



TE RŪNANGA O NGĀTI AWA

CULTURAL IMPACT ASSESSMENT

TO WHAKATĀNE DISTRICT COUNCIL – COMPREHENSIVE STORMWATER
CONSENT – WHAKATĀNE TOWN NORTH

FROM TŪĀNUKU LTD ON BEHALF OF TE RŪNANGA O NGĀTI AWA

DATE 8 DECEMBER 2022

Introduction

1. Te Runanga o Ngāti Awa (TRONA) is an iwi authority, a post settlement governance entity, and the mandated representative body for 22 hapu who are tangata whenua in the Ngāti Awa rohe situated within the Whakatane district and overlapping into parts of the western Bay of Plenty, Rotorua, Kawerau and Opotiki districts.
2. TRONA holds statutory acknowledgements of Ngāti Awa relationships with Whakatāne River within which catchment the subject resource consent applies to. TRONA asserts tangata whenua and affected party status on the basis of the relationships of Ngāti Awa hapu with the subject area.
3. TRONA exercises kaitiakitanga in various ways including by preparing CIA that give effect to provisions of *Te Mahere Whakarite Matatiki Taiao o Ngāti Awa: Ngāti Awa Environmental Plan* by identifying methods to avoid, mitigate or remedy adverse environmental effects in ways that recognise and provide for the relationships, culture, and traditions of Ngāti Awa people with their ancestral taonga.
4. Whakatāne District Council (WDC) seek to consolidate the management of all its stormwater infrastructure within the Whakatāne Township under a single resource consent – A Comprehensive Stormwater Consent (CSC).
5. The Whakatāne Urban Stormwater Network includes the Whakatāne township, CBD, Coastlands/Piripai, Shaw road developments, commercial and industrial areas of the Hub and Gateway Drive. It also includes all the residential and commercial land in Whakatāne that drains indirectly or directly into the Whakatāne River.
6. This CIA is prepared for TRONA by Tūānuku Ltd, Environmental Consultants.

Planning Context

7. The TRONA CIA gives effect to the Ngāti Awa iwi management plan as provided for by sections 5-8, 35A, 61, 66, 74 and 108 of the Resource Management Act 1991 which require consent authorities to have regard to the iwi management plan when deciding a resource consent application.
8. Policy IW 4B of the Bay of Plenty Regional Policy Statement also requires similar treatment.

Intellectual Property

9. This TRONA CIA remains the property of TRONA. TRONA permits WDC to provide this CIA to consent authorities as evidence of the outcomes of engagement with TRONA and Ngāti Awa hapū, for the express purpose of informing decisions on this specific CSC and no other consent or authority.

Description of Proposed Activity

9. WDC is responsible for managing the urban stormwater catchment which has is split into nine sub catchments; Apanui, Hinemoa, Whakatāne South, Wainui Te Whara, Awatapu, Wairaka, Wairere, Coastlands Ōpihi and Whakatāne West. All sub catchments have unique features and contain structures in and under and that discharge to, various water bodies. All of which require tailored management approaches to provide stormwater drainage and reticulation to the required legislative standards, the Engineering Code of Practice and the Catchment Management Plan.
10. WDC currently employ a range of stormwater management methods to mitigate the impact of stormwater discharges on receiving streams, and the Whakatāne River/estuary. These include a mixture of stormwater detention ponds, canals, lagoons; maintenance of drainage reserves, street cleaning, cesspit and soakpit cleaning, wastewater overflows, spill and pollution responses, trade waste management and enforcement.
11. Under the CSC, the network will be managed through the Whakatāne Urban Stormwater Catchment Management Plan (CMP). This will enable the entire network to be consented and managed in a cohesive manner. Ongoing evolution of the stormwater network design and management will also be enabled to achieve desired outcomes including:
 - Minimising stormwater runoff,
 - Improving onsite retention and infiltration,
 - Filtering out debris and litter,
 - Inclusion of natural features within the system,
 - Better supporting ecological diversity,
 - Requiring on-site management appropriate to the products stored on-site, and
 - Minimising property inundation and subsequent damage.
12. Recent investigations and modelling have assisted Council to identify portions of the system that do not meet the design standard of conveying a one-in-10-year flood event. These investigations also identified future risks for the urban area of Whakatāne. These results will help inform the development of a program to upgrade the stormwater network. Upgrades will be staged overtime with each stage requiring approval by WDC.
13. Due to the increase in the volume and rate of stormwater entering the network caused by increased development and occurrence and severity of climatic events, WDC seek to employ an adaptive management approach. Consolidating the management of all its stormwater infrastructure within the Whakatāne Township under single resource consent is proposed as an efficient and effective way to respond to environmental change, advancement in design and consistency in maintenance, management and improvements of the urban stormwater network.
14. Up until now private developers could apply for resource consents for urban stormwater discharge. These consents were then transferred to WDC when the development infrastructure passed into WDC's

