works on areas of significance to tangata whenua.

The process by which this Cultural Impact Assessment has been prepared is not inconsistent with that promoted by Proposed Change No1 to the Bay of Plenty Regional Policy Statement: Heritage Criteria.

AREAS OF SIGNIFICANCE TO TANGATA WHENUA

Several iwi assert relationships with the areas proposed for change and development. They are:

- Ngāti Awa
- Tuwharetoa (BOP)
- Ngati Rangitahi

Conflict in respect of mana whenua have been set aside so that iwi can focus on kaitiakitanga matters relevant to the recovery activities proposed by various statutory organisations.

In order to maintain focus on kaitiakitanga, and to avoid conflict that may arise if mana whenua issues are drawn into the consenting process, tangata whenua have agreed to prepare a cultural impact assessment that focuses on identification of culturally significant places.

Information relating to the values and historic heritage attributed to each site can be gained from each iwi, however it was acknowledged that recording that information here would serve no other purpose than to create conflict between the iwi. What matters is that places of significance exist, they must be provided for and tangata whenua are best placed to provide advice as to how to provide for those places during construction and recovery activities.

Tangata whenua acknowledge with gratitude the information provided by Historic Places Trust, NZ Archaeological Association, Archaeologist Ken Phillips and others who have contributed significant information in the preparation of this report.

It should be noted that all known sites have been identified in this report yet there are likely to be many more unrecorded sites revealed as a result of the proposed works.

It is therefore important that applicants are fully informed about recorded site and how to address issues relating to them, and that they are also prepared for unrecorded sites, artefacts, koiwi and features they may encounter during the works.

Tangata whenua have therefore taken the most pragmatic and culturally appropriate approach to dealing with these important matters by preparing the attached Protocol.

1.8 Importance of the Area to Tangata Whenua

Since arrival over 1000 years ago of the waka of Mataatua, Arawa, Tainui, and Takitimu at Matata, it has been a place of great significance to iwi Maori.

Proximity to abundant natural resources in a beautiful location made Matata an attractive settlement area in pre-European times.

Māori people have sought and gained occupation of Matata over that period. Over time associations have developed, evolved and remain strongly identified with the Matata of today

Much of the tangible evidence of historical Māori relationships with Matata is reflected in the landscape while much more is imbibed into the culture and traditions of Māori people who remain within their ancestral homelands.

Like elsewhere throughout New Zealand, Māori people established pa and kainga throughout the Matata locality over that long period of occupation.

Māori people designated areas for fishing, gardening, ritual activity, learning, living, sleeping, cooking, travelling and many other activities associated with human settlement.

Evidence of such activity was found as late as 1974 with the discovery of what is now estimated to be merely one third of the material to be extracted from Te Kohika, a swamp pa east of Matata. This demonstrates that important heritage material remains intact in the Matata locality.

While many of the areas relevant to proposed recovery works are affected by the natural disaster of May 2005, not all important values, relationships, culture and traditions associated with places were eliminated.

Remaining areas need not be placed at risk from man-made disasters for want of advice from tangata whenua as to what to do to avoid, mitigate or remedy an actual or potential adverse environmental effect.

This cultural impact assessment has been designed to provide information to assist good decision-making that achieves the recovery of Matata without further loss to the community or parts of it.

1.9 Key Points in Relation to Places of Significance to Tangata Whenua

All of the areas identified in this cultural impact assessment are associated with one or more of the following assessment criteria:

1. *Mauri*

Ko te mauri me te mana o te waahi, te taonga ranei, e ngakaunuitia ana e te Maori;
The mauri and mana of the place or resource holds special significance to Maori;

2. *Waahi Tapu*

Ko tera waahi, taonga ranei he waahi tapu, ara, he tino whakahirahira ki nga tikanga, ki nga puri mahara, me nga wairua a te Maori;
The place or resource is a waahi tapu of special, cultural, historic and or spiritual importance to Maori;

3. *Korero Tuturu/Historical*

Ko tera waahi e ngakaunuitia ana e te Maori ki roto i ona korero tuturu;
The place has special historical and cultural significance to Maori;

4. *Rawa Tuturu/Customary Resources*

He waahi tera e kawea ai nga rawa tuturu a te Maori;
The place provides important customary resources for Maori;

5. *Hiahiatanga Tuturu/Customary Needs*

He waahi tera e eke ai nga hiahia hinengaro tuturu a te Maori;
The place or resource is a venue or repository for Maori cultural and spiritual values;

6. *Whakaaronui o te Wa/Contemporary Esteem*

He waahi rongonui tera ki nga Maori, ara, he whakaahuru, he whakawaihanga, me te tuku matauranga;

The place has special amenity, architectural or educational significance to Maori.

