



TE TAUHU IWI ENGAGEMENT & CONSULTATION

PRIVATE PLAN CHANGE 28 (MAITAHİ BAYVIEW)

&

MAITAHİ VILLAGE

2020–2025

Iwi Partners Engaged:

- Ngāti Koata
- Ngāti Rārua
- Ngāti Apa ki te Rā Tō
- Ngāti Toa Rangatira
- Rangitāne o Wairau
- Ngāti Tama ki te Waipounamu
- Te Ātiawa o te Waka-ā-Māui
- Ngāti Kuia

These iwi hold **statutory acknowledgements** over the **Maitahi Awa and surrounding areas**, making them **governors, decision-makers, and kaitiaki** in matters related to the Resource Management Act (RMA) (Young, 2020, p. 2).

1. Executive Summary

This document provides a comprehensive overview of iwi engagement and consultation in relation to **Private Plan Change 28 (Maitahi Bayview) and Maitahi Village** from 2020 to 2025. The summary highlights the **consultation process, iwi feedback, statutory acknowledgements, key concerns, and cultural considerations** that have shaped the project's development. It also reflects on the **decisions and responses from various hearings, including the Section 42A Report, Hearing Panel Recommendation Report, and the Final Decision of the Environment Court.**

The Iwi Engagement Summary (Young, 2020) documents the consultation process undertaken with **Te Tauihu iwi** in relation to the **Maitahi Bayview Private Plan Change Request (PPC28)**. This consultation aimed to **engage iwi early** in the planning and design stages and ensure that Māori cultural values and kaitiakitanga responsibilities were integrated into the development process.

Key Findings

- **Early Consultation (2020–2023):** Engagement with **eight Te Tau Ihu iwi** (Ngāti Koata, Ngāti Rārua, Ngāti Apa ki te Rā Tō, Ngāti Toa, Rangitāne o Wairau, Ngāti Tama, Te Ātiawa, and Ngāti Kuia) occurred through hui, site visits, and correspondence. Key themes included **cultural values, environmental concerns, housing needs, and freshwater protections.**

- **Iwi Cultural Impact Assessments (2023–2024):** Iwi participation was central to **cultural impact assessments (CIA), cultural values statements (CVS), and the development of a Ngāti Koata Cultural Design Framework (CDF)** to ensure tikanga, mātauranga, and kaitiakitanga principles were embedded.
- **Key Issues Addressed:**
 - Protection of **wāhi tapu and archaeological sites**.
 - Recognition of **Kākā Hill as the burial site of Te Whiro (Ngāti Kuia)**.
 - **Ngāti Koata role as a project partner** and landowner.
 - Implementation of **Te Mana o te Wai in freshwater management**.
 - Ensuring iwi-led **monitoring and long-term engagement**.
- **Hearing Panel & Environment Court Decisions (2022–2024):**
 - Recognised iwi concerns and **strengthened tangata whenua involvement**.
 - **Cultural monitoring, stormwater protections, and housing development guidelines** aligned with iwi priorities.
 - **Refined Te Mana o te Wai provisions** to prioritise water health and ecosystem integrity.

This engagement process has resulted in a precedent-setting collaboration between iwi, developers, and council, ensuring that cultural narratives, environmental sustainability, and tangata whenua values are permanently integrated into the Maitahi Village project.

2. Consultation Process

The consultation was facilitated by **Te Aranga Environmental Consultancy**, led by **Aneika Young**, and included various **meetings, site visits, and direct engagement** (Young, 2020, p. 3).

2.1 Early Consultation and Engagement

1. **Initial Email Communication (February 2020):** Sent to key iwi contacts, including chairs, general managers, and environmental officers, informing them of the project.
2. **First Hui Invitation (March 2020):** Scheduled but postponed due to COVID-19.
3. **First Zoom Hui (May 2020):** Information session and Q&A, minutes provided to all iwi (Appendix 1).
4. **Follow-up Zoom Hui (June 2020):** Finalising a collaborative **Cultural Impact Assessment (CIA)** approach.
5. **Site Visits (July 2020):**
 - **Ngāti Rārua, Ngāti Koata, and Ngāti Tama** site visit (July 10, 2020).
 - **Te Ātiawa** site visit (July 17, 2020).
6. **Further Engagement (September 2020):** Face-to-face hui with **Te Ātiawa** to address concerns.
7. **Draft Plan Change Documents Circulated:** Iwi were given **early access** to zoning plans, environmental impact assessments, and maps.
8. **Formal Iwi Feedback and Ongoing Consultation:** Some iwi sought further information, while others provided conditional support (Young, 2020, pp. 3–9).

