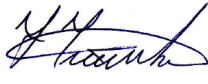


**Assessment of Impacts on
Rangatiratanga and Treaty
Principles – Hokitika
Seawall Extension Project**

January 2023



Document Quality Assurance

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Status: FINAL			Issue date: 5 February 2023

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Introduction and Summary

This Assessment of Impacts on Rangatiratanga and Treaty Principles records the position and views of the mana whenua of Te Rūnanga o Ngāti Waewae, in respect of the Hokitika Seawall Extension project.

Te Rūnanga o Ngāti Waewae are mana whenua and are the authority exercising rangatiratanga over the area subject to the proposal.

This Report:

- outlines the purpose and status of this document
- provides details of the associations of Ngāti Waewae with the area
- includes an assessment against the relevant legal framework; and
- states the current position of the Rūnanga in relation to the Hokitika Seawall Extension project and provides recommendations.

In summary this report records the non-opposition of Te Rūnanga o Ngāti Waewae to the granting of resource consents for the Hokitika Seawall Extension Project, subject to the requested mitigation measures outlined within this report.



Purpose of this Report

This Report records the position and views of Te Rūnanga o Ngāti Waewae in response to the proposed Hokitika Seawall Extension – Assessment of Effects on the Environment document prepared by Beca Limited dated February 2022 for the West Coast Regional Council (**WCRC**) for resource consents to be lodged with the WCRC and Westland District Council (**WDC**).

This Report addresses the consistency of the proposal with the principles of Te Tiriti o Waitangi (**Te Tiriti**) and any potential limitation to Rangatiratanga. It also provides guidance on the actions required to adhere to those principles.

The position and interests of Te Rūnanga o Ngāti Waewae are informed by Te Tiriti, on the basis that Te Tiriti:

- is the founding constitutional document for New Zealand.
- is the foundation on which the governing systems and structures are built.
- is the primary nexus between tikanga Māori and the laws of England, which today form the laws of New Zealand; and
- guaranteed for Māori tino rangatiratanga, the unqualified exercise of chieftainship, over lands, villages, and all their property and treasures.

This Report also addresses the requirements in the Resource Management Act 1991 (**RMA**) for persons exercising functions and powers under the RMA to:

- a) recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga (section 6(e)).
- b) have particular regard to kaitiakitanga (section 7(a)).
- c) take into account the principles of the Treaty of Waitangi (section 8).



Status of this Report

This Report is to be accorded the status of:

- an official position statement of Te Rūnanga o Ngāti Waewae.
- an assessment of impacts on Rangatiratanga, and Te Tiriti principles, rights, and interests.

This Report is based on the information provided within the document entitled 'Hokitika Seawall Extension – Assessment of Effects on the Environment prepared by Beca Limited and dated February 2022 that was prepared to support resource consent application to the WCRC and WDC (**Beca Report**).

This Report is a living document and may need to be updated to respond to changing circumstances or any amendments proposed by the WCRC to their resource consent application for an extension to the Hokitika Seawall. If the Hokitika Seawall Extension project is amended, it is important to note that this Report may need to be updated to accurately reflect the position of Te Rūnanga o Ngāti Waewae based on this changing description.

This Report is not limited by the requirements of the RMA or any other legislation. This Report is to be used to inform the assessment of the proposed Hokitika Seawall Extension Project against the principles of Te Tiriti and other statutory requirements, and to provide recommendations to ensure the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga is recognised and provided for.



Summary of Proposal & Site Description

Summary of Proposal

The WCRC is proposing to construct an approximately 1100m long extension to the existing Hokitika seawall between Stafford Street and Richards Drive.

The existing seawall is a 1000m long rock revetment constructed in 2013, to protect a portion of the township between the Hokitika River mouth and Stafford Street (see Figure 1).

The southern end of the proposed extension will connect to the existing seawall near the town centre. The northern end of the wall is proposed to end at the existing groyne at the end of Richards Drive.



Figure 1 – Existing and proposed Hokitika seawall extension. *Source: Beca Report.*

The WCRC have advised that areas of the Hokitika township are under threat from sea level rise and erosion events. WCRC consider the the construction of the the seawall extension along the beach front to Richards Drive will provide interim protection to low lying properties behind the seawall extension area presently between 25 and 40m from the upper beach erosion scarp.

