

Whanganui District Council Responses to Te Whanaungatanga o Whanganui me Ngaa Rauru Kiitahi – Otamatea Plan Change Cultural Values Report

In the interests of recording clear and complete responses as requested in the Conclusion, the Council has repeated each clause from the above report in a table and aligned its responses.

Abbreviation of terms used:

- | | | |
|---|---------------|-----|
| • Whanganui District Council | 'the Council' | |
| • Resource Management Act 1991 – Section 32 | S32 RMA | |
| • Report prepared in accordance with S32 RMA | 'S32 Report' | |
| • Cultural Impact Assessment Report | CIA | |
| • Recommended District Plan provisions presented to the Hearing Panel in December 2017 | 'PC46(R1)' | |
| • Post Hearing revisions to the District Plan provisions | 'PC46(R2)' | |
| • Interim Cultural Values Report | ICVR | |
| • Te Whanaungatanga o Whanganui me Ngaa Rauru Kiitahi – Otamatea Plan Change Cultural Values Report | | CVR |

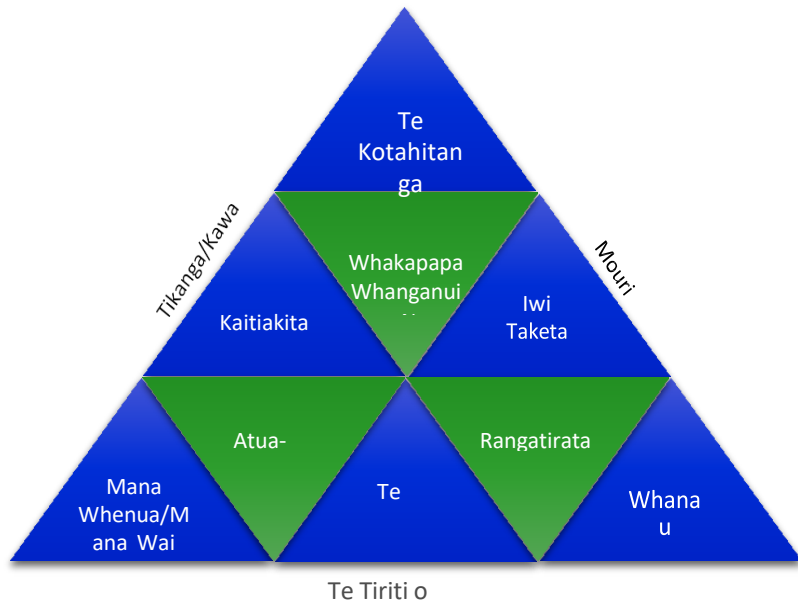
Te Whanaungatanga o Whanganui me Ngaa Rauru Kiitahi – Otamatea Plan Change Cultural Values Report	Whanganui District Council responses to how issues are reflected in Plan Change 46
<h2 data-bbox="168 244 497 288">1. Introduction</h2> <p data-bbox="152 331 1133 639">This Cultural Values Report is part of a suite of documents that have been produced by Whanganui me Ngaa Rauru Kiitahi to address the Otamatea Plan Change 46 proposed by Whanganui District Council. This document does not seek to duplicate the key points made in those documents, however we recommend that you refer to the key cultural impacts and concerns outlined in those documents. They also cover the relationship that the iwi have with their whenua and wai at the Otamatea site. These values are outlined for the dual purpose of informing the plan change, but also the subsequent consent application process that may occur as a result of the plan change. Furthermore, it is not a continuation of the previous Interim Cultural Values Report (ICVR) – rather it is a standalone document that builds upon the ICVR.</p> <p data-bbox="152 663 1133 754">This report focuses on key cultural values identified at a hui held on the 22nd of March 2018; a hui convened to enable further input into the process for the Otamatea Plan Change.</p> <hr data-bbox="286 772 994 775"/> <p data-bbox="309 804 994 1182"><i>Whanganui me Ngaa Rauru Kiitahi continue to oppose this plan change due to the sensitive nature of the whenua and wai at Otamatea as a result of its cultural importance, and due to the lack of meaningful early engagement on these matters by the Council. Whanganui me Ngaa Rauru Kiitahi have identified key changes that would need to occur if they were to consider supporting this application in this document. It is important to reinforce that, the relevant Hapū o Whanganui me Ngaa Rauru Kiitahi within the Plan Change area retain Mana Whenua in the plan change area although Whanganui me Ngaa Rauru Kiitahi support Ngā Hapū.</i></p>	<p data-bbox="1176 331 2063 392">Acknowledged and noted, that these documents as a whole inform the Plan Change process.</p> <p data-bbox="1176 831 1473 860">Acknowledged and noted</p>
<p data-bbox="152 1201 1133 1355">Note: Ngā Hapū o Whanganui me Ngaa Rauru Kiitahi believe that no decision on a plan change should be made by a Panel until a high level and broad Cultural Impact Assessment of the full impacts of the Otamatea Plan Change has been considered. A CIA should cover and remedy the biological, ecological and environmental impacts identified. In this case, we have prepared a Cultural Values Report.</p>	<p data-bbox="1176 1197 2016 1257">The Evaluation report required by S32 RMA (‘S32 report’) and Hearing report fulfil this requirement for RMA purposes.</p> <p data-bbox="1176 1273 2063 1364">CIA for full impacts will not be known until an actual development is proposed. Subdivision and resource consent applications are the method to specifically assess each of these factors in detail for a particular proposal.</p> <p data-bbox="1176 1380 1778 1409">It is not feasible to obtain such analysis at this time.</p>