3. Key Iwi Feedback on Plan Change and Re-zoning

3.1 Supportive Submissions

- **Ngāti Rārua** – Fully **supported the engagement process** and the **plan change** (Young, 2020, p. 8).
- **Ngāti Tama** – Acknowledged consultation and agreed to **ongoing engagement as details progress** (Young, 2020, p. 8).
- **Ngāti Koata** – Stated they were **satisfied with the consultation process** and supported **proposed zoning changes** (Young, 2020, p. 8).

3.2 Conditional Support and Requests for Further Consultation:

- **Ngāti Kuia** – Recognised **active engagement** but requested **further consultation on cultural and environmental issues** (Young, 2020, p. 8).
- **Te Ātiawa** – Initially requested **the plan change be put on hold** until the **Nelson Resource Management Plan (NRMP)** was publicly notified. However, after further engagement, they **sought clarification on stormwater management and cultural monitoring** (Young, 2020, pp. 8–9).

3.3 Key Issues Raised

3.3.1 Cultural and Historic Values

- Protection of **wāhi tapu, archaeological sites, and customary land use** (Young, 2020, p. 9).
- **Papakāinga housing options** for iwi to enable culturally appropriate development (Young, 2020, p. 9).

3.3.2 Environmental Concerns

- **Water quality and stormwater impacts** on the Maitahi Awa (Young, 2020, p. 9).
- **Biodiversity corridors** to protect native species and ecosystems (Young, 2020, p. 9).
- **Enhancement of riparian margins** and cultural monitoring of waterways (Young, 2020, p. 9).

3.3.3 Social and Infrastructure Considerations

- **Schooling and public spaces** for iwi whānau (Young, 2020, p. 9).
- **Cycle links and transport planning** to ensure sustainable and accessible development (Young, 2020, p. 9).

4. Ongoing Iwi Involvement

- **Resource Consent Stage:** Iwi will be involved in **reviewing environmental impact assessments** and **monitoring compliance** (Young, 2020, p. 9).
- **Cultural Values Preliminary Report (CVPR):** To **document iwi values**, site significance, and potential mitigation measures (Young, 2020, p. 9).
- **Collaborative Cultural Impact Assessment (CIA):** Iwi will develop a **joint CIA** to ensure that cultural concerns are integrated into the final development plan (Young, 2020, p. 9).

- **Design Process:** Iwi will **participate in co-design efforts** to ensure the development aligns with cultural and ecological values (Young, 2020, p. 9).

5. Summary of Key Points – PPC28 Section 42A Report

5.1 Consultation Undertaken (p. 23)

- As a **private plan change request**, the applicant is responsible for **consultation efforts**.
- **Attachment C1** of the request includes a **summary of iwi engagement**, while **Attachment C11** details the broader **consultation process**.
- Under **Clause 4A of Schedule 1** and **s32(4A) of the RMA**, the applicant confirmed that in addition to the **initial consultation**, the final plan change request was **sent to all iwi** upon submission to the Council.
- The **applicant asserts** that the **consultation process** has been incorporated into the **request and s32 evaluation**.
- At the time of the report, the applicant had **not yet received further iwi feedback** but committed to **providing updates** as new information arises.
- The **applicant is expected to address this at the hearing**.

5.2 Te Tau Ihu Statutory Acknowledgements 2014 (p. 25)

- The **Te Tau Ihu Statutory Acknowledgements 2014** are incorporated into the **Regional Policy Statement (RPS), Nelson Resource Management Plan (NRMP), and Nelson Air Quality Plan (NAQP)**.
- The **eight iwi** included in these statutory acknowledgements are:
 - Ngāti Kuia
 - Rangitāne o Wairau
 - Ngāti Koata
 - Ngāti Rārua
 - Ngāti Tama ki Te Tau Ihu
 - Te Ātiawa o Te Waka-a-Māui
 - Ngāti Toa Rangatira
 - Ngāti Apa ki te Rā Tō
- **Purpose of statutory acknowledgements:**
 - Recognise **cultural, spiritual, historical, and traditional associations** of iwi with identified sites and areas.

