



WHITIORA



Contents

Introduction	4
The Proposal	5
Approach to this Statement	5
Partnership & Engagement	6
Cultural Values Within the Development Footprint & Locality	7
Priorities and Interests of Ngāi Tūāhuriri	10
Principles from Kemps Deed	11
Principle of Permanence	12
Principle of Kāinga Nohoanga	13
Principle of Mahinga Kai (tribal and local economies)	13
Overview - Evaluation	14
Is there any aspect of the proposal that Ngāi Tūāhuriri consider to be a Wāhi Tapu or Wāhi Taonga?	14
What effects does the proposal have on these sites and taonga?	14
Effects on Wetlands	14
Effects on Waterways	15
Effects on Fauna and Flora	15
Effects on Wāhi Tapu and the Cultural Landscape	16
New Construction Support Area	16
Does the proposal contribute to the enhancement of Ngāi Tūāhuriri wellbeing? ..	16
Policy Directives	17
Ngāi Tahu Freshwater Policy	17
National Policy for Freshwater Management (NPS-FM)	19
Mahaanui Iwi Management Plan	19
Wai Māori	20
Papatūānuku - Earthworks	23
The Rakahuri and Waimakariri Catchments	25
Cultural Landscapes	25
Archaeological Authority	26
Requirements	27



Introduction

1. Ngāi Tūāhuriri is a principal hapū of Ngāi Tahu, acknowledged in Te Rūnanga o Ngāi Tahu Act 1996 and the Ngāi Tahu Claims Settlement Act 1998 (Settlement Act).
2. The takiwā of the hapū is centred at Tuahiwi, and extends from Hurunui to Hakatere, sharing an interest with Arowhenua Rūnanga northwards to Rakaia, and inland to the Main Divide.¹ Within this area, Ngāi Tūāhuriri actively exercises rangatiratanga and kaitiakitanga over te taiao.
3. Ngāi Tūāhuriri rangatiratanga:
 - a. is inherent in Ngāi Tūāhuriri from time immemorial, uninterrupted and continuing since before 1840 to the present day and into the future;²
 - b. incorporates the right of Ngāi Tūāhuriri to make, regulate, alter, and enforce decisions pertaining to how environmental resources are allocated, used, managed and traded, and by whom; and
 - c. includes the right of Ngāi Tūāhuriri to freely live, govern, work and atawhai te taiao in a manner that dignifies their tīpuna, according to their tikanga and ritenga, and for the benefit of current and future generations.
4. Ngāi Tūāhuriri rangatiratanga does not derive from the Crown or Parliament. It is exercised in conjunction to the Crown's exercise of kāwantanga. The second article of Te Tiriti o Waitangi recognised and guaranteed tino rangatiratanga.
5. Ngāi Tahu rangatiratanga is recognised by the Crown and Parliament, including in the Ngāi Tahu Deed of Settlement 1997 and the Ngāi Tahu Claims Settlement Act 1998, containing the apology made by the Crown to Ngāi Tahu. This states that 'in fulfilment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.'³ The Crown's apology also refers to the Deed of Settlement as entering a "new age of co-operation" between the Crown and Ngāi Tahu.

¹ Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001, Schedule.

² Submission of the Ngāi Tahu Māori Trust Board to the Rūnanga Iwi Bill, 14 April 1990.

³ Deed of Settlement between Te Rūnanga o Ngāi Tahu and Her Majesty the Queen (21 November 1997), 2.1; Ngāi Tahu Claims Settlement Act 1998, ss 5(7) and 6(7). The takiwā of Ngāi Tahu is defined in s 5 of Te Rūnanga o Ngāi Tahu Act 1996.



6. The New Zealand Transport Agency (NZTA) is an agent of the New Zealand Government. Ngāi Tūāhuriri therefore expects that NZTA will engage with the Rūnanga in a manner that is consistent with a Treaty partnership and the new age of co-operation.
7. Whitiora Centre Limited (Whitiora) is mandated by Ngāi Tūāhuriri Rūnanga to act on its behalf in matters of environmental policy and planning. This statement concerning cultural values, interests and priorities is therefore made on behalf of Ngāi Tūāhuriri Rūnanga.

The Proposal

8. NZTA has a designation for the construction and operation of a new length of State Highway to by-pass the Woodend township. This new section of State Highway is referred to as the *State Highway 1 (SH1) North Canterbury – Woodend By-pass Project (Belfast to Pegasus)*. The designation is sited fully within the Ngāi Tūāhuriri takiwā.
9. The programme of work for constructing this new section of State Highway is divided into two stages. The first stage is referred to as the Early Works for which resource consents have already been lodged with Environment Canterbury and an Outline Plan submitted to the Waimakariri District Council. The second stage is referred to as the Main Works for which authorisation is sought through this Substantive Application made under the FTAA.
10. This Statement concerns the Substantive Application required for Stage 2.

Approach to this Statement

11. This Statement will:
 - Describe the cultural values of the locality;
 - Describe the Principles derived from the Deed of Purchase that facilitated the Crown purchase of land from Ngai Tahu in 1848; and have subsequently shaped the priorities and interests of Ngāi Tūāhuriri in land use planning matters;
 - Identify the priorities and interests of Ngāi Tūāhuriri Rūnanga in respect of the activities to be authorised in the Substantive Application;
 - Identify key policy directives from relevant policy documents; and
 - Provide recommendations.



Partnership & Engagement

12. As described in the Introduction, Ngāi Tahu rangatiratanga is recognised by the Crown and Parliament, including in the Ngāi Tahu Deed of Settlement 1997 and the Ngāi Tahu Claims Settlement Act 1998. The new age of co-operation promised in the Ngāi Tahu Claims Settlement Act 1998 has been realised to the following extent:
13. NZTA and Whitiora commenced engagement on the *Woodend By-pass Project* in mid-2024.
14. At a strategic level, NZTA and Whitiora have met monthly to discuss project related information. This has included progress on design, matters of interest or concern to Ngāi Tūāhuriri and co-operation on the consenting and statutory approvals required for delivery of the *Woodend By-pass Project*.
15. Whitiora and NZTA have also agreed the formation of a Cultural Advisory Group (CAG) as required by the designation conditions. The CAG is a separate forum from the regular engagement hui between NZTA and Whitiora, and includes representatives from Ngāi Tūāhuriri Rūnanga. Tasks specified in the Terms of Reference for the CAG include the joint preparation of an Archaeological and Cultural Site Management Plan and advice on cultural art, naming and planting.
16. Whitiora has provided cultural monitoring of the geotechnical investigations for the Early Works.
17. NZTA has shared draft technical reports and provided opportunity for Whitiora to meet with its technical experts engaged in the detailed design and consenting of the project .
18. With respect to the Substantive Application, NZTA has provided Whitiora with the full suite of draft technical reports (dated 8 September 2025), alterations to the designation conditions, proposed conditions for the resource consent, and the draft applications for Wildlife Approval and Archaeology Authority.
19. Whitiora has been able to review these draft reports as a means of understanding the detail of the Application. This has provided the opportunity to ask questions of NZTA and its experts; and for NZTA to respond to particular cultural issues.



