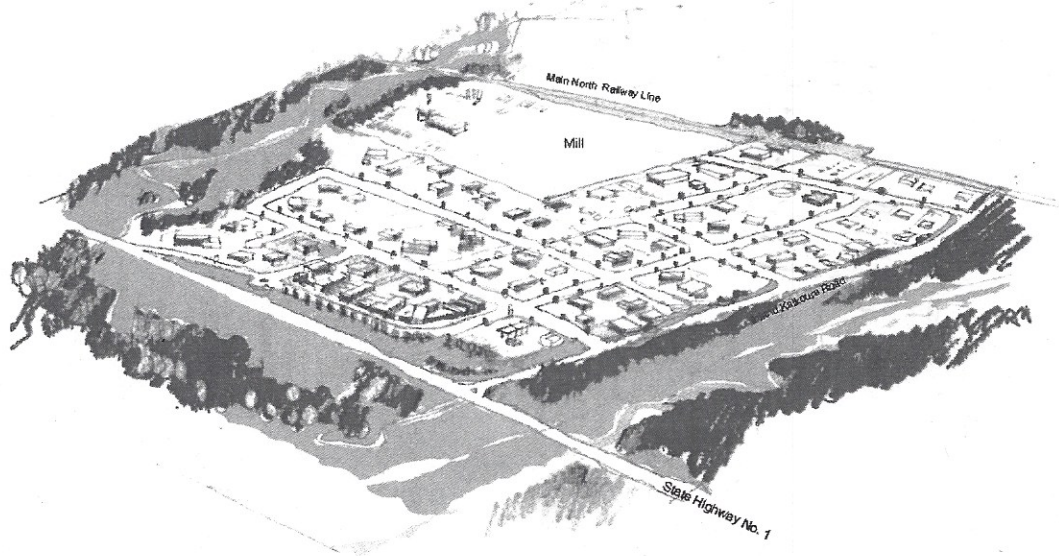


Cultural Impact Assessment

For a Proposed Industrial Park in Kaikōura



Prepared for:
Kowhaibanks Development Ltd.

Prepared by:
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On behalf of Te Rūnanga o Kaikōura

March 2006

Toi tu te marae a Tane
Toi tu te marae a Tangaroa
Toi tu te Iwi

If the world of Tane survives
If the marae of Tangaroa survives
The people live on¹

DISCLAIMER:

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Cover Photo: Indicative Perspective View of the proposed industrial park. Draft image for discussion purposes only.

¹ Waitangi Tribunal. 1991. Ngāi Tahu Land Report. Chapter 17: Mahinga Kai

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Executive Summary

Kowhaibanks Development Ltd. is proposing to subdivide land and develop an industrial park on an 86 ha property south of Kaikōura, at the junction of the Inland Kaikōura Road and State Highway one.

In planning for this development, Kowhaibanks Development Ltd. have approached Te Rūnanga o Kaikōura to obtain information on the potential effects of an Industrial Park on tangata whenua values, and the ways that any adverse effects may be avoided, remedied or mitigated. Te Rūnanga o Kaikōura is the representative body of the hapū Ngāti Kuri (subtribe of the iwi Ngāi Tahu), who are tangata whenua of Kaikōura.

The site of the proposed Industrial Park is an area rich in Māori history and values. The landscape between the Kahutara and Kōwhai Rivers is characterised by an abundance of culturally important sites and features, including pā, awa, ngā roto waimāori, tauranga waka and wāhi pakanga,² and archaeological sites such as midden, umu and pits, and artefact find spots. A tribal property is located across SH1 from the project site, and a tribal Nohoanga site is in close proximity.

As kaitiaki, Te Rūnanga o Kaikōura has a responsibility for the sustainable use and management of the environment and natural resources - *mō tātou, ā, mō ka uri ā muri ake hei* (for us and our children after us). Rūnanga policy is to avoid compromising the natural, cultural and ecological values of the Kaikōura coastal environment as result of inappropriate land use and development.

Tangata whenua that participated in this Cultural Impact Assessment (CIA) identified several benefits that could be realised from the proposed industrial park, and also a number of potential adverse effects. Overall, there is general support for the concept of a designated industrial area, but there are some concerns about the suitability of the location, and the nature of the industries that may locate in the park.

This report describes the potential effects of the proposal on cultural values (section 5), and suggests measures to assist Kowhaibanks Development Ltd. to address any adverse effects (section 6). This information highlights a number of important kaupapa, or themes, with regards to Te Rūnanga o Kaikōura perspectives on this proposal:

- Te Rūnanga o Kaikōura supports the idea of a designated industrial zone. A designated zone is seen as a way to provide better controls on industrial activity.
- There are clear benefits to be realised through an industrial park, most importantly jobs and relocating existing industry out of the main town area.
- The concept of an industrial park has more support in terms of relocating existing industry, as opposed to attracting new industry.
- There is little support at this time for a new mill, as it is considered high risk for adverse effects on the environment and thus cultural values (discharges that may contaminate air, land and water) and with increased traffic (logging trucks).

² See the glossary at the end of this report for a definition of terms.

1 INTRODUCTION AND OBJECTIVES

Kowhaibanks Development Ltd. is proposing to subdivide land and develop an 86 ha industrial area south of Kaikōura, at the junction of the Inland Kaikōura road and State Highway one.

In planning for this development, Kowhaibanks Development Ltd. is consulting with the community of Kaikōura. As part of this consultation, the developers have approached Te Rūnanga o Kaikōura to obtain information on the potential effects that the proposed Industrial Park may have on tangata whenua values and interests.

Te Rūnanga o Kaikōura is the representative body of the hapū Ngāti Kuri (subtribe of the iwi Ngāi Tahu), the tangata whenua who have *manawhenua*, or customary authority, in the Kaikōura area.³ The takiwā of Te Rūnanga o Kaikōura centres on Takahanga Marae in Kaikōura, and extends from Te Parinui o Whiti (White Bluffs) south to the Hurunui River, and inland to the main divide.

This Cultural Impact Assessment (CIA) Report provides an overview of Ngāti Kuri values associated with the proposed project area, the potential effects (both positive and adverse) on those values as a result of the proposed Industrial Park, and the ways that any adverse effects may be avoided, remedied or mitigated. Such information will allow the developers to recognise and provide for Part II of the RMA, s. 6(e) *relationship of Maori with ancestral lands, waters and sites*, s. 6 (f) *protection of historic (including cultural) heritage from inappropriate use and development*, s. 7 (a) *Kaitiakitanga* and s. 8 *Treaty of Waitangi*.

1.1 Consultation with Te Rūnanga o Kaikōura

Te Rūnanga o Kaikōura is one of 18 Papatipu Rūnanga that constitute the membership of Te Rūnanga o Ngāi Tahu. Te Rūnanga o Ngāi Tahu is the legal representative of Ngāi Tahu Whānui within the Ngāi Tahu takiwā, as per section 15 of the Te Rūnanga o Ngāi Tahu Act (TRoNT) Act 1996.

The TRoNT Act and the Ngāi Tahu Claims Settlement Act (NTCSA) 1998 give recognition to the status of Papatipu Rūnanga as kaitiaki and manawhenua of the natural resources within their takiwā boundaries. Notwithstanding the relevant provisions of the Acts, it is established practice for resource management matters that the kaitiaki status of the affected Papatipu Rūnanga is supported and enabled by Te Rūnanga o Ngāi Tahu.

1.2 Objectives

The objectives of this Cultural Impact Assessment are:

³ See the glossary at the end of this report for a definition of terms.

- (a) To document the cultural significance of the area within which the proposed development will occur.
- (b) To identify the potential effects on Ngāti Kuri cultural values, including archaeological values, as a result of the proposed rezoning of land and development of an industrial park.
- (c) To identify appropriate measures to avoid, remedy or mitigate, where practical, any adverse effects of the applicant's proposal on cultural values.

A further objective is to identify the potential cultural effects of a rural-residential subdivision for the area north of the railway line. This option is addressed as an appendix to the main report, as requested by the client (Appendix 1).

1.3 Methodology

The preparation of this report involved a review of information, a site visit to the proposed development, and a consultative process with Te Rūnanga o Kaikōura.

Review of existing information: A review of existing information included background information about the proposed project, as provided by the applicant; historical information on Ngāi Tahu associations with the Kaikōura coast, and specifically the project area; and the relevant provisions of the Resource Management Act 1991, the Ngāi Tahu Claims Settlement Act 1998 and any other statutes, regulations, or other documents, as they relate to the relationship between tangata whenua and the environment, and the potential effects of the proposed development on this relationship.