ownership. This has resulted in multiple individual consents, all with differing conditions, monitoring regimes and expiry dates. A key outcome of the CSC is the ability to cease this third-party resource consent holder clause. Instead, these will all fall within the CSC and be subject to the conditions of the CSC and Combined Water Bylaw 2017.

15. The CMP is an iterative plan that contains 6 yearly targets which will be used by WDC to determine compliance and review performance. The process provides for the development of effective engagement mechanisms in relation to ongoing implementation of the CSC. The objectives of the CMP are:

1. Reduce the risks and mitigate the adverse effects of stormwater flooding on the Whakatāne urban built environment to help protect the health and safety of Whakatāne people and their land and property.
2. Minimise the rate of urban stormwater discharge to waterways where this is appropriate, realistic and cost effective.
3. Avoid, remedy or mitigate adverse effects of stormwater discharges on rivers, streams, wetlands and aquatic ecosystems.
4. Ensure stormwater discharge does not degrade the water quality in the receiving environments.
5. Streamline and simplify the administration of, and compliance with, consents for stormwater discharge.

16. A Stormwater Monitoring Plan (SMP) will be finalized within 12 months of the CSC being granted and is subject to review every 6 years. The *“monitoring results will be used to inform any management review and any changes required to the network to ensure the “limits/values in the receiving environment are achieved”* (WDC 2021 64). WDC seek direction and agreement from TRONA on appropriate cultural monitoring and indicators for inclusion.

17. Consultation with TRONA to date includes project updates and opportunities for input into the development of the CSC. Following advice from TRONA, WDC contacted representatives from Ngāi Taiwhakaea, Te Patuwai, Wairaka, Wharepaia, Ngāti Pūkeko and Ngāti Hokowhitu. The Council held one hui with Ngāti Hokopu in August 2020 where those in attendance *“described their interest in the development of the CSC and there was discussion about ongoing iwi involvement throughout the duration of the CSC”* (WDC 2021 68).

18. TRONA has reported adverse effects on Whakatāne River that have occurred since May 2022 in its June and August updates to TRONA Board. Improvements to the comprehensive stormwater infrastructure is therefore important, to ensure Whakatāne River is protected from those adverse effects in the future.

Assessment of Effects Against Provisions of the Ngāti Awa Environmental Plan

19. As kaitiaki, Ngāti Awa are responsible for the protection and enhancement of ancestral land, water, sites, waahi tapu and other ancestral taonga.
20. Giving effect to the Ngāti Awa Environmental Plan means assessing the proposed activity against provisions of the plan, in this instance those provisions for Freshwater, Land, Coastal and Marine, Fisheries, Natural Hazards and Climate Change, Biodiversity and Ecosystems and Cultural Heritage, Practices and Identity. This demonstrates the interconnected realms of the Taiao and the life sustaining capacity of the wai. Protection of the mauri of all waters within our rohe remains an enduring priority.

Wai Freshwater

21. TRONA seeks the continual improvement of water quality in all freshwater and coastal environments, particularly where current standards may not be being met. Stormwater has the potential to generate significant impacts to the mauri of freshwater. Our rivers and streams are pātaka and mahinga kai, supporting the health of our taonga species and mahinga kai. Stormwater contains contaminants such as nitrogen and phosphorous that impact on mauri through reducing water quality.
22. Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community. Te Mana o te Wai is relevant to all freshwater management and not just to the specific aspects of freshwater management. This CSC application comes at a time of legislative change in Aotearoa in relation to three waters and the RMA reforms. TRONA notes the acknowledgement of Te Mana o te Wai in the application, though stronger reference to the six principles that inform implementation of Te Mana o te Wai (Mana whakahaere, Kaitiakitanga, Manaakitanga, Governance, Stewardship, Care and respect) would have provided more comfort that WDC are actively understanding their legislative obligations in relation to Te Mana o te Wai through all aspects of three waters infrastructure and asset management as part of Ki uta ki Tai - as appropriate.
23. TRONA holds concerns about cumulative effects that have potential to adversely affect freshwater surface and groundwater bodies, including from discharge of stormwater to surface waterbodies. Upgrades, maintenance and monitoring of existing infrastructure networks and utilities is an essential component of adaptive management approach and TRONA is pleased to see the integration of this as part of the proposed CSC management. Existing stormwater infrastructure will continue to face climate change related pressures, that may require retrofitting options. Keeping our natural resources, people, places, spaces and property safe remains a high priority for TRONA and so having procedures in place with prompt response mechanisms is critical to avoid or mitigate any unanticipated impacts. It also

helps reduce incidences of the past where wastewater has infiltrated stormwater discharges to our waterbodies.