Cultural Values Within the Development Footprint & Locality

20. The designation traverses an area of high cultural significance – being an area of continuous and concentrated occupation by Ngāi Tūhaitara, Ngāti Rakiāmoa and Ngāi Tūāhuriri for more than 47 generations.
21. Prior to European settlement the locality between Kaiapoi and Rangiora was characterised by an extensive and interconnected braid-delta system of abundant wetlands, rivers, streams estuaries and spring-fed costal lagoons as shown in Figure 1. The environment provided the food and resources that sustained Ngāi Tūāhuriri, and who developed a deep mātauranga or knowledge of how to live in and from these resources.

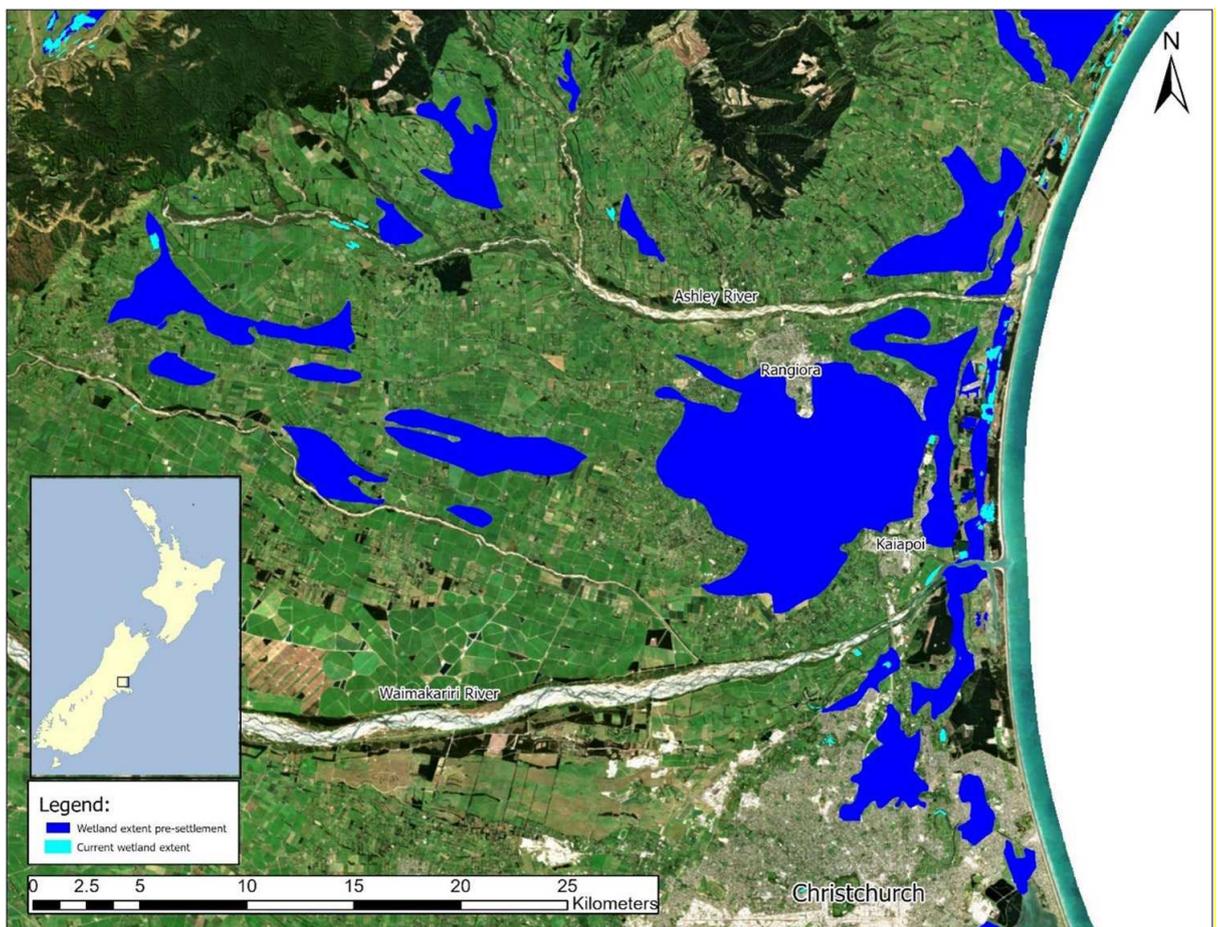


Figure 1: Predicted historic and current extent of coastal wetlands in the study area.

Source: John Reid, Edward Challies, Te Maire Tau & Shaun Awatere (2025) *Adapting to climate change through nature-based solutions and indigenous knowledge: the case for landscape-*



scale ecosystem regeneration in the Rokohouia Delta, Kōtuitui: New Zealand Journal of Social Sciences Online, 20:2, 249-267, DOI: 10.1080/1177083X.2023.2299364

Drawn in ArcGIS using data from the Environment Canterbury Open Data Portal:
<http://data.test.ecan.govt.nz/>.