On-site investigation: A site visit to the proposed development was held on January 19th, 2006. Site visits are provided as part of CIAs to allow tangata whenua to meet applicants, view the location of the development, and ask questions about the proposal. Rūnanga representatives were briefed at Takahanga Marae prior to the site visit, and met again following the site visit to discuss the proposal and potential impacts on cultural values. Brian Allingham, an archaeologist subcontracted to provide information on archaeological values, also attended the site visit.

Consultative process: Consultation with Te Rūnanga o Kaikōura was designed to actively engage tangata whenua in the preparation of the report. A pānui was sent to Rūnanga members early in the assessment process (January 2006), outlining the proposal and identifying dates for site visits and hui. A presentation was made to Rūnanga members at the monthly Rūnanga meeting on February 12, 2006. The presentation summarised all work to date on the CIA, and provided an opportunity for Rūnanga members to comment and contribute additional perspectives.

A draft report was circulated to Rūnanga representatives in late February 2005. The report was reviewed to ensure that it accurately reflected the views of the Rūnanga. Revisions were made to the draft report as needed. The final report was endorsed by Te Rūnanga o Kaikōura on March 12, 2005.

Archaeological assessment: An archaeological risk assessment was commissioned as part of this CIA. The assessment was requested by Te Rūnanga o Kaikōura due to the proximity of the project site to numerous sites of cultural significance, including registered archaeological sites.

The purpose of the assessment was to determine, as far as is reasonably possible, the nature and extent of Māori archaeological values existing on the KowhaiBanks Development property, and the risk to such values as a result of the proposed Industrial Park. Such evaluations are necessary when a development proposal has the potential to disturb or alter the landscape and thereby endanger archaeological sites.⁴

The risk assessment was prepared by Brian Allingham, an archaeologist employed by Te Rūnanga o Ngāi Tahu, and is included in Appendix 2. Information provided by the assessment was used by the Rūnanga to provide recommendations for protecting cultural heritage values.

2 DESCRIPTION OF ACTIVITY

The proposal is to develop an industrial park south of Kaikōura, on an 86-hectare site bound by the Kōwhai River and Inland Kaikōura Road, Stoney Creek⁵, and State Highway 1. The land is currently zoned rural, and will require a zone change to a suitable industrial or business zoning.

The industrial area is expected to include a larger mill site (potentially some or all of the existing mill in Kaikōura, but most likely a new mill), and 'fine grained' (smaller) industrial sites, such as engineering firms, rural support industries, mechanics, boat servicing agents, or other small manufacturers. There may also be a small area of supporting retail (e.g. businesses that set up to support the mill operation), and a limited amount of ancillary residential accommodation (e.g. worker accommodation) (see Figure 1).

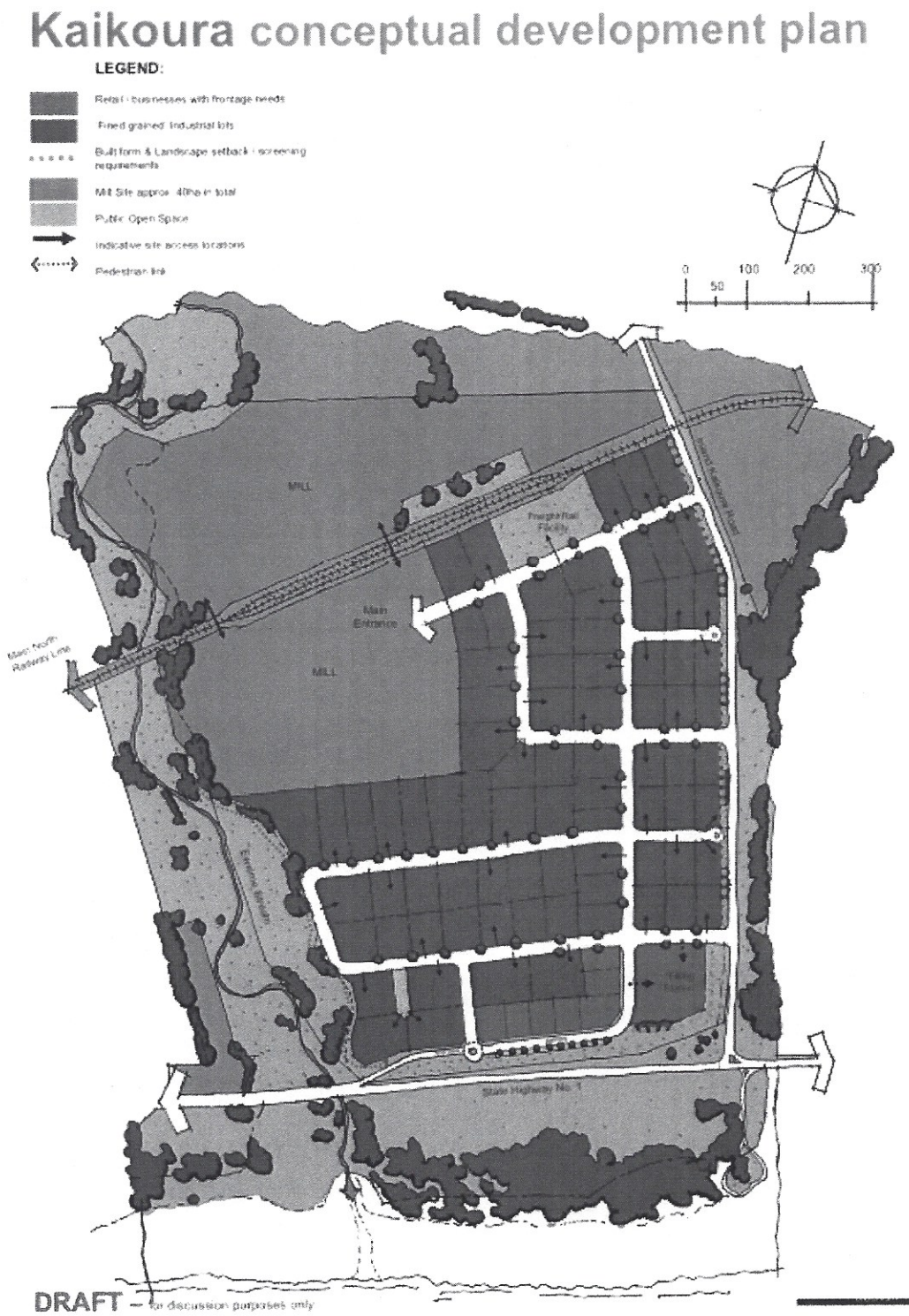
The industrial park is proposed for approximately 70 hectares of the site, and the developers are considering the option of a rural-residential development on the remaining 16 hectares on the north side of the railway line. This option is most likely if a mill does not locate on site, or it requires less land area than expected. This subdivision would see approximately 8 allotments of about 2 hectares each, and would be separate to the industrial development.

The subdivision would be undertaken to minimise future adverse effects, including reverse sensitivity effects, and will most likely include on-site effluent disposal.

⁴ Walton, T. 2002: pp. 3.

⁵ Stoney Creek is also known on many planning maps as Ewelme Stream.

Figure 1: Proposed Kaikōura Industrial Park: Conceptual Development Plan



3 PLANNING FRAMEWORK

The relationship between Māori and the environment, natural resources and cultural heritage is recognised and provided for in a number of statutory and planning documents that are relevant to the Industrial Park Proposal, most importantly the RMA 1991.

The **Resource Management Act (RMA) 1991** recognises the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga as a matter of national importance (Part II s. 6(e)), including the protection of sites of significance to Māori, including wāhi tapu (s. 6(f) historic heritage). Section 7 identifies kaitiakitanga as a matter that particular regard must be given in relation to managing the use, development and protection of natural and physical resources, and section 8 establishes that all persons exercising functions and powers under the Act shall take into account the principles of the Treaty of Waitangi.

Two **Ngāi Tahu Claims Settlement Act (NTCSA) 1998** sites are located in close proximity to the project site: a tribal property and a Nohoanga site. Such provisions are an outcome of the Ngāi Tahu Treaty Claim Settlement with the Crown, and are aimed at restoring the ability of Ngāi Tahu to give practical effect to kaitiaki responsibilities.

The proposed **Kaikōura District Plan** recognises the statutory provisions of the RMA in relation to Treaty and Māori interests, pursues an objective of effective partnership in the management of the District's natural and physical resources (5.2.2), and contains specific policies ensuring tangata whenua involvement in decision making processes, the protection of cultural heritage and the maintenance and enhancement of access and use to natural resources and places of importance (5.2.3). Policy 13.6.2 relates specifically to the protection of Ngāi Tahu interests with respect to subdivision activities.