Temporary rock protection was placed along the beach in the area of the proposed seawall extension between 2019 and 2021 via emergency works provisions under the RMA to prevent further erosion from a series of coastal storm exposure events. Though we are aware this emergency work was not consented, we understand it is the intention to incorporate this temporary rock material into the proposed seawall extension where practicable.

The WCRC have stated that they consider the seawall extension as a short to medium term (up to 15 years solution). The proposed 15 year consent term requested would allow WCRC, in conjunction with WDC, Te Rūnanga o Ngāti Waewae and other stakeholders, to plan and implement a longer term adaptive coastal management strategy, in response to Central Government legislation.

The WCRC has received funding from Central Government for extending the seawall. We understand this project is part of a wider package of works called “the Hokitika and Kaniere Resilience Project” that has received funding from Central Government’s “shovel ready” fund and also includes construction of a river flood protection scheme to provide for greater resilience and protection between Kaniere and Sunset Point.

Summary of Site Description

A summary of key aspects of the site description from the Beca Report relevant to this assessment is set out below.

- The proposed seawall extension site will be approximately 2.23ha in size. The area currently consists of small dunes, vegetated areas, a gravel road and public accessways. Several existing buildings and gardens and other informal development associated with properties along Revell Street also occupy the legal road.
- A preliminary site investigation was carried out along the site of the proposed seawall extension. No known HAIL areas were identified within 100m of the site boundary. The investigation did note that areas of potentially localised soil contamination within the proposed site could include asbestos and lead contamination from buildings. Historical offal points and illegal dumping in the sand dunes may also be present.
- The Hokitika Beach and Tasman Sea lie to the west of the site. There are no surface waterways flowing through the proposed site to the sea.
- Within the vegetated dunes, the most dominant indigenous species is Harakeke (flax), with other species including tī kouka (cabbage tree) and Coprosma. There is also scattered clumps of native Pīngao or gold sand sedge (see Figure 2), which is classified as “At Risk-Declining” under the NZ Threat Classification System Database.
- The foreshore and backshore area of Hokitika Beach is a known Kororā/Blue Penguin habitat for refuge as well as a breeding site. The Kororā/Blue Penguin is classified as “At Risk-Declining” under the NZ Threat Classification System Database.
- New Zealand fur seal/Kekeno are occasionally seen along the Hokitika Beach.
- Activities undertaken along the beach include walking, swimming, fishing and fossicking. There are several public accessways to the beach that cross the proposed site.

Ngāti Waewae

Associations with the Area

Ancestral associations

Māori have occupied land in and around the current township of Hokitika prior to, and since, European arrival in the 1840s. Ngāti Waewae consider the ancestral sites and environs within and adjacent to Hokitika to be Wāhi Tūpuna.

The name of Hokitika township is extrapolated from the traditional Māori name for the adjacent river. The name is thought to have ancient origins, in that it is possible to link to a place-naming tradition from within earlier tribal phases, and/or transposed from older traditions and localities out in Te Moana a Kiwa, the Pacific Ocean.

Another ethnographically recorded notion is that the name Hokitika could translate as 'return direct, and referring to, the Kaiapoi chief, Hikaturae's return to Kaiapoi after an expedition to Te Tai o Poutini/West Coast. Several versions concerning the name may exist in some whanau traditions.

The main Pā was located on the south side of the mouth of the Hokitika River, with a kainga located where the present township is today. There was also another kainga up stream known as Kokatahi, along with various nohoanga along the river trail. The Hokitika River, along with the Arahura, comprise the main western trail stems that meet the Whitcomb and Browning Passes to link trails on the eastern side of Te Wai Pounamu.

In the broader Ngāi Tahu creation story, the south island, including Te Tai Poutini was formed from the waka sailed by Aoraki and his four brothers who had visited their step-mother, Paptuanuku, and were about to descend back up to their father Ranginui but for the failure to perform the karakia accurately. The waka fell down into the ocean and listed to the port side. Aoraki and his brothers were turned to rock, forming the Southern Alps. Since this time we have inherited one the name Te Waka o Aoraki for the South Island.

