



Ngāti Kuia

# Cultural Effects Assessment

Mapua Development  
September 2022



Te Rūnanga o Ngāti Kuia Trust

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**In the matter of:** The development of Mapua including the proposed wharf development and upgrade of Apple Shed Kitchen and Bar.

**Applicant:** Tasman District Council, Mapua Boat Ramp Trust & The Appleshed Kitchen and Bar

**Affected Party:** Te Runanga o Ngāti Kuia Trust (TRONK)

**Location:** Mapua Warf

**Job Number:** 018/

**Invoice:** INV -(text here)

This document serves as proof the applicant has consulted with Ngāti Kuia regarding the application and outlines the relationship of the iwi and the degree of effect and the cultural effects of the activity. This is not to be considered as an affected party approval for the purposes of the Resource Management Act 1991.

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# 1. Introduction

## 1.1 Background

Tasman District Council (TDC) plan to upgrade the Apple Shed Kitchen and Bar and develop the boat ramp area in Mapua.

Ngāti Kuia and Ngāti Apa ki te Rā Tō have been asked by TDC to prepare a Cultural Effects Assessments (CEA) to inform Council and developers of the cultural values of Ngāti Kuia & Ngāti Apa ki te Rā Tō, and how they may be affected by the proposed activities. Ngāti Kuia and Ngāti Apa ki te Rā Tō have shared whakapapa and historical associations so the two reports should be read in conjunction. Ngāti Kuia and Ngāti Apa ki te Rā Tō have previously provided comment on the pipe location works with the recommendation of a cultural induction.

My Name is Ruihana Smith, and I am the author of this report. My role is Pou Hapai Taiao for Te Rūnanga o Ngāti Kuia Trust. I am a descendant of Ngāti Kuia, Ngāi Tara, Tumatakokiri, Ngāti Apa ki te Rā Tō & Ngāi Tahu. My background and knowledge base has been gathered at traditional wānanga with whanau and this has provided me with the skillset to undertake CEAs.

## 1.2 Purpose

The purpose of this report is to assist in identifying and assessing potential positive and adverse effects of the proposal. To do this, Ngati Kuia will;

1. Identify the **relationships** (through the cultural footprint model) that Ngati Kuia have with the areas affected by this project.
2. Identify and assess the **effects** (cultural, environmental, economic and social) that the project may have on the values and well-being of Ngati Kuia.
3. To inform the proponent of any particular **culturally significant areas** and **taonga** that may be affected by the project\*.
4. Develop **recommendations** regarding what the applicant, in collaboration with Te Taihū iwi, will do to avoid, remedy or mitigate the adverse effects on the interests of Ngati Kuia.
5. Develop an on-going process of engagement and collaboration with the proponent

*\*It is at the discretion of Ngati Kuia to determine the level of information that is disclosed around the location and nature of any wāhi tūpuna, cultural areas and taonga due to issues of sensitivity and security*

## 1.3 Proposal

This Cultural effects assessment is addressing two proposals in the Mapua wharf area.

- The Apple Shed Kitchen and Bar are proposing upgrades internal and external of the current facility, this includes upgrades to the floor and wastewater, a veranda roof, a concrete slab, a concrete path for external access, the raising of the deck. Also proposed is more minor works such as replacing the windows, painting the walls and some roof work. The Apple Shed Kitchen and Bar is a part of the wider Mapua Boat ramp business and commercial area, providing food and beverage services to patrons in the area.
- The Mapua Boat Ramp Trust are proposing the development of a boat ramp and a waterfront park, this includes preliminary work/excavation to locate sewer lines under the seabed in the location for the proposed future boat ramp. At the time that this report was created, the only application that has been submitted is for a coastal permit for land disturbance (to locate the pipes). This Cultural Effects

Assessment will also encompass any effect of the proposed future development of a boat ramp and the waterfront park. The proposed boat ramp is attempting to address the issue of providing safe access to the sea for members of the public.

## 1.4 Site Description

The Mapua Wharf area has been highly developed and consists of a dense business and commercial area, waterfront park, car parking, and a wharf. The area of the proposed boat ramp is said to be reclaimed land that was formed during the 1950's from waste material, it was subsequently vested in the Nelson Harbour Board and then leased back to Fruit Growers Chemical Company.

For many years, the site of the Waterfront Park was the location of the Fruit Growers Chemical Company's (FCC) pesticide manufacturing site. This site was subject to a decontamination process in the 2000's so the site is now converted to a public facility known as the Waterfront Park. This area was traditionally a Wai Ripo (wetland) and Mahinga Kai.

There are numerous archaeological sites in the area including the discovery of Koiwi Tangata in the Mapua wharf commercial area near the Apple Shed Kitchen and Bar. This site has been dated as indigenous pre 1769 as evident by the presence of Moa Bone and Pakohe (Metasomatized argillite) found in these sites. Moa became extinct in the 1400-1500's and Pakohe use declined around the 1500's and was no longer in use when Captain Cook arrived in 1769.