Sites 1 – 57 have been identified in Appendix 6.4 of the Proposed Whakatane District Plan.

All areas of significance are subject to various sections of the Historic Places Act 1993, the Resource Management Act 1991, Tuwharetoa (BOP) and Ngāti Awa statutory acknowledgements with the Crown including the Department of Conservation and Historic Places Trust.

All areas of significance are actually or potentially affected by proposed activities.

Most activity areas are also part of or adjacent to reserved land.

1.10 Recorded Sites

To provide greater clarity and certainty to the applicants and to tangata whenua, this Cultural Impact Assessment identifies areas of significance to tangata whenua which have been identified from Archaeological Survey Data recorded with the NZAA and HPT.

Much of that data is recorded as being within +/-100m of the recorded mark but are supported by archaeological surveys and drawings that indicate the archaeological feature.

Those prefixed with V15 are archaeological areas recorded with the New Zealand Archaeological Association (NZAA) and the Historic Places Trust (HPT).

'Point' site identifiers used by NZAA and HPT are within +/-100m from the recorded heritage sites or areas. This method has been replicated in Appendix 6.4 of the Proposed Whakatane District Plan.

Likewise sites identified in the 'Waahi Tapu Sites of Ngāti Awa' document have been identified using a 'point' identifier.

However it should not be assumed that the only place of significance is below the actual marker point identified as those markers point to an area of significance to tangata whenua, not a small, pin-pointed area beneath the marker which appears on a map.

1.11 Unrecorded Sites

It should also be noted that the areas identified below are merely the recorded areas and that there are many more areas of significance, including archaeological sites, features and artefacts that are not yet known and may only be discovered when the ground is disturbed.

For that reason tangata whenua have made specific recommendations to mitigate adverse effects on those unrecorded areas, features and artefacts so as to avoid adverse effects as a result of the proposed activities.

1.12 Historic Places Trust Consents Required

Applications for authority to damage, destroy or modify sites of significance must be lodged with the Historic Places Trust. The following areas are in close proximity to proposed works areas.

1.12.1 NZAA & HPT Recorded Areas

The following areas of significance are in the vicinity of the proposed works activity areas (please see attached Site Reference Forms).

Each is listed in Appendix 6.4 – Cultural Heritage Features identified in the Proposed Whakatane District Plan.

It should be noted that:

‘While reasonable care has been taken in compiling the information, the Department of Conservation and NZ Archaeological Association make no warranty or representation, express or implied, with regard to the accuracy, completeness, or utility of the data. The Department of Conservation and NZ Archaeological Association explicitly disclaim any responsibility for any loss or damage incurred due to any use made of the information.

The following areas identified are likely to be affected by the proposed works.

NZAA & HPT Reference	Site Reference Form Attached	Known to Ngati Awa as:
1. V15/10	Yes	Oheu o Tamawhiro
2. V15/28	Yes	Matawerao Paremokai
3. V15/64	Yes	Te Rerenga toto o Te Kahurere
4. V15/65	Yes	Te Pukai o Irawharo
5. V15/66	Yes	Te Arapumoto o Awatope
6. V15/67	Yes	Te Kuwha o Waipunarangi
7. V15/68	Yes	Te Taapuhe o te Rangihouhiri
8. V15/69	Yes	Te Kaaheru a Hikakino
9. V15/71	Yes	Matakio o Iratumoana
10. V15/74	Yes	Te Nohoanga o te Rangihouhiri
11. V15/75	Yes	Te Tapapatanga o Uruhina
12. V15/81	Yes	
13. V15/82	Yes	Otamarikinui o Awatope
14. V15/83	Yes	Otamamoana
15. V15/84	Yes	Te Ahi o Te Patupaiarehe
16. V15/1196	Yes	Te Ana o Tamarau
17. V15/1198	Yes	Te Rae o Hineteariki

It is possible the following areas could be affected by the proposed works:

NZAA & HPT Reference	Site Reference Form Attached	Known to Ngati Awa as
18. V15/85	Yes	Te Patakitaki o Iratumoana
19. V15/86	Yes	Te Taumata o Ohinekoao
20. V15/87	Yes	Te Paa Tu o Tarawaia
21. V15/88	Yes	Te Putoko o Waitahaarikikore
22. V15/90	Yes	Te Hihiko a Ruaroa
23. V15/91	Yes	Te Whanaketanga o Tawhaki

1.13 Waahi Tapu Sites

1. 253	Te Waikamihī
2. 256	Tarawera
3. 257	Te Rarapahore
4. 262	Te Awa o te Atua
5. 263	Te Matapihi
6. 264	Otamapiri
7. 265	Whakapaukorero
8. 266	Mokaingarara
9. 267	Matata
10. 268A	Te Pukeatu
11. 268B	Te Aputawa
12. 269A	Te Marae o Whakatane
13. 269B	Oniao I
14. 276	Herepuru
15. 298A	Waimea
16. 298B	Waitepuru
17. 299	Te Awatarariki
18. 300	Puakowhai
19. 301	Tahunaroa
20. 302	Whakarewa
21. 303	Awaiti
22. 304	Te Wai u o Paremokai
23. 305	Whariki te toki o Iramoko
24. 307	Punawhenua
25. 308	Te Rangatai
26. 309	Mihimarino
27. 310A	Awarua
28. 310B	Arawhiti
29. 311	Tiepataua
30. 312	Kopuatawhiti
31. 313	Awatarerehika
32. 314	Te Kopuaakuku
33. 315	Otaramuturangi
34. 317	Toangapoto
35. 318	Te Pamu
36. 319	Te Kaokaoroa
37. 320	Oniao II
38. Wahieroa	East end of Walker Road
39. Te Matata	Cnr Grieg and Thornton Road
40. Omarupotiki	Near the Tarawera River Bridge, Thornton Road
41. Te Kohika	Off Sutherland Road
42. Otara-o-Muturangi	Eastern side of the current Tarawera River Inlet
43. Oniao Island	Near the car parking area on the western side of the Tarawera River, Thornton Road bridge
44. Rangatai	Burts Farm, Thornton Road
45. Rangauta	Burts Farm
46. Te Matapihi	Burts Farm
47. Te Marae o Whakatane	Burts Farm
48. Tiepataua	Kopuatawhiti, Burts Road
49. Kopuatawhiti	Burts Road
50. Mokaingarara	Matata Conservation Estate, Manawahe Road
51. Whakapoukorero	Ratahi Farm
52. Pa Taua	Matata Conservation Estate, Manawahe Road
53. Kopuakuku	Matata Wildlife Refuge
54. Otamarora	Mair Street
55. Ngapariwhakairo	Matata State Highway Underpass and Kohioawa
56. Mihimarino	Clem Elliott Drive

57. Te Anakokowai	Awakaponga
58. Te Pa O Rangituhi	Awakaponga
59. Whakapoukarakia	Matata State Highway Underpass
60. Waitepuru	Manawahe Road
61. Waimea	Mair Street
62. Awatarariki	Matata State Highway Underpass
63. Otara-o-Te Atua	Matata State Highway Underpass
64. Otara-o-Te Ariki	Matata State Highway Underpass
65. Te Punawai	Clem Elliott Drive
66. Ohinekoao	State Highway 22, Herepuru Road
67. Kaokaoroa	Matata Straights
68. Te Whakatekateka o Rangipare	Pollen Street
69. Te Ana o Rangipare	Pollen Street
70. Kakaramea	Matata Scenic Reserve
71. Awatarerehika	Burts farm, Thornton Road
72. Whakarewa	Mimiha Road, State Highway 22
73. Rarapahore	Tarawera River
74. Oheu	Burts farm
75. Te Rauaiti	
76. Te Ahitoki	
77. Te Ikamutumutu	
78. Awarua	
79. Okahu	
80. Te Tarohau	
81. Whakairi Te Kaue	
82. Otakapo	
83. Waiparapara	
84. Te Patu	
85. Papuhou	
86. Kiwaenga	
87. Te Puru	
88. Nikuri Te Raua	
89. Te Awa-o-Pakiaka	
90. Otukuku	
91. Rangitihi Marae	
92. Pahou and Omeheu	