The West Coast of the South Island is also known as Te Tai Poutini, and features in yet another of the pantheon of central tribal mythologies. The Taniwha named Poutini is credited with the abduction of a chieftainess of the highest order named Waitaiki. Her husband, Tama-a-hua took chase fiercely over several pursuit phases whilst effectually undertaking the first geological survey over large portions of the islands that would come to be known as New Zealand. The major lithic sources for tools implements that would come to be important parts of traditional Māori lifeways, were thus 'discovered'. The pursuits culminated in Waitaiki being turned in Pounamu for all time, and Poutini being the primary Taniwha to occupy the coastal waters of the West Coast.

Another key mythology, with versions found throughout the Pacific Ocean, is that of Kaiwhakaruaki. Kaiwhakaruaki was a wayward Taniwha that frequented the waters of the northern stretches of the West Coast and western portion Cook Strait adjacent to the Tasman district. The Taniwha was responsible for many acts of mischief and was stopped by a strong warrior from Arahura.

The earliest tribes, including (Ngāti) Wairangi/Wairaki, mastered the Tai Poutini lifeway, living systems and taonga resources of Te Tai Poutini. They are thought to have part of their origins on the lower west coast of Te Ika a Maui/the North Island, and were likely to be the first to master the working of Pounamu and other coast specific minerals.

Ngāti Wairangi are also thought to have had famous wananga. After the early Ngāi Tahu explorers encountered Raureka, whom brought them over to Te Tai Poutini, several expeditions were made by Ngāi Tahu to secure knowledge held by Ngāti Wairangi. Naturally, several battles were to occur along with intermarriages securing Te Tai Poutini for Ngāi Tahu, with Ngāti Waewae proliferating its sentinels.

The establishment of the mana whenua of Ngāti Waewae was mainly achieved via the chieftanship of Tuhuru, whom successfully defended Te Tai Poutini, for northern iwi, on several occasions. This includes one of the more iconic encounters with the northern chief Niho, whom Tuhurū met in the middle of the Hokitika River and nullified a likely violent confrontation.

Many whanau of Ngāti Waewae would go on to maintain a strong presence on Te Tai Poutini undertaking mahinga kai, explorations with Pakeha surveyors and participating in the various industrial activities of pākeha settlers, including commercial fishing, farming and mining.

There are various sources of information which provide evidence of extensive Māori occupation at Hokitika. While some of this information is publicly documented, it is important to understand that there is a body of cultural knowledge that has been developed over more than 40 generations of collective experiences within this takiwā. This knowledge includes details of successive patterns of occupation and land use including those which occurred prior to European arrival.

Examples of cultural knowledge which provides evidence of the extensive Māori occupation at Hokitika include:

- Knowledge of mahinga kai practices in Te Waipounamu which require whanau and hapū to undertake seasonal migrations following the lifecycles of animals and plants. These practices required whanau to move from place to place and be adept at crossing rivers, travelling coastlines and climbing alpine passes in the pursuit of food.
- Knowledge of pounamu trails which included the Poutini coastline and inland routes across Te Waipounamu. These trails also required whānau to be adept at negotiating additionally tough terrain and long-distance travel.
- Knowledge of the importance of Ahi kā for Māori. The rights of whānau and hapū to an area were demonstrated through continuous occupation of a minimum of three generations. Ahi kā is also used to describe the home people – the ones who lived on their whenua, who kept the home fires burning, who kept undertaking their practices and connections to place in their takiwā.

The broader Māori history associated with the project area, and broader landscape area, is immense. Authoritative accounts of this history can be found in the following titles:

- Evidence of Andrew Maika Mason – In Respect of Cross Claim by Joe Tukapua, Kurahaupo Waka Society and M.N. Sadd.
- Mitchell, G.G.M. (1948) *Maori Placenames of Buller County*. AH and AW Reed, Wellington.



