

Proof of Consultation



Ngāti Kuia
Te Iwi Pakohe

DATE 18/08/2023

In the matter of: Retrospective resource consent for the building of a Deck and stairs at 38 Kaiteriteri-Sandy Bay road

Applicant: Tipple Family Trust

Affected Party: Te Runanga o Ngāti Kuia Trust (TRONK) , Ngāti Apa ki te Rā Tō

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. This is not to be considered as an affected party approval for the purposes of the Resource Management Act 1991.

Job Number: 95

Invoice Number: INV-

The Project: Ngāti Kuia have been informed of a retrospective resource consent application. In this case, the council's resource consenting process is the only way for us to advocate for our values regarding earthworks and construction in culturally significant areas, unless the works are noticed by whanau on site. Unfortunately, as consent was not initially applied for, Ngāti Kuia & Ngāti Apa ki te Rā Tō's ability to be kaitiaki of our wahi tapu and cultural values was not enabled. We are now addressing our concerns and values after the fact.

The applicant has requested a certificate of acceptance from the building consent department of Tasman District Council. However, it has been identified that the application requires resource consent as well. The applicant is apologetic for their lack of understanding of the consent process regarding this structure. They are seeking retrospective resource consent for a deck that is over 2m in height and has breached setbacks to the adjoining property boundary shared with 36 Kaiteriteri-Sandy Bay Road. Further to this, the deck breaches the 4.5m setback for a road boundary as the southern boundary of the property is legal road reserve. It is also an extension to an existing residence that is more than 50% of the floor area and reduces the distance to mean high water springs in the Coastal Environment Area.

The applicant is seeking retrospective resource consent for stairs that have been erected for pedestrian access to the beach. These stairs also breach the 4.5m setback for a road boundary, as the southern boundary of the property is legal road reserve. Furthermore, the construction of the stairs is considered a new building in the Coastal Environment Area, and they have been erected partly within the road reserve. Both the deck and stairs have been erected within a cultural heritage precinct this is an area of high cultural significance for our Iwi, and no authority from Heritage New Zealand Pouhere Taonga has been obtained.

The Association:

Ngāti Kuia trace our lineage back to early Polynesian explorers Maui, Kupe, and Matua Hautere, who journeyed to Te Taihū. Ngāti Kuia is an amalgamation of Tangatawhenua peoples who originally inhabited Te Taihū, particularly the Kurahaupō tribes of Ngāi Tara, Tumatakokiri, and Ngāti Mamoe. Similarly, Ngāti Apa ki te Rā Tō can also trace their ancestry back to the Kurahaupō Waka and began settling in Te Taihū during the 18th century. They also are related to Ngāti Kuia and the other early Kurahaupō Iwi with whom they share whakapapa and traditional areas of occupation.

Kaiteriteri and the surrounding area of 38 Kaiteriteri sandy bay hold significant cultural importance to both Ngāti Kuia and Ngāti Apa ki te Rā Tō. This area was once a site of permanent occupation for our Iwi before being displaced by the arrival of the Taranaki Tainui tribes in the 1830s. The property is located in close proximity to a traditional Pā/fortified village that was once occupied by the Kurahaupō Iwi. Additionally, there is a Wāhi Pakohe/Argillite working site nearby where toki Pakohe have been found. These sites serve as a surface-level indication of the traditional area of occupation and the level of significance of the area for the Kurahaupō Iwi. The area was primarily used for harvesting Kaimoana from the coastal area and Te Tai o Aorere, as well as for retreating from war parties and storing valuable resources, particularly Kumara. Some of this settlement is recorded in the National Archaeological Database with the remnants of fortified Pa postholes, terracing, middens, earth ovens, meta-argillite/Pakohe artefacts, and other working sites. Some of the sites have been dated as indigenous pre-1769, which predates the arrival of the Taranaki/Tainui tribes.

Cultural Effects:

Our usual practice is to evaluate the potential impacts of a proposal, but in this instance, we are conducting a retrospective assessment. The cultural values of Ngāti Kuia and Ngāti Apa ki te Rā Tō may have already been harmed by any negative effects, and without a cultural monitor on-site overseeing the works, any damage that has occurred may go unnoticed by those lacking proper cultural training. For our Whanau, any work done in culturally sensitive areas, where we are not enabled to be Kaitiaki, has a negative impact on our cultural values. We hope to collaborate with landowners who are proposing developments to educate them about our cultural values and significant places in a manner that is Mana enhancing for all parties involved. It is our desire that retrospective consents like this are not a repeat occurrence, and that the community follows the correct procedures for works of this nature to help us protect our sites.