PROTOCOL FOR DEALING WITH *KOIWI* OR *TAONGA* UNEARTHED DURING CONSTRUCTION OPERATIONS

1. Background

- 1.1 This Protocol has been developed for the purposes of dealing with environmental and cultural matters in respect of the proposed activity sites.
- 1.2 As part of the consultation, the applicants and tangata whenua have agreed that:
- 1.3 A suitably qualified and experienced archaeologist familiar with the Matata area and proposed activity locations will be on site during all earthworks associated with the recovery works at Matata.
- 1.4 A person nominated by tangata whenua shall be on site during all earthworks to ensure the procedure outlined below is complied with. (Robert Taylor)
- 1.5 As part of the consultation, the applicants and tangata whenua have agreed that, in the event that *koiwi* or other *taonga* are unearthed during the course of operations, the parties should adopt a protocol for dealing with this matter.
- 1.6 Accordingly, this protocol records those procedures that have been agreed between the applicants and tangata whenua.

2. Definition

In this protocol the following terms have the meanings set out herein:

- 2.1 “Koiwi” means human remains such as skeletal material.
- 2.2 “Taonga” means cultural artefacts such as implements, weapons or decorations traditionally and historically utilised by tangata whenua, and includes parts or the remains thereof. Archaeological features such as ana (caves) and pits are also taonga. People can gain a greater understanding of the way that pre-European Maori lived.
- 2.3 “Site” means the relevant location within the subject lands.

3. Unearthing of *Koiwi*

The following procedures will be adopted.

- (i) A suitably qualified and experienced archaeologist familiar with the Matata area and proposed activity locations will be on site during all earthworks associated with the recovery works at Matata.
- (ii) Immediately it becomes apparent or is suspected by the archaeologist or workers at the site that *koiwi* have been uncovered, all activity in the immediate area will cease.

- (iii) The plant operator will shut down all machinery or activity in the area immediately, leave the area and advise the on-site supervisor and archaeologist of the occurrence.
- (iv) The on-site Supervisor shall take steps immediately to secure the area in a way that ensures that koiwi or taonga remain untouched as far as possible in the circumstances and shall notify the site Manager and on-site archaeologist including the registered artefact collectors at Ngati Awa and Tuwharetoa (BOP).
- (v) The site Manager or archaeologist will immediately notify the on-site tangata whenua monitor who will immediately contact the following tangata whenua representatives including the Rangitaiki/Te Awa o Te Atua Environmental Planner at 07 30 70 760 at Te Runanga o Ngati Awa, 4 – 8 Louvain House, Louvain Street, PO Box 76, Whakatane and Mr Anthony Olsen and Mrs Audrey Rota to advise that it is suspected that koiwi have been uncovered at the site.
- (vi) Tangata whenua representatives will contact the appropriate pukenga/tohuna/kaumatua to meet on site together to guide and advise the developers and any other parties as to the appropriate course of action and will immediately advise the site Manager of the identity of such persons and such other details as may be appropriate in the circumstances. It should be noted that Ngati Awa and Tuwharetoa (BOP) are registered artefact collectors that also hold statutory acknowledgements in respect of Protocols of engagement with Historic Places Trust. All koiwi are expected to come into the temporary custody of Ngati Awa or Tuwharetoa (BOP) who will be responsible for immediate placement in a vault built to iwi specifications, to be built at Otaramuturangi at the applicant's expense. Koiwi will be stored here in readiness for re-interment at the discretion of the three iwi.
- (vii) The vault at Otaramuturangi will be funded and built by the applicants to the design and location requirements of mandated tangata whenua representatives.
- (viii) In the event that koiwi are discovered before a vault is made then all koiwi will come into the custody of the archaeologist who will store the koiwi until such time as they can be handed over to the pukenga/tohunga/kaumatua for safe-keeping until re-interment can be arranged for all koiwi.
- (ix) The site Manager will notify the New Zealand Police and/or NZ Historic Places Trust that it is suspected that koiwi have been uncovered at the site.
- (x) The site Manager will ensure that all site staff are available to meet and guide pukenga/tohuna/kaumatua, Police, or Historic Places Trust staff to the site, assisting with any requests that they may make.
- (xi) The pukenga/tohuna/kaumatua will decide how they are to be dealt with and will communicate such decision to the land owner, NZ Police and such other parties as are considered appropriate.
- (xii) Pukenga/tohuna/kaumatua are likely to request the safe-keeping of koiwi at the vault at Otaramuturangi until such time as pukenga/tohunga/kaumatua considers it appropriate to re-inter koiwi at Otaramuturangi.
- (xiii) Koiwi find spots shall be recorded and koiwi collected, bagged and labelled by the archaeologist to ensure the places at which they have been found is noted prior to passing

into the care of pukenga/tohunga/kaumatua or their delegated tangata whenua representative for placement in the Otaramuturangi vault.

