

APPENDIX 4

CULTURAL IMPACT ASSESSMENT

Cultural Impact Assessment:

An assessment of potential effects of the Port Lyttelton Plan
and Lyttelton Port Recovery Plan on Ngāi Tahu values and interests



Prepared for: Lyttelton Port Company

Prepared by: Dyanna Jolly (Wītaskēwin), with Te Rūnanga o Ngāti Wheke (Rāpaki), Te Rūnanga o Koukōurārata and Te Rūnanga o Ngāi Tahu.

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Report prepared by:

Dyanna Jolly (Wītaskēwin). PO Box 69211 Lincoln 7640



WĪTASKĒWIN

with Te Rūnanga o Ngāti Wheke (Rāpaki), Te Rūnanga o Koukourārata and Te Rūnanga o Ngāi Tahu.

This report was approved for release by Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata and Te Rūnanga o Ngāi Tahu on September 15th, 2014.

The CIA was updated in October and November 2014 in response to specific review comments, and to reflect ongoing discussions between LPC and Ngāi Tahu.

Executive summary

Lyttelton Port Company's long term vision for the rebuild and enhancement of the port is set out in the *Port Lyttelton Plan (PLP)*. In addition to the recovery of existing earthquake damaged port infrastructure, the plan involves the gradual shift of port activity to the east, and an opening up of the inner harbour for the community.

On June 19, 2014 the Minister directed that the recovery of Lyttelton Port would occur via a Recovery Plan under the Canterbury Earthquake Recovery Act 2011. LPC is to provide Environment Canterbury with all necessary information to enable the council to prepare a draft Lyttelton Port Recovery Plan. This includes a Cultural Impact Assessment.

This Cultural Impact Assessment (CIA) identifies the potential effects on Ngāi Tahu¹ values and interests as a result of the proposed plan for recovery and development of Lyttelton Port, and provides direction on how to address these. Aligning the long term vision of the port with manawhenua aspirations for Whakaraupō is fundamental to enabling port recovery in a manner than reflects the value of the harbour as both a mahinga kai and a port.

The key messages from the CIA are:

- 1) Whakaraupō is a cultural landscape with a long and rich history of Ngāi Tahu land use and occupancy, and strong tradition of mahinga kai. Cultural well-being and use of the harbour is directly related to harbour water quality and mahinga kai.
- 2) Manawhenua are committed to working with LPC to achieve a healthy harbour that is both a mahinga kai and a port.
- 3) Manawhenua support the need for the port to recover, grow and develop as a thriving port. The fundamental question is: How does the long term vision of LPC align with the long term vision of manawhenua to protect and restore the mahinga kai values and water quality of Whakaraupō mō tātou, ā, mō kā uri ā muri ake nei?
- 4) There are few issues with the reinstatement of existing earthquake damaged infrastructure. Reinstatement, if managed appropriately, provides an opportunity to improve the environmental performance of port infrastructure in key areas such as stormwater management.
- 5) There are significant concerns with including the proposed reclamation at Te Awaparahi Bay in a Recovery Plan. This is a major new long-term capital works project requiring an assessment and decision making framework that:
 - balances port requirements with the value of the harbour as a Ngāi Tahu cultural landscape and mahinga kai; and
 - provides both parties with the certainty required to achieve their respective aspirations for the harbour.

¹ This CIA is prepared by the collective Te Hapū o Ngati Wheke, Te Rūnanga o Koukourārata and Te Rūnanga o Ngai Tahu, but recognises that Ngati Wheke hold manawhenua and manamoana (customary authority) in the Whakaraupō catchment.

- 6) Further research and dialogue is required to understand how the proposed reclamation at Te Awaparahi Bay may affect hydrodynamics, and relationship between port structures and tidal currents, and sedimentation of the upper harbour and mahinga kai.
- 7) The identification of key issues around the location of the bulk fuel berth and cruise ship berth, managing construction effects, and biosecurity reflect the importance of protecting coastal water quality.
- 8) The Port Recovery Plan presents an opportunity to take a wider look at harbour health, and enable a collective, whole catchment integrated management plan to address key issues.

As part of a larger information package that LPC is required to provide Environment Canterbury, this CIA is prepared alongside other effects assessment reports. This means that the level and detail of information required to prepare a comprehensive assessment of potential effects on Ngāi Tahu values was not available.

For this reason the status of this CIA is a **working document**. It flags key issues and provides direction to address those issues, but recognises that issues may arise or change once further technical information becomes available.

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SECTION 1 INTRODUCTION AND PURPOSE OF CIA

1.1 Introduction

Lyttelton Port was badly damaged in the 2010 and 2011 Canterbury earthquakes. Almost every structure within the port requires rebuild or significant repair. This will be the largest development in the port's history, and one of the largest recovery projects in New Zealand.²

Lyttelton Port Company's long term vision for the rebuild and enhancement of the port is set out in the *Port Lyttelton Plan* (Figure1). In addition to the repair, rebuild and enhancement of port infrastructure, the plan involves the gradual shift of port activity to the east, and an opening up of the inner harbour for commercial development and public access.

On June 19, 2014 the Minister for Canterbury Earthquake Recovery directed that the recovery of Lyttelton Port would occur via a Recovery Plan developed by Lyttelton Port Company (LPC) and Canterbury Regional Council.³ The Recovery Plan will enable a focused, timely and expedited recovery consistent with the purposes of the Canterbury Earthquake Recovery Act 2011.

Under the Minister's direction, LPC is responsible to provide all necessary information to enable the regional council to prepare a preliminary draft Lyttelton Port Recovery Plan. This includes a port redevelopment plan, amendments to existing RMA plans, technical reports to support the amendments, and a report on consultation with the community and stakeholders.

LPC is also required to provide a Cultural Impact Assessment (clause 6.5.4).

1.2 Purpose of this Cultural Impact Assessment

This Cultural Impact Assessment (CIA) report is prepared in response to the Minister's direction. The purpose of the CIA is to provide a Ngāi Tahu response to the Port Lyttelton Plan, and the implementation of this plan via a Recovery Plan, specifically with regard to:

- a) The potential effects of the proposed recovery and expansion activities on Ngāi Tahu values and interests associated with Whakaraupō.
- b) The provision of direction to LPC and Environment Canterbury to address these matters in the Lyttelton Port Recovery Plan.

The CIA will articulate the long term vision of Ngāi Tahu for Whakaraupō, and the outcomes Ngāi Tahu seek from a Recovery Plan to ensure port recovery is enabled in a manner that is consistent with this vision. In doing so, the CIA:

- a) Provides an assessment of the proposal that is firmly based in the relevant considerations of Mahaanui Iwi Management Plan (IMP) 2013; and

² Port Lyttelton Plan

³ Clause 2 of the Minister's notice (NZ Gazette, No. 65, June 19, 2014).

- b) Sets out the expectations for a framework for assessment and decision-making that reflects the importance of Whakaraupō as mahinga kai, specifically with regard to cultural well-being and customary use.

1.3 Status of the Cultural Impact Assessment

This CIA is prepared alongside other technical reports prepared to assess the potential effects of the Port Lyttelton Plan. This means that the outcomes of technical work pertaining to matters of interest to Ngāi Tahu was not available at the time of preparing the CIA, and therefore that a comprehensive assessment of effects on cultural values was not possible. This is a reality of the timeframes set by the Minister for the provision of information phase of the recovery plan process.

For this reason, the CIA has the status of a **working document** that provides a basis for ongoing work with LPC and ECan. It flags key issues and provides direction to address those issues, but recognises that some content may change once further technical information becomes available.

1.4 Manawhenua and Manamoana

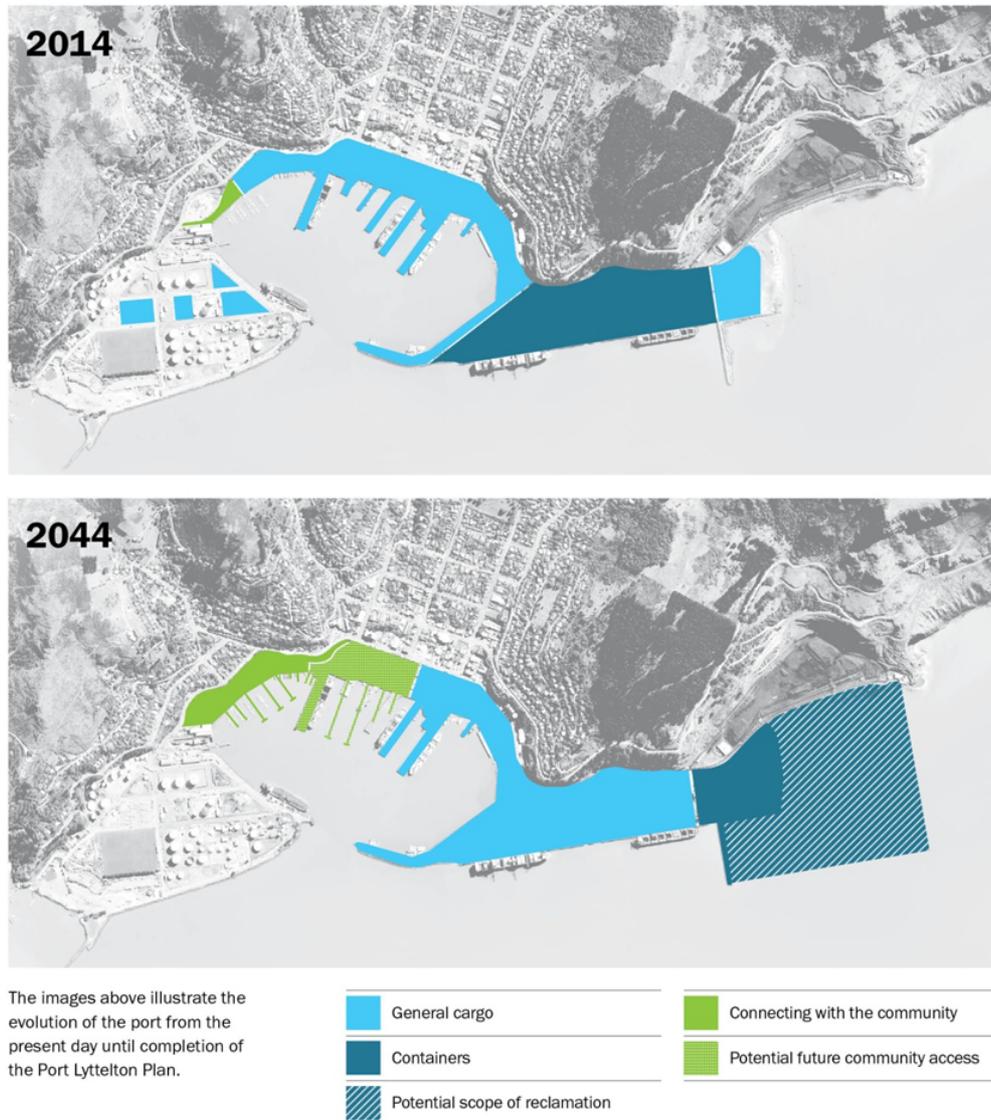
This CIA is a report from the collective of Te Hapū o Ngāti Wheke (Rāpaki), Te Rūnanga o Koukourārata and Te Rūnanga o Ngāi Tahu.