Environment Canterbury's Regional Policy Statement is the overarching resource management policy document for the Canterbury Region, and sets out how natural and physical resources are to be managed in an integrated way with the aim of sustainable management. Chapter 6 of the RPS requires that specific aspects of the relationship of Tangata Whenua, their culture and their traditions with their ancestral lands, water, sites, wāhi tapu and other taonga should be recognised and provided for through resource management and planning including decisions on resource consents.

The **Regional Coastal Environment Plan 2003** (in keeping with the New Zealand Coastal Policy Statement 1994) has provisions for the protection of sites, places and characteristics of the coastal environment of special value to Tangata whenua. The **Historic Places Act 1993** ensures that archaeological sites (both known and unknown) are protected from damage, modification or destruction during any activity.

3.1 Te Poha o Tohu Raumati

Of particular importance to this report is **Te Poha o Tohu Raumati, the Te Rūnanga o Kaikōura Environmental Management Plan 2005**. The plan is a statement of Ngāti Kuri values and policies with respect to natural resources and the environment, and

4 NGĀTI KURI VALUES AND THE KAIKŌURA COAST

The Kaikōura coast is rich in Māori history, and is part of the cultural heritage of Ngāti Kuri. The coastline tells the story of the Ngāi Tahu migration to Te Waipounamu from the North Island. It tells of how Ngāti Kuri gained customary tribal authority over the rohe from Ngāti Mamoe, and established themselves at Takahanga pā, the site of the current marae. This history is well documented in Ngāti Kuri oral history and whakapapa traditions (e.g. Carrington Manuscripts) and in other historical sources (Elvy 1948; Sherrard 1966; Evison 1997).

Given this history, it is necessary to view the proposed project site as part of a wider *cultural landscape* that has important historical, spiritual and cultural associations for Ngāti Kuri. A cultural landscape approach includes the identification of specific sites or culturally important features on the landscape, and consideration of the relationship of tangata whenua to those sites and features.

Figure 2 (page 14) depicts the cultural landscape from the Kahutara River to the Kaikōura Peninsula. Specific site and features in this cultural landscape are described in Table 1 below.

Table 1: Cultural Landscape Features Along the Kaikōura Coast

Value	Description
Pā	Several pā sites are located in this area of the Kaikōura coast. The Peketa pā complex is on the south banks of the Kahutara. Peketa pā may have been one of the strongest fortified pā on the South Island, and ranks as one of the largest occupied sites on the Kaikōura Coast. ⁶ SH1 travels through Elms Pā, located adjacent to Elms Creek, south of the proposed project site. In addition to visible earthworks (defensive walls), artefacts and "much evidence of fires" have been found here. ⁷
Ara Tawhito	The Kaikōura Coastal Trail was part of a larger network of ara tawhito, or trails and access routes across Te Waipounamu. ⁸
Awa	The Kahutara, Kōwhai, Stoney and Elms Creek are culturally important awa, or rivers, in the vicinity of the project area. The spiritual and cultural connection to freshwater is of utmost importance to Te Rūnanga o Kaikōura, as water is the lifeblood of Papatūānuku. For Ngāi Tahu, water is a taonga left by the ancestors to provide and sustain life. ⁹ Individual waterways hold different cultural associations. The Kahutara was known for good quality drinking water. Stoney Creek was known for watercress and tuna. The Kōwhai was known as Wairua-a-rangi, ¹⁰ because of a nohokainga (living settlement) located at the river. ¹¹
Wāhi ingoa	The strong Ngāti Kuri presence on the Kaikōura coast is evidenced in the

⁶ Brailsford 1981:131; Sherrard 1966:26.

⁷ Trotter, M. and McCulloch, B. 1998: 14.

⁸ Brailsford, 1996.

⁹ Te Rūnanga o Ngāi Tahu 1999

¹⁰ Elvy 1948:74

¹¹ Te Rūnanga o Kaikōura 2005: 10

	place names that remain on the landscape today. Wāhi ingoa may describe the physical environment, including a specific characteristic or use associated with an area (e.g. a mahinga kai species that may be found, or they may pay tribute to a tūpuna, a historical figure or an event, recording the history of the people on the landscape.
Wāhi pakanga	Wāhi pakanga are sites where battles took place. The sites are considered wāhi tapu, and are often associated with urupā. Known wāhi pakanga along the Kaikōura coast include the banks of the Kahutara River, where a battle was fought between Ngāi Tahu and Ngāti Mamoe.
Ngā roto waimaori	Lake Rotorua and Lake Rotoiti, associated with the Kahutara River and Stoney Creek, are ngā roto waimāori of importance. The lakes were used by Ngāi Tahu as mahinga kai; waterfowl and tuna were the main foods taken.
Mahinga kai	<p>Mahinga kai is defined in the NTCSA 1998 as "the customary gathering of food and natural materials, and the places where those resources are gathered".¹²</p> <p>Tangata whenua describe the area between the Kahutara and the Kōwhai River as one that supported settlement and mahinga kai activities. It was known for repo raupō, which provided tuna and waterfowl, as well as wāhi raranga (weaving materials). Stoney Creek was known for good quality tuna.</p> <p>The numerous middens, umu and pits in this area are indicators of the mahinga kai activities that once occurred.</p>
Tauranga waka	Tauranga waka are canoe-landing places, and throughout the Kaikōura coast. Tauranga waka sites are often associated with nohoanga (settlement), fishing grounds, and kaimoana resource areas, linking sea trails linked to a land trail or mahinga kai resource.

In this cultural landscape area, there are also sites/places that are recognised by the Ngāi Tahu Claims Settlement Act (NTCSA) 1998 due to their cultural, spiritual, historical and traditional importance. These sites are described in Table 2 below:

Table 2: NTCSA 1998 Sites near or adjacent to the proposed industrial park site

Lake Rotorua	<p>Lake Rotorua is a Statutory Acknowledgement Area (s. 206), recognising the cultural, spiritual, historic and traditional association of Rotorua to Ngāi Tahu.</p> <p>The lake is part of the tradition of '<i>Ngā Puna Wai Karikari o Rakahautu</i>', which tells of how the principles lakes of Te Waipounamu were dug by the rangatira Rakaihautu, using his famous ko, or digging stick.¹³</p>
Nohoanga	Nohoanga or temporary campsites, were established adjacent to lakes and rivers to facilitate customary fishing and the gathering of other natural resources (s. 255). Such sites can provide tangata whenua with an opportunity to experience the landscape as the tūpuna once did, and to promote

¹² NTCSA 1998, section 167.

¹³ NTCSA 1998 Schedule 35.

	<p>customary practices associated with mahinga kai.</p> <p>A nohoanga exists at the mouth of the Kōwhai River.¹⁴</p>
Kahutara Tribal Property	<p>A tribal property exists adjacent to the proposed industrial park, on the land directly across SH1 . This tribal property is part of several land parcels known as "Kahutara".¹⁵ Such properties are culturally significant sties that were brought under the ownership and control of Ngāi Tahu as part of the Ngāi Tahu Settlement with the Crown in 1997.</p>
Te Tai o Marokura	<p>The importance of the Kaikōura coast as a Ngāi Tahu cultural landscape is evidenced by the Statutory Acknowledgement for Te Tai o Marokura, a recorded statement of the historical, cultural, traditional, and spiritual associations of Ngāi Tahu with the Kaikōura coast (see Appendix 3).¹⁶</p>

A second component of a cultural landscape approach to identifying cultural values is the relationship of the tangata whenua with the landscape: the land, water and cultural heritage sites. This relationship is expressed through the principle of **kaitiakitanga**, or the rights and responsibilities associated with being manawhenua, or holding customary authority over an area.

Part 2 of the Resource Management Act 1991 defines kaitiakitanga as:

...the exercise of guardianship by the Tangata Whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship.