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	<p>The Plan Change as proposed will ensure the issues of concern are addressed at the appropriate point of development.</p> <p>The Plan Change has identified the key issues and has proposed mechanisms to ensure they are addressed in future in a comprehensive manner.</p>
<h2 data-bbox="170 432 741 480">2. Heritage Alert Overlay</h2> <p data-bbox="154 520 1133 671">The concept of a Heritage Alert Overlay for the Plan Change 46 area was not clear to Whanganui me Ngaa Rauru Kiihahi. We also observed some ambiguity in the description of the proposed Heritage Alert Overlay and in the policies and rules that accompany it. The proposed text for the introduction in Chapter 9 includes the following statement:</p> <p data-bbox="264 695 1066 756"><i>‘...The Heritage Alert Overlay will raise awareness for landowners and the community about the historic heritage of the wider Otamatea area.’</i></p> <p data-bbox="154 783 1133 871">It was not clear exactly how the Heritage Alert Overlay would raise awareness of the historic heritage of the wider Otamatea area or, even, of the area of the Structure Plan itself.</p> <p data-bbox="154 895 1111 983">While the proposed Plan Change 46 (R1) policy framework makes reference to cultural values and cultural impact assessment, the focus of the proposed rule framework is on archaeological items.</p> <p data-bbox="154 1007 1133 1094">The RMA definition of ‘historic heritage’ is much wider than archaeological sites and, importantly, includes cultural values and sites of significance to Māori as well as the surroundings associated with those sites:</p> <p data-bbox="170 1126 387 1150">‘historic heritage—</p> <p data-bbox="170 1158 1066 1254">(a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities:</p> <p data-bbox="170 1262 371 1430">(i) archaeological: (ii) architectural: (iii) i) cultural: (iv) historic: (v) scientific:</p>	<p data-bbox="1173 520 2069 576">The latest revisions to the Plan provisions ‘PC46(R2)’ as currently proposed no longer proposes a Heritage Alert Overlay.</p> <p data-bbox="1173 600 2069 711">The significant redrafting of objectives, policies and rules in response to the submissions and further engagement since the Hearing, mean that there is no difference between Plan provisions that apply within the proposed HAO and the remainder of the Structure Plan area.</p> <p data-bbox="1173 735 2069 823">It will be clearer and simpler for all to remove the Overlay, which was proposed when the focus of the Plan provisions, ‘PC46(R1)’ presented at the Hearing was on archaeological sites.</p> <p data-bbox="1173 983 2092 1286">Acknowledged that PC46(R1) focus was on archaeological sites. This has been addressed comprehensively in the revised text, PC46(R2), with explicit recognition and provision for issues associated with cultural values in the Otamatea West Area. This includes new objectives, policies and rules within the Plan and an expectation that developers will demonstrate consideration of relevant cultural values when designing and constructing new residential development areas. Cultural impact assessments will inform Council’s decisions on resource consent applications for land disturbance or subdivision on sites where wāhi tūpuna are recorded or wāhi tapu discovered in future.</p>

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<p>(vi) technological; and (b)) includes— (i) historic sites, structures, places, and areas; and (ii) archaeological sites; and (iii) sites of significance to Māori, including wāhi tapu; and (iv) surroundings associated with the natural and physical resources’</p>	
<p>The text of Plan Change 46 (R1) correctly references ‘historic heritage’. Whilst that is the technically correct expression under the RMA, and the expression includes cultural heritage, it doesn’t perhaps express the full breadth of values held by tangata whenua for this particular part of the Whanganui district. There will likely be waahi tuupuna and waahi tapu throughout the area of the proposed Structure Plan. Tangata whenua also strongly value the water within and around the Structure Plan area. These taonga are important in their own right but it is also the surroundings associated with these that hold great cultural value. These are expressions of cultural heritage. The evidence was helpful in clarifying that cultural heritage is something more than just archaeological sites.</p> <p>In this respect, the focus of the Plan Change 46 (R1) rules on archaeological sites and archaeological assessment doesn’t fully address the cultural heritage values of this area. The proposed rules for the Heritage Alert Overlay use the archaeological authority process administered by Heritage New Zealand as a trigger for consent status. This approach appears to devolve to a third party the task of determining the RMA process to be followed by the Council and would do so on the basis of a potentially narrow criterion (solely archaeological value). This has the potential to reduce the broader scope of cultural heritage values to a discussion about the presence or absence of archaeological sites. The evidence we heard suggests that this would be an undesirable outcome. Also, the proposed rules place reliance on the opinion of a ‘suitably qualified archaeologist’. It may be that an archaeologist is not well qualified to draw conclusions about impacts on cultural heritage.</p>	<p>Acknowledged that the focus of PC46(R1) was on archaeological sites. This has been addressed comprehensively in the revised text with a move away from archaeological sites and firmly to cultural values and sites.</p> <p>CIA are to be required explicitly. Assessment of development against the potential effects on cultural values and wāhi tūpuna and any discovered wāhi tapu sites is also to be explicitly required.</p>

3. Cultural Values Framework

Whanganui me Ngaa Rauru Kiitahi have identified a complex interconnected network of cultural values that must guide the plan change at Otamatea. These values will improve the plan change success, for the natural environment, for the social cohesiveness of the community and for the cultural connection that the Iwi/Hapū have with Otamatea, an extremely sensitive puna (source) of whakapapa for the people of this land. The following section identifies these key values, defines these values from the perspectives of Whanganui me Ngaa Rauru Kiitahi and provides a narrative on how these should be reflected in the decisions of the Council and Environmental Commissioners regarding the Otamatea plan change. Some of these values are inherent in each other, and those that are most specific to this plan change have been identified.