The CIA recognises that Te Hapū o Ngāti Wheke is the Papatipu Rūnanga representing the hapū Ngāti Wheke, who hold mana whenua and mana moana (traditional authority) over Whakaraupō and its catchment. The takiwā of Te Hapū o Ngāti Wheke is defined in the Te Rūnanga o Ngāi Tahu (Declaration of Membership Order) 2001 and the Port Cooper Deed as centering on Rāpaki and including the catchment of Whakaraupō and Te Kaituna.

Te Rūnanga o Koukourārata has an interest in the Port Lyttelton Plan with regard to the potential effects of port recovery and development on Koukourārata and the values associated with that harbour. Te Rūnanga o Koukourārata is the Papatipu Rūnanga representing the hapū Ngāti Huikai. The takiwā of Te Rūnanga o Koukourārata centers on Koukourārata and extends from Pōhatu pā to the shores of Te Waihora, including Te Kaituna.

Te Rūnanga o Ngāi Tahu is the legal representative of Ngāi Tahu Whānui within the Ngāi Tahu takiwā, as per section 15 of the Te Rūnanga o Ngāi Tahu Act (TRoNT) Act 1996. The TRoNT Act and the Ngāi Tahu Claims Settlement Act (NTCSA) 1998 give recognition to the status of Papatipu Rūnanga as kaitiaki, manawhenua and rangatira of the natural resources within their takiwā boundaries. Notwithstanding the relevant provisions of the Te Rūnanga o Ngāi Tahu Act 1996, it is established practice for resource management matters that the kaitiaki status of the Papatipu Rūnanga is supported and enabled by Te Rūnanga o Ngāi Tahu.

Figure 1: The evolution of the port from the present day to the completion of the Port Lyttelton Plan. The Port Lyttelton Plan sets out LPC’s 30 year vision for the repair, rebuild, enhancement and reconfiguration of the port. A large number of construction projects are required as part of the vision, and these are expected to occur over a period of approximately 12-15 years.



1.5 Terminology

In this CIA report the following terminology is used:

- “Ngāi Tahu” means the collective of Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata and Te Rūnanga o Ngāi Tahu.
- “Manawhenua” and “manamoana” refers to the hapū with customary authority, as per Section 1.4 above.

- “Whakaraupō” is the Ngāi Tahu name for Lyttelton Harbour.
- “Mahinga kai” is used to mean the customary gathering of food and natural materials and the places where those resources are gathered, as defined in the Ngāi Tahu Claims Settlement Act 1998.

SECTION 2 METHODS

2.1 Methods

The CIA was prepared using a facilitated participatory process involving Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata and Te Rūnanga o Ngāi Tahu, and using a range of methods (Table 1).

The process was designed to enable anyone with an interest in the kaupapa (topic) to participate. Some whānau chose to attend one or two hui, or contribute their thoughts via email or informal one on one discussion. A core team of 14 worked to prepare the CIA. This included members of a Manawhenua Advisory Group (MAG) established by LPC and Te Hapu o Ngati Wheke to provide a forum for discussions about the joint interest the parties have in the health of Whakaraupō, and the Tangata Tiaki from both Rūnanga.⁴

A port tour is being organised for late September, alongside a workshop to enable LPC to present and discuss the results of technical assessments.

Update to the CIA – October 15, 2014

A port tour was held on October 1, 2014. A Hui was held on October 13, 2014 to discuss the results of the hydrodynamics and mahinga kai/marine ecology assessments. At the October 13th Hui, it was agreed that good progress has been made, particularly with regard to ‘getting mahinga kai on the table’, but that conversations need to continue over the next 9 months during the drafting of the Recovery Plan, and beyond. Specific outcomes of this Hui are included in this CIA as updates under the heading “Update to the CIA – October 15, 2014”.

Table 1: Key methods used to facilitate the preparation of this CIA

| Method | Explanation |
|-----------------------|--|
| Review of information | Relevant information was reviewed, including the Port Lyttelton Plan, earlier CIA and other reports prepared by Rāpaki for LPC, the Whakaraupō Mātaitai application and available technical information. |
| MAG meetings | MAG meetings provided a regular forum for manawhenua and LPC to discuss key issues and how these may be addressed. |

⁴ Tangata Tiaki are Rūnanga members with customary fisheries expertise that participate in fisheries management processes and local and regional levels. They are nominated by the Papatipu Rūnanga and then appointments are confirmed by the Minister for Primary Industries.

| | |
|---|---|
| Presentation of the PLP at Rapaki Marae | LPC presented the Port Lyttelton Plan at Rāpaki Marae on July 21, 2014. The purpose of the Hui was to provide an overview of the Plan, and enable the discussion key areas of interest in a marae based setting. Sixteen people attended this Hui. |
| Sedimentation Hui | LPC and Te Hapū o Ngāti Wheke organised a Sedimentation Hui in response to manawhenua concerns about the effects of port structures on harbour hydrodynamics and sedimentation in the upper harbour. The Hui was held on July 27 th , 2014, with 27 participants. |
| CIA Hui | Three Hui were held to work on the CIA (two full day, one half day). These were held on August 7 th , August 29 th and September 15, 2014. |
| Individual and small group discussions and meetings | All whānau from Rāpaki and Koukourārata were invited to participate in the CIA process. For those unable to attend hui, individual meetings were arranged. |
| Ongoing dialogue with LPC on key issues | Two meetings were held with LPC and Ngāi Tahu to discuss specific issues and inform the CIA. The first focused on planning issues, and included ECan staff. The second focused on mahinga kai assessment and monitoring expectations and opportunities. In addition, questions and information requirements that arose out of the CIA process were responded to by LPC as they arose. |
| Preparation of draft CIA | A draft CIA was completed on September 10 th , and provided to Ngāi Tahu for review. |
| Endorsement of the CIA | The CIA was approved for release on September 15 th , 2014 subject to minor revisions. |

2.2 Te Rūnanga o Nga Tahu involvement in addition to this CIA

The CIA is one component of a wider process of engagement between Te Rūnanga o Ngāi Tahu, Papatipu Runanga, LPC and Environment Canterbury in the Port Recovery Plan development process.

Te Rūnanga o Ngāi Tahu has a statutorily recognised role in CER Act processes, and therefore is involved in Port Recovery Plan discussions in a capacity that includes, but is also broader than the preparation of a CIA. Te Rūnanga is working to support manawhenua to achieve outcomes as identified in this CIA, providing advice and input into LPC's Consultation Strategy, and participating in Statutory Partner coordination and information meetings, and expert conferencing with LPC and ECan.

2.3 Other processes relevant to this CIA

The report *Recognising and providing for Ngāi Tahu values in the proposed Lyttelton Port Company Construction Environmental Management Plan*, prepared by D. Jolly with Te Hapū

o Ngāti Wheke in June 2014, is relevant to the CIA. This report addressed matters of interest for manawhenua with regard to the managing the construction effects associated with port recovery.

A CIA prepared in May 2014 for LPC's proposed Capital Dredging Project is also relevant, as the lengthening and deepening of the existing navigation channel is required to enable the port to respond to growth and accommodate the next generation of container vessels. The report notes concerns with the cumulative effects of proposed and existing LPC activities on mahinga kai values in Whakaraupō, and the desire for a whole harbour approach to understanding and addressing impacts.

Also relevant is the Ngāi Tahu review of the scope of works for technical assessments supporting the Recovery Plan process (July 23, 2014). The review identified gaps with regard to matters of interest to Ngāi Tahu.

Te Rūnanga o Ngāi Tahu staff are also participating in expert conferencing with LPC and Environment Canterbury, particularly with regard to hydrodynamics and marine ecology. A workshop will be run with Ngāi Tahu in late September – early October to present the results of technical work.

SECTION 3 PLANNING FRAMEWORK

The planning framework for a CIA addressing port activities would generally be the Resource Management Act 1991 and the Regional Coastal Environment Plan. However, on June 19th, 2014 the Minister for Canterbury Earthquake Recovery directed that the recovery of Lyttelton Port would occur via a Lyttelton Port Recovery Plan, pursuant to section 16 (4) of the Canterbury Earthquake Recovery Act.

The planning framework for this CIA is therefore the Canterbury Earthquake Recovery Act 2011, as the statute governing the preparation of a recovery plan, and the *Mahaanui Iwi Management Plan 2013*, as the principal manawhenua planning document for Whakaraupō/Lyttelton Harbour and surrounding area.

It is also noted the Treaty of Waitangi /Te Tiriti o Waitangi guarantees tāngata whenua the right to fulfill their kaitiaki obligations to protect and care for taonga in the environment, including land, waterways, natural features, wāhi tapu and flora and fauna with tribal areas.⁵

3.1 Canterbury Earthquake Recovery Act 2011

This CIA is prepared in accordance with the purposes of the CER Act and not the Resource Management Act 1991). The purposes of the Act are:

⁵ See Section 5.1 of the Mahaanui IMP 2013 for further explanation.

- (a) to provide appropriate measures to ensure that greater Christchurch and the councils and their communities respond to, and recover from, the impacts of the Canterbury earthquakes,
- (b) to enable community participation in the planning of the recovery of affected communities without impeding a focused, timely, and expedited recovery,
- (c) to provide for the Minister and CERA to ensure that recovery,
- (d) to enable a focused, timely, and expedited recovery.
- (e) to enable information to be gathered about any land, structure, or infrastructure affected by the Canterbury earthquakes,
- (f) to facilitate, co-ordinate, and direct the planning, rebuilding, and recovery of affected communities, including the repair and rebuilding of land, infrastructure, and other property,
- (g) to restore the social, economic, cultural, and environmental well-being of greater Christchurch communities,
- (h) to provide adequate statutory power for the purposes stated in paragraphs (a) to (g),
- (i) to repeal and replace the [Canterbury Earthquake Response and Recovery Act 2010](#).