- Require **specific consideration in Resource Management Act (RMA) processes**, particularly when determining **affected parties** under **s95E**.
 - Ensure summaries of **resource consent applications** are provided for any activities within, adjacent to, or directly affecting a **statutory area**.
- The **Te Tau Ihu Statutory Acknowledgements 2014** include **Statements of Association** for each of the eight iwi.
- A **Te Tau Ihu Map website** has been developed, providing a **visual representation of statutory acknowledgement areas** and **iwi interests**.
- All **iwi except Ngāti Apa** have **statutory acknowledgements over the Maitai/Maitahi/Mahitahi River and its tributaries**.

5.3 Ngāti Rārua Submission

Submission Date: 8 December 2021

Submitter: Te Rūnanga o Ngāti Rārua

Key Concerns:

- Supports the plan change *in part*, with amendments requested (s42A report, p. 126).
- Holds **statutory acknowledgment** over the Maitahi (Maitai) River and its tributaries (s42A report, p. 126).
- Views **freshwater as a taonga**, vital for physical and spiritual well-being (s42A report, p. 126).
- Advocates for **strong tangata whenua involvement** in subdivision and development (s42A report, p. 126).
- Supports **prohibition of buildings in significant natural areas** (s42A report, p. 95).
- Requests that **Cultural Impact Assessment (CIA) recommendations** be incorporated into resource consent conditions (s42A report, p. 126).
- Endorses **protection of biodiversity, natural landscapes, and ecological restoration** (s42A report, p. 126).
- Wishes to be heard at the hearing (s42A report, p. 126).

5.4 Te Ātiawa Submission

Submission Date: 27 August 2020

Submitter: Te Ātiawa Manawhenua Ki Te Tau Ihu Trust

Key Concerns:

- Takes a **neutral stance**, but highlights unresolved concerns (s42A report, p. 126).
- Recognises **mana whenua status over Mahitahi Awa** (s42A report, p. 126).
- Raises concerns about **inadequate iwi consultation** (s42A report, p. 126).
- Identifies potential **biodiversity loss, freshwater degradation, and stormwater issues** (s42A report, p. 126).
- Requests **stronger freshwater protections**, including enhanced riparian margins (s42A report, p. 126).
- Supports **eco-friendly infrastructure, including cycling/walking paths and native planting** (s42A report, p. 126).
- Advocates for **Accidental Discovery Protocols** to protect archaeological finds (s42A report, p. 126).
- Does **not wish to be heard** at the hearing (s42A report, p. 126).

5.5 Ngāti Kuia Submission

Submission Date: 8 December 2021

Submitter: Kaikaiawaro Charitable Trust (Te Rūnanga o Ngāti Kuia)

Key Concerns:

- Supports the plan change **in part** (s42A report, p. 126).
- Holds **statutory acknowledgment** over the Mahitahi Catchment due to **pakohe quarries and historical use** (s42A report, p. 126).
- Concerned about **the accuracy of recorded burial sites, particularly those of Tūpuna Whiro** at Kaka Hill (s42A report, p. 126).
- Requests **better freshwater management and conservation zoning** (s42A report, p. 126).
- Supports **affordable housing and improved access to cultural sites** (s42A report, p. 126).

- Endorses **increased recreational and conservation opportunities** (s42A report, p. 126).
- Wishes to **be heard** at the hearing (s42A report, p. 126).

5.6 Ngāti Koata Submission

Submission Date: 8 December 2021

Submitter: Ngāti Koata Trust

Key Concerns:

- **Supports the plan change** with minor amendments (s42A report, p. 126).
- Recognises **ancestral ties to Maitahi River and Kākā Valley** (s42A report, p. 126).
- Supports **freshwater protection, stormwater management, and ecological restoration** (s42A report, p. 126).
- Endorses **affordable housing for Ngāti Koata whānau** (s42A report, p. 126).
- Requests spelling corrections: "**Kākā**" with macrons and "**Maitahi/Mahitahi River**" to reflect iwi dialects (s42A report, p. 126).
- **Does not wish to be heard** at the hearing (s42A report, p. 126).