- Madgwick, P. (1992) *Aotea: a history of the South Westland Māori*. Hokitikia.
- Tau, R.T.M., Anderson, A.J. (eds.) (2008) *Ngaī Tahu: a migration history - the Carrington text*. Bridget Williams Books, Wellington; Te Ruānanga o Ngai Tāhu, Christchurch.
- Anderson, A.J. (1998) *The Welcome of Strangers: An ethnohistory of southern Maori 1650-1850AD*

Mahinga kai

Traditional and contemporary Mahinga kai species are regarded as taonga species. These are the native birds, plants and animals of special cultural significance and importance to Ngāti Waewae. Species associated with the project area and surrounding catchment areas include, but are not limited to, those listed below:

Taonga species noted at the Hokitika Seawall Extension project area

INGOA MĀORI	COMMON NAME	SPECIES NAME
Ti kōuka	Cabbage tree	<i>Cordyline australis</i>
Pīngao	White pine	<i>Dacrycarpus dacrydioides</i>
Harakeke	Flax	<i>Phormium</i> sp.
Kororā	Blue Penguin	<i>Eudyptula minor</i>
Kekeno	NZ Fur Seal	<i>Arctocephalus forsteri</i>

Ngāti Waewae, as Tangata Tiaki, are responsible for ensuring that taonga are passed on in as good a state, or indeed better, to the generations that follow. This means that when considering the effects of the seawall extension, we will consider the impact on the long-term health of the environment and the needs of future generations.



Figure 2 – Photo of Pīngao taken during Beca site visit. Source: Beca Report.

The Legal Framework

The legal framework from which this Report is informed includes several different sources of statute and common law. A summary of this framework, relevant to the Hokitika seawall extension project is set out below.

Principles of Te Tiriti o Waitangi

The principles of Te Tiriti have evolved over time and will continue to evolve. Te Tiriti is a living document and must be interpreted in a contemporary setting. The relevant principles will vary depending on the context and issues and are significant for determining the appropriateness of the Hokitika Seawall Extension project proposal, and the process followed.

In the context of the Hokitika Seawall Extension project proposal, the following principles are relevant to territorial local authority (as agents of the crown) decision-making (procedurally and substantively).¹

- The acquisition of sovereignty in exchange for the protection of rangatiratanga.
- Partnership: each party to the Treaty is required to work together and owes the other a duty to act reasonably and in good faith.
- Freedom of the Crown to govern: The Crown has the authority to make laws for good order and security of the country, subject to any duty imposed on the Crown by its responsibilities and obligations to Māori preserved under Te Tiriti.
- Duty of active protection: The Crown has a duty to actively protect Māori interests in the use of their lands and waters.
- Duty to remedy past breaches: The Crown has a duty to grant some form of redress where the Waitangi Tribunal finds merit in a claim.
- Retention of rangatiratanga: the right of Māori to exercise full iwi authority and control over their lands, resources and taonga.
- Duty to consult: the responsibility to act in good faith and reasonably puts the onus on the Crown to make an informed decision, generally requiring consultation.

Ngāi Tahu Claims Settlement Act 1998

The Ngāi Tahu Claims Settlement Act 1998 enshrined in law the agreements recorded in the Ngāi Tahu Deed of Settlement. Of relevance to the decision-making (procedurally and substantively) of any territorial local authority, government department or any other crown entity with respect to the Hokitika Seawall Extension project:

- The Crown apology acknowledged that injustices suffered by Ngāi Tahu, recording:
 - the Settlement does not “*diminish or in any way affect the Treaty of Waitangi or any of its Articles or the ongoing relationship between the Crown and Ngāi Tahu ... or undermine any rights under the Treaty*”
 - the Settlement marks “*a new age of co-operation with Ngāi Tahu*”.
- Ngāi Tahu is recognised as tāngata whenua of, and holding rangatiratanga within, the Ngāi Tahu takiwā.

Rights and interests afforded to Ngāi Tahu under the Ngāi Tahu Claims Settlement Act 1998 must not be eroded by the Hokitika Seawall Extension project proposal.

Te Rūnanga o Ngāi Tahu Act 1996

The Te Rūnanga o Ngāi Tahu Act 1996 establishes Te Rūnanga o Ngāi Tahu as the representative of Ngāi Tahu Whānui. The Crown and every person whose rights are affected by any provision of the Act, including body politics and corporates, are bound by the Act.

Te Rūnanga o Ngāti Waewae (the modern assembly of Ngāti Waewae, a primary hapū of the iwi Ngāi Tahu) is one of the 18 Papatipu Rūnanga that collectively make up Te Rūnanga o Ngāi Tahu.

Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001

This order is supplementary to the above Act and superseded schedule one of said Act. The Papatipu Rūnanga and their respective takiwā are set out in this order. Te Rūnanga o Ngāti Waewae is thus established as Papatipu Rūnanga of Ngāi Tahu.