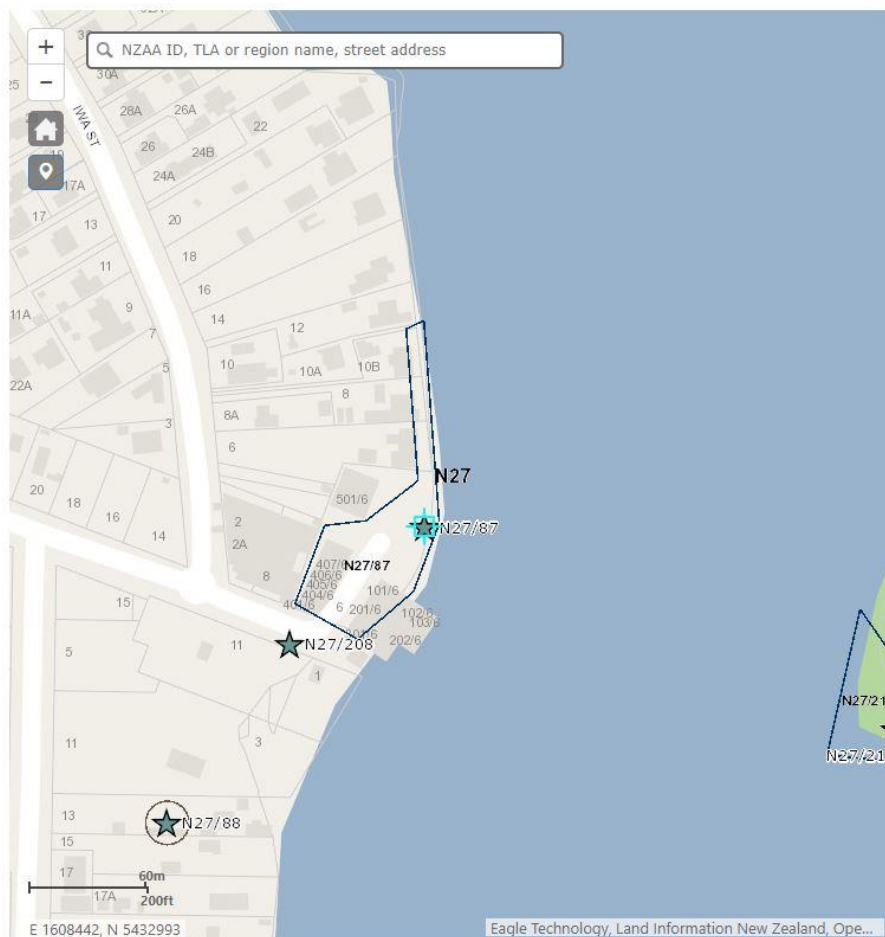


Figure 1. findspot of Koiwi tangata, Moa Bone, Pakohe, Seal bone & Snapper

Another site is located in the area of the proposed boat ramp and waterfront park development. This site was the location of Umu (earth ovens) and Midden/refuse including Cockle, Pipi, Mudsail, gastropod, shark/ray vertebra, oysters and oven stones associated with Umu.

This Site has also been dated as Indigenous pre 1769.

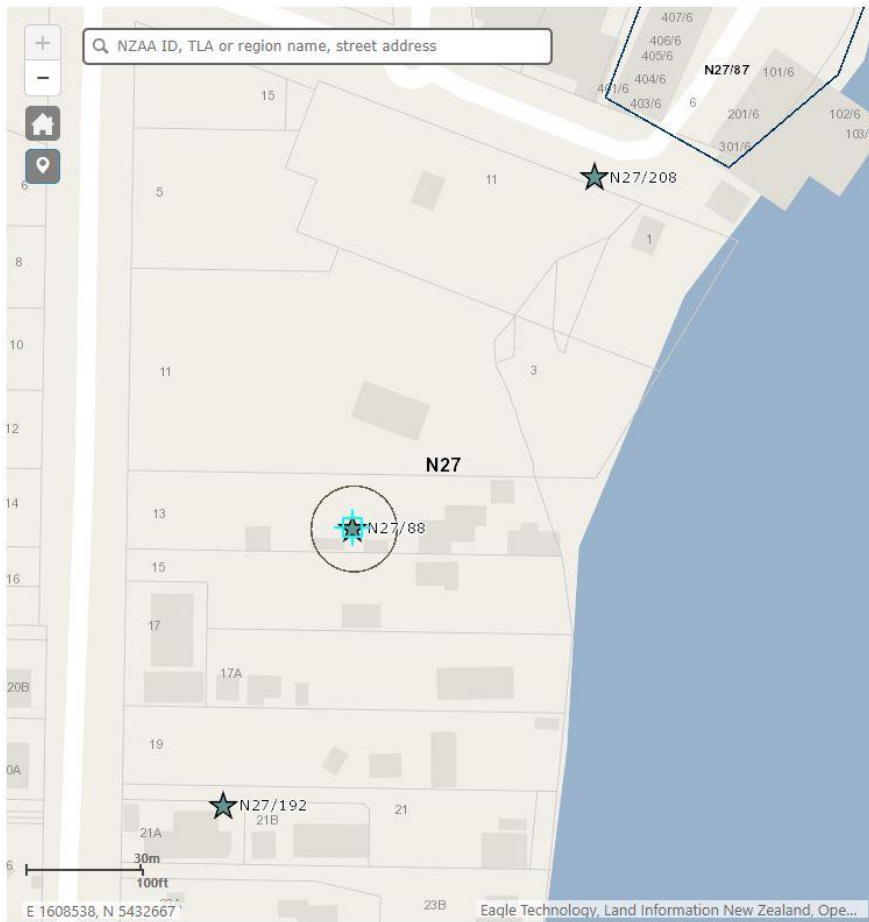


Figure 2. the above-mentioned site in relation to the Mapua Wharf development.