Acknowledged

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<p>3.1 Te Kotahitanga</p> <p>Kotahitanga is the unity of ourselves as Iwi/Hapū with the lands and waters. This deep fundamental connection is defined by our whakapapa relationship, the knowledge of which has been passed down through the generations to support the responsibilities we have inherited to our lands and waters. It recognises that the physical and metaphysical are indivisible.</p>	
<p>3.1.1 Implementation of Te Kotahitanga in the Otamatea Plan Change</p> <p>The process of engagement on this plan change has been very challenging for the Iwi/Hapū. It has devalued, alienated and further disconnected the whanau from their rangatiratanga, mana whenua and mana wai. Early engagement on any activity related to this plan change is required at all stages of development.</p>	<p>Acknowledged.</p> <p>The Council recognises the need to make (and is already making) significant changes to iwi engagement relating specifically to Plan Changes. Discussions with iwi representatives about how best to proceed will commence soon.</p>
<p>3.1.1.1 Waahi Tapu and Waahi Tupuna</p> <p>The entirety of the Otamatea area (and beyond the structure plan boundaries) is considered a waahi tupuna. Iwi/Hapū view the area holistically and not merely as a collection of individual sites.</p> <p>Otamatea is considered extremely sensitive to Iwi/Hapū given the cultural significance and the oral history regarding its occupation. It should be noted that other significant sites and archaeological sites have been located nearby. Details of this sensitivity is outlined in the previous Iwi/Hapū reports. Iwi/Hapū have a high expectation that physical sites could be uncovered, therefore Iwi/Hapū require a strict management regime.</p>	<p>Noted. This Plan change 46 can only consider the matters affecting the Structure Plan area.</p> <p>Heritage New Zealand manages protection of archaeological sites via the Archaeological Authority and Archaeological Discovery Protocol tools.</p>
<p>Iwi/Hapū seek to co-develop a Waahi Tapu and Waahi Tupuna Protocol that will be required as part of the plan change</p>	<p>The Interim Cultural Values Report 'ICVR' identifies a hierarchy by defining wāhi tūpuna and wāhi tapu sites at Otamatea. This has been incorporated in the proposed PC46(R2) definitions and methods.</p> <p>A protocol could potentially add clarity to the interpretation of effects and ultimately assist implementation. However, it is not considered necessary to finalise a protocol prior to confirming this Plan change, as the provisions to be inserted in the Plan via PC46(R2), have been informed by the ICVR and CVR as well as the other supporting information from Mana Whenua. PC46(R2) will establish a clear and inclusive policy and regulatory framework to ensure</p>

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	<p>that adverse effects on cultural values are identified early, and steps put in place to avoid, remedy or mitigate such effects through consent processes.</p> <p>Specifically, a CIA will be required for any land disturbance (including earthworks) on sites with recorded wāhi tūpuna or wāhi tapu. This will inform the Council in making its assessment on the appropriateness of a specific application to achieve sustainable management including recognising and providing for the relationship of Māori with their lands and other taonga and recognising and providing for the protection of historic heritage.</p> <p>All works within the Otamatea West Structure Plan area will be required to proceed cautiously and where items are uncovered all work would stop. This would trigger a restricted discretionary consent process with the Council, an Authority process with Heritage NZ and the Archaeological Discovery Protocol would apply.</p> <p>Refer to PC46(R2) for new</p> <ol style="list-style-type: none"> 1. Objectives 9.2.9 and 9.2.10; 2. Policies 9.3.21 - 9.3.26; 3. Rules in 9.10 which will restrict land disturbance activities in the Structure Plan area; and 4. Amendments proposed to Rule 13.4.2(a) will ensure the cultural effects of land disturbance associated with subdivision will be considered at the time a subdivision application is assessed by the Council.
<p>Iwi/Hapū will develop a clear hierarchy of sites and specific set back procedures for sites of differing sensitivities. Some sites will need to be appropriately demarcated with the guidance of Iwi/Hapū. This protocol will also outline the expected procedures in the probable situation where koiwi or other artifacts are found.</p>	<p>The Council encourages Mana Whenua to develop a hierarchy of sites and a set of protocols and procedures. This will greatly assist liaison with land owners seeking to develop sites in the Otamatea West Structure Plan area, as well as assist the Council to be better informed.</p>
<p>Iwi/Hapū recognise there is potential for remains to reveal themselves by natural processes, which may at times be initiated or assisted by earthworks.</p> <p>As part of this protocol, Iwi/Hapū expect cultural monitors will be resourced by the developers to monitor the site and earthworks.</p>	<p>Monitoring of resource consent conditions is conducted by Council. Disturbance or discovery of archaeological items or physical wāhi tūpuna or wāhi taapu are regulated by the Heritage New Zealand Pouhere Taonga Act 2014. This legislation is controlled and enforced by Heritage New Zealand.</p> <p>All persons undertaking land disturbance must abide by such legislation. It is not for Council to monitor such works or to enforce this legislation. This is not an RMA function.</p>

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	<p>However Council may seek to ensure that Mana Whenua are advised prior to land disturbance works so that, if the land owner is agreeable, a representative of Mana Whenua may choose to attend. Such attendance is not something Council would fund or enforce, as such monitoring is not a function of Council.</p> <p>In the event that archaeological items are discovered, then an Authority would be required from Heritage New Zealand. That process may also require an archaeologist and iwi representative to be present during any further works.</p> <p>General monitoring of sites beyond the requirements of consent conditions will not be a requirement established by PC46(R2).</p> <p>Mana Whenua may choose, separate to this Plan change process, to develop a protocol to assist liaison with, and clarity for, future landowners and developers at Otamatea West.</p>
<p>3.2 Mana Whenua</p> <p>Mana Whenua refers to our Tupuna rights to ensure that we uphold our responsibilities to sustain the health and wellbeing in the identified area. It refers to the mana inherent in the natural environment and the mana of Tangata Whenua and the intertwinement of the two to coalesce in a specific area. Ngā Hapū o Whanganui me Ngaa Rauru Kiitahi hold Mana Whenua and Mana Wai with the Otamatea area.</p>	
<p>3.2.1 Implementation of Mana Whenua in the Otamatea Plan Change</p> <p>3.2.1.1 Reserve Land</p> <p>Due to the confiscation of these lands from Iwi/Hapū in the 1840s, there has been a significant impact on the relationship between the Iwi/Hapū and their taonga tuku iho. One of the ways in which this impact can be mitigated is or the requirement of reserve lands being set aside in the plan change, focusing on a percentage of the total developed area.</p>	<p>This RMA process does not have jurisdiction over this matter, nor does the Council have responsibility, to address land confiscation. Such issues are to be pursued with the Crown.</p>