24. Planning for future growth is a core function of WDC and requires an approach that caters for the needs of current communities while anticipating increases in population, pressures on existing infrastructure and the need for new infrastructure. It is the expectation of TRONA that any new networks that are considered as part of future growth in the district trigger additional engagement with TRONA. This provides TRONA with the opportunity to develop bespoke site-specific Discovery Protocol as well as offer further recommendations. It also helps to align engagement between TRONA and WDC with parallel planning processes such as the Spatial Plan.

25. TRONA is currently developing a Ngāti Awa mauri assessment framework. TRONA is pleased to see direct reference to this in the consent application. This response has been discussed with the Wai Māori Project team at Te Rūnanga o Ngāti Awa.

- TRONA support the inclusion of Cultural Monitoring and Indicators section included with the SMP and that content and timing remains at the discretion of TRONA. A review period with an opportunity to revise and update cultural indicators is recommended every three years. This is to include:
 - formal acknowledgement of the request for review and any included recommended cultural monitoring and indicators from TRONA
 - Hui between Council and TRONA to discuss proposed edits to the SMP
 - consideration of the proposed monitoring and indicators to determine the appropriateness of them, including:
 - Ability to implement
 - Most practicable option
 - Costs to the consent holder.
 - Further hui to discuss the adoption of appropriate monitoring and indicators into the SMP and to outline why indicators were or were not adopted followed by written notification of the review process and the decision-making process.

- TRONA supports the development of an engagement strategy (within 12 months of the CSC consent being granted) which sets out the expectations of WDC with regards to implementation of the CSC. This should be appropriately resourced by WDC and agreed between both parties.

26. Areas have been identified within the existing stormwater network where improvements can be made to further mitigate flooding effects. These include reporting hazard potential on LIM records and new requirements for building floor levels in new builds. TRONA is supportive of these provisions.
27. TRONA acknowledges the assessment provided in the Hamill Report to determine the likely effect of the current Whakatāne township stormwater on the water quality in receiving waters. Data was drawn from existing resource consent monitoring results and several other monitoring projects. The analysis found that *“most of the stormwater discharges currently have a “low” or “very low” overall effect because of either the small amount of stormwater input into the waterways or the current poor ecological values of the receiving waterways”*.
- The report goes on to state that further monitoring with additional variables is advised to improve certainty. TRONA is please to see that variables have been expanded upon in the SMP, including further possible mitigations. There has been a legacy of classifying waterways without context of the significance of relationships to wai and the life-giving properties and potential it offers. These waterways with “degraded” quality can be subjected to sacrificial-type associations, which can reduce responsibility to improve the overall quality. This does not align with Te Mana o te Wai. However, TRONA is encouraged to see direct reference to Objective 4 of the Ngāti Awa IMP (*No further degradation of water quality in our rohe*) and the intention of adaptive management to *“manage and monitor the existing network and its discharges, ensuring that stormwater discharges do not cause water quality within the receiving environment to further degrade”* (WDC 2022 166). TRONA supports the widening the variables of monitoring programmes, in which cultural monitoring frameworks should be a critical addition.
28. As recommended in further section TRONA advises WDC to commit to direct engagement with the Wai Māori project team. This is seen as a key step in elevating the importance of all waterways within the district and critical to “ki utu ki tai”.
29. TRONA recommends active utilization of additional/complementary stormwater treatment methods such as the installation of rain gardens, tree pits, permeable paving, storm filters where appropriate and feasible.

Land

30. The application notes that there should not be any adverse effects on amenity within the surrounding environment as the physical disturbance or impacts of works have *already occurred* with the initial stormwater network construction and so no further disturbance works other than maintenance works are expected. We recommend the imposition of the TRONA Discovery Protocol for any maintenance works on existing infrastructure. For new proposed works, TRONA expects early and direct engagement and to be afforded the opportunity to create a bespoke Discovery Protocol if deemed necessary. We are pleased to see direct reference by WDC where “any new development/s to be

adopted within the CSC and CMP” will require new resource consents and possible plan changes – which will require specific engagement with TRONA. This is important as it enable TRONA to assess the ability of the land to sustain the activity and not exceed or compromise the natural limits and sustaining capacity of the whenua.