22. In 1848 Ngāi Tahu land was transferred to the Crown under the Canterbury Deed of Purchase. The Deed promised to set aside lands for kāinga nohoanga (in the form of a township) and maintenance of mahinga kai. One of these areas is known as Māori Reserve 873 (MR873) at Tuahiwi, to the east of Kaiapoi. The original extents of the Reserve encompass some 1000ha.
23. Colonisation brought with it the modification of the braid-delta system to enable agricultural farming and forestry. This resulted in a 90% reduction in the extent of wetlands as shown in Figure 1. This has impacted Ngāi Tūāhuriri's ability to access traditional foods and resources as well as diminishing the source of Ngāi Tūāhuriri culture and identity.
24. Accordingly, those remaining wetlands, streams, springs and lagoons within the locality take on a high degree of significance as remnants of historic occupation, practices and cultural identity; as well as being contemporary sources of mahinga kai.
25. With respect to the original extents of MR873, a section of the Reserve will be dissected by the *Woodend By-pass Project* designation at its southern end. Whilst many land parcels within the Reserve have been alienated over time (land being in a mix of descendant, Māori and non-Māori ownerships), the boundaries of MR873 are a reminder of the significance and scale of Ngāi Tūāhuriri occupation in this locality. It is also relevant to note that under the Partially Operative Waimakariri District Plan there is opportunity for significant future land development of MR873 through the provisions of the Special Purpose (Kāinga Nohoanga) Zone.
26. Within the Partially Operative District Plan the designation traverses the following cultural overlays (see Figure 2):
 - a. SASM001 – Wāhi Tapu and a Silent File
 - b. SASM002 – Wāhi Tapu and a Silent File
 - c. SASM005 – Wāhi Tapu and a Silent File
 - d. SASM006 – Wāhi Tapu and a Silent File
 - e. SASM013 - Ngā Tūranga Tūpuna from Waimakariri ki Rakahuri
 - f. SASM019 - Ngā Tūranga Tūpuna Ngahere a Ophia
 - g. SASM022 – Ngā Wai Waimakariri River (including tributaries)
 - h. SASM024 – Ngā Wai Cam/Ruataniwha (including tributaries)
 - i. SASM025 - Ngā Wai Rakahuri (including tributaries)

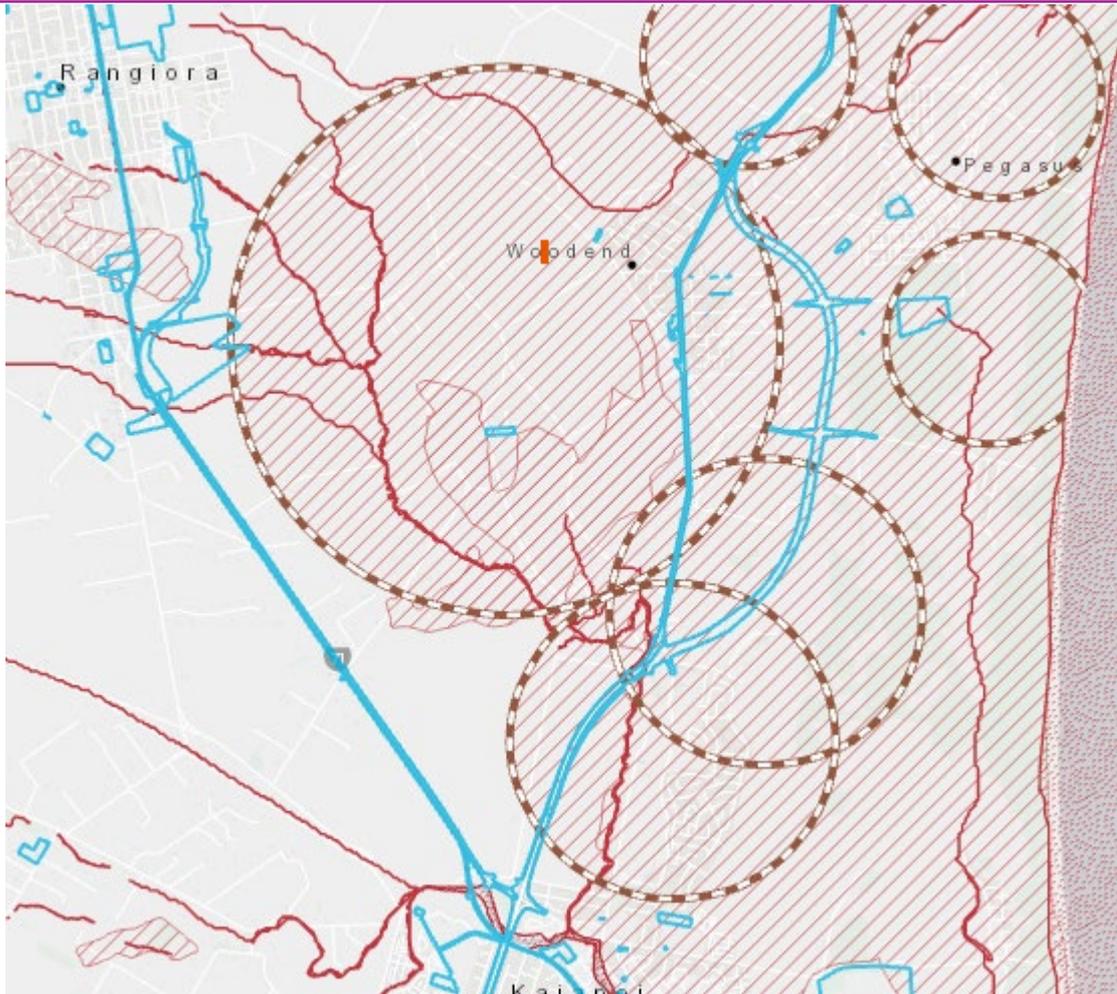


Figure 2: Cultural Overlays Partially Operative Waimakariri District Plan

Legend:

Red diagonal – Ngā Tūrangā Tūpuna

Red circles – Wāhi Tapu/Silent Files

Red Rivers – Nga Wai/Insert screenshot from district plan

Blue Lines – State Highways (solid line) and Woodend Bypass (unfilled line)

27. Wāhi Tapu are sites and places that are culturally and spiritually significant to Ngāi Tūāhuriri Rūnanga history and identity. They are generally places of particular significance due to an element of sacredness or some type of restriction as a result of a specific event or action. Wāhi Tapu sites are to be protected according to tikanga and kawa (local customary practices) which seek to ensure that the sacred nature of those sites is respected.



28. Silent files are a tool to protect highly significant sites such as urupā, waiwhakaheke tūpapaku or other Wāhi Tapu. A silent file gives a general indication of the location of the significant site without identifying its exact position. The presence of a Silent File on a planning map is an indicator that a high level of meaningful engagement with Ngāi Tūāhuriri is expected.
29. The Ngā Tūranga Tūpuna concerns the geographic area extending from the lower Rakahuri through to Kaiapoi. Its extent reflects the continuous occupation of this land by Ngāi Tūhaitara, Ngāti Rakiāmoa and Ngāi Tūāhuriri for more than 47 generations. It includes the Waimakariri River, Kaiapoi Pā, Taerutu Stream and lagoon, Tuahiwi MR873, other Kaiapoi Māori Reserve lands, Tutaepatu Lagoon, Taranaki Stream, the Rakahuri Estuary, Saltwater Creek and the physical connections between these places.
30. Within this Ngā Tūranga Tūpuna concentrations of culturally significant sites can be found along with environmental features and landscapes that hold cultural value. For example, archaeological sites, silent files, sites of ancestral Pā, kāinga, urupā along with streams, springs and wetlands.
31. The values within a Ngā Tūranga Tūpuna are both historical and contemporary. These are areas where Ngāi Tūāhuriri hold elevated concerns for the integration and effects of a wide range of land uses within the environment. Many of these locations also contain aquatic and terrestrial ecosystems where indigenous and taonga species are present or were historically abundant – elevating their importance as places of high cultural value.
32. Ngā Wai are important waterways – these being integral to tribal identity and considered to be a Wāhi Taonga. Ngā Wai are a source of mahinga kai as well as being places of significant events, occupation, historic access and travel routes. The condition and treatment of water is considered a reflection on the health and regard for Papatūānuku.
33. In summary, the Substantive Application involves activities that affect land, waterways and sites of high cultural significance and sacredness.