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We suggest 20% to be seen as a reserve contribution as a requirement of the Council's development contribution.	Development contributions are beyond the jurisdiction of the RMA. This is a Local Government Act 2002 process to manage costs of growth and not part of this PC46 process.
This 20% will include a percentage to be set aside for infrastructure purposes.	<p>Roughly 23% (but more than 20%) of the land within the Structure Plan area is proposed to be set aside for open space and infrastructure purposes, at the completion of residential development of the area.</p> <p>At least 10% of the subject land, is identified for open space type reserves and 13% of the subject land for infrastructure such as roads, attenuation ponds and footpaths. These facilities are indicated within PC46(R2) and have already been carried through into the Council's Development Contributions Policy to ensure growth is funded by all development in the Structure Plan area.</p>
This area should be held in title by the Hapū for the purposes of reconnecting the Iwi/Hapū with their traditional lands. These areas should be maintained by council, and enabled to be developed in a way that supports the presence, Mana Whenua and Mana Wai of Whanganui me Ngaa Rauru Kiihahi. These communal spaces should be designed to remember the importance of the history of the area to Iwi/Hapū. These areas should be non-rateable in recognition of the raupatu that occurred in this area.	<p>The RMA Plan Change process does not alter land ownership. The process of vesting land via a subdivision is regulated by the RMA. Land can only be vested in either the Crown or the Council via the subdivision consent process.</p> <p>Other mechanisms exist to address the potential for Hapū ownership and these could be pursued by Mana Whenua with the Crown and/ or Council , however these are beyond the Council's RMA functions.</p> <p>PC46(R2) encourages co-design and co-development with Mana Whenua, of open space areas including landscaping and pathways around the stormwater attenuation ponds and the open space reserve proposed on the Bristol land to be planted to achieve stormwater management objectives.</p> <p>Developers are encouraged to liaise with Mana Whenua, specifically by proposed Policy 9.3.21, to look for ways to incorporate local culture and traditions into the urban landscape.</p>
We encourage use of local people to build and source materials, including training opportunities as part of the focus for the development of the site subsequent to a potential plan change. This supports our further advancing our socio-economic aspirations, but also provides a well needed injection into the local economy as a whole.	<p>The detailed design and specification of materials is largely beyond the scope of PC46. There are certainly options to achieve the outcomes sought via discussions with developers.</p> <p>PC46(R2), at proposed Policy 9.3.21, encourages subdivision proposals to recognise and provide for the relationship of Mana Whenua with this area. This policy also encourages early liaison between developers and Mana Whenua about such matters, as a logical method to adhere to the policy requirements of the Plan.</p>

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<p>During the construction phases, Iwi/Hapū will need to have firm commitment, through consent conditions, that requires how Iwi/Hapū and developers will work together to monitor the values identified in this document. During the project growth, Iwi/Hapū must be resourced as part of the council monitoring team to ensure that the commitments made in the plan change and in consenting are carried out each and every day of the consent period.</p>	<p>The RMA charges the Council with monitoring compliance with all conditions imposed on resource consents. This is not defined prior to conditions being imposed and cannot be confirmed as part of PC46.</p> <p>In the event that cultural effects are confirmed and to be managed by conditions of consent, then such conditions would usually be framed to be specific, measurable, achievable, relevant and timebound. This puts the onus on the consent holder to demonstrate compliance. For this reason Council monitoring is generally undertaken by Council officers in an audit role.</p> <p>However consent holders may benefit from obtaining advice from Mana Whenua about how to achieve compliance with such conditions.</p> <p>Costs associated with any liaison and monitoring additional to technical reports to inform consent assessment, will be a matter for parties involved to agree.</p>
<p>There should also be regular reporting, regular meetings, and cultural and environmental spot monitoring.</p>	<p>Noted.</p> <p>The RMA charges the Council with the function to monitor compliance with conditions imposed on resource consents. This is not defined prior to conditions being imposed and cannot be confirmed as part of PC46.</p> <p>In the event that cultural effects are confirmed and to be managed by conditions of consent, then it may be appropriate to include an expert representative of Mana Whenua in the monitoring of such conditions.</p> <p>The RMA charges regional councils with the function to monitor and report more generally on the state of the environment. Methods such as cultural and environmental spot monitoring could be discussed with the regional council.</p> <p>Meetings as required for each development proposal will include the relevant parties and this may include Mana Whenua.</p>
<p>3.3 Mana Wai</p> <p>Mana Wai refers to our Tupuna rights to ensure we uphold our responsibilities to sustain the health and wellbeing in the identified water catchment. It refers to the mana inherent in the natural environment and the mana of Tangata Whenua and the intertwinement of the two to coalesce in a specific area. Ngā Hapū o</p>	

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Whanganui me Ngaa Rauru Kiihahi hold Mana Whenua and Mana Wai over the Otamatea area.	
<p>3.3.1 1 Implementation of Mana Wai in the Otamatea Plan Change</p> <p>We seek the following considerations below to be integrated in the structure plan report.</p> <ul style="list-style-type: none"> To protect and restore the Mouri of all water. 	<p>Mouri is defined in the Māoridictionary.com as: <i>‘(noun) life principle, vital essence, special nature, a material symbol of a life principle, source of emotions - the essential quality and vitality of a being or entity. Also used for a physical object, individual, ecosystem or social group in which this essence is located.’</i></p> <p>Noted.</p> <p>The CVR does not identify any loss of mouri as a result of PC46 proceeding. Known water sources in the Otamatea West Structure Plan area are those that flow intermittently through the land and pond for variable periods after significant rain events. This will continue to occur following land development.</p> <p>Stormwater runoff from roads will be channelled to ponding areas and pollutants managed as required to meet best practice standards. Any adverse effects on water quality and mouri of this water are likely to be less than minor and not significant in this context. The details of exactly how this will be achieved, is routinely determined as part of the detailed design phase of a development and assessed by the Council via the subdivision consent application process.</p> <p>Water quality in the wider area may be enhanced rather than diminished, due to establishment of compatible plantings in existing natural ponding areas. This could act to filter pollutants and reduce excessive stormwater flows.</p>
<ul style="list-style-type: none"> To require land disposal for human effluent and contaminants. 	<p>The Council’s Engineering Document 2016 (Appendix I of the District Plan) requires that wastewater be disposed of to the reticulated network in the Residential Zone, as indicated in the Otamatea West Structure Plan report. A request to dispose of waste to land, is beyond the scope of Plan Change 46, and contrary to the Council’s current infrastructure management regime. A Plan change is not the mechanism to review such regimes. This matter could be pursued with the Council beyond this Plan Change process.</p>
<ul style="list-style-type: none"> To require monitoring of all discharges be undertaken on a regular basis and all information, including an independent analysis of monitoring results, be made available to Whanganui me Ngaa Rauru Kiihahi. 	<p>Discharge monitoring for wastewater is a function of Horizons Regional Council, who have not identified any concern in this regard with proposed PC46.</p> <p>No discharges to land or water other than those permitted by the One Plan are anticipated. Refer Rule 14-18.</p>