5.7 Ngāti Toa Rangatira Submission

Date of Submission: 3 December 2021

Submitter: Ngāti Toa ki Whakatū

Key Points:

- Supports the housing aspirations for Ngāti Koata
- Concerns raised about possible impacts of the planning process (rules/policies) precedent setting
- Noted the importance of consultation for mana whenua iwi
- Recommended further discussions about future effects of iwi intensification plans with council/Iwi
- Wishes to speak at the hearing

6. Summary of Key Issues and Responses from Section 42A Report

The *Section 42A Report* provided several responses to the concerns raised by iwi, including:

- Recognition of **Te Tau Ihu Statutory Acknowledgements**, ensuring that tangata whenua interests are appropriately considered in subdivision and development processes (s42A report, pp. 126–129).
- Acknowledgment that **Ngāti Koata seeks to provide housing for tangata whenua** within Kākā Valley and that PPC28 aligns with their vision (s42A report, pp. 12, 60, 62).
- Confirmation that **Cultural Impact Assessments (CIAs) will be required** at key development stages to ensure ongoing iwi involvement (s42A report, p. 129).
- Agreement that **the protection of cultural sites and freshwater quality** must be maintained through appropriate policy provisions (s42A report, pp. 126–129).
- Endorsement of **eco-friendly infrastructure** and **landscape protection measures** to mitigate environmental impacts (s42A report, pp. 133–134).
- Support for **iwi participation in freshwater monitoring** and **Cultural Health Indicator (CHI) assessments** (s42A report, p. 78).

7. Summary of Hearing Panel Recommendation Report

7.1 Iwi Engagement and Cultural Values

- The **applicant engaged with eight Te Tau Ihu iwi**, including Ngāti Koata, Ngāti Rārua, Te Ātiawa, Ngāti Kuia, Ngāti Tama, Ngāti Apa ki te Rā Tō, Ngāti Toa Rangatira, and Rangitāne, as part of their consultation process. An **Iwi Engagement Summary** was included in the plan change request (PPC 28).
- **Ngāti Koata Trust supported the proposal**, stating that **early consultation** ensured cultural values were embedded in the plan change. They emphasized that **their cultural values and kaitiakitanga responsibilities** would be protected throughout the project.
- The **protection of cultural values** was a significant concern for iwi, particularly regarding **Māori land rights, housing needs, freshwater protection, and ecological restoration**.

- **Statutory Acknowledgements from the Te Tau Ihu Settlement (2014)** were referenced as essential for recognising the spiritual, historical, and cultural associations of iwi with the Maitai/Mahitahi River and surrounding land.

7.2 Key Submissions and Cultural Values

- **Ngāti Koata emphasised the importance of their ancestral ties** to the Maitai/Mahitahi River, which serves as a source of food, water, and cultural connection.
- **Ngāti Kuia noted the significance of Kākā Hill**, which contains an urupā (burial site) associated with the rangatira Te Whiro. Ngāti Kuia supported protection for the area while also requesting the ability to **erect a memorial or cultural marker**.
- **Ngāti Rārua strongly supported tangata whenua involvement** in subdivision and development processes, viewing this as a recognition of Treaty partnership obligations and kaitiakitanga responsibilities.
- **Ngāti Toa supported Ngāti Koata’s housing aspirations** but highlighted concerns about **precedent-setting in planning policies**.
- **Te Ātiawa originally submitted that PPC 28 should be put on hold**, citing concerns about the outdated nature of the **Nelson Resource Management Plan (NRMP)**. However, they later expressed support for the proposal, stating that **stormwater management and monitoring provisions would help protect the mauri of the environment**.

7.3 Recognition of Kaitiakitanga and Treaty Principles

- **Sections 6(e), 7(a), and 8 of the Resource Management Act (RMA)** require recognition of the relationship of Māori with their ancestral lands, water, and taonga, consideration of kaitiakitanga, and adherence to the principles of Te Tiriti o Waitangi.
- **The National Policy Statement on Urban Development (NPS-UD) and the Nelson Regional Policy Statement (NRPS)** both reinforce the need for iwi consultation in urban development planning.

7.4 Historic and Archaeological Significance

- The **Historic and Archaeological Assessment (2020)** identified **recorded sites of Māori occupation**, including:
 - **MS57, a Ngāti Kuia lookout and urupā** (although its exact location was uncertain).
 - **MS58, a Ngāti Kuia pā site** near the Maitai Recreation Reserve.

- **Te Ātiawa requested an Accidental Discovery Protocol** be implemented to ensure iwi involvement if archaeological remains were found during development.