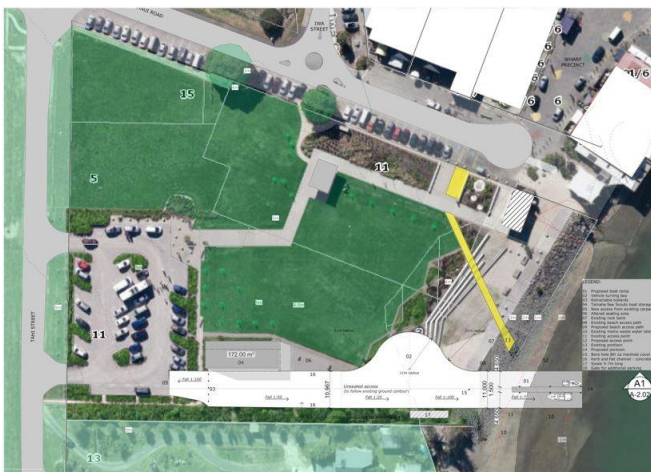


Figure 3. Site of Boat ramp development in relation to the above archaeological site.



## 1.5 Documents

1. Apple shed Kitchen – Iwi Partner Information
2. Information on proposed works Apple Shed Kitchen and Bar 4 August 2022
3. Boat Ramp presentation July 2022
4. Resource Consent application (For pipe locating works)

## 2. Iwi History of Association

### 2.1 Te Taihū

There are eight iwi in Te Taihū (Northern South Island): Ngāti Kuia, Ngāti Apa, Rangitāne, Ngāti Toa, Ngāti Kōata, Ngāti Rārua, Ngāti Tama and Te Āti Awa. Each of these iwi has self-identified areas of interests<sup>1</sup>. Between 2000 and 2009 iwi pursued their Treaty claims with the Waitangi Tribunal. The Tribunal found that each iwi has layers of interests, which often overlap and intersect with each other<sup>2</sup>. Between 2005 and 2014 Te Taihū iwi pursued their Treaty Claims with the Crown resulting in a number of Treaty Settlement Acts<sup>3</sup>. These settlements provide for consultation with certain Ministries and Councils.

The descendants of eight Iwi continue to inhabit the Nelson and greater Te Taihū region and flourish in the region now owning most schools and other lands privately and collectively.

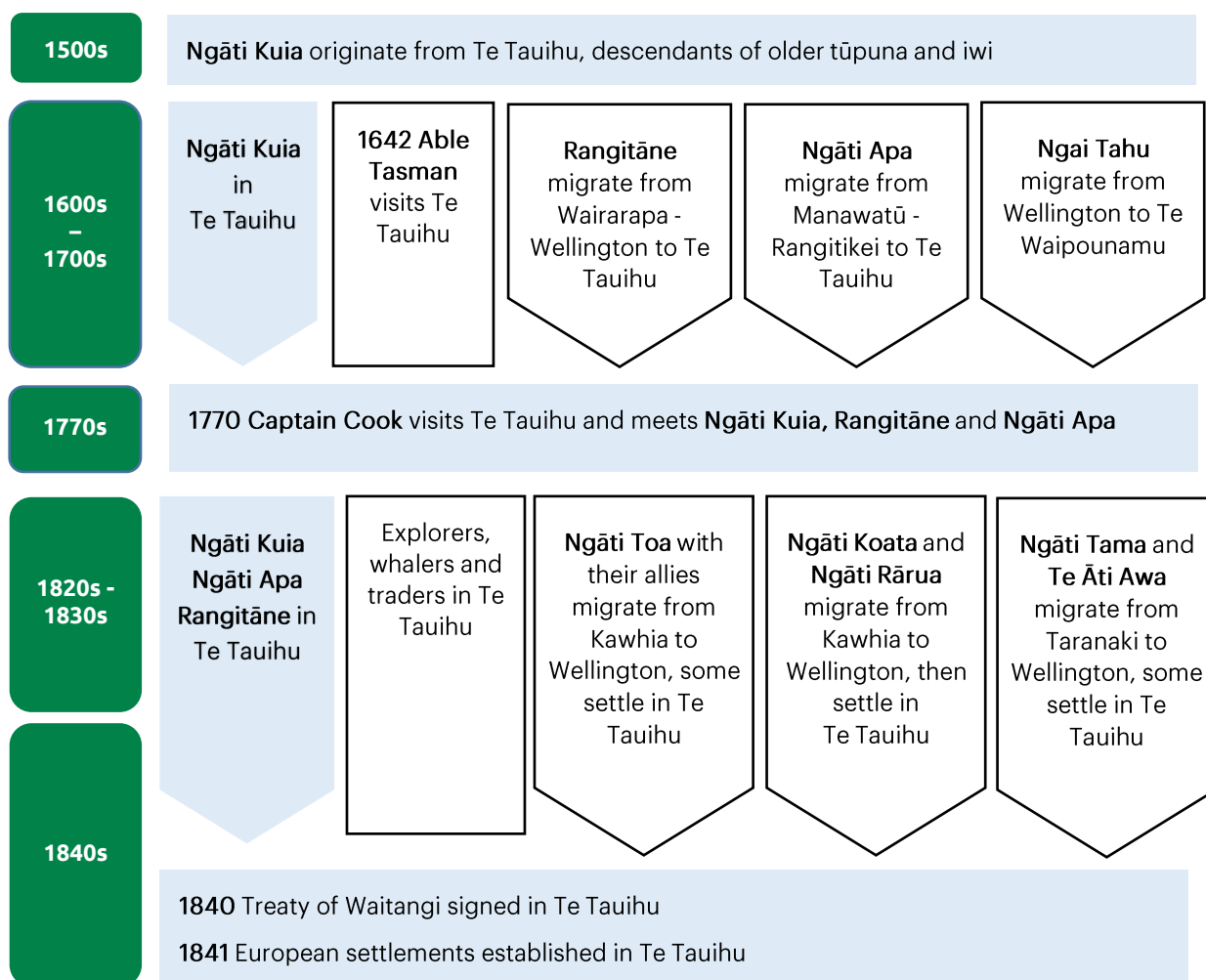
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<sup>1</sup> Further information may be obtained from Iwi websites (Ngāti Kuia Iwi, 2014) and (Te Puni Kokiri, TeKāhui Māngai, Directory of Iwi and Maori Organisations, 2014)