As kaitiaki, Te Rūnanga o Kaikōura has a responsibility for the sustainable use and management of the environment and natural resources - *mō tātou, ā, mō ka uri ā muri ake hei* (for us and our children after us). For the Rūnanga, this responsibility is about ensuring that activities do not compromise the mauri, or life supporting capacity, of the air, land, water and biodiversity. It is about asking the question "what will the impact of this activity be on those that come after us?"¹⁷

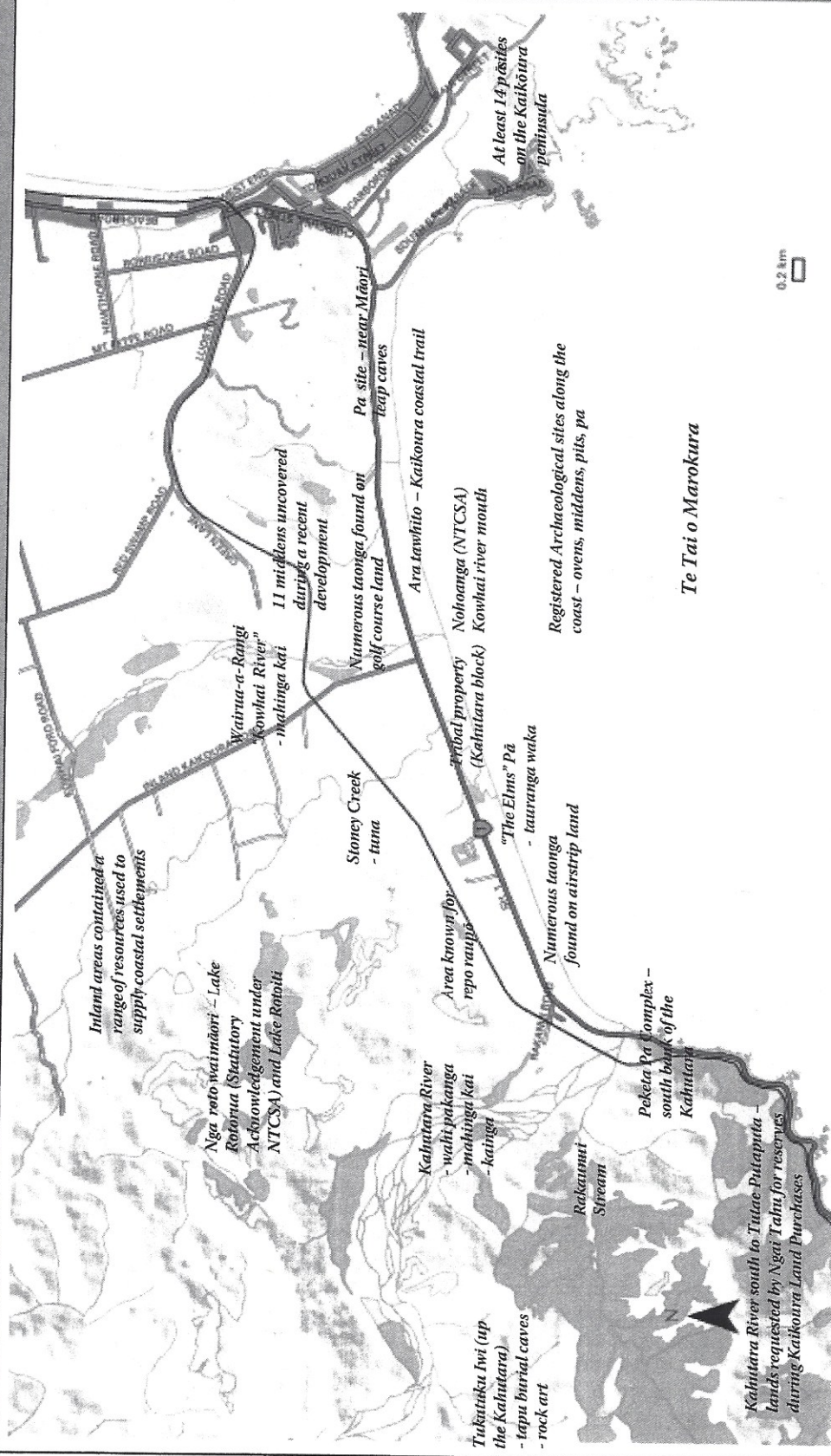
¹⁴ Schedule 95, NTCSA 1998

¹⁵ Schedule 7, NTCSA 1998

¹⁶ Schedule 100, NTCSA 1998

¹⁷ Te Rūnanga o Kaikōura 2005:32

Figure 2: Culturally Significant Landscape Features: Kahutara to the Kaikōura Peninsula



Version 4.11
Scale 1:50,000

5 EFFECTS ON NGĀTI KURI VALUES

The second objective of this report is to identify the potential effects on Ngāti Kuri cultural values, including archaeological values, as a result of the proposed industrial park.

Given that Industrial Park proposal is still in the early stages of development and little information is available with respect to specific issues (e.g. resource consents, specific industries), information on cultural effects provided in this section of the report focuses on the *concept* and *location* of the development.

Rūnanga members that participated in this report identified the potential for benefits, and for adverse effects, of an industrial park development for Kaikōura at this location. Each area of effects is discussed below.

5.1 Potential benefits

Rūnanga representatives identified several potential benefits that may be realised from this development (Table 3):

Table 3: Potential benefits to Ngāti Kuri values

<p>Designated industrial zone / locating industry out of town</p>	<p>Te Rūnanga o Kaikōura supports locating industrial activities outside of the town of Kaikōura. A designated Industrial Zone is seen as providing an opportunity to better monitor and manage industrial activities.</p> <p>Rūnanga members identified several existing activities that they would like to see relocated to an industrial area, including the manufacturing side of the existing mill on Beach Road, some trucking operations and a concrete batching plant. Some Rūnanga members commented that relocation of the existing mill would result in the implementation of better practice, as the activity would require new consents.</p>
<p>Jobs</p>	<p>Jobs (and the potential for affordable housing) were identified as further benefits that may be realised with the development of the industrial park. For example, local contractors may benefit from the development of the park and permanent new jobs may be created.</p> <p>Enabling tangata whenua to remain in Kaikōura on ancestral lands through ensuring that there is housing and jobs is a cultural value. When tangata whenua have to leave ancestral lands to find jobs and housing, it is a cultural impact.</p>
<p>Changing land use</p>	<p>Rūnanga representatives that participated on the site visit were clearly not supportive of the existing land use and thus were open to options for land use change. For Ngāti Kuri, dairy farming is having adverse effects on the mauri of land and water in the region. The farm on the</p>

	Kowhaibanks site is clearly having adverse effects on Stoney Creek (e.g. lack of fencing to restrict stock access), a waterway that tangata whenua once used for mahinga kai.
Restoration of Stoney Creek	<p>Reconnecting the Stoney Creek river environment to the community through the creation of reserve is identified as a benefit to tangata whenua values. Rūnanga members are concerned with the health and well-being of Stoney Creek, a waterway with important cultural associations.¹⁸</p> <p>However, some participants highlighted that if the industrial park proceeded, the reserve “would be the very least the developers would be expected to do”, in terms of mitigating impacts on cultural values.</p>

Additional benefits identified by Rūnanga members include:

- The need for public toilets along SH1 on the Kaikōura coast; this development may be able to address this need.
- Opportunity to encourage freight by rail.
- Opportunity to ease traffic in some areas (e.g. Beach Road).
- Opportunity to beautify the area along the SH1 through establishment of wide buffer zones of native species.

Importantly, the Rūnanga highlighted the need to learn more about the potential benefits of the development.

“When I was a child, Stoney Creek was known for the quality of the tuna (eels) we could find there”

“We don’t want to see anything but native trees along SH1 in this area” – Te Rūnanga o Kaikōura representative.

¹⁸ An indicator used by Ngāti Kuri to assess stream health is “fitness for cultural use”.



Photo: Stoney Creek, at the site of the proposed industrial park development. Current land use practices are having a marked effect on the waterway. The creation of a reserve as part of the mitigating effects of the development may help re-establish cultural values and associations with this river.

5.2 Potential adverse effects

Table 4 identifies the main areas of concern for Te Rūnanga o Kaikōura, with regards to potential adverse effects of the proposed industrial park on tangata whenua values.

Table 4: Potential adverse effects on Ngāti Kuri values

Suitability of location	<p>As kaitiaki, Ngāti Kuri wants to ensure that the location of a proposed activity is appropriate to avoid adverse effects on the environment, culture and the community, now and in the future.</p> <p>Rūnanga members questioned the suitability of location in terms of:</p> <p>(a) Whether an industrial park is what the community wants as the "gateway to Kaikōura" from the south. The question of "<i>is this what we want visitors to see when they drive into Kaikōura?</i>" was raised by all Rūnanga representatives.</p> <p>(b) Whether the natural environment of the site is conducive to industrial park development, in terms of avoiding adverse effects on the environment, and thus cultural values. For example, is a site in close</p>