The CIA responds directly to the direction of the Minister that the Lyttelton Port Recovery Plan address the social, economic, cultural and environmental well-being of surrounding communities, and the needs of users of Lyttelton Port and its environs, including Ngāi Tahu:

Clause 5.1 The matters to be addressed by the Lyttelton Port Recovery Plan must include, but are not limited to:

5.1.1 The recovery of the damaged port, including the repair, rebuild and reconfiguration needs of the port, and its restoration and enhancement, to ensure the safe, efficient and effective operation of Lyttelton Port and supporting transport networks;

5.1.2 The social, economic, cultural and environmental well-being of surrounding communities and greater Christchurch, and any potential effects with regard to health, safety, noise, amenity, traffic, the coastal marine area, economic sustainability of Lyttelton town centre and the resilience and well-being of people and communities including the facilitation of a focused, timely and expedited recovery;

5.1.3 Implications for transport, supporting infrastructure and connectivity to the Lyttelton town centre, including, but not limited to, freight access to the port, public access to the inner harbour and the location of passenger ferry terminals and public transport stops;

5.1.4 The needs of users of Lyttelton Port and its environs, including, but not limited to, iwi, importers and exporters, cruise ship passengers and crew, tourism operators and customers, commercial fishers, recreational users and public enjoyment of the harbour and well-being of communities.

3.2 Mahaanui Iwi Management Plan 2013

The *Mahaanui Iwi Management Plan 2013* is a collaborative plan prepared by Te Hapū o Ngāti Wheke (Rāpaki), Te Rūnanga o Koukourārata, Ngāi Tūāhuriri, Ōnuku Rūnanga, Wairewa Rūnanga, and Te Taumutu Rūnanga. The plan addresses issues of resource

management significance in the region, and is a written expression of kaitiakitanga and rangatiratanga.

The Mahaanui IMP, as with other iwi management plans, provides the planning framework for cultural impact assessment by identifying key issues and providing a manawhenua policy baseline against which to assess proposed activities.

Most relevant to this CIA is **Section 6.6 of the Mahaanui IMP**. This section addresses issues associated with Whakaraupō/Lyttelton Harbour, and includes a policy section on the port.

A key focus of Section 6.6 is the cultural health of Whakaraupō: the issues affecting the cultural health of the harbour, and the priority actions for restoring cultural health. Cultural health is directly related to the value of Whakaraupō as a mahinga kai, or customary fishery.

Objective 1 of Section 6.6 is:

Restoration of the cultural health of Whakaraupō, including elimination of wastewater discharges, reducing sedimentation and achieving a water quality standard consistent with the Harbour as mahinga kai.

Issue WH1 (Cultural health of the harbour) and Issue WH2 (Lyttelton Port) are relevant to this assessment. Issue WH1 and corresponding policies provide a useful overview of the key issues in the harbour and how these should be addressed. Issue WH2 is specific to the potential effects of port activities on harbour health.

Issue WH1 The cultural health of Whakaraupō is at risk as a result of the discharge of wastewater, sedimentation, stormwater run off and inflow from streams carrying increased sediment and nutrient loads.

Issue WH2 The need to work closely with Lyttelton Port Company to manage the effects of port activities on the cultural health of the harbour and the relationship of tāngata whenua to it, in particular:

- (a) Inner harbour activities, and expansion of these activities;
- (b) Changes to tidal flows, ebbs and flushes as a result of structures and/or landfill in the harbour (e.g. breakwaters);
- (c) Disposal of dredge spoil; and
- (d) Biosecurity risks

The following policies address Issue WH1 (Cultural Health Whakaraupō):

Policy WH1.1 To require that Whakaraupō is recognised and provided for as a cultural landscape of historical, spiritual, traditional and customary significance.

Policy WH1.2 To require that Whakaraupō is managed for mahinga kai first and foremost. This means:

- (a) All proposed activities for the lands and waters of Whakaraupō are assessed for consistency with the objective of managing the harbour for mahinga kai. We should be asking, “How does this activity affect the harbour?” and adjust accordingly; and
- (b) Water quality in Whakaraupō is consistent with the protecting mahinga kai habitat and enabling customary use (whole of harbour not just designated areas).

Policy WH1.3 To recognise Whakaraupō as a working port and harbour, and to build relationships and develop clear strategies that enable these activities to occur alongside managing the Harbour for mahinga kai.

Policy WH1.4 To adopt a holistic approach to restoring the cultural health of Whakaraupō. This means:

- (a) Recognising the cumulative effects of all activities on the cultural health of the harbour;
- (b) Recognising and providing for the relationship between land use and the cultural health of the harbour; and
- (c) Collaboration and integration of efforts between local authorities, Ngāi Tahu, the community, and other agencies and organisations.

Policy WH1.8 To investigate the feasibility of dredging the areas at the Head of the Bay where sedimentation and infilling is having effects on mahinga kai habitat quality.

Additional policies address the need for a regional management strategy to address soil loss in the catchment and sedimentation of the harbour (Policy WH1.7), and the need for a cultural monitoring programme in the harbour (Policy WH1.9).

The potential effects of port activities on the cultural health of Whakaraupō (Issue WH2) are addressed by policies WH2.1 to WH2.6:

Policy WH2.1 To continue to maintain a good working relationship between tāngata whenua and the LPC to address cultural issues and achieve positive cultural, environmental and economic outcomes.

Policy WH2.2 To require that the relationship between tāngata whenua and the LPC reflects the spirit of a Treaty relationship.

Policy WH2.3 To investigate the feasibility of having a Papatipu Rūnanga representative appointed to the LPC Planning Board.

Policy WH2.4 To require that LPC recognise and provide for the relationship of Ngāi Tahu to Whakaraupō, and aspirations to manage the harbour as mahinga kai, by:

- (a) Ensuring that port activities avoid contributing to pollution in the outer harbour;
- (b) Ensuring that port activities at all times seek to avoid or minimise pollution in the inner harbour; and
- (c) Providing appropriate mitigation and/or compensation where cultural and environmental effects cannot be avoided, including but not limited to funds for restoration projects.

Policy WH2.5 To work with LPC on the following issues of cultural concern and significance:

- (a) The need for a research program to investigate and address how dredging, reclamation, sedimentation and structures in the harbour are affecting mahinga kai, including the potential effects of breakwaters on the ability of tidal flows to flush the harbour of sediment, and the resultant accumulation of sediment on kaimoana beds at Rāpaki;
- (b) The need for an alternative location for the disposal of dredging spoil. Disposal of spoil along the northern edge of the Harbour is contrary to cultural interests of and objectives of improving

the Whakaraupō marine environment and may be adversely affecting Te Ara Whānui o Makawhiua (Koukourārata); and

- (c) The feasibility of dredging the mudflat areas at the Head of the Harbour, where sediment build up and infilling is having significant cultural and environment impact.

Policy WH2.6 To require effective marine rules to protect Whakaraupō from the effects of discharges associated with ballast, bilge and sewage from ships and boats, including biosecurity risks.

Policies WH6.7 and WH9.2 are also relevant to this CIA, given the provisions in the PLP to open up the inner harbour to the community. While focused on the rebuild of Lyttelton as a town, **Policy WH6.7 (b)** identifies the need to recognise the relationship between tāngata whenua and Lyttelton as part of recovery planning. **Policy WH9.2** encourages recognition of the relationship between tangata whenua and Whakaraupō in parks, reserves and other open space, through the use of pou whenua, Ngāi Tahu place names, interpretation panels and artwork.

Section 6.7 Koukourārata ki Pōhatu is also relevant to this CIA. This section addresses issues relating to Te Ara Whānui o Makawhiua (Koukourārata/Port Levy). Immediately east of Whakaraupō, port activities have the potential to affect Ngāi Tahu values associated with this harbour.

Issue KP2 identifies the potential effect on mahinga kai resources as a result of dredging in Whakaraupō and the potential for spoil to reach Koukourārata.

As with Section 6.6 the policies in this section are focused on protecting mahinga kai values:

Policy KP2.1 To manage Te Ara Whānui o Makawhiua as a mahinga kai and matāitai first and foremost, and to assess all activities for consistency with this policy.

Policy KP2.4 To require that water quality in the harbour is such that tāngata whenua can exercise customary rights to safely harvest kaimoana.

Policy KP2.5 To continue to work with local authorities to develop appropriate policies and rules to implement and enforce measures to improve coastal water quality, including:

- (f) Requiring that silt from dredging in Whakaraupō does not enter Te Ara Whānui o Makawhiua, and that the activity is monitored for adverse effects on the harbour.

Section 5.6 Tangaroa is a general section covering issues of significance in the coastal marine environment at a regional scale. General objectives and policies in this section further support the importance of coastal waters as mahinga kai.

SECTION 4 NGĀI TAHU VALUES, INTERESTS AND USE

A key purpose of a CIA is to identify the relevant values, interests and associations that contribute to the relationship of tāngata whenua to a given area and that may be affected by a proposed activity.

4.1 Whakaraupō as a cultural landscape

Whakaraupō is cultural landscape with a long and rich history of Ngāi Tahu land use and occupancy, and strong tradition of mahinga kai. Ngāi Tahu have lived and fished in this harbour for generations.

The bays, coast and lands of Whakaraupō are part of the history and identity of Ngāi Tahu. Numerous pā, kāinga, mahinga kai areas, wāhi taonga and wāhi tapu sites hold the stories of Ngāi Tahu migration, settlement and resource use. The cultural, spiritual, historical and traditional importance of Whakaraupō is confirmed in the Statutory Acknowledgement provisions of the Ngāi Tahu Claims Settlement Act (NTCSA) 1998 (Schedule 101).

The rich resources of the harbour brought Ngāi Tahu to settle in this area, and the harbour remains highly valued for mahinga kai. These traditions define the relationship between Rāpaki Ngāi Tahu and the harbour today and are central to cultural well-being and use of the harbour.



Photo: View of Rāpaki and Whakaraupō from Te Poho o Tamatea (photo credit: Donald Couch).