8. Panel Findings and Outcomes

- The panel **acknowledged the dispossession of Whakatū iwi** through historical land alienation and Treaty breaches, stating that **Ngāti Koata’s aspirations for housing align with their efforts to reconnect with their whenua and strengthen their community**.
- **Amendments were made to ensure cultural values were protected**, including:
 - Strengthening tangata whenua involvement in the subdivision process.
 - Ensuring freshwater and biodiversity protections aligned with **Te Mana o te Wai**.
 - Amending naming conventions to respect **Māori language and dialectical differences** (e.g., referring to the **Maitahi/Mahitahi River** rather than simply "Maitai").
- The **urupā of Te Whiro was formally recognised and protected**, with commitments to **commission Cultural Impact Assessments (CIA) as development progresses**.

9. Iwi Engagement Report (Bennett, 2023)

9.1 Introduction

The *Maitahi Village Summary of Mana Whenua Comments and Recommendations* (Bennett, 2023) outlines the **engagement process, feedback, and recommendations** from mana whenua iwi regarding the **Maitahi Village development project**. The report summarises discussions held in **May 2023**, where three formal hui were conducted to provide updates, review preliminary designs, and gather feedback from iwi representatives from the eight iwi of Te Taihū:

- **Ngāti Koata**
- **Ngāti Rārua**
- **Te Ātiawa**
- **Ngāti Kuia**
- **Ngāti Tama**
- **Ngāti Apa ki te Rā Tō**
- **Ngāti Toa Rangatira**
- **Rangitāne**

The applicant team acknowledged iwi contributions during PPC28 and committed to continued proactive engagement before, during, and after the CIA process.

- Recognition of Māori cultural values in the Independent Hearings Panel report.
- Commitment to ongoing hui to integrate iwi values into the planning, design, and construction of Maitahi Village.

10. Key Themes in Iwi Feedback and Recommendations

The feedback from iwi representatives was **structured into six key areas**, with recommendations provided by iwi and associated action points from the applicant team.

10.1. Mana Whenua Engagement and Partnership

- Iwi expressed a **strong desire for continued collaboration and meaningful partnership** throughout the project (Bennett, 2023, p. 4).
- **Ngāti Koata and Ngāti Kuia stressed the need for an overarching cultural narrative** to guide development, ensuring **cultural values and histories are reflected** (Bennett, 2023, p. 4).
- **Recommendation:** Establish a **Tangata Whenua design consultant role** to ensure Te Ao Māori values are integrated into the design process (Bennett, 2023, p. 5).
- **Action:** The applicant team committed to working with iwi representatives to **develop a framework for sustained engagement** and enable iwi participation in **decision-making** (Bennett, 2023, p. 5).

10.2. Cultural and Historic Significance

- **Ngāti Kuia reiterated that Kākā Hill is the burial site of Te Whiro**, a Ngāti Kuia tūpuna, and stressed the importance of formal recognition and protection (Bennett, 2023, p. 7).
- **Concerns were raised about the misrepresentation of Kākā Hill as a generic "local iwi burial ground" in public discussions** rather than being correctly attributed to Ngāti Kuia (Bennett, 2023, p. 7).
- **Recommendation:** Develop a **cultural marker or formal recognition process** for Kākā Hill in collaboration with Ngāti Koata (Bennett, 2023, p. 7).
- **Action:** Ngāti Koata will engage directly with Ngāti Kuia to determine an **appropriate recognition mechanism** (Bennett, 2023, p. 7).

10.3. Infrastructure and Development

- **Ngāti Rārua raised concerns about wastewater discharge and stormwater management**, asking how potential **environmental impacts** would be mitigated (Bennett, 2023, p. 8).
- **Recommendation:** Iwi requested clear plans on **stormwater treatment and monitoring** to prevent pollution of waterways (Bennett, 2023, p. 8).
- **Action:** The applicant team confirmed that **wastewater will be fully serviced**, and stormwater **treatment devices** will be installed before discharge into wetland areas (Bennett, 2023, p. 8).

10.4. Flood Modelling and Risk Management

- **Te Ātiawa sought assurances that the project would account for extreme flood events**, particularly the 100-year flood event scenario (Bennett, 2023, p. 8).
- **Recommendation:** Iwi requested the use of **resilient plant species in flood-prone areas** and **infrastructure designed to withstand major flood events** (Bennett, 2023, p. 8).
- **Action:** The applicant team committed to ensuring that **flood-prone areas remain undeveloped** and that housing platforms are elevated above flood levels (Bennett, 2023, p. 8).