	<p>proximity to two waterways and the sea an appropriate site for an industrial park? Discharge of contaminants is a key concern.</p> <p>(c) Whether an industrial park is compatible with future use and development of the adjacent tribal property and nohoanga (see below).</p>
<p>Effects on tribal property</p>	<p>Rūnanga members also questioned how the proposed development would affect Ngāi Tahu interests in developing the tribal property directly across SH1 from the proposed industrial park, and the nohoanga associated with the mouth of the Kōwhai River.</p> <p>The tribal property and nohoanga are sites of special cultural value to Ngāti Kuri. As with other sites vested in Ngāi Tahu during the tribe's settlement with the Crown, these sites were chosen because of their cultural significance and mahinga kai associations.</p> <p>There are two issues with respect to these tribal properties:</p> <p>(a) The Rūnanga is unsure about future use of the Kahutara property. However, any development on the properties will be consistent with cultural values and aspirations. There are concerns that an industrial park may limit future opportunities for this site.</p> <p>(b) The nohoanga was established with the goal of promoting customary practices associated with mahinga kai. It is hoped that the nohoanga associated with the Kōwhai River will become operative in the future. Rūnanga members questioned whether an Industrial park would be compatible with an operative nohoanga.¹⁹</p>
<p>Impacts on archaeological values</p>	<p>The potential for destroying, modifying or damaging archaeological sites as a result of ground disturbance associated with this development is a further concern for Te Rūnanga o Kaikōura.</p> <p>Concerns relating to accidental discoveries are warranted by the number of known archaeological sites in the area. There are numerous accidental find spots in the area, including in areas that were under cultivation.</p> <p>Archaeological surveys conducted in 1998 for Transit New Zealand along SH1 concluded that in addition to existing sites, there was "a reasonable likelihood of more sites occurring on both sides of the road from the Inland Road Junction to the Kahutara River."²⁰ Very recently, 11 middens were found during activities associated with the development of Ocean Ridge property, on the Kaikōura side of the Kōwhai River.²¹</p> <p>A archaeological risk assessment conducted for the purposes of this report (see Appendix 2) supports rūnanga concerns, concluding that, while there is no readily identifiable archaeological sites immediately threatened by the proposal, there is :</p>

¹⁹ See section 4 of this report for an explanation of Nohoanga.

²⁰ Trotter, M, and McCulloch, B. 1998: 17

²¹ Office Administrator, Te Rūnanga o Kaikōura, Personal Communication.

	<p>(a) A reasonably high expectation for accidental discovery.</p> <p>(b) A potential for visual pollution with respect to surrounding sites of cultural significance (e.g. Elms Pā).</p>
<p>Compatibility with Rūnanga aspirations for Kaikōura</p>	<p>In considering any development in Kaikōura, the primary questions for the Rūnanga are: <i>Does the proposed development fit with our long-term community vision for Kaikōura? Do the location, scale and design of the proposal fit with the coastal and cultural landscape?</i></p> <p>The Rūnanga is committed to balancing growth and development with the protection of the coastal landscape, and cultural and community values. Development along the Kaikōura coast must be compatible with community aspirations for the Kaikōura coast. A key question raised was: <i>Is ribbon development the way that we want to go?</i></p> <p>Rūnanga representatives participating in this CIA had concerns about the compatibility of an industrial park with:</p> <p>(a) The “small coastal village with a rich cultural landscape” character of Kaikōura that the Rūnanga wants to protect.</p> <p>(b) Kaikōura’s Green Globe 21 certification. Kaikōura became a Green Globe benchmark community in 2002, in recognition of the community’s commitment to protecting the environment and working towards sustainability for residents and visitors, and for future generations.²²</p> <p>(c) The commitment of the community of Kaikōura, including Takahanga Marae, to zero waste.</p>
<p>Environmental effects</p>	<p>Protecting and enhancing the <i>mauri</i>, or life supporting capacity, of <i>te whenua</i> (the land), <i>wai māori</i> (freshwater resources) and biodiversity is a key policy area for Te Rūnanga o Kaikōura. Adverse environmental effects as a result of inappropriate development activities can have adverse effects on the mauri of these cultural resources.</p> <p>The potential for adverse environmental effects, as identified by Rūnanga representatives, related to the location of the industrial park, and to the type of activities that may occur on site.</p> <p>Specific issues raised include:</p> <p>(d) The potential for discharge of contaminants to air, soil and water (e.g. sewage, stormwater, industrial discharge).</p> <p>(e) Further stress on freshwater resources from water abstractions.</p> <p>(f) Effects on Te Tai o Marokura, the Kaikōura coastal marine area.</p> <p>Activities such as timber treatment were highlighted as “high risk” in terms of contamination of land and water, and raised more concern than other activities. The use of heavy metals and other substances for timber treatment in a concentrated area such as an industrial park was considered</p>

²² Kaikōura became a Green Globe benchmark community in 2002. It is the second community in the world to achieve this certification. Kaikōura District Council is the first local authority in the world to achieve Green Globe 21 certification. Source: Kaikōura District Council 2005.

	dangerous. Overall, there was little support for a mill as part of this development.
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Other issues raised include:

- Heights of buildings on the landscape, change from an 'open landscape' to a built up landscape; disruption of view and "connectivity" of tribal property, nohoanga and inland areas.
- Concerns about increased traffic (e.g. do not want to see logging trucks coming into Kaikōura on SH1).
- Need to avoid speculators from buying sections and sitting on them, thus driving prices up.
- Developers must demonstrate that they will have controls and standards on who buys into the project. The community must have input into this process.

"There is a clear concern about contamination of the land and water, because of the nature of the land at this location, and the rivers" - Te Rūnanga o Kaikōura representative.

Ngāti Kuri's vision for coastal regions has not changed. Tangata whenua still want to access the sea and have healthy waters where it is safe to eat kaimoana. They want to feed their families and also be able to provide the marae and manuhiri with kai. They want to teach their tamariki and mokopuna the traditions, including tikanga, associated with mahinga kai and Tangaroa.

An important issue that arose during the preparation of this CIA report is that the term "Industrial Park" has negative connotations, and is associated with adverse effects on the environment and human health. The experience of the Rūnanga with respect to industrial activities in Kaikōura has been one of watching local rivers such as Waikawau (Lyell Creek) and the sea, contaminated by the discharge of industrial waste. The local dairy factory discharged dairy factory wastewater directly in the ocean for decades (and previous to that, a local creek); until a recent agreement with the Rūnanga to discharge to land. Concerns over a new mill associated with this proposal are largely a reflection of concerns that the Rūnanga has with the existing mill in Kaikōura.

6 ADDRESSING RŪNANGA CONCERNS

Te Rūnanga o Kaikōura recognises the need for business growth and development, but also the value of protecting cultural heritage, the natural environment, and the "small coastal village" character of Kaikōura.²³

One of the primary purposes of a CIA report is to identify appropriate measures to avoid, remedy or mitigate, where practical, any adverse effects on cultural values. The recommendations provided here will assist the project proponents to address tangata whenua concerns early on in project development, and work towards establishing the 'best fit' between cultural values and project development.

The recommendations are consistent with policies developed by the Te Rūnanga o Kaikōura in *Te Poha o Tohu Raumati*, the Te Rūnanga o Kaikōura Environmental Management Plan 2005.

1. Consider inland alternative sites

As described in section 5, an important issue raised by the Rūnanga relates to suitability of location. Concerns related to the appropriateness of the development as the "gateway to Kaikōura", environmental suitability and compatibility with adjacent land use.

The Rūnanga agrees that in terms of transport, the site is ideally located. They also agree that the site is a good option in terms of avoiding growth back towards Kaikōura (because of the natural boundary of the Kōwhai River). However, the Rūnanga is not convinced that, in terms of recognising and providing for tangata whenua values, the site is the best location.

"An industrial park is going to be a hard ask anywhere in Kaikōura", but particularly in this location because of the rivers". – Te Rūnanga o Kaikōura representative.

Te Rūnanga o Kaikōura has always approached assessments of development in terms of matching land use with land capability, and with specific values associated with the area. The protection of culturally significant features and landscapes from inappropriate subdivision, use and development is an important policy area for Te Rūnanga o Kaikōura. The Rūnanga Environmental Management Plan contains the following policies:

Policy 3.6.1 (3) To avoid compromising the natural, cultural and ecological values of the coastal environment as result of inappropriate land use and development.

Policy 3.6.1 (6) Land use and development activities in coastal areas will be considered in terms of specific natural and cultural landscape values. The protection of significant cultural values (e.g. wāhi tapu) in coastal areas will have precedence over any building,

²³ Te Rūnanga o Kaikōura 2005: Section 3.4.3

In keeping with this approach, many Rūnanga members felt that an inland area would be more appropriate than the proposed coastal site.

To address Rūnanga concerns with respect to the suitability of this site, Kowhaibanks Development could consider:

- Assessing alternative locations. One suggestion is to consider an area further up the Kōwhai River, where rail access is still available.
- Meeting *kanohi ki te kanohi* with the Rūnanga and present a case on the suitability of the location and measure that will be put in place to protect values.

2. Focus on relocating existing industry

Rūnanga members were clearly more supportive of moving existing industry to a designated industrial area than of attracting new industry. However, this view applied primarily to the idea of a new mill relocating, and thus may not be the case with smaller industries that are providing services to the community. Further, there is clearly a preference towards what were considered "low risk" industrial activities, as opposed to "high risk" activities (e.g. timber processing plant considered high risk in terms of contamination of the land, air, water).