Relationship of Te Tiriti o Waitangi with:

Resource Management Act 1991

The requirement in section 8 of the RMA to have regard to Te Tiriti has both procedural and substantive implications for RMA decision-making. The duties in the RMA in respect of the relationship of Māori, kaitiakitanga, and the principles of the Treaty, are strong directions to be at every stage of the planning process.

The Local Government Act 2002

This is relevant to all applications and processes that involve local authorities

Section 4 of the Local Government Act 2002 states:

“In order to recognise and respect the Crown’s responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.”

These principles and requirements are intended to facilitate participation by Māori in local authority decision-making processes in order to give effect to the Crown's obligations under Te Tiriti. The Local Government and Environment Select Committee in its report to Parliament on the Act clarified that:¹⁴

*“The ... clause makes clear that Treaty responsibilities lie with the Crown, which is the Treaty partner. **When powers are delegated to local authorities, requirements need to be put in place to ensure that the Treaty is observed.** The clause 12 principles and a set of mechanisms in Part 2 and Part 5 have been included in the bill in order to give effect to the Crown's obligations.”* [emphasis added]

This approach accords with the principle that the Crown cannot evade its obligations under the Treaty by conferring authority on some other body that is inconsistent with the Crown's Treaty obligations.¹⁵

Partnership with local authorities

Parts 2 and 6 of the Local Government Act 2002 are intended to facilitate participation of Māori in local government. Local government has therefore been charged with the responsibility to provide opportunities for Māori to contribute as partners to decision-making processes.

While there are general requirements for consultation contained in the Local Government Act 2002, the requirement to consult with iwi in accordance with the principles of Te Tiriti is relevant to the duty to be informed and the principle of good faith but is not an end to itself. Partnership requires an equitable relationship, where the partners act reasonably, honourably, and in good faith.



Consenting requirements under the Resource Management Act 1991

The Hokitika seawall extension project requires resource consent from WDC and the WCRC for the following activities:

- WDC
 - A consent is required for coastal protection works under the Westland District Plan. The coastal protection works are a restricted discretionary activity. A consent is required for vegetation clearance in the coastal environment under the Tai o Poutini Plan (TTPP).
 - A consent is required for the potential disturbance of contaminated soils under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. The activity is a discretionary activity.

- WCRC
 - Consent is required for occupation of the coastal marine area, erection of a seawall extension and disturbance of the foreshore and seabed under both the West Coast Regional Coastal Plan and the Proposed West Coast Regional Coastal Plan. These activities are all discretionary activities.
 - Consent is required for the removal of an existing structure (i.e., the existing emergency rock structure) under the West Coast Regional Coastal Plan. This activity is a discretionary activity.
 - Consent is required for temporary occupation of the coastal marine area during construction under the Proposed West Coast Regional Coastal Plan. This activity is a discretionary activity.
 - Consent is required for the undertaking of earthworks within 50m of the coastal marine area under the West Coast Land and Water Plan. This activity is a discretionary activity.

Requirements of Marine and Coastal (Takutai Moana) Act 2011

Te Rūnanga o Ngāi Tahu have applied for customary rights under the Marine and Coastal (Takutai Moana) Act 2011 along the Tai Poutini. The WCRC has advised the iwi that they were making this seawall extension application and are consulting with Te Rūnanga o Ngāi Waewae through the RMA consenting process.



Impacts on Rangatiratanga and Treaty Principles

Rangatiratanga

Tau (2017) states that “...Tino rangatiratanga means that the chief and the hapū have full authority over the resource...”, therefore Rangatiratanga can be equated with a form of authority, control, and decision-making function. Rangatiratanga was restored to Ngāi Tahu via the Crown’s apology to Ngāi Tahu and is legislated for within the Ngāi Tahu Claims Settlement Act 1998.

The project area is adjacent to Te Tai Poutini and in the vicinity of several ancestral Pā and nohoanga sites which feature significantly in tribal narratives stretching back to the 13th century (see Figure 3). There are also multiple recorded archaeological sites of Māori origin recorded in the broader area. Ngāti Waewae hold Rangatiratanga over the waters (Waitai and Waimāori), habitats and species within the awa and the tai – activities to the detriment of these items constitutes an impact on Rangatiratanga.