10.5. Freshwater Health and Te Mana o Te Wai

- **Mana whenua representatives emphasized the importance of adhering to Te Mana o Te Wai** to ensure freshwater health is prioritized (Bennett, 2023, p. 9).
- **Ngāti Rārua raised concerns about past ecological monitoring processes**, requesting that **water quality results be shared proactively with iwi** rather than "upon request" (Bennett, 2023, p. 9).
- **Recommendation:** Establish **regular cultural monitoring of water quality**, led by iwi environmental teams (Bennett, 2023, p. 9).
- **Action:** The applicant team agreed to develop a **formalized water quality monitoring system** and provide updates to iwi Pou Taiao teams on a scheduled basis (Bennett, 2023, p. 9).

10.6. Green Corridors, Restoration, and Earthworks

- **Iwi expressed strong support for incorporating native planting, rongoā (medicinal plants), and harakeke (flax) into green corridors** (Bennett, 2023, p. 10).

- **Ngāti Koata emphasised the need for cultural considerations in earthworks planning, particularly for wāhi tapu sites** (Bennett, 2023, p. 10).
- **Recommendation:** Implement **strict monitoring during earthworks** to prevent accidental discovery or damage to cultural sites (Bennett, 2023, p. 10).
- **Action:** Iwi will be **directly involved in earthworks monitoring**, and **cultural health indicators will be integrated into the project** (Bennett, 2023, p. 10).

11. Ongoing Engagement and Next Steps

The **applicant team acknowledged the importance of continued iwi involvement** beyond the Cultural Impact Assessment (CIA) process and into the **resource consent and construction phases** (Bennett, 2023, p. 11).

Planned Future Engagement:

- **Provision of detailed design plans** (Bennett, 2023, p. 12).
- **Cultural narratives and Te Ao Māori integration** in the development (Bennett, 2023, p. 12).
- **Regular ecological monitoring updates and cultural health assessments** (Bennett, 2023, p. 12).
- **Further refinement of processes towards and beyond consenting to ensure iwi partnership** throughout the project (Bennett, 2023, p. 12).

12. HNZ application and CIA processes

- **November to December 2022:** Correspondence sent to all eight Te Tau Ihu iwi, seeking feedback on the proposed removal of a shearing shed and remnants of a former European dwelling.
- Acknowledged that the application to Heritage New Zealand did not include Māori archaeological values.
- Requested iwi feedback by December 16, 2022 to accompany the formal application to Heritage New Zealand.
- Responses received from Ngāti Rārua, Ngāti Tama, and Te Ātiawa with confirmation of iwi monitoring as a condition of HNZ application for AA

12.1 January – March 2023

- Ngāti Kuia and Ngāti Apa engagement to discuss approaches to the Cultural Impact Assessment (CIA).

- Pre-engagement discussions began between iwi representatives and project facilitators to define the CIA and Cultural Values Preliminary Report
- Ngāti Kuia confirmed their intention to undertake their own CIA
- Correspondence extended to Rangitāne and Ngāti Koata, who were in the process of appointing a new Pou Taiao.

12.2 Summary of Key Themes from Early Consultation:

- **Iwi autonomy in Cultural Impact Assessments:** Each iwi to determine their own process and author for the CIA.
- **Comprehensive information sharing:** Requested project updates and structured engagement processes before formal CIA work begins.
- **Collaboration with developers:** Ongoing engagement with applicants through hui.

12.3 Ngāti Koata Engagement (May 2023)

- **Ngāti Koata reinforced their role as landowners and project partners:**
 - Desire to lead cultural integration, including cultural monitoring, planting, wayfinding, interpretation boards, and public storytelling.
 - Advocacy for housing for Ngāti Koata whānau, ensuring design meets the social and economic needs of iwi members.
 - Interest in sustainable design and community gardens.

12.4 Ngāti Kuia Engagement (March – May 2023)

- Reaffirmed Kākā Hill as the resting place of Te Whiro, a Ngāti Kuia tūpuna.
- Concerns raised about RNZ reporting, which incorrectly referred to Kākā Hill as a generic iwi burial ground rather than specifically attributing it to Ngāti Kuia.
- Ngāti Kuia's recommendations:
 - Recognition of Te Whiro burial site with formal protection and acknowledgment.
 - Involvement in cultural narratives
 - Seek inclusion in Memorandum of Understanding (MOU) regarding Kākā Hill.
 - Participation in site blessings, karakia, and mauri stone laying.
 - Request for a section within the development for Ngāti Kuia use.
- **Next Steps:** Ngāti Kuia to conduct additional research with kaumatua to determine the precise location of Te Whiro's burial site.
- Iwi facilitator followed up with Ngāti Kuia GM to discuss Governance engagement with Ngāti Koata in Kākā Hill discussions. Agreed to progress at GM/Exec level.