<sup>2</sup> Further information may be obtained from (Waitangi Tribunal Reports, 2014)

<sup>3</sup> Further information may be obtained from (The Office of Treaty Settlements, 2014), or the settlement legislation (Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014), (Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014), (Ngāti Toa Rangitira Claims Settlement Act 2014)

## 2.2 Iwi Settlement Timeframe Chart





## 2.3 Te Taihu iwi Environmental Decision Making Framework

A key focus of this report is to identify areas of cultural significance to Te Taihu iwi that should be avoided, protected or recognised in the process of this application. The Cultural Footprint Framework as outlined below has been developed as a tool for this cultural effects assessment process. It expresses our connections to our ancestors (Tāngata), highlights iconic identity markers which provide reference points in our environment (Whenua) and then notes specific associations through historical events and activities (Pūtake).

This framework shows our “cultural footprint” on the landscape and when used in conjunction with the cultural values described in section 4.2 offers a position statement for describing the impact of activities on our cultural values.

Table 2 below is an overview of the cultural footprint framework for Ngati Kuia.

Table 2. - Cultural Footprint Framework for Te Taihu iwi

<b>Tāngata</b>	Acknowledging and upholding the mana (authority) of the people that whakapapa (have genealogical connections) and whanaungatanga (relationships) to the area	<p><b>Māui</b></p> <p> </p> <p><b>Kupe</b></p>
<b>Whenua</b>	Identifying the features of the physical landscape that are of particular cultural importance to the Tāngata, and explaining the relationship	<p><b>Moana</b> (Ocean)</p> <p><b>Awa</b> (River)</p> <p><b>Maunga</b> (Mountain)</p> <p><b>Pā</b> (Fortified Village)</p> <p><b>Kāinga</b> (Residential Areas)</p> <p><b>Urupā</b> (Burial Sites)</p>
<b>Pūtake</b>	Addressing the particular historical and contemporary issues relating to these areas, and any future aspirations	<p><b>Tuku</b> (Gifted)</p> <p><b>Raupatu</b> (Confiscation)</p> <p><b>Rāhui</b> (Prohibition of use)</p> <p><b>Tapu</b> (Sacred/Restricted)</p>

## 3. Effects on the Cultural Values of Ngāti Kuia

### 3.1 Iwi Participation

Ngāti Kuia welcome the opportunity to work alongside the proponent to ensure the values identified in this document are protected from effects of the activities.

### 3.2 Tāngata

Kopia is the eponymous ancestress of Ngāti Kopia. She was from Ngāti Māmoe and had a union with Wairangi, the eponymous ancestor for Ngāti Wairangi. They lived at Rangitoto and their son Pūrora married into Ngāti Kuia.

Ngai Tara also lived in the area, some of the descendants of Te Whakamana of Ngai Tara, eponymous ancestor for Ngāti Whakamana, lived at Waimeha and Whakatū. Some of the descendants of Haeamaiterangi, of Ngāti Tūmatakokiri from Rangitoto, also lived at Whakatū and Waimeha. All these people married into Ngāti Kuia. They named geographical features, explored and established the trails, worked pakohe, cultivated, harvested and fished in the area.

Their descendants Te Pipiha, Tūranga Hāpuku, Tamahau, Wakatapihi and Te Whiro were important leaders in the area in the 1820s. By the late-1830s and early-1840s Ngāti Kuia tūpuna such as Te Whiro, Kereopa Karangi, Hōhepa Te Kiaka and others lived in the area.

They were engaged in trade with the European settlements, such as the flax industry and sold produce from their cultivations. Ngāti Kuia continue to reside and use the Te Hoiere/Te Hora area and its surrounds.