Recommendations:

1. It is understood that the applicant is apologetic, this needs to be addressed with Iwi representatives directly.
2. Recognition of the cultural significance of the area to be pursued, this may be a wider project supported by TDC
3. A site visit is conducted by an archaeologist and iwi monitor to assess if any damage to a site has occurred, further recommendations may be attained from this visit.

PITT & MOORE
LAWYERS AND NOTARIES PUBLIC

11 August 2023

Planscapes (NZ) Ltd
NELSON

For: Tayla Carson

By email: Tayla@planscapes.co.nz

APPLICATION FOR RETROSPECTIVE RESOURCE CONSENT – TIPPLE FAMILY TRUST – 38 KAITERITERI-SANDY BAY RD, KAITERITERI

1. We act for David and Jane Lucas, who, as you know, are the owners of 36 Kaiteriteri-Sandy Bay Rd. Our clients have sought advice in relation to the written approval sought from them as identified affected parties for the above application prepared by you.
2. The application is vague as it relates to the breaches of the relevant Rules of the TRMP, particularly as they relate to the impact of the works on our clients' property. So that we may take proper instructions from our clients, can you please confirm and provide evidence by return of:
 - (a) The extent of the infringement of the 4m internal boundary rule 17.1.3.1(k).
 - (b) The extent of the breach of the daylight admission angle Rule 17.1.3.1(m).
 - (c) The extent of the infringement of the 1.5m set back required by Rule 17.1.3.1(q).
3. Our clients have also been made aware that your client will be seeking retrospective resource consent in relation to the construction of a retaining wall and driveway. If our client's approval is also required for that, can you please also provide a copy of that application so that the advice to our clients can all be provided at the same time.

We look forward to hearing from you.

PITT & MOORE
per:



Andrea Halloran
Partner

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AMH-019821-0-25-V1

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LawXLink

Jen | Ngāti Apa ki te Rā Tō <jen.skilton@ngatiapakiterato.iwi.nz>
To: Tayla Carson

Thu 20/07/2023 09:36

NAktRT ADP.pdf
324 KB

Kia ora Tayla,

Thanks for your email.

Kaiterere lies at the centre of what was for several generations a large and intensive Ngāti Apa occupation and cultivation complex. This complex occupied a 10-kilometre stretch of coastline, including the current Kaiteriteri Scenic Reserve. It included up to eight pā, as well as associated kāinga, urupā, cultivations, mahinga kai areas, and fishing stations.

Some sites and areas of significance to Ngāti Apa ki te Rā Tō recognised through our Treaty Settlement as Statutory Acknowledgements in this area include^[1]:

- Coastal Marine Area
- Kaiteriteri Scenic Reserve

It is disappointing that the Tipple family did not follow process. From a cultural perspective, Ngāti Apa ki te Rā Tō would have required adherence to our ADP (attached) and supported an iwi monitor being present for earthworks.

Ngā mihi
Jen

Jen Skilton (PhD)

Pou Taiao | Environmental Manager

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From: Tayla Carson <tayla@planscapes.co.nz>
Sent: Wednesday, July 19, 2023 2:48 PM
To: Taiao | Ngāti Apa ki te Rā Tō <Taiao@ngatiapakiterato.iwi.nz>
Subject: Iwi consultation

You don't often get email from tayla@planscapes.co.nz. [Learn why this is important](#)

Hi Jen,

Planscapes have been brought on retrospectively to assist the Tipple family with a retrospective consent for a deck that has been erected within a cultural heritage precinct.

I have put together an application, which is attached however I am unable to complete the assessment as I need input from iwi regarding the impact to cultural heritage.

We would like to consult with iwi, prior to putting in the application to Council. Are you able to please review and let me know the steps from here.

Kind regards,

Tayla Carson

Resource Management Consultant
MBM, BSc

Planscapes (NZ) Ltd

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[1] Te Tau Ihu Statutory Acknowledgments, 2014

Tehau Kaonohi
Pou Taiao
Ngāti Koata Trust

07/08/23

Tēnā koe e Tayla,

RE: Tipple Family Trust retrospective consent for deck and stairs 38 Kaiteriteri-Sandy Bay Road, Kaiteriteri

1. Purpose

The purpose of this document is to provide a formal response on behalf of Ngāti Koata trust to Tayla Carson of Panscapes (NZ) Ltd consulting on behalf of the Tipple Family Trust regarding the retrospective consent application for a deck and stairs at 38 Kaiteriteri-Sandy Bay Road, Kaiteriteri.