12.5 Further Cultural Integration (May – September 2023)

- The applicant team integrated input from iwi on how cultural values should shape the final development.
- **Key areas identified for cultural integration:**
 - Relocation of Kākā Stream to enhance freshwater and cultural values.
 - Tikanga and processes for managing earthworks.
 - Freshwater and terrestrial ecology.
 - Protection of Kākā Hill's cultural values.
 - Cultural monitoring of taonga species.

12.6 Opportunities for engagement beyond consenting

- Workshops with the project design team to incorporate cultural narratives into the site.
- Updates on ecological monitoring and environmental health.
- Guidance from iwi on appropriate tikanga throughout the design and construction process.

13. Formalising Cultural Design and Iwi Partnerships

13.1 December 2023 – March 2024: Ngāti Koata Cultural Design Framework

- Series of wānanga with Ngāti Koata kaumātua and Pou Taiao to develop a Cultural Design Framework (CDF).
- The framework was presented to Trustees, Whakapapa Komiti, and whānau for endorsement.

13.2 April – September 2024: Refining Iwi Monitoring and Design Integration

- Ngāti Koata review and analysis of 95% of design reports, including discussions with consultants and landscape architects.
- Clarification on:
 - Riparian borders and tributaries of Kākā Stream.
 - Monitoring partnership for cultural health.

- Series of 5 hui with ngā iwi Pou Taiao to integrate feedback on Maitahi Bridges and ongoing discussion about the wider development.

14. Iwi Values and Consultation – Final Decision of the Environment Court – PPC28

14.1 Introduction

The *Final Decision of the Environment Court* ([2024] NZEnvC 281) addresses the appeal by **Save the Maitai Incorporated (STM)** against the Nelson City Council’s (NCC) approval of **Private Plan Change 28 (PPC28)**. While the primary issues in the appeal focused on **erosion and sediment control, freshwater management, and zoning outcomes**, the decision also provides key insights into iwi values and consultation throughout the process.

Iwi engagement played a significant role in shaping PPC28, with provisions explicitly recognising **Te Mana o te Wai**, Māori cultural values, and tangata whenua involvement in decision-making. The Court reviewed the extent of iwi consultation and the adequacy of cultural protections in the final plan provisions.

14.2. Recognition of Te Mana o te Wai and Iwi Values

- The Court found that **Te Mana o te Wai** (the fundamental concept underpinning the National Policy Statement for Freshwater Management) required a **high degree of confidence that land use changes would not compromise freshwater values** ([2024] NZEnvC 281, [4]).
- Amendments to **Policy RE6.3** were made to prioritize **the health and well-being of surface water bodies**, but STM argued that these amendments **did not fully reflect the hierarchy of obligations under Te Mana o te Wai** ([2024] NZEnvC 281, [23]–[25]).
- The Court upheld the **importance of prioritizing water health**, but rejected STM’s proposed changes to further strengthen Te Mana o te Wai principles, stating that the **existing amendments sufficiently addressed the concerns** ([2024] NZEnvC 281, [25]).

14.3. Iwi Consultation and Cultural Recognition in PPC28

- Iwi consultation was undertaken **through structured engagement processes**, including **formal hui and collaborative planning** ([2024] NZEnvC 281, [6]).

- The **Cultural Impact Assessment (CIA) requirement** in **X.11 of PPC28** ensures that **iwi involvement is maintained** in resource consent applications for **earthworks, freshwater management, discharges, and housing development** ([2024] NZEnvC 281, [21]).
- **Ngāti Kuia sought formal recognition of Kākā Hill as a culturally significant site**, emphasizing its importance as an **urupā (burial ground) associated with Te Whiro** ([2024] NZEnvC 281, [7]).
- The Court acknowledged the **cultural values of iwi and tangata whenua**, directing further amendments to ensure **better integration of Māori environmental and cultural concerns** ([2024] NZEnvC 281, [8]).