- (xiv) Activity in the relevant area will remain halted until pukenga/tohunga/kaumatua, the Archaeologist, the Police, and Historic Places Trust (as the case may be) have given approval for operations in that area to recommence.
- (xv) The site Manager shall ensure that pukenga/tohunga/kaumatua, are given the opportunity to undertake karakia (prayer) and such other religious or cultural ceremonies and activities at the site as may be considered appropriate in accordance with tikanga Maori (Maori custom and protocol).
- (xvi) It shall be noted that tangata whenua have identified the appropriate place for temporary storage of koiwi is in a purpose built vault at Otaramuturangi which will also be the place for re-interment of koiwi uncovered during the proposed works.
- (xvii) It will be necessary to ensure that Pohutukawa Square is remediated and that appropriate fencing, flood and debris protection and signage is established at to protect any koiwi that may remain in situ after remediation works are completed. Such remediation should flood protection measures designed to avoid erosion of the site, signage to encourage respect for the site, traditional carved pou to demonstrate the enduring heritage values associated with the place, to be established at the expense of the applicants in accordance with instructions and specifications identified through a process of consultation with mandated tangata whenua representatives.
- (xviii) Pohutukawa Square will not include picnic tables or recreational infrastructures as such structures would be inappropriate in a waahi tapu.
- (xix) A re-interment ceremony involving tohunga from Ngati Awa and pukenga/kaumatua and others from all relevant iwi, and their guests, shall be undertaken at the completion of all works, including the remediation of Otaramuturangi.
- (xx) Re-interment of koiwi from works sites shall be undertaken at the expense of the applicants.

4. Unearthing of *Taonga*

- (xxi) In the event that taonga, ana (caves), pits or other archaeological features or artefacts are discovered, photographs of these are to be taken and labelled by the archaeologist. A comprehensive archaeological report shall be prepared at the expense of the applicants and copies sent to the respective iwi authorities, the Historic Places Trust, NZ Archaeological Association filekeeper, the Manager Ngati Awa Research & Archives and the Heritage Co-ordinator at Environment Bay of Plenty.
- (xxii) Before any decision can be reached as to the destination or custodianship of artefacts it will be necessary for the archaeologist to complete their report and provide copies to the various groups identified above. It will then be necessary for Ngati Awa, Ngati Tuwharetoa (BOP), and Ngati Rangitahi to come together to consider the report and discuss the destination and custodianship of artefacts.

(xxiii) Please note that Te Runanga o Ngati Awa and Tuwharetoa (BOP) area registered collectors of artefacts. While Ngati Awa would prefer to receive and keep all such artefacts it is mindful that other iwi may have a different view.

5. Obligations to Run on the Land

5.1 It is intended that the procedures shall bind all subsequent land owners and accordingly the applicants shall use best endeavours to either lodge a Consent Notice over any new title that issues, or use its best endeavours to procure from any subsequent owner a signed protocol on these terms, including this clause so as to bind any future landowners.

HISTORY OF RESERVE STATUS OVER TE AWA O TE ATUA

In 1927, 43.7ha (108 acres) of the Matata estuary was designated a sanctuary under the Animals Protection and Game Act 1922. In 1958 it was proclaimed a wildlife refuge under the Wildlife Act 1953. By 1966 the lagoon and part of the adjacent reserve land was designated as a reserve under the Reserves and Domains Act 1953. The Reserves status was amended in 1973 to a Wildlife Refuge under the Wildlife Act. In 1980 the refuge was formally classified as part Government Purpose (Wildlife Refuge) under the Reserves Act 1977, and part Wildlife Refuge under the Wildlife Act 1953. Legal control of the wildlife refuge is vested in the Minister of Conservation. The adjoining Matata Recreation Reserve is administered by the Matata Domain Board.

1.14 Statutory Acknowledgements of Settled Iwi

In 2005 statutory acknowledgements of the Crown in Ngati Awa Tuwharetoa (BOP) settlements resulted in the establishment of the Joint Advisory Committee.