We note that the retrospective nature of the consent prevents any recommendations from going through. Including but not limited to the presence of iwi monitors on site during construction,

We also note that the structures and/or portions of the structures are within a Cultural Heritage Precinct and affecting the Coastal Marine Area of which Ngāti Koata have Statutory Acknowledgements.

2. Historical Significance

In early 19th century Ngāti Koata were given a tuku (gift) of land by former manawhenua Ngāti Kuia chief Tūtepourangi, which included land from Te Matau (Farewell Spit) over to Te Hoiere (Pelorus River). Following the tuku, Ngāti Koata proceeded through the district to takahia te whenua (walk the land), thus cementing the boundaries of the tuku and making peace with the individual resident chiefs within the rohe. Part of the rohe and part of the Tuku included Anawakau Pā which was located in what is now known as Kaiteriteri. This former pā site is near the deck and stairs on the Tipple family property.

3. Archaeological Sites

Ngāti Koata were present in Kaiteriteri as evidenced by the location of Anawakau Pā. As such, archaeological sites are of importance to Ngāti Koata within this area. We are aware that there are archaeological sites within close proximity of the structures and are concerned about the potential impacts that the construction had on these sites.

4. Cultural Impacts

The retrospective nature of the consent and the building of the deck and stairs without proper due diligence to council processes is of great concern to Ngati Koata and has an effect on the tino rangatiratanga and mana of Ngati Koata within Te Tau Ihu. Further, the construction of the deck and its potential impact on the coastal marine environment as well as the potential impacts on known and unknown archaeological sites in the area are unable to be regulated or mitigated at this point.

We consider the building of both deck and stairs without proper due diligence and offense to the aforementioned tino rangatiratanga and mana. As such, Ngati Koata do not take lightly to any retrospective consents.

5. Position

Ngati Koata are opposed to the retrospective consent being sought, Ngati Koata would have appreciated if consultation and involvement were sought earlier in the process.

Thank you for your attention to this matter. Please feel free to contact me should you need further clarification or information,

Nāku noa, nā,
Tehau Kaonohi
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W: www.ngatikoata.com



George Stafford | Poutohutohu Taiao Wairau <george.stafford@ngatirarua.iwi.nz>

To: Tayla Carson

Sun 13/08/2023 12:36

Kia ora Taylor

Thank you for our recent discussions regarding this matter.

Unfortunately, there is no way to sugarcoat my comments, so I probably won't bother trying.

This applicant's arrogance and sense of entitlement is clear to anyone who would read these documents.

To suggest the applicant is "apologetic and was confused" is simply a load of rubbish.

The applicant is apologetic and acting confused because they have been found out.

Furthermore, to suggest that the applicants were "unaware" is a direct challenge to the intelligence of anyone who is reading these documents.

This deck is a complicated and significant addition to this property.

It would have taken someone with extensive construction knowledge to build this as that is obvious because the applicant has now found an engineer who is happy to put his/her name to what the builder(s) has done.

With that knowledge those responsible would have known at the very minimum this deck would have needed foundation and structural engineering, surveying so that it was sited within the applicant's property boundaries, building consent due to many number of things and the only matter the builder(s) might not have considered or known was those matters surrounding the cultural heritage precinct and the coastal marine environment.

If those responsible for building this deck were Licensed Building Practitioners (LBP) then the licence they hold should seriously come into critique.

In my mind there is no way that this deck would have been permitted in the scale it currently beholds if the correct processes had been followed and there is no way it should now be retrospectively consented, regardless of how much it cost to construct it in the first instance and now how much it is costing the applicant to retrospectively have it consented.

Within the document provided I see on pages 18 & 19 there are extensive references to the non-necessity for this application to be publicly notified. It is not hard to see why this applicant would want to avoid this.

Also on page 19 these words are used;

"There are no special circumstances that relate to this application.

It is requested that the Council consider processing this as a non-notified application in accordance with Section 95 of the Act, subject to completion of the consultation discussed above."

Is the applicant still challenging our intelligence by suggesting there are "no special circumstances" and requesting from the council a non-notified application.

Then on page 20 the applicant then (in my mind) lists all the special circumstances.

My final comment is I do not approve of any further consideration by the Tasman District Council to now entertain a retrospect consent for all the matters this applicant has breached.

George Stafford
Poutohutohu Taiao
Wairau
Te Runanga o Ngati Rarua
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