4.2 The long term vision of Ngāti Wheke for Whakaraupō

The long term vision of Ngāti Wheke for Whakaraupō reflects the importance of the harbour as mahinga kai:

The restoration of the cultural health of Whakaraupō, including harbour water quality, to support mahinga kai abundance and diversity at levels where it can sustain customary use mō tātou, ā, mō kā uri ā muri ake nei.⁶

Restoration of cultural health is about restoring the mauri of the harbour and the mana of the people. Whakaraupō was once widely known for the kaimoana available to the community for its own use – and to manaaki (host) visitors. Decline in the available quantities and quality of kaimoana because of the deteriorating marine environment have prevented Ngāti Wheke from exercising cultural values such as manaakitanga.⁷

Discussions for the purposes of this CIA highlighted that Ngāti Wheke seek to restore pre-1960 mahinga kai abundance and diversity, and that mahinga kai must be ‘safe and healthy’ for consumption. It is this vision that the Port Lyttelton Plan is assessed against. ***How does the long term vision of Lyttelton Port Company align with the long term vision of Ngāti Wheke for Whakaraupō?***

The intention of Ngāti Wheke to restore and manage the harbour as a customary fishery and community food basket is evidenced by the lodging of the Whakaraupō Mātaitai application with the Minister for Primary Industries in April 2014.⁸ The application recognises the historical and ongoing significance of Whakaraupō as a traditional fishing ground, and describes how all parts of Whakaraupō were used for mahinga kai:

- The bays and coastline of the middle harbour were extensively utilised for the gathering of pāua, kina, kutai (mussels), kōura (crayfish), tio (oysters), tipa (scallops) and tuaki (cockles), as well as moki, mārari (butterfish) and pioke (rig).
- The centre of the middle harbour was extensively utilised for the gathering of hoka (red cod), hāpuku (groper) and pioke. Sharks were fished using nets stretched across the harbour.
- The bays and coastlines of the inner harbour were extensively utilised for the gathering of pāua, kina, kutai (mussels), tuaki (cockles/clams), pipi and tio (oysters), as well as pātiki (flatfish).
- The open waters of the inner harbour were extensively utilised for the gathering of pioke and pātiki, which were traditionally taken using nets stretched cross the harbour.
- Other mahinga kai resources included eels and other freshwater fish from streams flowing into the harbour, marine mammals, waterfowl, seabird eggs, forest birds and plant resources.

⁶ Summarised from Section 6.6 of the Mahaanui IMP 2013.

⁷ Couch, D.W. 2003. Cultural Impact Assessment: Lyttelton Seabed Contamination, p.8.

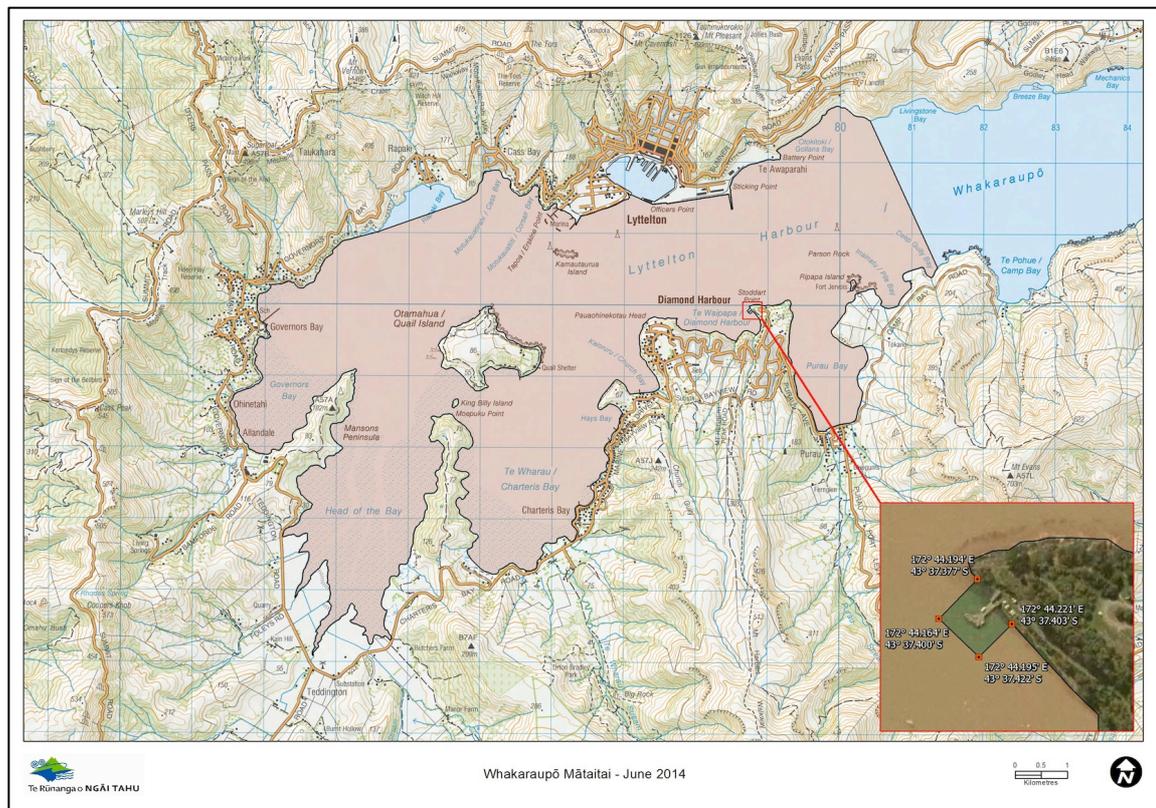
⁸ This application was originally lodged in December 2011, but was on hold following the Canterbury earthquakes.

The purpose of a Mātaitai Reserve is to protect, enhance and sustain the local fishery for future generations to access and use (see Box 1). If approved, the Whakaraupō Mātaitai will join the existing Rāpaki Mātaitai Reserve, established in 1998 as the first Mātaitai in New Zealand.⁹



Photo 1 - Rāpaki wharf at the Rāpaki Mātaitai Reserve. Photo 2 – Preparing cockles for a re-seeding project in Whakaraupō (photos provided by Henry Couch).

Map 1: Proposed Whakaraupō Mātaitai Reserve. Source: Te Rūnanga o Ngāi Tahu.



⁹ More information on Mātaitai reserves is available at <http://www.fish.govt.nz/en-nz/Maori/Management/Mataitai/default.htm>

Box 1: What is a Mātaitai Reserve?

A Mātaitai is an area or reserve which provides legal protection of a traditional fishing ground for the local iwi and hapū who hold customary authority over that area. A Mātaitai recognises the special relationship that local iwi and hapū have to that traditional fishing ground.

The legislative purpose of a Mātaitai Reserve is to protect, enhance and sustain the local fishery for future generations. Mātaitai are derived from the Fisheries (South Island Customary Fishing) Regulations 1999, which are designed to empower Tangata Whenua through their respective Tangata Tiaki/Kaitiaki to manage fisheries resources for customary food gathering purposes.

Initially all commercial fishing activities are excluded from Mātaitai Reserve Areas. The Whakaraupō Mātaitai is intended to restore Whakaraupō as a community food basket. Management of the Mātaitai is proposed to occur with an advisory committee from the local community.

Source: Mātaitai Information Fact Sheet for the Whakaraupō Mātaitai Application.

4.3 Other use

Ngāi Tahu use of Whakaraupō also includes waka, including waka ama (outrigger canoes), waka taua (traditional canoes), and waka unua (sailing canoes). Ngāi Tahu have used waka on Whakaraupō for generations, for mahinga kai, travel and trade. The continued use of harbour for traditional waka purposes is an important value, as well as more contemporary recreational use, including competitive waka ama racing and training.

Waka ama is one of the main contemporary uses of the harbour, other than the use of boats for mahinga kai and other gathering of food along the shore of the harbour. Waka ama are used on the harbour every day by both individuals and groups, largely involved in training for competition, as well as general recreation.¹⁰

Waka taua and waka unua are also occasional visitors to the harbour, and may become more frequent with the ongoing revitalisation of waka culture around the pacific, in New Zealand and in Te Waipounamu.

4.4 Ngāti Huikai associations with Koukourārata

The primary focus of this CIA is Whakaraupō, but values associated with Koukourārata are also discussed given the potential for the activities set out in the Port Lyttelton Plan to affect these.

Koukourārata has an equally long history of Ngāi Tahu settlement. Three pā once existed around the bay: Kaitara, Koukourārata, and Puāri. After the fall of Kaiapoi Pā, Koukourārata and Puāri became the main centres of Ngāi Tahu activity in the Canterbury region.

As with Whakaraupō, Te Ara Whānui o Makawhiua (Koukourārata) was historically a major mahinga kai area because of the availability of natural resources within the harbour. The significance of the harbour as a mahinga kai has not diminished over time.

¹⁰ Personal communication with Craig Pauling (Te Hapū o Ngāti Wheke, Te Taumutu Runanga).

The Koukourārata Mātaitai Reserve, extending across the whole of the harbour, was established in December 2000. This reserve recognises the importance of the harbour for customary fisheries.

Te Rūnanga o Koukourārata is a joint venture partner in commercial mussel farms in the outer stretches of the bay. The farms will enable the hapū to bring whānau home by providing mahinga kai based employment opportunities.

4.5 Cultural well-being and iwi use – the Minister’s direction

The Minister’s direction for the preparation of a Lyttelton Port Recovery Plan stipulates that a number of matters must be addressed in the recovery plan, including the social, economic, cultural and environmental well being of communities (clause 5.1.2), and the needs of users of the harbour, including iwi (clause 5.1.4).

Whakaraupō and Koukourārata are Ngāi Tahu cultural landscapes with strong traditions of mahinga kai. Ngāi Tahu cultural well-being and use of the harbour is directly related to mahinga kai. Mahinga kai continues to be a cornerstone of Ngāi Tahu cultural and social well-being. Cultural traditions such as manaakitanga (the ability to provide for manuhiri, or guests) rely on high quality and abundant local mahinga kai. For many whānau mahinga kai contributes significantly to economic well being.

Ngāi Tahu mahinga kai interests extend beyond existing use to include aspirations for future use. These aspirations are about restoring harbour health to ensure that future generations can engage with the harbour as their ancestors did.

“Our goal for the waters of Whakaraupō is to restore the harbour to the state it was before deforestation, sewage discharges and other activities degraded it. The long term goal is to restore the harbour to a state where the kaimoana return and we can once again harvest mahinga kai without cultural, environmental and health concerns.” [Mahaanui IMP, Issue WH1 Explanation; p.252].