The Department of Conservation, with its nominees for community representation, together with Ngati Awa and Tuwharetoa representation advise the Department on management of Whakapaukorero, Matata Scenic Reserve and Matata Wildlife Refuge (Te Awa o te Atua).

Statutory acknowledgements with these two iwi also exist in respect of the Tarawera and Rangitaiki Rivers.

Ngati Rangitahi is currently pursuing its claim through the Waitangi Tribunal.

1.15 Changing Coastal Outlets

The Matata Wildlife Refuge is located at the historical confluence of the Rangitaiki and Tarawera Rivers. The estuary, Te Awaateatua, had its inlet historically 500m east of a point on the coast immediately opposite the Matata "Subway" underpass. A rough sketch map of confiscated land in the Bay of Plenty commissioned by Lands and Survey in 1866-1867 and drafted by draftsman H.G. Wrigg gives an idea of the morphology of the Rangitaiki plain at that time.

Anecdotal evidence asserts the remnant lagoon area west of the underpass (i.e. the 'Railway Lagoon') is an even older riverbed with a combined river inlet adjacent to Murphy's Motor camp, 2km west of the Matata Township.

Evidence also points to similar or stronger debris flow events to that of 18 May 2005 occurring in the early 1800's, 1869, 1906 and 1939. One kaumatua asserted that the event in the early 1800's was responsible for rerouting the river outlet from the western Murphy's site to the old coastal outlet near the destroyed railway underpass site. He commented, "the waipuke (flood) from Te Awatarariki flowed across the river bed and pushed a channel through the sand dune".

In January 1911 the contract to divert the Rangitaiki River at Okorero was signed. The diversion channel was to be along a man-made channel past Thornton to the sea. The channel was finally completed 19 May 1914, and within 24 hours of the diversion being opened, it was estimated that water levels in the swamp immediately adjacent to the diversion had dropped 6 feet. (Gibbons, W. 1990) However the diversion did not significantly alter the volume of water flowing along the old channel to Matata.

Silting up of the Matata harbour from pumice, due to the collapse of the natural pumice dam at Lake Tarawera in 1904 provided the incentive to divert the Tarawera River at Te Rangatai, near the current

Tarawera river bridge. Tangata whenua at the time stated that it had been an ancient opening prior to the pre 1917 inlet. The new Tarawera River diversion was completed 23 April 1917, and had the effect of lowering water levels in the lower Tarawera by 2.5 feet. The pre diversion Tarawera river inlet progressively altered, due to tidal flushing and dune building, until between 1925 and 1930 when the old inlet finally closed up completely.

The copy of Survey Plan SO24616 completed 30 September 1927 shows the remnant inlet still visible, but clearly with a bar across it, contrary to the Tonkin and Taylor Report (2002) which suggested the old entrance closed by natural sedimentation within one year of the diversion.

In 1957 due to a pronounced meander at the “new” Tarawera River inlet a groyne on the western side of the inlet was constructed. Although this western groyne stabilized the inlet in that direction, the river began to meander to the east, threatening the ancient Maori urupa “Otara-o-Muturangi” situated on the eastern side of the inlet. Subsequently a contract was let to construct a causeway and eastern groyne, half the cost of which was paid by Te Arawa Trust Board. However by 1964 the inlet had once again drifted westwards towards Matata and a new western groyne was constructed.

With the development of the Tasman Pulp and Paper Ltd Mill at Kawerau in the 1950's, the Tarawera River was subjected to carrying contaminated waste in the form of wood fibre and billets. This toxic sediment was deposited into the eastern end of the Matata lagoon and mixed with Aeolian drift sand from the fore dunes, during storm events. Because the timber fibre became exposed at low tide in 1961, a weir was constructed across the eastern end of the estuary to eliminate the actions of tidal flushing on the exposed sediment. The construction of the weir eliminated the remaining pathway for alluvial sediment to be flushed from the Matata estuary.

Coastal, River and Estuarine morpho-dynamics coupled with tidal inlet processes associated with Te Awa-o-Te Atua have had a bearing on the location of a number of waahi tapu.

SUPPORT FOR RECOMMENDATIONS IN ARCHAEOLOGICAL AND ECOLOGICAL REPORTS

Tangata whenua support (in principle) all recommendations made in the archaeological and ecological reports made by Ken Phillips and Wildland Consultants respectively.