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	Details regarding management of stormwater, wastewater and water infrastructure are indicated in the Otamatea West Structure Plan report and meet current best practice.
<ul style="list-style-type: none"> To encourage Management Plans for all discharge activities that detail the procedure for containing spills and including plans for extraordinary events. 	Beyond the Council's jurisdiction. Management plans for discharge activities are controlled by the Horizons Regional Council.
<ul style="list-style-type: none"> To require re-vegetation with locally sourced indigenous plants for all disturbed areas. Re-vegetation should be monitored by an assessment of the vegetative cover at one growing season after establishment and again at three seasons from establishment. 	<p>Landscaping around attenuation ponds will be considered in detail at the time of any subdivision consent application. PC46(R2) encourages the Council and developers to liaise with Mana Whenua representatives to co-develop, co-design or at the very least have genuine input into completing planting plans.</p> <p>The Council supports use of locally sourced indigenous species, provided any planting is friendly/compatible with underground infrastructure. Note that NZS4404:2010 Section 7 –Landscaping provides guidance on this issue, as does the Council's Tree Policy.</p> <p>Landscape maintenance requirements will be addressed within consent conditions as required.</p>
<ul style="list-style-type: none"> To require groundwater monitoring for all discharges to land. 	This is beyond the scope of PC46. Discharge activities are controlled by the Horizons Regional Council.
<ul style="list-style-type: none"> To require that resource consent applicants seek only the amount of water actually required for the purpose specified in the application in relation to potential urban development enabled by the plan change. 	These matters are beyond the scope of PC46. Water take activities are controlled by the Horizons Regional Council.
<ul style="list-style-type: none"> To require that all water takes are metered and reported on, and information be made available upon request to Whanganui me Ngaa Rauru Kiihahi. 	Water will be provided via the urban reticulated water network. Limitations and levels of service are a matter determined via the Local Government Act, and not within the jurisdiction of this RMA Plan change process.
<ul style="list-style-type: none"> To require that developers that use a greater volume of water during the set-up construction phase be reviewed after five years to determine actual ongoing needs. 	
<ul style="list-style-type: none"> To understand and give effect to mitigations that reflect the impact of climate change on the water use and wastewater systems before consenting of the specific dwellings are approved. 	Design criteria for three-water infrastructure including network reticulation, takes account of climate change. Section 6 of the RMA requires climate change be recognised and provided for. This has been addressed by the Council prior to initiating this Plan Change. Namely, a design criteria for the design of the wider development reported in the Otamatea West Structure Plan report prepared by Opus Consultants Ltd in 2017. This report built on

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	<p>the extensive wastewater and stormwater infrastructure network modelling of system capacity completed by GHD Consultants Ltd in 2012.</p> <p>It is not necessary to require a climate change implications assessment for each dwelling, as this work was completed as part of the process to design the infrastructure network to accommodate all the proposed development over the next 50 years.</p>
<p>3.4 Te Reo</p> <p>Te Reo Maori is inextricably linked to the relationship between tangata whenua and their lands. It enables a deeper sense of identity and place and, as a national language of this whenua, must be reflected in the plan change.</p>	
<p>3.4.1 Implementation of Te Reo in the Otamatea Plan Change</p> <p>Naming of Hapū areas are a critical component of the plan change. In deciding on the naming of the streets and any areas within the plan change, Hapū expect the right to decide as Mana Whenua. Hapū look forward to this being integrated into any potential plan change. Signage used in the development area is to be written dually in Te Reo and English.</p>	<p>The final decision on such matters rests with Council, as the likely owner of such infrastructure and facilities.</p> <p>However, PC46(R2) encourages reflection of cultural heritage and telling of local stories. This could, in liaison with landowners, potentially include design of signposting, naming of streets and public spaces. Decisions around dual language on signage could potentially be supported, provided that this is not constrained for regulatory signage by any other legislation.</p> <p>These are details that will be confirmed as part of subdivision consent applications, in liaison with land owners and developers.</p>
<p>3.5 Whanau Ora</p> <p>Whanau Ora is a holistic concept includes matters of housing, education, health and well-being, economic independence and social cohesiveness. This value speaks to the importance of the wellbeing of our people and the wider community. The plan change, if it were to go ahead, ensures the concept of Whanau Ora needs are considered to help create places that address the social and cultural aspirations of Iwi/Hapū.</p>	<p>All land within PC46 is private land. PC46 does not restrict or control who may purchase sites or develop land.</p>