“It is vital to the future of Ngāi Tahu to ensure that sufficient natural resources continue to be available to provide places and experiences for young Ngāi Tahu to practice the activities of their tūpuna, learn the skills used to manage the environment, know their cultural values, and take pride in the knowledge that their elders have retained to pass along to them.” (Lenihan, TM 2009, quoted in the Mahaanui IMP 2013, p. 129).

SECTION 5 EFFECTS ON NGĀI TAHU VALUES AND INTERESTS

This section identifies the potential effects on Ngāi Tahu values as a result of the long term vision of the port as set out in the Port Lyttelton Plan, and the implementation of that vision via a Recovery Plan.

It is important to note that the level of detail in this assessment reflects the limited amount of information available at the time of writing (see Section 1.3 Status of this CIA).

5.1 The Starting Point

There are a number of 'starting points' for this assessment: basic policy positions and statements that underpin the identification and assessment of effects. These starting points are:

- The policy position in the Mahaanui IMP 2013 - that Whakaraupō can be both a mahinga kai and a port if the effects of the port on harbour health are managed appropriately (Policy WH1.3).
- The recognition of the significant damage sustained by the port in the Christchurch earthquakes, and the need for a timely and efficient repair and recovery of port infrastructure.
- The commitment to working with LPC during this critical phase of earthquake recovery, as per the Joint Statement from Te Hapū o Ngāti Wheke and Lyttelton Port Company (Appendix 1).
- The commitment of Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourārata and Te Rūnanga o Ngāi Tahu to working together to achieve outcomes desired by manawhenua.
- The fundamental connection between the mahinga kai values of Whakaraupō and Ngāi Tahu cultural well-being and use of the harbour.
- The need to assess proposed activities for consistency with managing the harbour for mahinga kai (Mahaanui IMP Policy WH1.2), and how activities may address or worsen existing issues with coastal water quality and sedimentation.

"We all know that there has to be progress. But we have to address the existing problems before we look at more development, so that things don't get any worse." – Henry Couch, Tangata Tiaki, Te Hapū o Ngāti Wheke.

5.2 Opportunities for positive effects

The long term vision of the port as expressed in the Port Lyttelton Plan presents a number of opportunities for positive effects on harbour health and associated cultural values. These are:

5.2.1 Improving environmental performance

The rebuild and upgrade of existing damaged infrastructure presents an opportunity to improve the overall environmental performance and sustainability of the port. As described in the PLP, the port's current facilities were built in a time when the protection of the environment was not as high a priority as it is today (p.39). Port recovery is an opportunity to design new facilities consistent with minimising impacts on harbour health, and on Ngāi Tahu values. This includes incorporating pollution prevention features into infrastructure, such as storm water treatment systems. Improving environmental performance should provide benefit to harbour health, particularly coastal water quality.

5.2.2 Enabling a long term holistic approach to recovery

A Lyttelton Port Recovery Plan has the potential to enable a long term holistic approach to port recovery as opposed to a 'consent by consent' approach. This addresses the on-going concern of manawhenua that large numbers of consents with minor effects are having an overall cumulative effect. However, it is noted that a Recovery Plan is not the only option to avoid a consent by consent approach and provide these outcomes.

5.2.3 Recognizing the relationship of Ngāti Wheke with Whakaraupō

Opening up the inner harbour to the community is an opportunity to enhance the visible presence of Ngāti Wheke in Lyttelton, through urban and landscape design that reflects the relationship of Ngāti Wheke to Whakaraupō. The foreshore near the site of the present day Sutton Reserve was once the location of a fishing kāinga (settlement) known as Ōhinehou. There was also a small trading market located on the foreshore to the east of the kāinga, at the site of the present day Oxford Street Bridge.¹¹

5.3 Potential adverse effects of the Port Lyttelton Plan

The long term vision of the port as expressed in the Port Lyttelton Plan also presents a number of risks to harbour health and Ngāi Tahu values such as customary use.

Key areas of concern are:

1. Proposed reclamation in Te Awaparahi Bay
2. Location of the bulk fuel berth
3. Managing construction effects
4. Increased traffic
5. Biosecurity risks
6. Cruise ship berth options
7. Consistency of the new port layout with Mātaimai provisions

¹¹ Lyttelton Community Master Plan need date.

Ngāi Tahu concerns largely relate to the potential for whole harbour and long term effects on cultural values as a result of the development features included in the PLP. Issues around managing the effects of construction activities in the port operational area on Ngāi Tahu values and interests are addressed in a June 2014 report (Appendix 2) and therefore are addressed here at a general level only.

While the focus of the Recovery Plan is Lyttelton Port and the surrounding coastal marine area, the development of the Plan must consider issues and effects that may occur outside of the geographical extent of the Recovery Plan, including matters relating to the social, economic and cultural well-being and effects on communities and Lyttelton Harbour (Clause 4.3 of the Minister's direction).

The potential adverse effects associated with each of the 7 areas of concern are discussed below and summarised in Table 2 at the end of this section.

5.3.1 Proposed reclamation in Te Awaparahi Bay

The proposed expansion of the port beyond its current boundaries into Te Awaparahi Bay, as part of the 'Port to the East' concept, is the key issue for Ngāi Tahu with regard to the Port Lyttelton Plan. The proposed new container terminal is estimated to require an additional 27 ha of newly reclaimed land at Te Awaparahi Bay, in addition to the current consented 10-hectare reclamation. There are 5 concerns:

- (a) Reclamation enabled by a Recovery Plan
- (b) Uncertainties around the effects of port structures on hydrodynamics
- (c) Will the proposed new container terminal require a breakwater?
- (d) Direct loss of mahinga kai values in Te Awaparahi Bay
- (e) Visual impact

These are discussed in turn below.

(a) Reclamation enabled by a Recovery Plan

Ngāi Tahu support LPC's desire to grow and develop the port, and recognise that the proposed expansion of the port to the east is a critical component of the Port Lyttelton Plan, enabling the port to increase capacity and open up the inner harbour to the community.¹² There is support in principle for the general shift east and opening up of inner harbour.

However, there are significant concerns about identifying the proposed 27 ha Te Awaparahi Bay reclamation as earthquake recovery, and therefore progressing it within the context of decision making under the CER Act.

¹² Port Lyttelton Plan, p.10-11.

Ngāi Tahu recognise that the CER Act and subsequent Court of Appeal decisions define “recovery” as not limited to restoring greater Christchurch to its previous state, but extending to enhancing or improving, and “rebuilding” as including extending, repairing and improving infrastructure, and rebuilding communities.¹³ However, the proposed Te Awaparahi Bay reclamation is a major new capital works project that significantly expands the footprint of the port, and has the potential for significant adverse effects on the upper harbour, mahinga kai and other Ngāi Tahu values.

A Recovery Plan allows for a “streamlined process” that will see “redevelopment occur in a timelier manner than under the Resource Management Act.”¹⁴ While the process is also intended to ensure robust testing of information, Ngāi Tahu have concerns that technical assessments and plan changes to support the Recovery Plan process may result in a lower level of protection for harbour health and Ngāi Tahu values than what would be required within an RMA process. The CER Act focuses on enabling recovery, and therefore provides a much broader scope for enabling development than the balancing exercise required in the purpose of the RMA.

Ngāi Tahu are not opposed to the further growth and development of the Lyttelton Port. However, the need for timely, efficient and focused earthquake recovery cannot outweigh the need for robust and comprehensive assessments of the potential effects of a significant capital works project on harbour health and Ngāi Tahu values, particularly given concerns about the relationships between port structures, hydrodynamics and sedimentation in the upper harbour (see below). Ngāi Tahu are seeking certainty around the effects of this development, and the process for assessing effects must be able to deliver this certainty.

(b) Uncertainties around the effects of port structures on hydrodynamics, sediment transport and mahinga kai

Ngāi Tahu have significant uncertainty around the relationship between port structures and tidal currents, and sedimentation of the upper harbour, harbour productivity and mahinga kai (kaimoana and finfish). This is a critical area of assessment given the immense importance of Whakaraupō as a mahinga kai, and importance of these values to Ngāi Tahu cultural well-being and use of the harbour.

Rāpaki whānau know that sedimentation in the harbour is having an impact on mahinga kai. Local knowledge suggests a marked increase in upper harbour sedimentation around 1960, and there are questions about the relationship between this increase and the construction of Cashin Quay. Sediment is accumulating on rocky reefs and beaches in areas such as Rāpaki and Ōhinetahi, degrading valued kaimoana habitat. Pātiki nets set in harbour waters are often sediment laden. Whānau also report a change in sediment texture, from a soft mud to a hard, denser form that forms a crust over kaimoana beds.

There is also concern that changes to tidal currents and wave energy may result in higher turbidity levels in the upper harbour, and therefore affect productivity. Sediment reduces the amount of light reaching the sea floor, reducing seaweed growth and therefore reducing the

¹³ CER Act 2011.

¹⁴ “Recovery Plan to streamline Lyttelton Port progress” - Statement of Minister Gerry Brownlee, June 19th, 2014. www.beehive.govt.nz

the amount of food available for fisheries.¹⁵ Further, reduced tidal flow in the upper harbour may be reducing the amount of nutrients coming into the harbour (e.g. plankton). Kaimoana (sedentary shellfish) cannot go and get food; it must come to them on the tide.

Whānau know there is a high volume of sediment input from the catchment, and that this sediment is accruing in the upper harbour. The question is whether port structures are contributing to sedimentation of the upper harbour by changing hydrodynamics and reducing the ability of the upper harbour to flush sediment. It is unlikely that the potential effects of port structures on mahinga kai were considered when Cashin Quay was constructed, but it is critical they are part of the assessment process for the proposed reclamation at Te Awaparahi Bay.

These issues were the focus of a one-day Sedimentation Hui organised by Te Hapū o Ngāti Wheke and LPC, and held at Rāpaki Marae on July 27th 2014. The purpose of the Hui was to enable shared and improved understandings of the relationship between port structures, hydrodynamics, sedimentation and kaimoana.

An Outcomes Report from the Sedimentation Hui was prepared for this Hui, and is available on request. For the purpose of this CIA, three relevant outcomes are highlighted here:

- Harbour hydrodynamics are complex, and the relationships between port structures, hydrodynamics, sediment transport and kaimoana are not straightforward, and this must be reflected in how we approach the problem.
- While modeling presented on the day shows that port structures do not appear to be linked to changes in sedimentation, there is uncertainty around the robustness of the modeling, and the discrepancies between modeling results, local knowledge and other sources of information (see Box 2).
- There are some key information requirements to address uncertainty. This includes the need for a whole harbour systems approach, and the use of a range of information sources, including mātauranga Ngāi Tahu.¹⁶

So what do these outcomes mean for this process?