It is important to note here, that there were multiple instances, in tribal history where local adaptation to coastal hazard was undertaken. The relocation of populations to alternative kāinga and Pā, whether more inland or repositioned adjacent, was undertaken. There are multiple examples around Te Waipounamu.

In addition, Ngāti Waewae hold rangatiratanga over any Koiwi tangata and taonga tuturū encountered accidentally during earthworks in the project area. Recovery and future care procedures will be advised to ground crews in the event of discovery.



Figure 3 – Ancestral trails (green lines), original Māori reserves (orange), awa names. Source: Kā Huru Manu.

Potential Impacts on Treaty Principles

The treaty principles listed in the previous section, and the associated impacts are given below:

- *The acquisition of sovereignty in exchange for the protection of rangatiratanga*

Comment: the rangatiratanga spoken of here relates to the authority and control over ngā taonga a Ngāti Waewae, including **species, lands, waters**, open sky, and atmospheres. Given the location of the site and the parties involved, Te Rūnanga o Ngāti Waewae seek that a plaque is placed on top of or near the Hokitika Seawall which acknowledges that the WCRC along with the WDC recognises Ngāti Waewae rangatiratanga on this part of Tai Poutini. In addition, Ngāti Waewae seek decision-making capacity at various implementation project stages of the Hokitika Seawall Extension Project is reserved. For example, Ngāti Waewae seeks that:

- the WCRC works in partnership with Te Rūnanga o Ngāti Waewae and the WDC when consulting with the community and other stakeholders regarding the longer-term strategy for protecting Hokitika from the impacts of coastal erosion and sea level rise.
 - the WCRC works in partnership with Te Rūnanga o Ngāti Waewae when preparing the Vegetation Plan to ensure mātauranga Māori can be incorporated into the plan before the indigenous vegetation is removed and/or planted. We encourage the use of use of local genetic stock, where practicable.
 - The WCRC will work with Te Rūnanga o Ngāti Waewae on the design and location of the walkway/path. Ramps shall be included within the seawall design to provide for public access and to facilitate access for penguins to the backshore.
- *The Treaty established a partnership and imposed on the partners the duty to act reasonably and in good faith*

Comment: Te Rūnanga o Ngāti Waewae and the WCRC are parties to a Mana Whakahono a Rohe agreement and have various engagement forums. The relevant decision-making elements of both parties are required to make decisions in good faith. In addition to the recommendations above, Ngāti Waewae seeks a consent condition which requires the WCRC to plan for and implement an adaptive management strategy for the longer-term management of the coastal hazards at Hokitika within a specified timeframe to enable these measures to be implemented before the consents requested expire.

- *The freedom of the Crown to govern*

Comment: The Crown agent being the WCRC is able to administer and resource appropriate governance and management structures and procedures. These same structures are to be in partnership with mana whenua who will ensure and assist the crown agent to fulfil its requirements to give effect to treaty principles. Ngāti Waewae seeks no additional consent conditions on this matter to those requested earlier in this section.



- *The Crown's duty of active protection*

Comment: The crown agent is to actively protect, through governance, management and operational procedures, not only the taonga entities themselves but also mana whenua access, engagement, sustainable harvest and traditional use of taonga materials. Decisions made in respect of this proposed project are to protect the Rangatiratanga of Ngāti Waewae over Hokitika me Te Tai Poutini. In addition to the measures sought above, Ngāti Waewae seeks the following consent conditions:

- The construction and design of the seawall extension will be reviewed by an appropriately qualified penguin expert and where possible recommendations to accommodate and potentially enhance Kororā populations in the surrounding area will be implemented.
- All possible and practicable measures will be taken to avoid disturbing Koroā and Kekeno habitat and during their breeding cycle. Works should be conducted outside breeding timeframes.
- The WCRC will ensure there is no net loss of indigenous plant species within the surrounding area.
- The rangatiratanga of Ngāti Waewae over any Koiwi tangata and taonga tuturū encountered accidentally during earthworks in the project area will be maintained. Recovery and future care procedures will be advised to ground crews in the event of discovery.
- A robust sediment and erosion control plan and procedures will be in place for the duration of the proposed works. Construction and maintenance works shall be restricted to periods when machinery can work about water level and when tidal conditions allow. No exposed areas should be worked in water.
- Any refuelling and or washing of equipment or machinery shall take place away from the foreshore and any watercourses. The site shall contain and use oil spill kits and ensure there are operators trained to use them.