### 3.3 Whenua

Papatūānuku represents the ability to nurture and sustain all life and the cultural value of “Ki uta, ki Tai” - the interconnectedness of all life. As kaitiaki, Te Taihū iwi are responsible for maintaining the health and connections of the whenua (land). The life supporting capacity of the whenua enables optimum health and wellbeing for all - tāngata (people); plants and animals; awa (waterways) and moana (sea).

### 3.4 Putake

Ngāti Kuia have occupied the Mapua area since time immemorial, the area was a hub for numerous mahinga Kai, and was a site of Pakohe manufacture, the ancestors of Ngāti Kuia lived and Died here, as is evident by the recorded archaeological sites. There are many layers of occupation at Mapua, some of which predate the arrival of norther iwi in the late 1820's, the arrival of northern Iwi would see many battles and the loss of many Ngāti Kuia and Kurahaupō people lives, although Ngāti Kuia remain and our connections and whakapapa to such wāhi have not been severed.

The aspiration of Ngāti Kuia is to preserve and acknowledge our wāhi tapu. The ability to do this has already been compromised as the business area of Mapua has already been developed on top of such sites.

The mauri of the area is already severely affected by the disposal of pesticide in the area. This has been done historically and so Ngāti Kuia would be cautious of traditional kai gathering or any earth penetrating works in the vicinity of this disposal area. Moving forward the boat ramp itself is proposed to provide safe access for public to the Moana, Ngāti Kuia do not oppose this.

This assessment is a guide for further consultation on the future works proposed as a part of the Mapua area development. Ngāti Kuia aspire to work alongside the applicant to achieve our aspirations, as mentioned earlier Ngāti Kuia wish to preserve and acknowledge our wāhi tapu as much as is possible, we see the proposed

developments as a chance to acknowledge these sites with Pou whenua and interpretation panels displaying our korero and historical association of the area, allowing visitors and locals alike to gain a better understanding of the significance of the area that they are utilizing.

## 4. Legislative Framework

### 4.1 Te Tiriti o Waitangi (The Treaty of Waitangi)

Te Tiriti o Waitangi (Te Tiriti) is the foundation constitutional document of Aotearoa (New Zealand). The Iwi of Te Taihū acknowledges the importance of Te Tiriti.

The Resource Management Act 1991 (RMA) Part II section 8 - Te Tiriti o Waitangi, states that “*all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi*”.

In undertaking a decision on the appropriateness of the activity, the decision maker must consider if the activity will be consistent with the principles of treaty and if not, how these have been taken into account. The principles of the treaty cover responsibilities on the Crown for the active protection of Māori Interests, partnership between iwi and Crown entities, and participation in decision making. In addition, the proponent must not undertake to disregard these principles.

### 4.2 Treaty of Waitangi Deed of Settlement

Ngāti Kuia have a Deed of Settlement in place and the Treaty Settlement Act came into effect in 2014. Iwi are provided for in their respective settlement packages both culturally and commercially. As part of this redress, consultation by Local Government bodies of Te Taihū are now provided for. Areas of cultural significance for each iwi are recognised and acknowledged. Special acknowledgements for certain natural resources, waterways, coastal area, geographical features such as mountains, wetlands that are culturally special are acknowledged in their respective Treaty Settlement Acts.

#### **Statutory Area**

**Site Name:** Waimea, Wai-iti, and Wairoa Rivers and its tributaries

**Plan Number:** OTS-099-54

#### **Coastal Statutory Acknowledgement**

**Site Name:** Te Tau Ihu Coastal Marine Area

**Plan Number:** OTS-068-70

### 4.3 Resource Management Act 1991

Te Taihū iwi relationships with the application area and the whenua (land) has legal standing in various sections in Part II of RMA and Schedule 4 the Assessment of Environmental Effects. Decision makers exercising powers and functions under the RMA shall;

- **Section 6 (e):** As a ‘matter of national importance’, recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, areas, wāhi tapu, and other taonga

- **Section 7 (a):** Have particular regard for kaitiakitanga
- **Section 8:** Take into account the principles of the Treaty of Waitangi
- **Schedule 4 Part 7, 1 (a) and (d):** also require cultural effects and values must be considered when assessing the environmental effects of an application.

Applicants for consents or permits under the RMA are required to identify all effects of an activity including cultural effects. And provide a mechanism to satisfactorily *avoid, remedy or mitigate* any adverse effects. This report in its findings and recommendations is a tool for both identifying adverse effects and the methods to address those.

Under the RMA 1991 lies a series of National Policy documents being the New Zealand Coastal Policy Statement 2010 (CPS), the National Policy Statement for Freshwater 2014 (NPS-FW) and others. These also hold provision for iwi input to the management of the coastal environment and freshwater management units.

Cultural, environmental, social and economic considerations that are set out in the RMA<sup>4</sup> are used to frame the discussion on the effects on Ngati Kuia. From a Maori perspective, the effects of any activity are to be assessed in a holistic manner to reflect the interconnectedness of all four pillars.

#### **4.4 Protected Objects Act 2006**

On 1 November 2006, the Protected Objects Act<sup>5</sup> came into force and superseded the Antiquities Act 1975. The Ministry for Culture and Heritage (the Ministry) has developed guidelines for taonga tūturu<sup>6</sup> which explains this process in more detail. Individual iwi of Te Taihū have a Taonga Tūturu Protocol Agreement with the Ministry. The Ministry should be contacted if a taonga tūturu is found.