For Ngāi Tahu, the information to date, taken together as a whole, highlights the critical need to do further research to understanding how the proposed reclamation at Te Awaparahi Bay may affect hydrodynamics, and the potential indirect effects on mahinga kai values. It also shows there is a pressing need to reduce sediment inputs into the harbour regardless of the extent to which port structures are affecting the harbour.

Addressing outstanding questions and uncertainties is a fundamental requirement to achieve a healthy harbour that is both a mahinga kai and a working port. If we get it wrong, the effects on Ngāi Tahu cultural well-being and use of the harbour have the potential to be significant and irreversible.

¹⁵ Hepburn, C. and Pritchard, D. 2014. Sedimentation Hui presentation on the relationship between flow, sediment, productivity and kaimoana habitat.

¹⁶ Mātauranga Ngai Tahu refers to the historical, traditional and local knowledge of those that have lived with and used the harbour for generations.

Ngāi Tahu are continuing to work with LPC and Environment Canterbury in this space, through expert conferencing and peer review of hydrodynamic modeling. It is expected that LPC will present the results of an updated model within a few weeks of this CIA, and this may provide increased understandings and certainty.¹⁷

“You cannot have 30 ha of reclamation and not expect some effect.” – Dr. Matea Gillies, Tangata Tiaki, Te Hapū o Ngāti Wheke.

Box 2: There is a lack of convergence between different sources of evidence, and we need to make the most of the information we have to ensure we understand effects.

A hydrodynamics model presented by Met Ocean and Mulgor Consulting at a Whakaraupō Sedimentation Hui (July 2014) indicated that existing port structures do not appear to have an affect on harbour hydrodynamics. The model shows that since 1849 the only significant changes to waves and tidal currents have been around the immediate port area, and that sedimentation in the upper harbour would be an issue regardless of port structures, as sediment inputs are greater than the ability of the tide to carry it out.

Local knowledge from Rāpaki whānau suggests a marked increased in sedimentation at Rāpaki, Ōhinetahi (Governor’s Bay) and the upper harbour generally since 1960, and that this may be attributable to the construction of Cashin Quay and ‘blocking’ of flow in the upper harbour.

Sediment core sampling undertaken by Goff (2005 NIWA report, in Hart 2013) to understand upper harbour rates and sources of sediment infilling shows two phases of relatively rapid net sediment accumulation: 1800-1900 and 1953-2005. The first increase in sedimentation inputs is attributed to deforestation of land, and the second to anthropogenic development of the harbour and peninsula environment. Hart’s 2013 review on sedimentation in Whakaraupō notes that reductions to wave and current energies as a result of deepening of dredged areas and the construction of port structures could be an influence on the second phase (p.10)

For Ngāi Tahu, these different sources of evidence highlight the need for more research in this area, recognising the value of different sources of information and methods, including local whānau knowledge.

Update to the CIA – October 15, 2014

The results of hydrodynamic modeling and marine ecology assessments were presented to Ngāi Tahu at a LPC-Ngāi Tahu Hui held on October 13th. The Hui was designed to encourage open and constructive discussion around these technical assessments.

The hydrodynamic modeling presentation provided an understanding of how the model works and the outcomes of the exercise with regard to changes to tidal currents and waves. Five modeled Schemes (scenarios) were presented, including the current harbour with no additional structures, the new reclamation to the end of Cashin Quay breakwater, and different channel depth and length and swing basin options.

¹⁷ The model presented at the Sedimentation Hui was part of Capital Dredging investigations, and therefore was not targeted specifically at this issue.

The model, as presented, shows a substantial change in tidal currents and waves in the vicinity of the proposed Te Awaparahi Bay reclamation, and small, likely unmeasurable effects further away from the site (described as 1 km away from the site). Similarly, some change in sediment transport is expected around the reclamation site, but in upper harbour areas the effects are expected to be negligible. A question remains as to the effects on the areas around Diamond Harbour and Purau Bay.

The presentation provided a good basis of information for understanding how the proposed reclamation may affect tidal currents and wave energy. However, it was clear from the Hui that further discussions and information are required to increase confidence in the model, and to provide the certainty Ngāi Tahu is seeking with regard to potential adverse effects on cultural values (particularly mahinga kai). This includes further core sampling in the upper harbour to improve understandings of sedimentation accretion over time (and the potential link to existing structures), and running an additional scenario through the hydrodynamic model that models tidal currents and wave energy without the Christchurch City Council and Cashin Quay breakwaters in the harbour. It also includes the need for peer review of the model.

The Hui also enabled a discussion about opportunities to ensure that the geometry, size and design of the proposed reclamation, if it proceeds, recognises and provides for the value of the harbour as mahinga kai. This includes the potential to exclude the natural shoreline at Battery Point from the reclamation envelope (given the mahinga kai values Ngāi Tahu assign to this area), and opportunities to design the edges of the reclamation to enhance mahinga kai.

Ngāi Tahu is committed to moving forward in this space and continuing discussions about the proposed reclamation, particularly in relation to realising the “net gain in mahinga kai” outcome for the harbour. However, critical to moving forward is the need for certainty about the nature and extent of potential adverse effects over the long term.

(c) Will the proposed new container terminal require another breakwater?

A third issue pertaining to the proposed Te Awaparahi Bay reclamation is whether a breakwater will be required to protect ships that will be berthed along the southern side of the new container terminal.

At the time of preparing this CIA, LPC advised that while a breakwater is being modeled to assess what the effects may be, the large size of the next generation of ships means that a breakwater is unlikely to be required.¹⁸ However, LPC also advised that if a breakwater was needed, the container terminal would likely be designed so that the berth and breakwater fitted within the envelope shown in the Port Lyttelton Plan.¹⁹

A further extension to the proposed reclamation envelope would be unacceptable to Ngāi Tahu, given significant uncertainties and concerns with the existing envelope. A breakwater added to the proposed Te Awaparahi Bay reclamation would extend too far out into this area of the harbour.

¹⁸ It is noted that accommodating the next generation of container vessels relies on lengthening and deepening of the existing navigation channel, and that the proposed Capital Dredging Project has yet to be consented.

¹⁹ Petterson, J. personal communication by email 15.08.14.

(d) Direct loss of mahinga kai habitat values in Te Awaparahi Bay

The fourth issue raised by Ngāi Tahu with regard to the proposed reclamation at Te Awaparahi Bay is further loss of coastal space, and therefore the direct loss of mahinga kai habitat.

All reclaimed land in the port operational area was once coastal marine area and mahinga kai habitat used by tangata whenua. There has been an ongoing incremental loss of coastal space and mahinga kai values in the harbour over time by consented activities. The loss of coastal space and mahinga kai values comes with having a harbour that is both a customary fishery and port. However, the Port Lyttelton Plan is assessed as leading to a net loss of mahinga kai, and in the spirit of working together to ensure a healthy harbour for future generations, Ngāi Tahu are seeking a net gain in mahinga kai values.

Te Awaparahi Bay was traditionally known as a kina nursery, in addition to other mahinga kai such as paua. While these values may not exist at the pre-port abundance or diversity given the modified environment, it is important that the effects of further reclamation is considered in the context of what should be there rather than what might be there now.

Update to the CIA – October 15, 2014

The results of marine ecology assessments were presented to Ngāi Tahu at a LPC-Ngāi Tahu Hui held on October 13th. This included information about the benthic habitat at the reclamation site in Te Awaparahi Bay.

Ngāi Tahu identified a number of concerns with the marine ecology assessment as it relates to the direct loss of mahinga kai at the reclamation site. Importantly, mahinga kai species were not an explicit part of the assessment methodology. Further, sub tidal reefs of particular value for mahinga kai were not adequately surveyed. As a result, there is some disconnect between the mahinga kai value that Ngāi Tahu assign to the area, and the results of the survey. In response, Ngāi Tahu have indicated that further work is required to understand what mahinga kai species are present at the proposed reclamation site. A key message is that Ngāi Tahu and LPC must jointly agree to the methodology for this work.

An important discussion point at the Hui was opportunities for mahinga kai enhancement, consistent with the desired outcome to achieve a net gain in mahinga kai. Shaun Ogilvie (Tonkin & Taylor) identified the potential for on- site opportunities for ecological engineering of 'amoured' shorelines to improve their value as mahinga kai habitat, and off site mahinga kai enhancement opportunities such as re-seeding kaimoana species.

(e) Visual impacts

The new container terminal, as 37 ha of reclaimed land will have a visual impact on the harbour landscape through the loss of coastal space and the further industrialisation of this area of the harbour. The existing port infrastructure is visible from Rāpaki, and while the port

is a recognised and accepted part of Whakaraupō, there is some concern about the visible impact on an additional structure on the harbour landscape.

5.3.2 Location of the bulk fuel berth

The bulk fuel berth is currently located at Naval Point. While significant repairs were immediately undertaken after the earthquakes, the berth requires replacement.²⁰ LPC is assessing a number of options for this, including a new berth at the same location and a new berth outside the inner harbour.

Ngāi Tahu have significant concerns about the option of a new berth outside of the inner harbour and the reducing ability to contain a fuel spill. This concern also extends to the removal of the Eastern Mole as part the inner harbour option for cruise ship berthing. As expressed during the presentation of the Port Lyttelton Plan to whānau at Rāpaki Marae, as kaitiaki of the harbour, the risk of an oil spill in the harbour is a major concern.

The ability to contain a fuel spill must be the primary consideration in assessing options for locating the bulk fuel and cruise ship berths. A bulk fuel berth outside the inner harbour would significantly increase the risk of an uncontained spill. An uncontained fuel spill would have significant effects on the harbour and Ngāi Tahu values.

5.3.3 Managing construction effects

Re-instatement of damaged infrastructure provides an opportunity to improve the environmental performance of these facilities (see Section 5.2.1). However, construction activities associated with the repair and reconstruction of port infrastructure can have adverse effects on coastal water quality, archaeological values, fisheries, marine mammals and other values.

LPC is proposing to manage the effects of construction activities with a *Construction Environmental Management Plan* (CEMP). Manawhenua have identified key issues and required management actions for inclusion in the CEMP (see Box 3).²¹ However at the time of preparing this CIA, Ngāi Tahu have yet to receive confirmation of how these have been incorporated into the CEMP.