Priorities and Interests of Ngāi Tūāhuriri

34. The following list provides a high level overview of the matters of concern to Ngāi Tūāhuriri in respect of the *Woodend By-pass Project*.



- Intrusion into, and the expansion of infrastructure within a cultural landscape that includes Wāhi Tapu;
- The disturbance, loss of, or impacts on Wāhi Tapu and the potential for accidental discovery of sites, materials and artefacts of Māori origins;
- Loss of Māori owned Land;
- Loss of options for future land acquisition where land is taken for State Highway purposes;
- Degradation of the environment (including water quality and habitats) from construction activities;
- The permanent loss of waterbodies and wetlands;
- Irreversible modifications to the geomorphology of waterbodies and channels;
- Construction effects on the local community;
- The efficient and safe movement of whānau travelling within the locality including between Rangiora, MR873, Woodend, Kaiapoi, Pegasus and the coast.
- The potential for local traffic to short-cut through Tuahiwi as a way to avoid construction vehicles and/or traffic management controls on the State Highway or collector roads; and
- Concern that short-cutting through Tuahiwi will persist post construction, and embed as a local traffic pattern in the event that the highway is made a toll road.

35. It is acknowledged that a number of these matters were considered as part of the Notice of Requirement for the *Woodend By-pass Project* and are not for re-assessment as part of the Substantive Application. The list does however provide guidance on matters that Whitiora will comment on in this Statement.

Principles from Kemps Deed

36. In 1848 the Crown acquired some 20,000,000 acres of land from Ngāi Tahu for £2000. This is known as the 1848 Canterbury Deed of Purchase and is also often referred to as Kemp's Deed.
37. Kemps Deed is a legally binding contract or agreement that made specific guarantees to Ngāi Tahu. The terms of Kemps Deed included:
- the setting aside of kāinga nohoanga (translated as places of residence) as reserves;
 - rights to mahinga kai;
 - the right to develop land, including subdivision, communal facilities, and other community activities;
 - the right to develop a sustainable and growing economic base within the community to sustain future generations; and
 - an enduring contract to bind future generations i.e., they are not historical and only apply in the past. Kemps Deed was clearly written to apply to descendants without impediment into the future.



38. The Kaiapoi Native Reserve was gazetted in 1865 under the 1862 Crown Grants Act (No. 2). In the intervening years between the signing of Kemps Deed and the gazettal of the Reserve the land continued to be occupied by Ngāi Tūāhuriri in accordance with customs – the regulations of the Provincial Government only applying to non-Māori land.
39. A number of principles can be derived from Kemps Deed. Some of these can be considered relevant to the Woodend By-pass Project as follows:
- The principle of permanence
 - The principle of kāinga nohoanga
 - The principle of mahinga kai
40. These are discussed as follows:

Principle of Permanence

41. The wording of the Canterbury Purchase and its translation is set out as follows:

Ko o matou kāinga nohoanga kai, me waiho marie mo matou, mo a matou e tamariki, mo muri iho ia matou; a ma ta Kawana whakrite mai hoki tetahi wāhi mo matou a mua ake nei a tew ahi e ata rurutia ai te whenua ngā Kai Ruri.

Our places of residence and our food gathering places are to be left to us without impediment for our children, and for those after us. We leave to the Government the power and discretion of making us additional Reserves of land.

42. The Deed makes it explicit that the purchase of land by the Crown for later sale to settlers was for all time. Likewise the creation of Māori Reserves was similarly intended to be for all time i.e. the land would be set aside in permanent possession of Ngāi Tūāhuriri descendants in perpetuity.
43. To date, planning regulations, including the designation of land for NZTA purposes have not given consideration to the wording of the Crown's Purchase Deed, with Māori Land being acquired for state highway purposes at different times.
44. The *Woodend By-pass Project* prioritises roading over Wāhi Tapu and Ngā Wai adding to the cumulative loss of cultural values, landscapes and identity in this location over a period of 177 years.



Principle of Kāinga Nohoanga

45. Following the signing of Kemps Deed, Walter Mantel was sent from Wellington to survey the land for the reserves, including Māori Reserve 873 (MR873) at Tuahiwi. The Crown had anticipated that MR873 would be similar to a rural English village and populated by Māori farmers contributing to the wider national economy. At the time of creating (subdividing) the Reserve, land was required to be set aside for a school, church, cemetery and hospital. The Reserve was frequently referred to as a township as recorded in newspaper articles and government documents at the time.
46. In the 1950s town planning regulations zoned MR873 as Rural, preventing the development of a township. This status remained in place for another sixty years. In the past 10 years, Ngāi Tūāhuriri has worked with local government to rezone the land so that it can now be developed for housing, education, commercial and social facilities and amenities.
47. It is important that the *Woodend By-pass Project* recognises the development potential of this land, and that design and planning of the road corridor ensures that infrastructure is in place to facilitate this development, or at the very least, does not preclude the ability of descendants to realise the potential of the land.

Principle of Mahinga Kai (tribal and local economies)

48. Kemps Deed was to guarantee Ngāi Tahu access to mahinga kai.
49. As previously described, the area to the east of Tuahiwi and extending to the coast was a complex of significant water bodies and wetlands that provided a rich source of food and materials. A number of remnant waterbodies are encompassed within what is now known as the Tūhaitara Coastal Reserve –where a complex of wetlands, streams and lakes and indigenous ecosystems are being restored. Accordingly, there remains a strong connection for Ngāi Tūāhuriri to access and connect with this coastal area, requiring movement across the proposed *Woodend By-pass*.
50. In addition, Ngāi Tūāhuriri is concerned that construction and operational stormwater from the *Woodend By-pass Project* is treated and managed to a standard that does not cause degradation of the water quality downstream, including within the Tūhaitara Coastal Reserve and at the coast.
51. As noted above, Māori Reserve 873 was to be developed as a town and a hub, not just for housing, but also for the advancement of tribal and local economies. The Partially Operative Waimakariri District Plan is the first district plan to provide for economic and commercial activities across the whole of the Reserve.