#### **4.5 Heritage New Zealand Pouhere Taonga Act 2014**

Part 3 of the Act sets out how heritage sites are to be protected and the methodology for obtaining an authority to modify or destroy an archaeological site. Whether the site has been previously identified or not does not bear weight on the requirement to obtain an authority.

#### **4.6 The Local Government Act 2002**

Section 4 of the Act states “In order to recognise and respect the Crown’s responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.”

Part 2 of the Act sets out the purpose of Local Government and the anticipated outcomes of a local authority undertaking its responsibilities.

Part 6 of the Act sets out how decisions are to be made and planning for future management of local resources.

### **Ngati Kuia Cultural Effects Assessment Model**

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<sup>4</sup> Part 2, s5 of RMA 1991- refers to social, economic, and cultural well-being and sustaining and protecting the environment.

<sup>5</sup> (Protected Objects Act 1975)

<sup>6</sup> (MCH guide for Taonga Tūturu, 2014)

## 4.7 Consultation with Ngāti Kuia

A Cultural Effects Assessment (CEA) is a tool that can be used to identify the potential effects that a proposed activity may have on a cultural group, in this case Ngāti Kuia. As such this 'Cultural Effects Assessment' is an environmental management tool. It identifies the past, present, and future relationships, values and aspirations held by Ngāti Kuia. These values and aspirations should be recognised, protected and managed in decision-making relating to the application. All effects in this CEA Report are 'cultural' as they affect the well-being of Ngāti Kuia as a cultural group.

## 4.8 Ngāti Kuia Cultural Values

Ngāti Kuia have identified key principles which have been used to assess the impact or effects of proposed activities on our cultural values. These include:

### 4.8.1 Mauri

Mauri is the life force that comes from wairua - the spirit, or source of existence and all life. Mauri is the life force in the physical world. The overall purpose of resource management for Ngāti Kuia is the maintenance of the mauri of natural and physical resources, and to enhance mauri where it has been degraded by the actions of humans.

As a life principle mauri implies health and spirit. In an environmental context, mauri underlies all resources and the encompassing ecosystem. In the community, mauri is of paramount importance to the wellbeing of the people as it contributes to the life giving force of drinking water, mahinga kai, the cleaning and swimming qualities of the wai and is therefore directly associated to good health and spiritual wellbeing. Mauri can be harmed by the actions of humans but is unaffected by natural processes such as natural disasters.

The preservation of the mauri of natural resources is paramount to Ngāti Kuia to ensure that resources may be used sustainably by present and future generations. Traditionally, rules were established to govern the use of natural and physical resources, and ensure that the mauri was protected from human actions. These rules form part of kawa and tikanga (Māori protocol) and have been passed on through the generations. For example, a rāhui may be used to safeguard the mauri of a particular resource, by enforcing a temporary restriction on use of the resource to protect the overall health and availability of the resource for both present and future generations. The RMA seeks these same outcomes; to promote the sustainable management of natural and physical resources (Section 5(1)).

There are indicators within the environment that the iwi use to interpret the status of mauri. These include (but are not limited to) the presence of healthy kai and other indigenous flora and fauna, the presence of resources fit for cultural use, and the aesthetic qualities of resources such as the visibility of important landmarks. Other indicators can take many forms and are recalled in the kōrero pūrākau (stories) of whānau (extended family) and hapu (subtribe).

## 4.9 Tikanga

Cultural practices, or tikanga, were developed to maintain the mauri of the domains of Atua. They are based on the general understanding that people belong to the land and have a responsibility as kaitiaki of that land. Tikanga incorporates concepts such as tapu (sacredness) and rāhui (temporary restriction). These are forms of social control, which manage the interrelationship of people and the environment.

Tikanga are developed and managed to specifically recognise the four planes of reality:

- Te taha tinana (the physical plane)

- Te taha hinengaro (the intellectual plane)
- Te taha wairua (the spiritual plane)
- Te taha whānau (the family plane)

Tikanga seek to unify these four planes in a holistic way. Observing tikanga is part of the ethic and exercise of kaitiakitanga.

## 4.10 Kaitiakitanga

All persons exercising powers and functions under the RMA, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to kaitiakitanga (Section 7). However, kaitiakitanga is not explained in the RMA.

Kaitiakitanga is a broad notion which includes guardianship, sustainability, wise management, and resource indicators, where resources themselves indicate the state of their own mauri. Kaitiakitanga is a term that denotes the package of tikanga or practices concerning environmental management. A kaitiaki is a person and/or agent who perform the tasks of guardianship.

Kaitiakitanga is an environmental decision making system that has been developed by tāngata whenua to fulfil their responsibility towards the environment. The responsibility of kaitiaki is twofold: first, there is the ultimate aim of protecting mauri and, secondly, there is the duty to pass the environment to future generations in a state which is as good as, or better than, the current state.

Kaitiakitanga may be practiced through, but not limited to:

- The maintenance of wāhi tapu, wāhi tūpuna and other sites of importance;
- The management of fishing grounds (mahinga mātaītai);
- Observing the maramataka (lunar calendar);
- Observing the tikanga of sowing and harvest;
- Designing settlements in keeping with the environment; and
- Securing resources for present and future uses.