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<p>3.5.1 Housing</p> <p>Housing and particularly affordable housing are matters that are of concern to the Iwi/Hapū. They seek a first right of refusal to buy houses that will be developed subsequent to a possible plan change. Iwi/Hapū recognise that this is an issue that must be enabled through the developer themselves, however feel it is an important value for the plan change decision makers to consider.</p>	<p>This is beyond the jurisdiction of the Council and PC46. It is acknowledged that Mana Whenua have noted that the land is privately owned and that this is a matter for negotiation with the owners of such land.</p>
<p>Will this plan change start to address social inequity by creating a space for all of the community? Or will it be focused on one sector who can already afford to buy homes in Whanganui? Iwi/Hapū will seek feedback on this matter to have a better understanding on the focus of the development and its preferred demographic.</p>	<p>Otamatea is one of several potential areas for future residential development, and is intended to contribute to meeting projected residential demand for Whanganui out to 2065.</p> <p>PC46 responds to perceived demand for residential development in this area and landowners who are interested in such development. It does not preclude or target any specific demographic.</p>
<p>Iwi/Hapū require the plan change zoning decisions to enable appropriate density housing to reduce the environmental and subsequent infrastructure impact on our whenua and wai.</p>	<p>The density threshold proposed is '800 square metres or more land per dwelling'. This is a lower density than other residential zoned areas in Whanganui, due to wider limitations of the existing reticulated urban services to accommodate development. Any development proposed at a higher density would be assessed against the Plan objectives.</p>
<p>Rau Hoskings of Design Tribe in Auckland and the Maori Architecture Collective have completed clear building guidelines for urban design that clearly articulate our sustainability aspirations in design.</p>	<p>Noted.</p> <p>PC46(R2) does not appear to be inconsistent with the design outcomes sought.</p>
<p>As well as identifying and mitigating adverse impacts, Iwi/Hapū has recognised significant opportunities for the plan change to positively enhance cultural values. Iwi/Hapū will need to play an important role in incorporating cultural values and concepts into the proposed subsequent development design.</p>	<p>Noted.</p> <p>The Council will liaise early and encourage landowners and developers to also liaise with iwi at the earliest opportunity.</p>
<p>Iwi/Hapū stress the importance of the plan change recognising and celebrating the cultural significance of the plan change area to Iwi/Hapū. Iwi/Hapū expect that this could be achieved by incorporating cultural values into the proposed development design.</p>	<p>PC46(R2) acknowledges the importance of the area to Mana Whenua and proposes objectives, policies and rules to ensure that cultural values and heritage are reflected in the area going forward and that opportunities to reconnect with this land are facilitated.</p>

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<p>In order to give effect to this, Iwi/Hapū seek that an adequate budget be assigned for the incorporation of cultural elements, including design motifs, lighting design, sculptural elements or artworks. Where possible, the use of Tangata Whenua colours, symbols and building materials are requested, as well as traditional place names. Te Aranga Principles (http://www.aucklanddesignmanual.co.nz/design-thinking/maori-design/te-aranga-principles) and other processes should be incorporated into the plan change to ensure that these values are properly acknowledged and reflected through the plan change and development proposals.</p>	<p>Such details are beyond PC46, although developers are encouraged to consider and demonstrate how cultural values and heritage will be recognised and provided for within their development site.</p> <p>Where such elements are within the public realm, the Council supports inclusive liaison with Mana Whenua on matters of design, particularly in relation to open space design elements.</p> <p>However ongoing maintenance and Council budget limitations, may constrain options for variation from standard street lighting or other standard features.</p>
<p>3.6 Kaitiakitanga</p> <p>Iwi/Hapū know that there is a deep kinship between humans and the natural world. All life is connected. The physical and metaphysical are indivisible. People are not superior to the natural order; they are part of it. Like some other indigenous cultures, Iwi/Hapū see humans as part of the web or fabric of life. To understand the world, one must understand the relationships between different parts of the web. Kaitiakitanga is a vehicle for rediscovering and applying these responsibilities. The values and solutions outlined in the Mana Whenua and Mana Wai sections naturally apply in this section also.</p>	
<p>3.6.1 Implementation of Kaitiakitanga in the Otamatea Plan Change</p> <p>When looking at what the plan change will enable, it will be essential to create a space that embodies and leads in this core value of kaitiakitanga. Iwi/Hapū want to see the plan change, if it were to go ahead, support developments that have clear aesthetics to fit the landscape. In particular, Iwi/Hapū seeks architecture design and landscape design that reinvigorates the original feel and energy before the land confiscations in the 1840s. This can be achieved through building guidelines co-designed by Iwi/Hapū and the Council.</p>	<p>This may be an outcome, but PC46 will be not require a return to a pre1840s landscape. PC46(R2) will encourage development that incorporates local culture and traditions into the urban landscape.</p> <p>Design of dwellings on privately owned residential sites is permitted by the District Plan and will be determined by each landowner, in accordance with the health and safety requirements of the NZ Building Code which is contained in regulations under the Building Act 2004.</p> <p>In relation to landscape form, the District Plan at Chapter 13 and Appendix I (WDC Engineering Document 2016) seek to minimise earthworks and encourage retention of natural landforms where possible. These regulations apply regardless of whether PC46 is adopted or not by the Council.</p>
<p>The plan change decision must also be influenced by the opportunity to be groundbreaking and meet sustainability of the environment – preference should be given to developers who can give effect to kaitiakitanga outcomes. These kaitiakitanga outcomes can be set by Iwi/Hapū and worked through with developers</p>	<p>PC46(R2) proposes new Policy 9.3.21 to encourage developers to liaise with Mana Whenua, to identify appropriate ways to incorporate local culture and traditions into the urban landscape.</p>