A critical issue is the need to ensure that construction effects and materials are contained within the port operational area. Whānau from both Rāpaki and Koukourārata note occasions where materials from the port have washed up on shore in the harbours.

²⁰ Port Lyttelton Plan, p.12.

²¹ Recognising and providing for Ngāi Tahu values in the proposed Lyttelton Port Company Construction Environmental Management Plan (CEMP), prepared for Lyttelton Port Company by D. Jolly with Te Hapū o Ngāti Wheke, July 2014.

Box 3: Construction activities associated with reinstatement and development of port infrastructure have the potential to affect manawhenua values and interests. There are four key areas of interest for Te Hapū o Ngāti Wheke:

1. **Archaeological values:** Ngāi Tahu have occupied and gathered resources in and around the Lyttelton area for centuries, and therefore there is a risk of accidental discoveries of material of cultural significance (taonga/treasures) or sites that contain kō iwi tangata (human skeletal remains).
2. **Water quality:** Te Hapū o Ngāti Wheke are working to restore mahinga kai (customary fisheries) values in the harbour, and therefore have an interest in any activity that may affect water quality or mahinga kai habitat.
3. **Appropriate incident management and communication:** As manawhenua and kaitiaki, Ngāti Wheke have a responsibility to ensure appropriate tikanga (protocol) is upheld with regard to incident management and communication.
4. **Fisheries and marine mammals:** The fish and marine mammals that live in Whakaraupō are highly valued, and some construction activities have the potential to disturb the habitat or behaviour of some species.

Source: *Recognising and providing for Ngāi Tahu values in the proposed Lyttelton Port Company Construction Environmental Management Plan*, prepared by D. Jolly and Te Hapū o Ngāti Wheke (June 2014). The full report is provided in Appendix 2.

Update to CIA - October 15

LPC presented the CEMP to manawhenua on October 8, 2014 at a Manawhenua Advisory Group meeting (see Section 2.1 for an explanation of this group). The presentation included an explanation of how specific issues and mitigation measures identified by Te Hapū o Ngāti Wheke are recognised and provided for in the plan.

Overall, Te Hapū o Ngāti Wheke is comfortable with the CEMP and how cultural issues are addressed. Some revisions are required to the Archaeology Technical Chapter to better present the Māori history of the area, ensure consistency for processes involving kō iwi tangata (human bones), and explain the role of cultural monitors.

LPC and the Rūnanga agreed on the importance of Rūnanga involvement in CEMP training for contractors and environmental managers. This will enable manawhenua to communicate the cultural importance of the harbour and the risks to cultural values as a result of construction activities.

5.3.4 Increased traffic

Increases to traffic volumes as a result of port recovery and growth is a further matter of concern for Ngāi Tahu. There is concern about increasing heavy port traffic on existing transport infrastructure such as Norwich Quay and the Lyttelton Tunnel, and the potential effects on the community. There is also concern that if Sumner Road is not re-opened, port

related traffic will increase around Rāpaki. A message conveyed at Hui is that transport issues should to be resolved before other decisions on port development are made.

5.3.5 Biosecurity risks

Contamination brought into the harbour by ships is a contributor to the degradation of mahinga kai values in the harbour (see Mahaanui IMP 2013, Issue WH2). Non-indigenous marine species can have significant effects on the marine environment. Biosecurity is also important when considering the potential effects of marine pests on aquaculture at Koukourārata.

The next generation of larger ships carrying higher volumes of ballast, and a proposed new container terminal at Te Awaparahi Bay that is more open to the outer harbour, are factors that may increase biosecurity risks.

5.3.6 Cruise ship berth options

As part of the Port Lyttelton Plan, LPC is considering options to cater to cruise ships in a commercially viable way. Two possible options for locating a cruise berth are identified: an inner harbour option at Gladstone Pier and an outer harbour option at Naval Point.

Ngāi Tahu have two concerns with regard to these options:

- a) The removal of the Eastern Mole as part the inner harbour option for cruise ship berthing has ramifications for containing any accidental spills from the bulk fuel berth (see Section 5.3.2).
- b) The outer harbour cruise ship berth option requires the construction of new wharf infrastructure off the bulk fuel berth (Naval Point), and Ngāi Tahu have an interest in any new coastal structures given the potential for adverse effects on hydrodynamics and the coastal environment.

5.3.7 Consistency with Whakaraupō Mātaitai provisions

Te Hapū o Ngāti Wheke lodged the Whakaraupō Mātaitai application with the Minister for Primary Industries in April 2014. As described in Section 4.2 and shown in Map 1, the application covers the inner two thirds of the Harbour, excluding the inner harbour part of the port operational area, and an area around the Diamond Harbour wharf, but including the coastal waters up to Cashin Quay and in Te Awaparahi Bay.

While not an adverse effect per se, the location of commercial fishing berthing within the new layout of the port in the Port Lyttelton Plan requires clarification. Commercial fishing is not allowed in a Mātaitai Reserve (regulation 24(2) of the Fisheries (South Island Customary Fishing) Regulations 1999) and this includes unloading of fish from commercial vessels due to the definition of fishing under section 2 of the Fisheries Act 1996.

5.4 Protecting Ngāi Tahu values requires a whole harbour integrated management approach

The 7 issues described above reflect Ngāi Tahu concerns about the protection of the harbour as a cultural landscape and a mahinga kai of utmost importance. Consistent with the principle of Ki Uta Ki Tai, the primary interest for Ngāi Tahu is addressing harbour health at a catchment level – with all interests and addressing all sources of impact. For example, Manawhenua note that while the port will improve their stormwater treatment infrastructure during the rebuild, stormwater from Lyttelton (of which the city council is responsible for) will continue to be piped under the port and into the harbour.

There is an urgent need to bring all harbour interests together to collectively look at issues affecting the health of the harbour in an integrated, comprehensive and collective manner. Ngāi Tahu believe that the Port Recovery Plan presents an opportunity to do this.

“The problem belongs to us all, and we need to collectively find solutions that will last generations”. – June Swindells, Te Hapū o Ngāti Wheke.

“Coastal water quality is our bottom line as kaitiaki. Everything else falls into place if we protect water quality the harbour.” Kopa Lee, Te Hapū o Ngāti Wheke.

Table 2: Summary of areas of concern and potential adverse effects

| Area of concern | Potential adverse effects |
|-------------------------------|--|
| Proposed reclamation | <p>Enabling this capital works project under a Recovery Plan may result in a reduced ability to control adverse effects on harbour health and mahinga kai values.</p> <p>Direct loss of coastal space and therefore mahinga kai habitat values in Te Awaparahi Bay.</p> <p>Potential effects on mahinga kai species as a result of changes to tidal currents and waves, and therefore nutrient transport and turbidity.</p> <p>Potential indirect effects on mahinga kai species as a result of changes to tidal currents and wave energy and how this may influence sediment retention in upper harbour habitat areas.</p> <p>Visual effects on the harbour landscape as a result of the loss of coastal space and increased industrialisation of the area.</p> |
| Bulk fuel berth | <p>An outer harbour berth would reduce the ability to contain a fuel/oil spill, and an unconfined spill would have significant effects on coastal water quality and mahinga kai.</p> |
| Managing construction effects | <p>Construction activities associated with the rebuild of port infrastructure can have direct effects on harbour water quality, archaeological values, fisheries, marine mammals and other values if not managed appropriately.</p> |
| Increased traffic | <p>An increase in heavy traffic volumes associated with port growth may have effects on existing infrastructure and the community.</p> |
| Biosecurity | <p>Larger ships with higher volumes of ballast, and a new container terminal exposed to the outer harbour may increase the risk of non indigenous marine organisms entering the harbour. Marine pests have the potential for significant effects on harbour health and mahinga kai.</p> |
| Cruise ship berth | <p>Removal of the Eastern Mole may reduce the ability to contain inner harbour contaminations such as a fuel spill. If a new wharf is required for an outer harbour option, this new coastal structure has the potential influence hydrodynamics.</p> |
| Mātaimai provisions | <p>The unloading of commercial fishing vessels at the proposed new terminal at Te Awaparahi Bay would be inconsistent with provisions of the proposed Whakaraupō Mātaimai Reserve.</p> |

SECTION 6 RECOMMENDATIONS

This section of the CIA provides recommendations to address the issues raised in Section 5. The recommendations provide direction for establishing a framework for assessment and decision-making that reflects Ngāi Tahu values, cultural well-being and use of the harbour and is consistent with achieving the following key outcomes identified by manawhenua:

- Improvements in water quality and a net gain in mahinga kai values, consistent with the long term vision of manawhenua to protect and restore the cultural health of Whakaraupō, mō tātou, ā, mō kā uri ā muri ake nei.
- Appropriate statutory decision making framework and level of control over the proposed Te Awaparahi reclamation.
- Improved certainty as to the potential effects of port structures on marine hydrodynamics, and therefore sedimentation in the upper harbour and mahinga kai.
- The enabling of an integrated whole harbour approach to harbour health and management, based on a clear vision of the harbour as a mahinga kai and community food basket.
- Effective and robust working relationships between Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourāata, Te Rūnanga o Ngāi Tahu, LPC and Environment Canterbury throughout the development and implementation of the Port Recovery Plan, and beyond.

The 22 Recommendations below are generally ordered around the three parts of the Port Lyttelton Plan: Thriving Port, Connecting the with Community, and Healthy Harbour.