To address Rūnanga concerns, Kowhaibanks Development could consider:

- Avoiding including a mill as part of this development.
- Focus on relocating existing industry as opposed to attracting new large scale industry.

3. Incorporate "eco-industry" principles

As described in section 5, Te Rūnanga o Kaikōura has concerns about whether an industrial park is compatible with Rūnanga and community aspirations for the community of Kaikōura. Kaikōura is a Green Globe 21 community, a certification based on the measure of a community's environmental impact according to indicators such as energy consumption, greenhouse gas production, waste generation, and contaminant use and water quality. Further, Kaikōura is committed to zero waste to landfill by 2015, an objective that Te Rūnanga o Kaikōura is seeking to achieve locally at Takahanga Marae.²⁴

Development in Kaikōura needs to be consistent with the 'clean, green' image of the community; it needs to be creative, innovative and environmentally sustainable. The Rūnanga supports the view highlighted in the Kaikōura District Plan:

²⁴ In 1998 Kaikōura adopted a policy of zero waste to landfill by 2015, the second community in New Zealand to do this.

The protection of Kaikōura's scenic views and the relatively "clean, green" environment is central to the wishes of residents, iwi and the tourism industry. It is the single most important factor that provides Kaikōura with not only an ecologically sustainable future, but also with a commercial competitive advantage. There is a widely accepted view that land use planning must become more consistent and more rigorous than in the past, in order to retain our high environmental quality life.²⁵

The commitment of Te Rūnanga o Kaikōura to sustainable development is reflected in Rūnanga responses to development proposals in the past. Cultural Impact Assessment Reports prepared by the Rūnanga for various developments indicate that the Rūnanga supports project developers who strive for environmental sustainability and achieve standards beyond local authority requirements. This may include rain water storage tanks or the incorporation of waste minimisation and recycling in a new subdivision, increasing the abundance and diversity of native species on the landscape through landscaping and buffer zones, or waste treatment opportunities that separate grey water from black water and promote the reuse of grey water.

"If an industrial park is going to be located in Kaikōura, it can't just be any industrial park. It will have to be environmentally sustainable. It will have to fit with the community's vision for the future." – Te Rūnanga o Kaikōura representative.

To address Rūnanga concerns about the compatibility of an industrial park with the community, Kowhaibanks Development Ltd. could consider:

- Incorporating elements of "eco-industrial parks", including resource recovery, waste minimisation, energy efficiency, pollution prevention, 'green design", and use of renewable energy sources.

Such initiatives would contribute to Kaikōura's goals of zero waste for 2015, and may also address Rūnanga concerns about environmental effects.

4. Adopt a precautionary approach to archaeological values

Based on cultural knowledge of the area, and information provided by the archaeological risk assessment, Te Rūnanga o Kaikōura has concluded that there is a high potential for accidental discovery of sites or artefacts on this site.

To address Rūnanga concerns about impacts on archaeological values, Kowhaibanks Development Ltd. could:

²⁵ Proposed Kaikōura District Plan 2004, pp.1

- Ensure that a precautionary approach is adopted towards managing risk to archaeological values, one that uses tools such as Accidental Discovery Protocols and cultural monitoring (see below).

Such an approach is consistent with the Te Rūnanga o Kaikōura general management guidelines for wāhi tapu and wāhi taonga values,²⁶ and includes:

- Establishment of a *Accidental Discovery Protocol* between Kowhaibanks Development Ltd and Te Rūnanga o Kaikōura. The Protocol establishes a relationship between the Rūnanga and applicants/developers with regards to processes and procedures associated with accidental discoveries during ground disturbance. The Protocol will reflect the general management guidelines for wāhi tapu and wāhi taonga, as per the Te Rūnanga o Kaikōura Environmental Management Plan 2005.
- *Monitoring* on site, by an approved archaeologist, and/or by a cultural monitor (Rūnanga representative). Te Rūnanga o Kaikōura uses monitoring to protect wāhi tapu in high-risk areas where surface clearing or sub-surface excavation may occur. Monitors are appointed to oversee the excavation activity, record sites or information that may be revealed.
- *Flexibility* if an important archaeological site is discovered. The Archaeological assessment recommended, "preservation should ideally apply in principle where possible, rather than salvage". It should also be noted that any excavation of archaeological material requires a legal authority from the Historic Places Trust.

Isolated activity areas could be represented in scattered umu (earth-ovens), midden (food refuse) or taonga (artefacts) that would not show in this area unless accidentally discovered. Most of the ground surface has been ploughed or otherwise modified, but archaeological values may still exist in spite of this.²⁷

The Archaeological assessment included several additional recommendations to assist Kowahibanks Development Ltd to plan for potential adverse effects on archaeological values, particularly in terms of the potential for "visual pollution".

- *Establishment of a buffer zone* (the planned reserve strip) along Stoney (Ewelme) Creek, between the Elms Pā (500 m to the West) and the industrial park. Such a buffer zone should "not involve landscaping unless need be", to minimise risk to archaeological sites that may exist along the waterway.
- *Appropriate planting* to screen the development and reduce visual pollution from key archaeological sites with high visual properties (and high cultural tour properties). Such sites include Elms Pā, Peketa, and parts of Seddon's Ridge. It also includes sites on the southern side of the Kaikōura peninsula, where the development will be highly visible.

²⁶ Te Rūnanga o Kaikōura 2005: section 3.7.3

²⁷ Archaeological assessment prepared for the proposed development.

5. Show commitment to the local community

"Any development in Kaikōura must be good for the community, and must be part of the community"

Rūnanga members clearly place importance on proposed development projects demonstrating a commitment to Kaikōura, through investing in the community and providing tangible benefits. Issues raised during consultation that may influence tangata whenua support for the project include:

- Providing options for local people first (e.g. local employment, use of local contractors, housing, apprenticeships)
- Demonstrating commitment to community through sponsorship opportunities or community amenities (e.g. public toilets)

The creation of a reserve along Stoney Creek is a demonstration of community commitment (keeping in mind the overall concerns with the location). Such initiatives can often be used to mitigate tangata whenua concerns, as they provide protection of and access to sites of cultural significance.²⁸

Further support for this development may be realised through enhancing and expanding this aspect of project concept and design. Examples include:

- Ecological restoration as part of the reserve creation. Enhancement of waterways is part of enhancing and restoring Ngāi Tahu relationships with areas of cultural importance.
- Sponsorship of a StreamCare group in the local area.
- Using a reserve as a place for the community, with interpretation for native plants, or for cultural landscape features that may be in the area.

7. Maintain a good working relationship with Rūnanga

It is considered best practice to consult with Tangata Whenua as proposals are being developed, prior to lodging consent applications.²⁹ In commissioning this CIA report, Kowhaibanks Development has established a solid foundation for consultation with tangata whenua.

²⁸ Policy 13.6.2 of the Kaikōura District Plan is: To encourage the protection of sites of ecological, conservation, heritage value or sites of importance to Ngāi Tahu at the time of subdivision through the use of mechanisms such as voluntary agreements, esplanade strips, access strips, conservation covenants, bonds and caveats.

²⁹ Ministry for the Environment. Quality Planning: The RMA Planning Resource.

Because the project is still in conceptual stages, it will be necessary to continue consultation with Te Rūnanga o Kaikōura as the project progresses. As more information becomes available (e.g. those businesses/industry that will be involved; specific consent applications), further consultation will ensure that a good working relationship with the Rūnanga is maintained.

Maintaining a good working relationship with the Rūnanga can be achieved through such measures as:

- Sending any relevant technical reports (e.g. for the purposes of the Assessment of Environmental Effects) to the Rūnanga
- Responding to any issues raised in this Cultural Impact Assessment (e.g. consideration of alternative locations).
- Meeting *kanohi ki te kanohi* when more information is available. Te Rūnanga o Kaikōura has extended an invitation to Kowhaibanks Development Ltd. to, when more specific information about the proposal is known, come to a monthly Rūnanga meeting and present this information to Rūnanga members.

7 SUMMARY AND CONCLUSIONS

As kaitiaki within our Takiwā we have responsibilities to ensure the maintenance and sustenance of Papatūānuku and Tangaroa. These responsibilities we take very seriously. We do not have a choice in this matter; it is something we must do if we are to meet our obligations.

There is increasing pressure to develop and use Kaikōura coastal areas for more intensive land use activities. Such development needs to be carefully managed, as it can result in adverse effects on the natural character of the coastal environment, and also on the relationship between Māori and their culture and traditions with their ancestral coastal lands, water, sites, wāhi tapu and other taonga.