Coastal and Marine

31. Our coastal and marine areas have suffered the consequences of inadequate land and freshwater planning and decision making in the past. As dynamic and interconnected ecosystems, protecting the marine environment requires protection of the whenua and the waters that flow from the land into our rivers that outlets the sea.
32. WDC acknowledges the application from Ngāti Awa under the Marine and Coastal Area (Takutai Moana) Act 2011 and notes that “*this may have implication for existing infrastructure specifically the stormwater network located with the area claimed*” (WDC 2022 171).
33. To give effect to Ki uta ki Tai and Te Mana o te Wai, WDC is encouraged to actively seek opportunities for improved or complementary stormwater treatment across the full spectrum of stormwater network components – these incremental improvements can have cumulative benefits and can identify new and innovative mitigation options to improve the quality of receiving sea waters.

Fisheries

34. The development of a Ngāti Awa Mauri Assessment monitoring framework is a key component in the management, restoration and protection of our freshwater and ocean fisheries. TRONA see the implementation of this framework as essential to improve the overall management of stormwater and expects WDC to embed a process for prioritizing and responding to the outcomes of the monitoring framework.
35. The waterways subject to the CSC provide life supporting habitats for a variety of taonga species. While the “ecological value” applied to the various waterbodies from western science is included in the AEE, it is noted that only three waterbodies qualify as having “high ecological value” (Whakatāne River, Wairere Stream and Wainui Te Whara Stream). All waterbodies hold value to Ngāti Awa. Those with degraded water quality, still hold potential for mauri restoration. Even those classified as “low” ecological value provide habitats for species such as the Kopeopeo Canal which despite historical contamination, contains Shortfin Eel.

Natural Hazards and Climate change

36. TRONA is pleased to see that “*increased resilience to natural hazards and climate change*” is included as an objective of the Catchment Management Plan. Though some statements appear contradictory, on the one hand WDC state “*the consideration of natural hazards is not necessarily relevant to this consent application*” while acknowledging that the Whakatāne Township is subject to an unusually high number of hazards. Given the proposed resource consent term and the commitment to “adaptive management”, the impacts of climate change in the district need to remain at the forefront of all decision making with Ongoing modeling and research providing an integrated approach to the entire stormwater network and future performance.

Biodiversity and Ecosystems

37. TRONA recommends imposition of an Advice Note on any consent granted that promotes each lot owner to plant eco-sourced native plants to assist soil stabilization, mitigate erosion and manage sediment discharge in overland ephemeral flood-paths. Such planting also enhances landscape aesthetics, ecological values and habitats and offers long term protection to the land when compared to the planting of exotic harvestable tree species.

Our Cultural Heritage, Practices, and Identity

38. This application does not seek authorisation for any new structures or associated disturbance. However, WDC notes that “*ongoing notification and consultation within the adaptive management framework*” will ensure the actions under IMP Policy 9.1.5 are undertaken for any disturbance associated with repairs/maintenance. TRONA recommends the imposition of the Discovery Protocol to be

39. TRONA recommends, in addition to matters above:

- a. The Applicant Consent Holders sign and return the attached Discovery Protocol to Te Rūnanga o Ngāti Awa as soon as possible. This is to be applied to maintenance/repair works for existing infrastructure assets.**
- b. Consent authorities impose a requirement to give effect to the Discovery Protocol on any consent granted.**
- c. If any new works are proposed, TRONA expect to be engaged directly and afforded the opportunity to provide further comment and to develop a bespoke discovery protocol.**

If you have any questions, please contact Keri Topperwien (Consents Assessor) email kaitiaki@Ngatiawa.iwi.nz

Ngā mihi,



Interim Manager Taiao

For Chief Executive

Copied to the following by email:

- **Ngāti Hokopu – Te Whare o Toroa Hapū Representative**
- **Ngāti Wharepaia Hapū Representative**
- **Te Patuwai Hapū Representative**
- **Ngāti Maumoana Hapū Representative**
- **Ngāi Taiwhakaea Hapū Representative**
- **Manager Consents – Ella Tennant – Bay of Plenty Regional Council**
- **Manager Consents – Mike Avery – Whakatane District Council**