- *Crown duty to remedy past breaches*

Comment: The crown apologised and signed the Ngāi Tahu Deed of Settlement 1997 and ratified the Ngāi Tahu Claims Settlement Act in 1998. The WCRC needs to ensure they uphold all their requirements under the Mana Whakahono a Rohe agreement. Ngāti Waewae seeks no additional consent conditions to those detailed above on this matter.

- *Māori to retain rangatiratanga over their resources and taonga and to have all the rights and privileges and privileges of citizenship*

Comment: as previously stated, Rangatiratanga equates to authority, control and decision-making function over taonga. Therefore, the position recorded in this assessment equates to an exercising of Rangatiratanga of Ngāti Waewae within the context of the decision-making associated with the project proposal considered. This includes consultation and involvement in decision making relating to the longer-term strategy for protecting Hokitika from the impacts of coastal erosion and sea level rise and the development of management plans related to the works including the Vegetation Plan. Ngāti Waewae seeks no additional consent conditions on this matter to those requested earlier in this section.



- *Duty to consult*

Comment: As previously mentioned, the Mana Whakahono a Rohe and other partnership structures have been established to address this, along with direct contact made by project convenors to sequester this report.

There is also an ongoing duty to consult given the AEE outlines that the proposed consent term of 15 years will allow time for WCRC, in conjunction with WDC and other stakeholders, to plan and implement an adaptive management strategy for the longer-term management of coastal hazards in Hokitika. It is requested that the WCRC's approach to plan for and implement such a strategy within an appropriate timeframe be incorporated into a consent condition.

In addition, while we are aware that WCRC and WDC are waiting for legislation from Central Government to help guide climate change adaptation (including guidance for funding approaches and managed retreat) in New Zealand, non-opposition by Ngāti Waewae for the proposal is given on the basis that the works are a short to medium term hard infrastructure solution (10-15 years) to an area exacerbated by sea level rise, and that a longer-term solution (beyond 15 years) will be required (adaptive management strategy) for the future management of coastal hazards in Hokitika. Ngāti Waewae seeks no additional consent conditions on this matter to those requested earlier in this section.



Policy Assessment

The planning provisions from which this Report is informed includes relevant RMA statutory policy statements and plans. A summary of these provisions, relevant to ensuring the exercising of Rangatiratanga, and the protection of Te Tiriti principles, rights, and interests for Ngāti Waewae in relation to the Hokitika seawall extension project is set out below.

New Zealand Coastal Policy Statement 2010

The most relevant provisions are Objective 3 and Policy 2. Ngāti Waewae considers the application is consistent with this objective and policy if the recommendations listed in the final section of this report are adopted by the WCRC and included as consent conditions on the appropriate consents. Ngāti Waewae considers providing for the on-going involvement of mana whenua in the future management and decision making around the coastal environment is required to ensure Objective 3 continues to be met.

West Coast Regional Policy Statement 2020

The most relevant provisions are included within Chapters 3, Objectives 1 and 2 and Policies 1, 2 and 3; Chapter 7, Objectives 2 and 3 and Policy 9; and Chapter 9, Policy 5. Ngāti Waewae considers the application is consistent with these objectives and policies if the recommendations listed in the final section of this report are adopted by the WCRC and included as consent conditions on the appropriate consents. Ngāti Waewae considers any use and future management of the coast must respect the rights and interests of Poutini Ngai Tahu and provide for future generations.

West Coast Regional Coastal Plan 2000

The most relevant provisions are included within Chapters 7, Objective 7.3.1 and Policies 7.4.2 and 7.4.4; Chapter 8, Objective 8.3.1 and Policy 8.4.8; Chapter 13, Objective 13.3.1 and Policy 13.4.2; and Chapter 14, Objective 14.3.1 and Policy 14.4.2. Ngāti Waewae considers the application is consistent with these objectives and policies if the recommendations listed in the final section of this report are adopted by the WCRC and included as consent conditions on the appropriate consents.