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<p>in the future as to how these can be implemented in the design. For example this includes the use of sustainable building materials and design for energy efficiency, which Iwi/Hapū believe is essential in the creation of any greenfields development.</p>	<p>Matters raised by the CVR are all potential methods that could form part of discussions with developers at the detailed design and subdivision consent application phases.</p> <p>The District Plan does not prescribe design and materials for dwellings, where a range of material and energy options are available and meet current Building Code standards for health and safety. Such matters are beyond the scope of this Plan Change.</p>
<p>3.6.1.1 Earthworks</p> <p>One of the effects of a change in zone could be increased earthworks increasing sediment discharge into surrounding waterways.</p> <p>These impacts are clearly unknown at the moment due to this being at the plan change phase. However, in anticipation of likely increased impacts, Iwi/Hapū recommends the implementation of robust sediment controls, to reduce the risk of sediment from any subsequent development from entering nearby waterways.</p> <p>Iwi/Hapū will be part of the ongoing construction planning, monitoring and implementation of measures to reduce sediment discharge.</p>	<p>No waterways are anticipated to be affected by this Plan Change.</p> <p>Each application for subdivision consent involving land disturbance will need to consider any potential amenity effects caused by dust and identify how such effects will be addressed.</p> <p>Sediment impacting on waterways is controlled by the Horizons Regional Council and beyond the scope of this Plan Change.</p>
<p>3.6.1.2 Stormwater</p> <p>The principles and suggestions under the Mana Wai section of this report identifies the management of storm water as being high priority for Iwi/Hapū. Iwi/Hapū have identified the need to ensure that appropriate storm water systems are in place to prevent environmental degradation in and around any planned developments caused by increased storm water runoff.</p>	<p>Noted and agreed.</p>
<p>These measures will seek to ensure that the Mouri of the water is not further degraded. It is expected that the plan change will guide design that provides for the collection and treatment of storm water from all new and some existing roads and other hard surfaces in the area.</p>	<p>Stormwater attenuation design will be confirmed by the Council as compliant with the Engineering Document 2016 (Appendix I of the Plan).</p> <p>There are options available to ensure stormwater can be managed as a permitted activity as set out in the One Plan.</p> <p>If the thresholds identified in Rule 14-18 of the One Plan are exceeded then a Horizons Regional Council consent process will be triggered.</p>

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<p>3.6.1.3 Vegetation</p> <p>Iwi/Hapū requires indigenous re-vegetation with locally eco-sourced species for all disturbed areas. Revegetation should be monitored by an assessment of the vegetative cover at one growing season after establishment and again at three seasons from establishment.</p>	<p>Potential for this in open space reserve areas and possibly if landowners are agreeable on privately owned land.</p>
<p>3.6.1.4 Subdivision</p> <p>To encourage a holistic planning approach to subdivisions between the developers and the Council, the plan change should encourage consents related to the subdivision to be sought at the same time.</p>	<p>Council might like to encourage this approach, but cannot control how applicants choose to seek approval. Staging of development and consenting processes is common due to significant resourcing and cost factors involved.</p>
<p>3.7 Atua-tanga</p> <p>The value of Atua-tanga is recognition of the agency of the elements to act of their own accord, as well as the futility of trying to control nature. Our outlook is to work with the natural processes of the world as opposed to trying to control or act against them.</p>	<p>Noted. Quality urban design principles on which the District Plan is based also seek to work with natural landforms as far as possible.</p> <p>Raising awareness of the cultural significance and history of the area, will respect Atua-Tanga. PC46(R2) will assist in this awareness raising for affected landowners and potentially the wider community.</p> <p>Development of the area with a stronger focus and recognition of cultural values, will also raise awareness in time.</p>
<p>4 Te Tiriti o Waitangi</p> <p>The Rangatiratanga and Kaitiakitanga of Whanganui me Ngaa Rauru Kiihahi, which existed well before Te Tiriti, is enduring. The introduction of Te Tiriti o Waitangi was a way in which this Mana Whenua and Mana Wai was further enforced. This plan change should provide for, protect, recognise and uphold Te Tiriti o Waitangi.</p>	<p>Section 8 of RMA requires the principles of the Treaty be taken into account when managing use and development. This has occurred and is recorded in the Officers S42A Report to the Hearing Panel.</p>
<p>4.1 Implementation of Te Tiriti o Waitangi in the Otamatea Plan Change</p> <p>The Treaty settlement process involves negotiations between Iwi and the Crown relating to historic (pre-1992) breaches of the Te Tiriti o Waitangi by the Crown. The Treaty settlement process provides important context to the plan change. The</p>	<p>Acknowledged in Officers S42A Report.</p>

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<p>statutory acknowledgements by the Crown to Iwi should be reviewed and given effect to.</p>	
<p>It is the view of Iwi/Hapū that the process of this plan change has not reflected the intentions of the deeds of settlement. In fact it has felt for Iwi/Hapū that this process to date has created further grievance. The plan change and the subsequent resource consent applications that will result from the plan change should reflect much earlier engagement, adequate resourcing for Iwi to engage on these matters effectively and a far more open relationship to build the meaning and understanding enabled by the deeds.</p>	<p>Acknowledged and the Council Planning team are committed to early and regular engagement for future Plan change processes via a yet to be co-developed engagement process.</p>
<p>4.2 Resource Management Act</p> <p>Whanganui me Ngaa Rauru Kiihahi, inclusive of all relevant Iwi and Hapū require recognition as being affected parties and require that all consents that occur because of this plan change are sent to all affected tangata whenua parties (not just those that are notified). Whanganui me Ngaa Rauru Kiihahi further requires that the plan change reflects this status and encourages pre-consultation with Iwi and Hapū before lodgement of any consent application with Council.</p>	<p>Noted.</p> <p>An assessment of affected parties will be made for each application received in relation to PC46. It is noted that Whanganui me Ngaa Rauru Kiihahi consider they are potentially affected either collectively or individually. It will be necessary to confirm a potential adverse effect specific to each development site. For example, a subdivision application in accordance with the Plan regulation, on land where no cultural or archaeological sites are recorded will not automatically require notification or written approval.</p> <p>The Plan proposes to refer to Mana Whenua, which Whanganui me Ngaa Rauru Kiihahi are acknowledged to represent at this point in time.</p> <p>The Council will notify parties it confirms are potentially affected for each consent application as required by the RMA.</p>
<p>Whanganui me Ngaa Rauru Kiihahi support the Council making consent applications under this plan change restricted discretionary.</p>	<p>Noted</p>