52. It is therefore important that the *Woodend By-pass Project* recognises:

- That the locality is a significant cultural landscape with historic and contemporary values and that accessibility between Tuahiwi and the coast must be facilitated; and
- That the management of stormwater is fundamental to achieving the restoration of waterbodies and ecosystems downstream of the designation; and
- That the development potential of Māori Reserve 873 is considered and provided for in the design and planning of the road corridor. This includes accessibility to the Reserve. It may also include working with the Waimakariri District Council to allow for the installation of horizontal infrastructure or at the least, does not preclude or create barriers for descendants to realise the potential of their land.

Overview - Evaluation

Is there any aspect of the proposal that Ngāi Tūāhuriri consider to be a Wāhi Tapu or Wāhi Taonga?

53. Yes, the *Woodend By-pass Project* involves activities that directly impact on Wāhi Tapu (Silent Files), Ngā Tūranga Tūpuna and Ngā Wai. This includes known archaeological sites and areas of historic occupation.

What effects does the proposal have on these sites and taonga?

54. The following sections summarise effects on cultural sites and taonga as identified from the technical reports accompanying the Substantive Application.

Effects on Wetlands

55. The Ecological Impact Assessment advises that five wetlands are located directly beneath the road alignment or within the project site. These represent a permanent loss of 0.67 ha of natural inland wetland extent and habitat values.

56. Eight wetlands are likely to experience hydrogeological changes during construction and six wetlands may be permanently affected resulting in wetland vegetation and habitat.

57. The Assessment concludes that effects on wetlands cannot be mitigated and require off-setting. The off-setting proposal includes the creation of a new wetland within the Southern (quarry) Lake. Approximately 30% of the lake remnant is to be retained as open water with infill material manipulated to create a range of water depths that will allow a variety of wetland habitat types to be established. A net gain of wetland habitat would be created with 1.35ha of new wetland compared with 0.67ha wetland lost. Wetland habitat planting is to be maintained for up to 15 years and protected in perpetuity.



58. Whitiora notes that adverse and unmitigated effects on wetlands also represent an adverse effect on cultural values. The proposal for off-setting is supported.

Effects on Waterways

59. The Ecological Impact Assessment has assessed a permanent loss of, or modification to 428m of stream extent and habitat values due to stream alignment and culvert design. This includes the Taranaki Stream, the Taranaki Stream Tributary and the Waihora Stream. The proposed culverts for these streams will be increased in length as follows:

- a. Waihora Stream from 12m to 70m
- b. Taranaki Stream from 25m to 30m
- c. Taranaki Stream (SH1) 25m to 90m

60. It will be necessary for culverts to provide for fish passage and for realigned streams to be designed with enhanced in-stream and riparian habitats. The permanent loss of stream extent for the Taranaki Tributary and the permanent modification of stream habitat for the Taranaki Stream, McIntosh Drain and the Waihora Stream are not able to be fully mitigated. Accordingly, the Ecological Impact Assessment recommends that the residual effects are offset by the restoration and enhancement of McIntosh Drain. The drain has been selected due to its proximity to the works and ownership by NZTA. It provides sufficient land area to enable the extent of restoration to exceed the area required for off-setting.

61. It is expected that effects on water quality arising from construction discharges, stormwater and run-off from the road will be addressed through appropriate and best practices for erosion and sediment control, stormwater treatment, detention and management and the adoption of planting alongside riparian margins of impacted waterways.

62. Whitiora notes that adverse and unmitigated effects on Ngā Wai also represent adverse effects on cultural values. Measures for off-setting of those effects are supported.

Effects on Fauna and Flora

63. The Ecological Impact Assessment has identified the loss of up to 0.66ha of moderate value lizard habitat. This is recommended to be compensated through the implementation of enrichment planting and habitat enhancement with associated pest control.

64. Effect on birds are likely to be less adverse due to their mobility. The Assessment recommends vegetation clearance for construction occurring outside of peak breeding season and/or undertaking nest surveys prior to works commencing. It is expected that



in the long term there will be positive ecological outcomes for bird habitat with the proposed additional wetland creation.

65. Whitiora acknowledges the potential to manage effects on fauna through an Ecological Management Plan and notes the potential to enhance indigenous planting throughout the *Woodend By-pass* corridor.

Effects on Wāhi Tapu and the Cultural Landscape

66. The designation represents a permanent and irreversible change to the cultural landscape. Activities to be authorised by the Substantive Application will have a cumulative effect on cultural values through the permanent loss of wetlands, modifications to waterbodies and the loss of indigenous biodiversity. The mitigation and off-setting proposed in the Substantive Application are all necessary to assist with some degree of restoration of cultural values within the landscape.

New Construction Support Area

67. With respect to the new Construction Support Area, Whitiora supports the proposed condition of consent to establish a bund and planting to mitigate adverse effects on the outlook and amenity for residents of Lees Road.

Does the proposal contribute to the enhancement of Ngāi Tūāhuriri wellbeing?

68. The Woodend By-pass Project will provide benefits in the form of improved traffic safety and efficiency for all road users, including Ngāi Tūāhuriri hapū, whānau and visitors.
69. These benefits however come at a cost for Ngāi Tūāhuriri having regard to the further erosion of the cultural landscape, intrusion into Wāhi Tapu and the loss of sacred or archaeological sites. These are intangible and irreplaceable values. The Woodend By-pass Project will therefore contribute to cumulative sense of loss of cultural wellbeing and identity in this part of the Ngāi Tūāhuriri takiwā.
70. The implementation of ecological mitigation and off-setting combined with improved treatment and management of run-off from the *Woodend By-pass* can positively contribute to the restoration of environmental values that also hold cultural value.
71. There remains the potential for the unintended, but consequential effects, of displaced local traffic short-cutting through Tuahiwi. These traffic movements may potentially arise from the volume of construction traffic and/or traffic management causing delays on the state highway/collector road network. Short-cutting through local roads has the potential to be further embedded with the adoption of tolling and has the



potential to undermine the wellbeing of landowners and occupiers within the Special Purpose (Kāinga Nohoanga) Zone.

72. Whitiora acknowledges that NZTA amended its Outline Plan and the proposed Traffic Management Plan to give effect to this request at the time of lodging the Early Works consent.