14.4 Strengthening Iwi Involvement in Development Decisions

- The Court endorsed the **cross-referencing of iwi engagement requirements in Policy RE6.2** to ensure that the **CIA process directly informs subdivision, earthworks, and housing development applications** ([2024] NZEnvC 281, [21]).
- Iwi participation was embedded in **earthworks, stormwater management, and biodiversity protection provisions** ([2024] NZEnvC 281, [22]).

14.5 Cultural and Environmental Safeguards

- **Policy RE6.5 was updated to enhance sediment control provisions**, particularly emphasizing **minimizing sediment discharges into the Maitahi/Mahitahi River and Kākā Stream** ([2024] NZEnvC 281, [40]).
- The Court directed changes to ensure **earthworks would be subject to cultural and environmental impact assessments**, reinforcing tangata whenua oversight ([2024] NZEnvC 281, [10]).

14.6 Addressing Freshwater and Biodiversity Protections

- STM sought **stronger wording in Policy RE6.4** to explicitly protect **indigenous freshwater species** beyond just threatened species ([2024] NZEnvC 281, [28]).
- The Court declined STM's amendments, stating that the existing protections were **adequate for maintaining ecosystem health** ([2024] NZEnvC 281, [29]).
- A consequential amendment was made to **X.15**, ensuring that ecological impact assessments considered **policies RE6.1–RE6.5** comprehensively ([2024] NZEnvC 281, [30]).

14.7 Final Court Directives on Iwi and Cultural Considerations

The Court directed **several final amendments** to ensure iwi values were reflected in the provisions of PPC28:

1. **X.10 was amended to reference Policy RE6.1**, reinforcing its role in shaping earthworks and subdivision approvals ([2024] NZEnvC 281, [60]).
2. **The explanation of Policy RE6.5 was revised** to explicitly include Te Mana o te Wai, ensuring that cultural and ecological considerations are maintained in sediment and erosion controls ([2024] NZEnvC 281, [60b]).
3. **X.16 was amended to require compliance with Policies RE6.1–RE6.5**, embedding iwi engagement and environmental protections into development applications ([2024] NZEnvC 281, [60f]).

15. Consenting

15.1 Cultural Impact Assessments and Values September – December 2024:

- Ngāti Koata undertaken CIA, while Ngāti Tama opted for a Cultural Values Statement (CVS).
- Ngāti Rārua indicated they would not submit a CIA.
- Ngāti Apa suggested drawing from existing CIAs
- Iwi facilitator invited iwi to contribute CIA, existing CIAs, or facilitate respective process

15.2 January 2025: Release of Cultural Assessment Pack

- Pack shared with ngā iwi Pou Taiao, including:
 - Ngāti Koata’s Cultural Design Framework (CDF).
 - Integrated review of reports with Ngāti Koata Environmental Management Plan (IEMP) analysis.
- Ngāti Tama submitted a statement of cultural values.
- Ngāti Koata CIA completed – to be shared with Pou Taiao for review.

15.3 January 30, 2025: Site Visit

- Attendance limited to Ngāti Koata (N. Deans).

- Apologies from representatives of Ngāti Kuia, Rangitāne, Te Ātiawa, Ngāti Apa, Ngāti Tama, and Ngāti Toa.

15.4 February 4, 2025: Hui and CIA Review

- Further engagement between Koata Ltd, Ngāti Koata, and iwi representatives.
- Provision of Ngāti Koata draft CIA to iwi for review.
- Full summary documentation provided for final iwi feedback.

16. Conclusion

The iwi consultation and engagement process for PPC28 (Maitahi Bayview) and Maitahi Village has demonstrated the significance of meaningful, sustained collaboration with tangata whenua. The process has ensured that iwi values and kaitiakitanga responsibilities are upheld, and that development occurs in alignment with tikanga, environmental sustainability, and cultural recognition.

Key outcomes include:

- Acknowledgment of iwi land connections and historical narratives
- Implementation of cultural design frameworks and opportunities for monitoring partnerships.
- Integration of Te Mana o te Wai and Māori-led environmental protection measures.
- Formalising long-term relationships between iwi and developers to ensure ongoing engagement and accountability.

Moving forward, this partnership provides a model for future urban and environmental development projects, ensuring that mana whenua voices shape the evolving landscape of Aotearoa, meeting the needs of people and communities through culturally located and taiao-centric development.

17. References

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