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<p>However the restricted discretionary classification should extend to all aspects of potential land development in an area, including subdivision and land use, inclusive of earthworks and land disturbance activities. We also request that subdivision and land use consents for the same development be treated together to ensure all potential effects are considered. Mana Whenua request the following additions and amendments to the matters to which Council should restrict its discretion to:</p>	<p>Where specific cultural values are not identified as affected, there is no justification provided for further restricting use of private land for a full range of permitted residential activities.</p> <p>No evidence has been presented as to why it is necessary to restrict all aspects of land development, especially where this does not involve land disturbance.</p>
<p>i. Whether written approval has been obtained from Whanganui me Ngaa Rauru Kiitahi, inclusive of all relevant Hapū;</p>	<p>Noted. Reference to Whanganui me Ngaa Rauru Kiitahi as Mana Whenua in the District Plan can be supported, provided this group has some documented mandate to represent Mana Whenua on an ongoing basis. Otherwise a generic reference to Mana Whenua may be more appropriate.</p> <p>Written approval from relevant hapū should not also be necessary, as the RMA refers to iwi authorities.</p>
<p>ii. Measures taken to recognise and provide for the relationship of Mana Whenua and their culture and traditions with their ancestral lands, water, sites, Waahi Tapu, and other taonga;</p>	<p>Supported</p>
<p>iii. Whether a cultural impact assessment has been completed for the specific development site, with substantial consultation from Mana Whenua (Whanganui me Ngaa Rauru Kiitahi, inclusive of all relevant Hapū) and whether this cultural impact assessment confirms the activity will not adversely affect cultural values associated with the area.</p>	<p>On reflection, the consent process itself does not need to assess whether a CIA has been received, and this will also be reflected in written approvals obtained from Mana Whenua or not.</p> <p>Rather it will be important to consider whether any adverse cultural impacts are identified and whether methods recommended in a CIA are proposed to be implemented by the application, and if not what are the reasons.</p>
<p>Further to this, where there are decisions needed that require a hearings panel, Iwi/Hapū seek the opportunity to have a commissioner or panel member that has clear skills in tikanga Maori and will be nominated by the Iwi/Hapū as long as they have no conflict of interests.</p>	<p>The Council acknowledges the benefit of such expertise being included on Panels where relevant to a specific Plan change.</p> <p>It is a delegation of a Council function, to a person or group who are accredited for that task. Consideration of the range of skills and expertise relevant to each case will be part of that delegation process.</p> <p>Input from Mana Whenua prior to appointment of a panel membership, may be something that is considered as part of developing a Mana Whakahono a Rohe.</p>

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<p>4.3 Ruruku Whakatupua, the Whanganui River Deed of Settlement</p> <p>Ruruku Whakatupua, the Whanganui River Deed of Settlement, provides for the full and final settlement of all historical Treaty of Waitangi claims of Whanganui Iwi in relation to the Whanganui River which arise from Crown acts or omissions before 21 September 1992.</p> <p>The Deed of Settlement has two parts and comprises two documents:</p> <ul style="list-style-type: none"> • Ruruku Whakatupua – Te Mana o Te Awa Tupua • Ruruku Whakatupua – Te Mana o Te Iwi o Whanganui. <p>Ruruku Whakatupua – Te Mana o Te Awa Tupua is primarily directed towards the establishment of a new legal framework (Te Pā Auroa nā Te Awa Tupua) for the Whanganui catchment that is centred on the legal recognition of the Whanganui River from the mountains to the sea, incorporating its tributaries and all its physical and metaphysical elements, as an indivisible and living whole – Te Awa Tupua.</p> <p>Ruruku Whakatupua – Te Mana o Te Iwi o Whanganui is primarily directed towards Whanganui Iwi and the recognition and further development of the relationship between Whanganui Iwi and the Whanganui River through both cultural and financial redress.</p>	<p>Council has ensured that knowledge and expertise in tikanga Maori are available to inform the Hearing Panel recommendations for PC46.</p> <p>Acknowledged</p>
<p>4.4 Ngaa Rauru Kiitahi Treaty Settlement</p> <p style="text-align: center;">“mai te rangi ki te whenua, mai uta ki tai, ko nga mea katoa e tapu ana, Ngaa Rauru Kiitahi ki a mau, ki a ita.”</p> <p style="text-align: center;"><i>Ngaa Rauru Kiitahi Deed of Settlement, Pg 17.</i></p> <p>The Ngaa Rauru Kiitahi Treaty Settlement is recognised via the Ngaa Rauru Kiitahi Claims Settlement Act 2005 and the Ngaa Rauru Kiitahi Deed of Settlement dated 27 November 2003. The purpose of the Ngaa Rauru Kiitahi settlement act is to record the acknowledgements and apology given by the Crown to Ngaa Rauru Kiitahi in the Deed of Settlement. This act also provides for the transfer of</p>	<p>Acknowledged</p>

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settlement assets agreed in the 2003 Deed of Settlement, finalises Ngaa Rauru Kiihahi historical Treaty of Waitangi claims and describes the statutory acknowledgement areas within the Ngaa Rauru Kiihahi rohe.	
<p>5 Conclusion</p> <p>It is expected that much closer relationships with the Council and the developers will be established as a result of these documents and the engagement between the Iwi/Hapu and staff.</p> <p>Iwi/Hapū seeks a full response to how these issues are reflected in the plan change and then clear feedback on how this will be integrated in consenting if the plan change would go ahead despite the opposition of the Iwi/Hapū.</p>	<p>Noted</p> <p>Responses are summarised in this document and implemented via the proposed PC46(R2) Plan provisions.</p>
<p>6 Contact Details</p> <p>Whanganui me Ngaa Rauru Kiihahi were represented in this instance by the following entities:</p> <p>Te Runanga o Tupoho PO Box 62, Whanganui 4540 (021) 115 125</p> <p>Te Kaahui o Rauru 14 Fookes St, Waverley (06) 346 5707</p> <p>Whanganui Land Settlement Negotiation Trust Tupoho House, 249 Victoria Ave, Whanganui (06) 281 3137</p>	