The objectives of this report are to identify the potential effects on Ngāi Tahu cultural values as a consequence of a proposed industrial park, and to provide recommendations for appropriate measures to address any adverse effects. As the proposal is in the early stages of development, the report focuses primarily on Rūnanga perspectives associated with the *concept* and *location* of the Industrial park.

The report highlights a number of important kaupapa with regards to Te Rūnanga o Kaikōura perspectives on the Kowhaibanks Development Ltd. proposal:

- Te Rūnanga o Kaikōura supports the idea of a designated industrial zone. A designated zone is seen as a way to provide better controls on industrial activity.

- There are clear benefits to be realised through an industrial park, most importantly jobs and relocating existing industry out of the main town area.
- The concept of an industrial park has more support in terms of relocating existing industry, as opposed to attracting new industry.
- There is little support at this time for a new mill, as it is considered high risk for adverse effects on the environment and thus cultural values (discharges that may contaminate air, land and water) and with increased traffic (logging trucks).
- The Rūnanga has concerns about the suitability of location for this kind of development, given that the site is the 'gateway to Kaikōura' and is part of a rich cultural landscape. While the existing land use (dairy) is not supported, the cultural values of this area are seen to be at risk if an industrial park was to locate here. There is a general view that an inland location might be better than a coastal location.
- An important criteria for tangata whenua in determining appropriate development is how the development "fits" the image and aspirations of the community (e.g. Green Globe; Zero Waste). For Te Rūnanga o Kaikōura, development in Kaikōura needs to be creative, innovative and environmentally sustainable.
- The term "industrial park" has negative connotations, and is viewed by many as inconsistent with the "clean, green" image of Kaikōura.
- Support for an industrial park can be enhanced through incorporating "eco-industry" criteria, including resource recovery, recycling, energy efficiency, waste minimisation, and robust management of discharges.
- Rūnanga members participating in the site visit believe that Kowhaibanks Development Ltd. is committed to good environmental, social and cultural outcomes. The Rūnanga recognises the high standard Kowhaibanks has achieved in terms of consultation, and is committed to continuing a dialogue with the company.

Where to from here?

This Cultural Impact Assessment Report is intended to provide information that can assist the applicant in understanding the potential impacts of the proposal on tangata whenua values. The Rūnanga believes that the issues raised in this report can help to ensure good cultural, social, and environmental outcomes, *mō tātou, ā, mō kā uri ā muri ake nei*, for us and our children after us.

The Report is a starting point for future communication and cooperation between the applicant and Te Rūnanga o Kaikōura. As the project planning progresses and more information is known, the Rūnanga encourages Kowhaibanks Development Ltd. to maintain a good consultative relationship with the runanga, including coming to Takahanga Marae to discuss any new information. If Kowhaibanks Development Ltd. wishes to meet with Rūnanga representatives with regards to this report (e.g. to clarify or respond to issues raised in this report), a meeting can be arranged through the report writer.

Glossary

Ara tawhito	Trails
Awa	River; waterway
Hapū	Sub-tribe
Hui	Meeting
Iwi	Tribe
Iwi authority	The authority that represents an iwi
Kanohi ki te kanohi	Eye to eye, or face to face. <i>Kanohi ki te kanohi</i> is considered the most effective way to exchange ideas and discuss complex issues.
Kai moana	Seafood
Kāinga	Settlement area; Living area
Kaitiaki	Iwi, hapū or whānau group with the responsibilities of kaitiakitanga
Kaitiakitanga	The exercise of guardianship
Mahinga kai	Food / resources and the areas they are sourced from
Manawhenua	Traditional status, rights and responsibilities of hapu in their traditional territories (land)
Mauri	The essential life force of all things
Midden	Food refuse
Mokopuna	Grandchildren
Ngāi Tahu	An iwi of the South Island
Ngāi Tahu Whānui	The wider tribal membership base
Ngāti Kuri	Hapū of Ngāi Tahu
Nohoanga	Temporary campsite
Pā	Fortified settlement site
Pānui	Announcement /newsletter
Papatūānuku	Mother earth
Repo raupō	Wetlands
Rohe	Territory
Takiwā	Area or region
Tamariki	children
Tangata whenua	The iwi or hapu that holds manawhenua over an area
Taonga	Treasured possessions, valued resources
Tauranga waka	Canoe landing areas
Te Waipounamu	South Island

Tangaroa	God of the sea
Tikanga	Customary values and practices
Tuna	Eel
Tūpuna	Ancestors
Umu	Earth oven
Urupā	Burial site
Wāhi ingoa	Place names
Wāhi pakanga	Battle site
Wāhi raranga	Sources of weaving materials
Wāhi taonga	All things that are treasured and valued
Wāhi tapu	Places of sacredness and immense importance
Wairua	Spirit, spiritual essence
Wai Māori	Freshwater resources

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Appendix 1: Option B - Rural Residential Subdivision

While an industrial park is the primary focus of this Cultural Impact Assessment, Kowhaibanks Development Ltd has also requested that the report include tangata whenua perspectives on a rural residential subdivision option. If the mill does not locate on the property, the company is considering using the land on the north side of the railway line for a small subdivision and residential development, of approximately 8 lots of 2 hectares each.

As part of the consultative process for this CIA, Rūnanga members were asked to provide comment on the rural-residential subdivision option. Four points summarise Rūnanga views:

- To date, Te Rūnanga o Kaikōura has advocated for avoiding any new residential development (less than 2 ha) south of the new Ocean Ridge Development (golf course area). The Rūnanga is more likely to support a rural residential subdivision option if the lots, as per the information supplied for the purposes of this report, remain at 2 ha or larger.
- Provisions for avoiding adverse effects on land and water resources will influence Rūnanga support for the activity. The Rūnanga encourages developers to strive for standards beyond local authority requirements (e.g. rain water storage tanks, waste minimisation and recycling, landscaping and buffer zones, or innovative waste treatment opportunities).

"Tangata whenua continue to live at Kaikōura on ancestral lands. The ability to live, work and provide for families from the land, water and coastal resources remains an important value. The environmental effects of increasing pressure on water resources and increasing concentrations of sewage related discharges as a result of growing numbers of residential blocks might compromise local resources."³⁰

- For most Rūnanga members participating in this CIA, a rural residential subdivision was preferable to a mill in terms of avoiding adverse effects on cultural values.
- Te Rūnanga o Kaikōura is concerned that new subdivisions are not intended for local people. Rather, they are aimed at attracting high market buyers from elsewhere. Affordable housing is needed in Kaikōura. The developer is much more likely to get Rūnanga support for a rural residential subdivision if the development is designed and built with the local community in mind.

"A major issue for us is whether our tamariki and mokopuna will be able to afford to live on their ancestral land. This is what we think about when we see another subdivision proposal."³¹

As indicated in the main body of this CIA report, further consultation with the Rūnanga will need to occur as the proposal progresses and more specific information is available.

³⁰ Hui Participants, discussing subdivisions at a hui for a Cultural Impact Assessment in 2005.

³¹ Jolly, D. 2005

Appendix 2: Archaeological Assessment

Proposed Industrial Park, Kaikoura **Archaeological Assessment.**

B.J. Allingham, Archaeologist, Te Rūnanga o Ngai Tahu, Jan.2006.

The site for this proposal lies on the south bank of the Kowhai River, between Inland Road and Ewelme (Stony) Stream, on the western side of State Highway one. It is located in a rich cultural environment of archaeological sites of prime interest to Maori, and will in effect be a satellite township of Kaikoura. A field trip with representatives of Te Rūnanga o Kaikoura and the developers and consultant was carried out with the writer on January the 19th, 2006.

Setting.

While the Kaikoura area is very rich in archaeological sites of Maori origin, there are no recorded sites on the proposed Industrial Park location. There are recorded sites in close proximity (map) and a reasonably high potential for sites to be present within the area under consideration here, given the rich cultural landscape in which the proposal is located. The nearest known pa at Elms Stream lies 500-600 metres to the south west of Ewelme Stream, while the archaeological sites on the eastern side of the Kowhai River are distanced about 300metres at least, running through to the coastal hills 1.5 km. eastward, adjoining the southern end of Kaikoura Peninsula.

The ground for the proposal comprises an alluvial coastal flat that remains potentially flood prone in places. A relic channel of the Kowhai River runs north to south diagonally through the centre of the proposal site, and some reports state the present course of the lower reaches of the Kowhai River was occupied within living memory.

Archaeological Site Potential.

In keeping with site distribution models elsewhere, there could be archaeological sites on the banks of the Ewelme Stream and relic channel of the Kowhai River mentioned above. A small tributary gully on the eastern bank of Ewelme Stream may have been used for trapping tuna (eels), as this waterway was formerly renowned for tuna. In terms of predictable modeling, we could also expect archaeological sites to occur seaward of SH1 at the old mouth of the former Kowhai River channel running through the proposal.