Kaitiakitanga is linked inextricably to tino rangatiratanga as it may only be practiced by those iwi, hapū or whānau who possess tino rangatiratanga (customary authority) in their tribal area.

Sometimes individuals, whanau or hapu, are charged with the tasks of kaitiakitanga. Kaitiaki often receive their mana or authority with respect to a particular locality, place or resource because they possess an intricate knowledge of the local environment. For example, a family or individual might be the kaitiaki for a Pā or for a fishing ground.

## **5. Assessment of Cultural and Environmental Effects**

### **5.1 Effects of Activity**

Ngāti Kuia alongside Ngāti Apa ki te Rā Tō are develop these CEA's using the archaeological database and other trusted information sources. TDC and the applicants have a responsibility to consult with all Iwi who have connections to Mapua and any other future proposals.

The accidental discovery of Koiwi Tipunā is of serious concern for Ngāti Kuia, and we hold mamae from how past accidental discoveries were handled.

In 2015, Koiwi were discovered and Ngāti Kuia were not notified and found about the discovery in the Nelson Mail. We acknowledge that this is in the past and would like to build trust with our Treaty Partner TDC so that something like this does not happen again, we understand that there other iwi monitoring services providers are used and we accept that, as long as we are kept informed on all accidental discoveries that happen as a part of development of Mapua.

Unfortunately, the developed business area of Mapua is on top a findspot for Koiwi (Human bones). At the site visit people were seen eating in front of shops in the vicinity of this site. This is not culturally safe as this mixes the state of Tapu and Noa - Tapu is a state of restriction such as burial sites and the location of human remains, consuming Kai is Noa which is a state of Normality opposite to Tapu, these two in this case are overlapping which is a concern for patrons that choose to eat over and around this Wāhi tapu.

There is also concern over the effect of future earthworks in the vicinity of the pesticide disposal area, as this is proposed to be an area for the public and frequent public use. The mauri of the area is in a negative state due to the chemicals in the ground, Ngāti Kuia can not provide mitigation for this issue, but it is important that it is pointed out as apart of this effects assessment.

This Report does not cover the cultural values of other Iwi with associations to Mapua. It has also been raised by TDC the use of a Matakite supported by other iwi to provide cultural and spiritual information in regards to this site. This suggestion is not supported By Ngāti Kuia & Ngāti Apa ki te Rā Tō.

While it is not the concern of Ngāti Kuia and Ngāti Apa ki te Rā Tō of which cultural practitioner's other iwi use to cover their own cultural values, it must be made clear that this does not encompass the cultural values of our Iwi and we have concerns that any assessment made by such a practitioners may be misconstrued as representing our Korero, history & cultural Values associated with the area.

The information provided in this report supported by trusted information sources is sufficient in encompassing our cultural values, for any further guidance or information the applicants can contact Ngāti Kuia and Ngāti Apa ki te Rā Tō.

### **5.2 Ki uta, ki tai -from inland to the sea**

The mauri of the waterways is also viewed holistically and includes from the source of the waterway (mountains, springs and wetlands) to the sea. This reinforces the view that activities upstream also impact on the well-being of the river downstream and aligns with the integrated management of catchments. Ngati Kuia also note the hierarchy of water use values – first to sustain the waterway itself, then to sustain human life and lastly for stock and commercial activities.

### **5.3 Mahinga Kai - the use of flora and fauna to sustain the people.**



The value Ngāti Kuia place on the environment is not based on its 'existence' and desires to 'preserve' it, but also on its 'use' to Māori and its ability to sustain ngā tāngata (the people). For example many of the areas impacted by the application would have been used historically for food foraging, harvesting and collecting of rongoa (traditional medicines), among other activities, and one of the aspirations of Te Taihū iwi is to regenerate their whenua (land) to a state where these activities may once again be viable.

## 5.4 Recommendations

- That any person operating under this consent is made aware of the presence of Pakohe and how to identify it during the extraction. Pakohe should be managed as per the Pakohe management plan.
- A Cultural induction Prior to pipe locating works.
- That the applicants maintain a positive relationship with Ngāti Kuia and Ngāti Apa ki te Rā To in regard to this and any other Future proposal
- An Iwi monitor is to be onsite for any earthworks associated with the Apple shed works, we accept these services being provided by other cultural monitor services, but Ngāti Kuia & Ngāti Apa must be informed of any accidental discovery
- That the Ngāti Kuia accidental discovery protocol attached be adhered to.
- Any Future developments to include Ngāti Kuia and Ngāti Apa representation in the form of Pou whenua & or information panels

## 6. Supporting Information

### 6.1 References

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## Te Rūnanga o Ngāti Kuia - Accidental Discovery Protocol

### Purpose

To provide clear procedures in the event of accidentally discovering, as the result of physical disturbance to the existing ground surface:

- Wāhi tūpuna/archaeological site,
- Kōiwi/human bones
- Taonga/ Māori artefacts
- other artefacts

This protocol involves the following parties:

- Land Owner/Consent Holder – including their lead Agent/Project Manager, Contractor and Site Supervisor and Project Archaeologist
- Heritage NZ Regional Archaeologist
- NZ Police for Kōiwi
- Te Rūnanga o Ngāti Kuia (Ngāti Kuia)

These procedures reflect the minimum requirements of Ngāti Kuia in accordance with statutory obligations under the Heritage New Zealand Pouhere Taonga Act 2014 (which replaced the Historic Places Act 1993 on 20 May 2014) and the Protected Objects Act 1975 .