Policy Directives

Ngāi Tahu Freshwater Policy

73. The Ngāi Tahu Freshwater Policy 1999 is a formal policy document relating to freshwater. Despite the age of the Policy document, the fundamental basis of its content, including objectives and policies remain relevant, being founded on values that have not changed with time.
74. The Policy document records that water is a taonga, essential to provide for and sustain life. It describes how the degraded state of many waterways has adversely impacted the health and wellbeing of those waterways, and the ability of Ngāi Tahu to access life sustaining resources⁴. This has eroded Ngāi Tahu's relationship with the waters of its rohe.
75. It is noted that the severity and rate of degradation of waterbodies within Waitaha/Canterbury have accelerated and worsened since 1999. The objectives and policies therefore remain not only relevant, but also more compelling in relation to the further loss or modification of water bodies within the *Woodend By-pass Project* designation.
76. Relevant guidance from the Freshwater Policy⁵ can be taken from the following objectives:

Objective/Policy	Comment
Objective Wāhi Tapu To afford total protection to waters that are of particular spiritual significance to Ngāi Tahu.	The designation crosses several Ngā Wai – being waterbodies of particular spiritual significance. Activities to be authorised by the Fast track application will include construction and earthworks within and adjacent to these waterways, as well permanent channel realignment and culverting. The objective to protect waterbodies of high cultural significance is therefore unable to be achieved. The

⁴ Page 5, Ngāi Tahu Freshwater Policy

⁵ Page 27, Section 5.0 Ngāi Tahu Freshwater Policy



	<p>Substantive Application proposes mitigation and off-setting of the effects on waterways. These mitigations and off-setting are supported.</p>
<p>Objective Mauri Restore, maintain and protect the mauri of freshwater resources. Policy Accord priority to ensuring the availability of sufficient quantities of water of appropriate water quality to maintain and protect the mauri of a waterbody, in particular priority is to be accorded when developing water allocation regimes.</p>	<p>The construction methodology proposes to maintain flow in waterbodies throughout construction, including the return of dewatering water and the installation of culverts offline before connection. Erosion and sediment controls are also proposed.</p> <p>The Substantive Application also proposes to treat and convey stormwater and road runoff through a complex of swales, planted biofiltration and bioretention swales and basins.</p> <p>It is noted that the existing State Highway has limited treatment of road run-off.</p> <p>The proposed methodology for managing stormwater and road run-off are supported and Whitiora expects that best practice methods will be the subject of conditions of consent and monitored throughout construction and operation.</p> <p>Additionally, Whitiora requests that the Erosion and Sediment Control Management Plan include a protocol for Ngāi Tūāhuriri Rūnanga to raise issues relating to water quality or water quantity in impacted waterways.</p>
<p>Objective Mahinga Kai To maintain vital, healthy mahinga kai populations and habitats capable of sustaining harvesting activity.</p>	<p>The construction and operation of the <i>Woodend By-pass Project</i> will adversely affect waterways and their riparian margins, and as a consequence also affect mahinga kai. The conditions proposed for an Ecological Management Plan and requirements for indigenous planting, pest plant and animal management, fish recovery and passage; along with particular provisions for offsetting and compensation for residual ecology effects - will positively contribute to restoration of habitats and species important for mahinga kai. These conditions are supported.</p>



National Policy for Freshwater Management (NPS-FM)

77. The NPS-FM provides a high level framework for management of freshwater based on the- “Fundamental concept – Te Mana o te Wai”. This concept encompasses six principles⁶ intended to inform implementation of the NPS-FM along with a hierarchy of obligations that prioritises:
- a. first, the health and wellbeing of water bodies and freshwater ecosystems
 - b. second, the health needs of people (such as drinking water)
 - c. third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
78. Whitiōra notes that the hierarchy of obligations in the NPS-FM accords with the direction in the Ngāi Tahu Freshwater Policy⁷ and in the Mahaanui Iwi Management Plan⁸.
79. Acknowledging that the construction and operation of the *Woodend By-pass Project* is already authorised by the designation, and that the By-pass will provide social and economic benefits for the community, Whitiōra wishes to emphasise the fourth principle for freshwater management being:
- (d) Governance: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future.*
80. The proposed suite of conditions for managing environmental effects on the waterways are therefore important for ensuring that the first priority for the health and wellbeing of water bodies and freshwater ecosystems are recognised as an important part of the Woodend By-pass Project. Whitiōra expects that the conditions of consent will require implementation and monitoring of best practice methods for erosion and sediment control during construction and the maintenance of water flows. Implementation of the operational stormwater and road run-off in combination with implementation of the proposed compensation and off-setting mechanisms for wetlands and ecological restoration are all essential to ensuring the health and well-being of the waterbodies into the future.

Mahaanui Iwi Management Plan

81. The Mahaanui Iwi Management Plan (MIMP) provides policy direction on matters of importance to Ngāi Tūāhuriri Rūnanga.

⁶ Section 1.3 Fundamental concept – Te Mana o Te Wai

⁷ Page 18, Ngāi Tahu Freshwater Policy, see box re order of priority

⁸ Page 78, Mahaanui Iwi Management Plan, Priorities for Use, Policy WM3.1



82. Whitiora has identified those objectives and policies it considers most relevant to the Substantive Application. Acknowledging that the Designation is already in place, the focus is on those matters requiring resource consent under Regional Plans. These include:

Wai Māori

Objective/Policy	Comment
Overall Objectives for Wai Māori	The technical reports that have informed the design of the <i>Woodend By-pass Project</i> and the Substantive Application reflect an intent to treat and manage stormwater, road runoff, floodwaters and interaction with groundwater to best practice industry standards.
1 Water management effectively provides for the taonga status of water, the Treaty partner status of Ngāi Tahu, the importance of water to cultural well-being, and the specific rights and interests of tāngata whenua in water.	
3 Water and land are managed as interrelated resources embracing the practice of Ki Uta Ki Tai, which recognises the connection between land, groundwater, surface water and coastal waters.	Whitiora expects that the proposed design and treatment of all water management will be the subject of conditions that include monitoring and adaptive management as needed, to ensure the best outcome for waterways.
6 Wetlands and waipuna are recognised and protected as wāhi taonga, and there is an overall net gain of wetlands in the takiwā as wetlands are restored.	Technical reports indicate a permanent loss of wetlands and possible hydrological changes to others. The <i>Woodend By-pass Project</i> does not therefore meet policy expectations. In this context the proposal for compensation and off-setting of effects on wetlands is supported and should be reflected in conditions.
7 All waterways have healthy, functioning riparian zones and are protected from inappropriate activities, including stock access.	Whitiora supports the riparian planting and restoration proposed in the Substantive Application, particularly in relation to the Taranaki Stream, the tributary to the Taranaki Stream, Waihora Stream and McIntosh Drain.
Discharges WM6.11	The Substantive Application proposes to treat and convey stormwater and road runoff