Isolated activity areas could be represented in scattered umu (earth-ovens), midden (food-refuse) or taonga (artefacts) that would not show in this area unless accidentally discovered. Most of the ground surface has been ploughed or otherwise modified, but archaeological values may still exist in and beneath in spite of this.

Part of the south east corner of the proposal between SH1 and Inland Road was bulldozed to some extent, and a trench put through to connect with the well. While the alluvial debris exposed revealed no obvious archaeological material, a reasonably high expectation for archaeological sites to exist elsewhere on the proposal remains.

Recommendations.

-Archaeological monitoring at landscaping stage where excavation occurs. Ideally, excavation should be kept to a minimum, lessening potential damage to any unrecorded archaeological sites.

-Development of a meaningful and realistic Accidental Discovery Protocol.

-Establishment of reserve strip along the Ewelme Stream, as I understand is planned, to act as buffer zone from the pa at Elms Stream around 500 metres south west, and protect any cultural values present. This should not involve landscaping unless need be, to leave in a relatively natural state and minimize risk to any archaeological sites that may be present. This would make an ideal riparian strip as well, along with walkways etc.

-Appropriate planting to screen as much of the modernization-structures as possible, to best reduce visual pollution from key archaeological sites with highly visual properties (therefore with high cultural-tour potential) especially 'Elms Stream' Pa, Peketa, parts of Seddons Ridge and, importantly, sites on the southern side of Kaikoura Peninsula, where the Industrial Park would be highly visible (especially after removal of pines seaward of SH1). The less of the proposal seen from these places the better.

-Flexibility in design if an important archaeological site does turn up, so that the values can be best addressed. Preservation should ideally apply in principle where possible, rather than salvage. Any excavation of pre-1900AD archaeological material requires a legal authority from the NZ Historic Places Trust, and thereby approval by the appropriate Rūnanga.

Conclusions.

While the development proposal is in a rich cultural landscape, and no readily identifiable archaeological sites immediately threatened, there is, none the less, high potential for accidental discovery. The potential for visual pollution from surrounding cultural sites with high tourism values should be acknowledged. This could perhaps be largely overcome with careful planning and appropriate natural screening.

Appendix 3:

Statutory Acknowledgement for Te Tai o Marokura

Schedule 100, NTCSA 1998

Statutory Area

The area to which this Statutory Acknowledgment applies is Te Tai o Marokura (the Kaikōura Coastal Marine Area), the Coastal Marine Area of the Kaikōura constituency of the former Nelson Marlborough region, as shown on S.O. 14497, Marlborough Land District, extended northwards (but not eastwards) to the Takiwā of Ngāi Tahu Whānui, such boundary determined in the same manner as of the northern boundary of the Ngāi Tahu Claim Area, as shown on Allocation Plan NT 505 (S.O. 19901).

Preamble

Under section 313, the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu cultural, spiritual, historical and traditional association to Te Tai o Marokura, as set out below.

Ngāi Tahu Association with Te Tai o Marokura

The Kaikōura Coastline took its name from Tama Ki Te Rangi, an early explorer in the time of Tamatea Pokaiwhenua, who decided to explore the South Island. On his way from the North Island, Tama ki Te Rangi stopped in the area now known as Kaikōura and ate some of the crayfish that populate the area over an open fire. From Tama Ki Te Rangi's feast on crayfish, the area was named, Te Ahi Kaikōura a Tama ki Te Rangi—the fires where Tama Ki Te Rangi ate crayfish.

Because of its attractiveness as a place to establish permanent settlements, including pa (fortified settlements), the coastal area was visited and occupied by Waitaha, Ngāti Mamoe and Ngāi Tahu in succession, who through conflict and alliance, have merged in the whakapapa (genealogy) of the Ngāi Tahu Whānui. Battle sites, urupā and landscape features bearing the names of tūpuna (ancestors) record this history. Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rangatira and their followers.

One of the leading sites in Kaikōura in pre-contact times was Takahaka Marae, which is still occupied by Ngāi Tahu. From the time the Ngāi Tahu leader Maru Kaitatea took Takahaka Pa for Ngāi Tahu occupation, the site acted as a staging site for Ngāi Tahu migrations further south. Other pa in the area included Pariwhakatau, Mikonui, Oaro and Kahutara. Place names along the coast, such as the gardens of Tamanuhiri and the Waikawau River, record Ngāi Tahu history and point to the landscape features that were significant to people for a range of reasons.

The results of the struggles, alliances and marriages arising out of these migrations were the eventual emergence of a stable, organised and united series of hapū located at permanent or semi-permanent settlements along the coast, with an intricate network of

mahinga kai (food gathering) rights and networks that relied to a large extent on coastal resources.

As well as the crayfish for which the area is famous, the whole of the Kaikōura area offered a bounty of mahinga kai including a range of kaimoana (sea food); sea fishing; eeling and harvesting of other freshwater fish in lagoons and rivers; marine mammals (providing whale meat and seal pups); waterfowl, sea bird egg gathering and forest birds; and a variety of plant resources including harakeke (flax), fern and ti root.

A particular feature of the Ngāi Tahu relationship with the Kaikōura coastal area is the special connection with the whales that frequent the area. This relationship has its basis in tradition. The well-known rangatira (chief) and brave warrior of the Kati Kuri hapū of Ngāi Tahu, Te Rakaitauneke, was said to have a kaitiaki whale, named Mata Mata, who dwelt in the sea opposite Te Rakaitauneke's home in Tahuna Torea (Goose Bay). Mata Mata's sole duty and purpose in life was to do Te Rakaitauneke's bidding, to serve all his needs and to guard him against harm. Everywhere Te Rakaitauneke went, Mata Mata went too. When Te Rakaitauneke went to Takahanga, Mata Mata could be seen blowing outside the garden of memories, as close to shore as he could possibly get. Te Rakaitauneke's love for Mata Mata was as great as the whale's love for him.

After Te Rakaitauneke's death, Mata Mata was not seen along the Kaikōura coast for some time, and it was rumoured that he had gone away and died of sorrow at the loss of his master. There were those, however, who remembered Te Rakaitauneke's prediction that after his death Mata Mata would only return when one of his descendants was facing imminent danger or death. There are many stories since that time of a Mata Mata appearing to foretell the death of one of Te Rakaitauneke's descendants. It is also said that many of the descendants of Te Rakaitauneke, when faced with peril on the high seas, have been saved by the timely intervention of a whale.

The Kaikōura coast was also a major highway and trade route, particularly in areas where travel by land was difficult. Travel by sea between settlements and hapū was common, with a variety of different forms of waka, including the southern waka hunua (double-hulled canoe) and, post-contact, whaleboats plying the waters continuously. Hence tauranga waka (landing places) occur up and down the coast in their hundreds and wherever a tauranga waka is located there is also likely to be a nohoanga (settlement), fishing ground, kaimoana resource and rimurapa (bull kelp), with the sea trail linked to a land trail or mahinga kai resource. The tūpuna had a huge knowledge of the coastal environment and weather patterns, passed from generation to generation. This knowledge continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the coast.

Numerous urupa are being exposed or eroded at various times along much of the coast. Water burial sites on the coast, known as waiwhakaheketupapaku, are also spiritually important and linked with important sites on the land. Places where kaitangata (the eating of those defeated in battle) occurred are also wāhi tapu. Urupa are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whanau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected in secret locations.

The mauri of the coastal area represents the essence of that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngai Tahu Whanui with the coastal area.

Purposes of Statutory Acknowledgement

Pursuant to section 215 and without limiting the rest of this schedule, the only purposes of this statutory acknowledgment are –

(a) to require that consent authorities forward summaries of resource consents applications to Te Rūnanga o Ngai Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement); and

(b) to require that consent authorities, the Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgment in relation to Te Tai o Marokura, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and

(c) to enable Te Rūnanga o Ngai Tahu and any member of Ngai Tahu Whanui to cite this statutory acknowledgement as evidence of the association of Ngai Tahu to Te Tai o Marokura as provided in section 208 (clause 12.2.5 of the deed of settlement).

Limitations on Statutory Acknowledgment

Except as expressly provided in sections 208 to 211, 213, and 215, -

(a) This statutory acknowledgment does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and

(b) Without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngai Tahu's association to Te Tai o Marokura (as described in the statutory acknowledgement) than that person or entity would give under the relevant statute, regulation or bylaw, if this statutory acknowledgement did not exist in respect of Te Tai o Marokura.

Except as expressly provided in this Act, this statutory acknowledgment does not affect the lawful rights or interests of any person who is not a party to the Deed of Settlement.

Except as expressly provided in this Act, this statutory acknowledgment does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Te Tai o Marokura.