Proposed West Coast Regional Coastal Plan 2016

The most relevant provisions are included within Chapters 3, Objectives 3.2.3 and 3.2.4, and Policies 3.3.6, 3.3.7 and 3.3.9; Chapter 4, Objective 4.2.1; Chapter 5, Objective 5.2.1 and Policies 5.3.1 and

5.3.5; Chapter 6, Objective 6.2.1 and Policy 6.3.1; and Chapter 7, Objective 7.2.1 and Policy 7.3.2. Ngāti Waewae considers the application is consistent with these objectives and policies if the recommendations listed in the final section of this report are adopted by the WCRC and included as consent conditions on the appropriate consents.

Westland District Plan 2002

The most relevant provisions are included within Chapters 3, Objectives 3.5.1, 3.5.2, 3.12.1, 3.13.1 and 3.12.1 and Chapter 4, Policies 4.5, 4.9, 4.10 and 4.11. Ngāti Waewae considers the application is consistent with these objectives and policies if the recommendations listed in the final section of this report are adopted by the WCRC and included as consent conditions on the appropriate consents.

Proposed Te Tai o Poutini Plan 2022

The most relevant provisions for are Objectives POU-O2, POU-O4, ECO-O3, and CE-O2, and Policies POU- P2, POU-P8, POU-P9, POU-P10, ECO-P8 and CE-P2. Ngāti Waewae considers the application is consistent with these objectives and policies if the recommendations listed in the final section of this report are adopted by the WCRC and included as consent conditions on the appropriate consents.



Rūnanga Position and Recommendations

Rūnanga Position

Based on an analysis of the information provided in the Beca Report, Te Rūnanga o Ngāti Waewae does not oppose the granting of resource consents to WCRC and WDC for the purposes of undertaking the Hokitika Seawall Extension project, subject to the following mitigation measures being included as conditions on the appropriate resource consents.

Recommendations

- The construction and design of the seawall extension will be reviewed by an appropriately qualified penguin expert and where possible recommendations to accommodate and potentially enhance Kororā populations in the surrounding area will be implemented.
- All possible and practicable measures will be taken to avoid disturbing Koroā and Kekeno habitat and breeding biology. Works should be conducted outside breeding timeframes.
- Before the removal and planting of any taonga plants such as Pīngao and Harakeke, the WCRC will work with Te Rūnanga o Ngāti Waewae on the preparation of a Vegetation Plan. This plan will enable mātauranga Māori to be included in the plan. Input from Ngāti Waewae weavers will provide the ability for any plants that can't be translocated to be repurposed.
- The WCRC will ensure there is no net loss of indigenous plant species within the surrounding area.
- A robust sediment and erosion control plan and procedures will be in place for the duration of the proposed works. Construction and maintenance works shall be restricted to periods when machinery can work above water level and when tidal conditions allow. No exposed areas should be worked in water.
- A walkway/path will be constructed either on the seawall or immediately inland of the seawall to improve public access along the foreshore. The WCRC will work with Te Rūnanga o Ngāti Waewae on the design and location of the walkway/path. Ramps shall be included within the seawall design to provide for public access and also facilitate access for penguins to the backshore.

- A plaque is placed on top of or near the Hokitika Seawall which acknowledges that the WCRC along with the WDC recognises Ngāti Waewae rangatiratanga on this part of Tai Poutini.
- Ngāti Waewae will continue to hold rangatiratanga over any Koiwi tangata and taonga tuturū encountered accidentally during earthworks in the project area. Recovery and future care procedures will be advised to ground crews in the event of discovery. The contact person for accidental discoveries will be the Chair of Te Rūnanga o Ngāti Waewae.
- Any refuelling and or washing of equipment or machinery shall take place away from the foreshore and any watercourses. The site shall contain and use oil spill kits and ensure there are operators trained to use them.
- A consent condition which requires the WCRC to plan for and implement an adaptive management strategy for the longer-term management of the coastal hazards at Hokitika within a specified timeframe to enable these measures to be implemented before the consents requested expire.
- Development of a Working Group which includes Te Rūnanga o Ngāti Waewae to plan and implement an adaptive management strategy for the longer-term management of the coastal hazards in Hokitika that also incorporates an appropriate timeframe.

Ngāti Waewae would also appreciate the opportunity to comment on any proposed consent conditions to be included on the consents before the consents are granted.





Poutini Environmental