<p>Consented discharge to land activities must be subject to appropriate consent conditions to protect ground and surface water, including but not limited to:</p> <p>(b) Set backs or buffers from waterways, wetlands and springs;</p> <p>(c) Use of native plant species to absorb and filter contaminants, including riparian and wetland establishment and the us or planted swales; and</p> <p>(d) Monitoring requirements to enable assessment of the effects of the activity.</p>	<p>through a complex of swales, cut-off drains, planted biofiltration and bioretention swales and basins.</p> <p>It is noted that the current State Highway has limited treatment of road run-off.</p> <p>The proposed stormwater and run-off management methodologies are supported and Whitiora expects that these methods will be the subject of conditions of consent and monitored throughout construction and operation.</p>
<p>Controls on land use activities to protect water quality WM6.17</p> <p>To require the development of stringent and enforceable controls on the following activities given the risk to water quality:</p> <p>(b) Subdivision and development adjacent to waterways;</p> <p>(d) Activities in the bed and margins of waterways....</p>	
<p>Environmental Infrastructure WM6.19</p> <p>To promote the restoration of wetlands and riparian areas as part of maintaining and improving water quality, due to the natural pollution abatement (treatment) functions of these taonga.</p>	<p>The Substantive Application includes off-setting for the loss of wetlands. The creation of new wetland habitat is supported and positively contributes to the policy of restoring wetlands. Additionally, the use of biofiltration and bioretention basins and swales align with this policy to improve water quality.</p>
<p>Water Quantity WM8.2 (g) and (j)</p> <p>(g) There is sufficient water to sustain the wetlands and waipuna associated with waterways.</p>	<p>The construction methodology proposes to maintain flow in waterbodies throughout construction, including the return of dewatering water and the installation of culverts offline before connection. These steps will accord with policy WM8.2(g).</p>



<p>(j) Flows are consistent with protecting and enhancing mahinga kai and indigenous biodiversity values;</p>	<p>There are however potential indirect impacts on up to five wetlands due to changes to wetland hydrology and habitat fragmentation. In this context Whitiora supports the proposed off-setting of residual effects with the creation of new wetland habitat. Whitiora expects that conditions of consent will ensure the new wetlands are implemented.</p>
<p>Riparian areas WM12.2</p> <p>To require the protection and restoration of native riparian vegetation along waterways and lakes in the takiwā as a matter of priority..</p>	<p>Acknowledging that the existing native habitat within the designation is already moderately to highly degraded, Whitiora supports the proposed offset-compensation actions proposed. These include fencing, planting with indigenous species within the constructed wetlands, and planting the riparian margins of streams. These actions will accord with policy WM12.2.</p>
<p>Structures in the beds and margins of waterways WM12.13</p> <p>To require that any structure, essential or otherwise, in the bed or margin of a waterway (e.g. floodgate) supports and enables passage for migratory indigenous fish species and does not compromise any associated kōhanga.</p>	<p>The Ecological Impact Assessment identifies that modification to stream geomorphology including culverting has the potential to impact fish passage and migration success. These effects are to be managed through fish salvage and relocation and requiring/ensuring fish passage through culvert design. This mitigation would align with Policy WM12.13 and Whitiora expects that conditions of consent will ensure that these mitigations are implemented along with monitoring before, during and after construction.</p>
<p>Wetlands, Waipuna and Riparian Margins WM13.1, WM13.3, WM13.5 and WM13.7</p> <p>To recognise and protect all wetlands, waipuna and riparian areas as wāhi taonga that provide important cultural and environment benefits,</p> <p>To support the establishment, enhancement and restoration of wetlands, riparian areas and waipuna as a measure to avoid, remedy</p>	<p>The <i>Woodend By-pass Project</i> will result in the permanent loss of wetlands – failing to meet policy expectations that wetlands and their riparian margins are protected.</p> <p>The off-setting of wetland loss with the creation of new wetlands is considered necessary and is supported.</p>



<p>or mitigate any actual or potential adverse effects of land use and development activities on cultural and environmental values.</p> <p>To advocate, where appropriate, for the creation of wetland areas to assist with the management of onsite/site sourced stormwater and other wastewater, to utilise the natural capacity of these ecosystems to filter contaminants. These wetlands must be constructed wetlands;</p> <p>To recognise the protection, establishment and enhancement of riparian areas along waterways and lakes as a matter of regional importance, and a priority for Ngāi Tahu.</p>	
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Papatūānuku - Earthworks

<p>Avoiding damage and destruction of sites of significance. Avoid or minimise erosion and sedimentation. P11.1</p> <p>To assess proposals for earthworks with particular regard to:</p> <p>Potential effects on wāhi tapu and wāhi taonga, known and unknown;</p> <p>Potential effects on waterways, wetlands and waipuna;</p> <p>Potential effects on indigenous biodiversity;</p> <p>Proposed erosion and sediment control measures;</p>	<p>The proposed construction will result in damage and destruction within an area identified with multiple significant cultural landscapes and sites of significance. This includes archaeological sites (known and unknown), waterways and wetlands.</p> <p>In some circumstances this is expected to be a complete loss, which cannot be mitigated or avoided. Accordingly, the <i>Woodend Bypass Project</i> fails to meet policy expectation.</p> <p>All measures to avoid known archaeological sites and wetlands, if possible, are supported.</p> <p>Effects on waterways and indigenous biodiversity are expected to be managed through erosion and sediment control and requirements for restoration planting with</p>
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	<p>the use of indigenous species. These mitigations would fulfil Policy P11.1.</p>
<p>Indigenous Vegetation P11.8</p> <p>To require the planting of indigenous vegetation as an appropriate mitigation measure for adverse impacts that may be associated earthworks activity.</p>	<p>The Ecological Impact Assessment recommends that the loss of indigenous fauna habitat is mitigated through the implementation of enrichment planting for lizard habitat, compensation in the form of wetland restoration planting (to be maintained for 10 to 15 years and protected in perpetuity), and restoration of riparian habitats.</p> <p>Whitiora expects that these measures will be subject to conditions of consent and implementation through the proposed Ecological Management Plan.</p>
<p>P16.3</p> <p>To assess the potential risk of transport related proposals (at any stage) on tāngata whenua values on the basis of the following:</p> <p><i>Sites of significance</i> - proximity to sites of cultural significance, including marae, wāhi tapu, silent files and archaeological sites;</p> <p><i>Protection of waterways</i> - what measures are proposed to avoid the modification of waterways, the discharge of contaminants and sediment to water?</p> <p><i>Indigenous biodiversity</i> - what are the potential effects on existing indigenous biodiversity and what are the opportunities to enhance indigenous biodiversity values?</p>	<p>The <i>Woodend By-pass Project</i> has a significant effect on sites of significance – representing a permanent intrusion into wāhi tapu/Silent Files between the Waimakariri and Rakahuri Rivers.</p> <p>Modifications to culturally significant waterways identified as Ngā Wai are proposed. This includes realignment and the installation of culverts.</p> <p>As noted above, proposed measures for management of stormwater and discharges are supported; along with the proposed mitigation, compensation and off-setting measures for ecological effects and effects on wetlands.</p> <p>Accordingly, there is a partial fulfilment of the policy. Otherwise the <i>Woodend By-pass Project</i> impact on the cultural landscape is significant.</p>