Evidence of archaeological sites can take the form of burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or 19th century glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori or early European origin, or human burials.

### General Procedures Following the Accidental Discovery of Possible Wāhi Tūpuna, Kōiwi or Taonga

1. All work in the discovery area (within 20 metres of the suspected site) must cease immediately. Any machinery/plant/equipment operator must shut down equipment and any activity, leave the site area and leave unearthened archaeological material in situ and advise the site supervisor (if there is one) or Agent/Project Manager and other relevant persons including contractors of the find immediately.
2. The Agent/Project Manager shall then notify the following people of the discovery:
  - Resource Management Unit, Te Rūnanga o Ngāti Kuia
  - Project Archaeologist (if there is one already). If a project archaeologist is not nominated the Agent and/or Land Owner/Consent Holder will appoint a qualified archaeologist to ensure all archaeological sites and Taonga Tūturu are dealt with appropriately
  - New Zealand Police if any Kōiwi are uncovered. This is a requirement of the Coroners Act 2006.
3. Any contractor or persons must secure the discovery area (20 metres from suspected site), ensuring the area (and any objects contained within) remains undisturbed and meets health and safety requirements. Work may continue outside of the site area.
4. The Agent/Project Manager must ensure that either themselves or the Contractor, as appropriate, are available to meet and guide Ngāti Kuia, the Project Archaeologist, and Police (if required) to the discovery area. The Contractor and Agent/Project Manager will assist with any reasonable requests that any of these people may make.
5. The Agent/Project Manager shall ensure that no information is released to the media except as authorised by the Land Owner/Consent Holder, in consultation with Ngāti Kuia.
6. In the event the discovery area is found to contain an archaeological site, the Regional Archaeologist and Heritage NZ must be contacted and an archaeological authority must be obtained in accordance with the Heritage New Zealand Pouhere Taonga Act 2014. Kōiwi that are part of an archaeological site can only be removed if an archaeological authority has been obtained.

7. If an archaeological authority is granted, the Agent/Project Manager must ensure any Contractors or other persons undertake all subsequent works in accordance with the conditions of this authority.
8. The Contractor must ensure that all visits to the discovery area are cleared by the Agent/Project Manager.
9. The Agent/Project Manager must ensure that work in the discovery area does not recommence until all statutory and cultural requirements have been met.

#### **Further Procedures in the Event that Kōiwi are discovered**

10. As soon as practicable after the Agent/Project Manager has given notice to Ngāti Kuia that Kōiwi have been discovered, the Agent/Project Manager shall invite Ngāti Kuia to inspect the site and undertake appropriate cultural ceremonies at the site.
11. If Ngāti Kuia wish to undertake such ceremonies, the Agent/Project Manager shall make the necessary arrangements for these ceremonies as soon as practicable.
12. Once these ceremonies are completed, the Agent/Project Manager shall arrange for the Project Archaeologist, in consultation with the New Zealand Police and Ngāti Kuia, to inspect the skeletal remains.
13. The Project Archaeologist will record details of the Kōiwi, the site of discovery, and any other relevant facts, and these records will be made available to the New Zealand Police and Ngāti Kuia.
14. If the Kōiwi are Māori, and the New Zealand Police and/or Coroner have no uncertainty or suspicion about the Kōiwi, the Agent/Project Manager shall arrange for Ngāti Kuia to remove the Kōiwi from the site, or if they decline, arrange for the New Zealand Police and/or Coroner to do so.
15. In the event that the New Zealand Police and/or Coroner have any uncertainty or suspicion about the Kōiwi, they are responsible for making any records they require and for any Kōiwi that they remove from the site.
16. If the Kōiwi are Māori and the New Zealand Police and/or Coroner remove only part of the Kōiwi, the provisions of Section 14. above will apply.
17. If the Kōiwi are non-Māori, the New Zealand Police and/or Coroner will be responsible for removing any remaining exposed Kōiwi.

#### **Custody of Taonga (Excluding Kōiwi) or Material Found at an Archaeological Site**

18. The Project Archaeologist will have initial control of, and responsibility for, all material contained in the discovery area.
19. The Agent/Project Manager shall ensure no objects are removed from the site until it has been determined, in consultation between the Project Archaeologist and Ngāti Kuia, whether it is associated with an archaeological site or the object is Taonga (be it Taonga Tūturu or otherwise).
20. If the object is of Māori origin and found in an archaeological site and/or is a Taonga Tūturu, the Project Archaeologist will record the object and notify the Ministry for Culture and Heritage of the finding as required under the Protected Objects Act 1975. The Project Archaeologist will then hand the material to the local public museum for the Maori Land Court to make a determination on ownership. If the object is European in origin the Agent/Project Manager shall deliver any such object to the Land Owner/Consent Holder so that the legal right to ownership can be determined.
21. If the object is a Taonga and less than 50 years old, (ie not Taonga Tūturu), the Agent/Project Manager shall invite Ngāti Kuia to remove the Taonga from the site.

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This protocol has been based on the NZ Transport Agency Minimum Standards - Z/22 Version 1, March 2009