The Rakahuri and Waimakariri Catchments

83. The *Woodend By-pass Project* passes through both the Rakahuri and Waimakariri Catchments as defined in the MIMP. These two catchments have their own Chapters with objectives and policies. Many of these duplicate the intent and outcome prescribed in the policies above, particularly in relation to the management of waterbodies and ecological restoration.
84. Both chapters provide further specificity with respect to the coastal lowland region from the Rakahuri to the Waimakariri which is described as “a cultural landscape of immense importance”. In policy WAI5.19 reference is made to the “significant historical, traditional, cultural and contemporary associations” of this area.
85. Within the Rakahuri catchment the cultural health of the Taranaki stream is identified as a matter of priority, with a vision to return the waterway to its original shape and swampy character¹⁰. This is emphasised through specific policies (R1.6 and R1.7) which describe re-naturalisation of the stream and the actions that should be taken.
86. Policy R2.111 concerns water quantity in the Rakahuri catchment. It describes the need for water flows within tributaries to restore cultural health, not merely to maintain an existing condition.
87. Policy R3.1 highlights “the importance of wetland and swamp areas in the Rakahuri” for mahinga kai and wāhi tapu values while Policy R3.2 is concerned with the loss of existing wetlands and Policy R4.1(f) seeks to protect waipuna (springs) from inappropriate use and degradation¹².
88. As described in policy WAI5.213 – the intent of these two chapters is to work towards restoring the cultural and physical connectivity of the coastal lowland areas of the Waimakariri and Rakahuri rivers, and therefore the cultural landscape values of this important area.

Cultural Landscapes

89. The MIMP contains a suite of objectives relating to the recognition and protection of cultural landscapes. Whitiora acknowledges that the Designation has already confirmed the alignment of the *Woodend By-pass Project* through these landscapes,

⁹ Mahaanui Iwi Management Plan, page 219

¹⁰ Mahaanui Iwi Management Plan, Chapter 6.3 Rakahuri, Objectives 3 and 4

¹¹ Mahaanui Iwi Management Plan, page 205

¹² Mahaanui Iwi Management Plan, page 207

¹³ Mahaanui Iwi Management Plan, page 219



but it is worth noting there are two policies which indicate the nature of appropriate mitigations for effects on cultural landscapes. These are described further below.

Objective/Policy	Comment
<p>Objective 1: Cultural landscapes are recognised and provided for as a planning tool to protect wāhi tapu and wāhi taonga, the multiple values associated with these sites and places (traditional and contemporary), and the relationship of tāngata whenua to them.</p> <p>Objective 3: Wāhi tapu and wāhi taonga are protected from inappropriate use, subdivision and development.</p>	<p>The <i>Woodend By-pass Project</i> does not fulfil these objectives and will result in the loss and/or diminishment of the values within the cultural landscapes as defined in the Partially Operative District Plan. These are permanent and unmitigated effects.</p>

90. Policies CL1.8 and CL1.9 in the MIMP do give some direction on appropriate mitigation to effects on cultural landscapes. These include:

- Restoration/enhancement of indigenous biodiversity;
- Enhancing views and connections to landscape features;
- Appropriate and mandated historical interpretation;
- Use of traditional materials, design elements and artwork;
- Incorporating Ngāi Tahu heritage values into landscape and urban design, through the use traditional place names, interpretation, artwork and public structures.

91. Whitiōra acknowledges that the *Woodend By-pass Project* includes opportunity for Ngāi Tūāhuriri, through its Cultural Advisory Group, to work with NZTA on landscape treatments, interpretation and artwork as anticipated by these policies.

Archaeological Authority

92. The construction of the *Woodend By-pass Project* is anticipated to directly impact on, and cause damage or loss of archaeological sites.

93. Whitiōra confirms it has had an active role in the preparation of the Archaeological and Cultural Site Management Plan, ensuring that it has appropriate protocols for monitoring, accidental discovery and recording of impacted sites.



94. Whitiora notes policy CL3.5 of the MIMP. This requires “that existing registered NZAA sites are recognised and provided for as indicator sites only, reflecting a larger network of Ngāi Tahu cultural heritage values. Any development of area adjacent to a NZAA site must be considered and monitored for potential effects on unknown additional sites”. Whitiora acknowledges the Heritage and Archaeology Assessment has provided a comprehensive description of the locality and likely potential for archaeological finds beyond known sites.
95. Having regard to the extent and significance of the cultural landscape between the Waimakariri and the Rakahuri Rivers, Whitiora expects that requirements for cultural monitoring of earthworks will be enabled across the whole designation.

Requirements

96. Whitiora makes the following requirements in respect of the Substantive Application for the Woodend By-pass Project:
- 1 NZTA to ensure that its Traffic Management Plan for the Main Works continues to include monitoring of local roads through Tuahiwi as discussed and agreed with Ngāi Tūāhuriri;
 - 2 NZTA, in consultation with Ngāi Tūāhuriri and the Waimakariri District Council ensures that any works undertaken to remedy or mitigate the effects of construction traffic on the condition or efficiency of local roads within or to Tuahiwi, provides for integration of infrastructure or services where possible.
 - 3 That mitigation, off-setting and compensation measures as proposed in the technical reports are carried through as conditions of consent to ensure their implementation, monitoring and enforcement.
 - 4 That the Construction Environmental Management Plan (CEMP), Ecological Management Plan (EMP) and the Erosion and Sediment Control Management Plan (ESCMP) include provisions for:
 - a. Providing a summary of monitoring outcomes to Whitiora every six months for the duration of construction; and
 - b. Protocols for Whitiora and/or Ngāi Tūāhuriri to efficiently liaise with NZTA and its contractors in respect of any concerns or issues in relation to effects on the environment during construction, and in particular observed effects on water quality and the health and wellbeing of waterbodies.