THRIVING PORT

Reclamation in Te Awaparahi Bay

Ngāi Tahu have significant concerns about identifying the proposed reclamation at Te Awaparahi Bay as earthquake recovery, and the ability of a Recovery Plan process to provide the certainty required with regard to potential effects on harbour health and Ngāi Tahu values. This is a major new long-term capital works project with the potential for significant direct and indirect adverse effects. The activity requires an assessment and decision making framework that balances port requirements with harbour health and value of the harbour as a Ngāi Tahu cultural landscape and mahinga kai, and provides both parties with the certainty required to achieve their respective aspirations for the harbour

If the Minister determines that the Te Awaparahi Bay reclamation is to be included in the Port Recovery Plan, then the following recommendations apply:

1. **The level of control over the reclamation activity in the Regional Coastal Plan must be no less than afforded by a discretionary activity status, and Ngāi Tahu must be actively involved in the consenting process.** This recognises that the activity may or may not be appropriate depending on the effects of the activity on harbour health and Ngāi Tahu values.
2. **The assessment framework for resource consents associated with the proposed reclamation must explicitly reflect Ngāi Tahu values, cultural well-being and use of the harbour as these relate to harbour health and the long term vision of manawhenua to protect and restore the mahinga kai values of Whakaraupō.**
3. **Ngāi Tahu will seek the following outcomes from the resource consent process for the proposed reclamation:**
 - a) Certainty that proposed reclamation will not redirect or obstruct flow in the harbour to the extent that it could result in sedimentation of the upper harbour and/or indirect adverse effects on mahinga kai.
 - b) Offsetting of mahinga kai habitat loss at the reclamation site through support and funding for habitat enhancement in other areas of the harbour, or whole harbour water quality or mahinga kai habitat enhancement initiatives.
 - c) Reclamation design that reflects the value and use of Whakaraupō as a mahinga kai (i.e. naturalise the reclamation to the landscape, recreate habitat along the edges of the structure, etc.), and the ability of Te Rūnanga o Ngāi Tahu to sign off on this design.
 - d) No further structures (e.g. breakwater) beyond the existing reclamation envelope presented in the Port Lyttelton Plan.
 - e) Certainty that construction of the proposed reclamation will not result in sediment or construction materials entering Koukourārata.
 - f) A long term monitoring programme that has a clear mahinga kai component.

Update to CIA - October 14, 2014

- g) Relocation of mahinga kai species from the proposed reclamation site to another site within the harbour.
4. **Ngāi Tahu seek to have a discussion with LPC about reconfiguring the proposed Te Awaparahi reclamation to follow the seaward line of the existing Cashin Quay, not including the Cashin Quay breakwater.** This may also include discussing the feasibility of removing the Cashin Quay breakwater if the next generation of larger ships eliminate the need for this structure.
5. **Resource consent application(s) for the proposed reclamation must be publicly notified, as this is a major capital works project that will occur alongside our communities.**

6. Further investigation and discussion is required to understand the complexities of marine hydrodynamics in Whakaraupō, and the relationship between port structures and sedimentation in the harbour, and therefore the potential indirect effects of the proposed reclamation on mahinga kai. This may include:²²

- a) Further sediment core sampling,
- b) Sediment pathway analysis in the upper harbour, to complement outer and central harbour work,
- c) Review of science investigation and monitoring for Whakaraupō that relates to sedimentation, kaimoana habitat and health, water quality and sediment transport,
- d) Review of whānau knowledge about specific mahinga kai areas and species, and how these may be affected by changes in tidal currents and sedimentation.

Update to CIA - October 15, 2014

The results of hydrodynamic modeling were presented to Ngāi Tahu on October 13, 2014. Following this Hui, Ngāi Tahu identified the following information requirements:

- a) Core sampling in the upper harbour, to improve understandings of sedimentation change over time.
- b) Running a scenario through the hydrodynamic model that does not include the Naval Point breakwater owned by Christchurch City Council, and the Cashin Quay breakwater.
- c) Discussion about what the model shows about to effects on Diamond Harbour and Pūrau.
- d) Clarification on the extent of dredging, the dredging that is considered capital dredging vs. dredging to be included in the Recovery Plan, and how the different dredging activities are factored into modeling.

7. An independent analysis of LPC marine hydrodynamic modeling is required, with matters of interest to Ngāi Tahu informing this analysis. At this time of writing this CIA, Ngāi Tahu is having the conversation with Environment Canterbury about a shared agreement on an appropriate external expert for peer review.

Re-instatement of damaged existing port infrastructure

8. Ngāi Tahu support the reinstatement of existing earthquake damaged infrastructure as permitted activities (i.e. do not need consent) provided that:

²² These information requirements were identified at the Sedimentation Hui held on July 27, 2014.

- a) The effects are no more than existing structures, while allowing for environmental improvement; and
- b) Reinstatement results in improvements to the environmental performance of the infrastructure to minimise the impact of the port on coastal water quality; and
- c) Construction effects are managed by a Construction Environmental Management Plan (CEMP); and
- d) Ngāi Tahu issues and management actions around erosion, contaminants, storm water management, marine mammals, customary fisheries and archaeological values are recognised and provided for in the CEMP.

Bulk fuel berth

- 9. The bulk fuel berth should remain in the Inner Harbour so that in event of a spill, the contaminants can be contained.**
- 10. If the Eastern Mole is removed to facilitate the Inner Harbour cruise berth option, then another plan must be in place to ensure that the accidental spill of fuel or oil is able to be contained within the inner harbour.**

Cruise ship berth

- 11. Any new infrastructure to enable the Outer Harbour cruise ship berth option must require resource consent.** The level of control over the activity must be no less than afforded by a discretionary activity status, Ngāi Tahu must be involved in the consenting process, and the consent must be publicly notified.

Commercial fishing vessels

- 12. Further discussions are required with LPC to determine if the new infrastructure in Te Awaparahi Bay will be used as berthing areas for commercial fishing vessels, as this activity is incompatible with the regulations governing the proposed Whakaraupō Mātaitai.**

Traffic

- 13. The effects of increased traffic associated with port recovery and expansion must be addressed as a matter of priority, given concerns about the ability of existing infrastructure to cope with increased volumes of traffic.**
- 14. A collective effort is required to ensure that Sumner Road is re-opened.**

CONNECTING WITH THE COMMUNITY

Developing Dampier Bay – connecting with the community

- 15. Planning for Dampier Bay as an ‘engaging and vibrant water front’ must include an assessment of Ngāi Tahu cultural landscape values to identify opportunities to recognise the relationship of Rāpaki Ngāi Tahu to Whakaraupō and the Lyttelton area.²³**
- 16. Ngāi Tahu and LPC should have a conversation about the provision of a Ngāi Tahu name as an alternative to using ‘Dampier Bay’ for the inner harbour.**
- 17. Any conversations around the naming of places in Whakaraupō must involve Te Hapū o Ngāti Wheke.**

HEALTHY HARBOUR

What does a healthy harbour look like for Ngāi Tahu? It is a harbour with an abundance and diversity of mahinga kai resources for Ngāi Tahu and the community, and where port activities and catchment land use are managed to ensure coastal water quality and the harbour environment are consistent with this objective. It is a harbour that supports safe and healthy mahinga kai that enables manawhenua to provide for their own use, and exercise the cultural tradition of manaakitanga, providing local kai (food) for manuhiri (guests).

Lyttelton Port Company as an environmental port

- 18. Ngāi Tahu encourage LPC to seek to be a world leader in sustainable port operations, demonstrating how a port can contribute to a healthy harbour.**

Integrated catchment management plan

- 19. The Port Recovery Plan should enable the preparation of an Integrated Whole Harbour/Catchment Management Plan within a community based collaborative process.²⁴** A significant amount of work is required to determine the appropriate model for this, but the Recovery Plan provides an opportunity to enable this plan and address the long term requirements for a safe, healthy harbour that is a port and a mahinga kai.

The plan should include, but is not limited to, the following provisions:

- a) Clear vision to protect and restore Whakaraupō as a “community food basket”;

²³ Policy WH6.7 (a) in the Mahaanui IMP 2013 sets out the need to recognise the relationship between tangata whenua and the Lyttelton area during rebuild and recovery. Policy WH9.2 identifies the use of physical markers on the landscape (e.g. pou whenua, artwork) that reflect the historical and contemporary associations of Ngāi Tahu to particular places.

²⁴ Policy WH1.4 in the Mahaanui IMP - Restoring the cultural health of Whakaraupō requires a holistic, whole-harbour approach, recognising the cumulative effects of all activities and requiring collaboration and integration of efforts between local authorities, Ngāi Tahu, the community and other agencies.

- b) Integrated and comprehensive monitoring programme for sediment accumulation, turbidity, and fisheries;
- c) Restorative measures in the catchment, including wetland restoration at Head of the Harbour;
- d) Kaimoana enhancement programmes;
- e) Improved stormwater treatment and management (e.g. Lyttelton community);
- f) Wastewater removal programme;
- g) A robust science and monitoring programme to understand and respond to key issues.

Addressing existing sedimentation issues

20. The Port Recovery Plan should include policy or rules to enable dredging of the upper harbour by LPC, for the purposes of mahinga kai habitat restoration, subject to full scientific investigation and agreement between LPC and Ngāi Tahu on key issues such as location, extent, depth, effects on mahinga kai, and disposal of dredged material.

Biosecurity

21. LPC to ensure that the increased biosecurity risk associated with larger ships, and the berthing of larger ships at the proposed new container terminal at Te Awaparahi Bay (which is in more open waters), is recognised and provided for in effects assessments.

SECTION 7 WHERE TO FROM HERE?

This CIA is one of a number of technical reports prepared for Lyttelton Port Company to support the engagement and effects assessment process supporting the Port Lyttelton Plan. The CIA is a working document, flagging key issues based on information to date, and setting the foundations for ongoing engagement in this space. Aligning the long term vision of the port with manawhenua aspirations for Whakaraupō is fundamental to enabling port recovery in a manner that reflects the value of the harbour as both a mahinga kai and a port.

It is anticipated that LPC and Ngāi Tahu will meet to discuss this CIA, and how the issues and recommendations will influence the final information package LPC provides to Environment Canterbury. It is also anticipated that this CIA will be followed by a workshop with LPC and

Ngāi Tahu to present and discuss the results of technical assessments, particularly effects assessments pertaining to hydrodynamics and marine ecology. It is noted that the outcomes of this process may result in changes to the CIA.

Update to CIA - October 15, 2014

The results of hydrodynamic modeling and marine ecology assessments were presented to Ngāi Tahu on October 13, 2014. Updates to the CIA in response to this Hui are included in the relevant section in grey text.



Photo: The maunga Te Poho o Tamatea and Rāpaki.

GLOSSARY

| | |
|--|---|
| Kāinga | Home, village, settlement |
| Kaimoana | Seafood |
| Ki Uta Ki Tai | From the mountains to the sea |
| Mana | Respect, dignity, influence |
| Manaaki | To take care of |
| Manaakitanga | Hospitality, kindness |
| Manuhiri | Visitors |
| Mātauranga | Knowledge |
| Mauri | The essential life force of all things, spiritual essence |
| Mō tātou, ā, mō kā uri ā muri ake nei | For us and our children after us |
| Pā | Fortified settlement site |
| Pou whenua | Carved posts |
| Rangatiratanga | Chieftanship; self-determination |
| Tūpuna | Ancestors |
| Wāhi taonga | Places and things that are treasured and valued |
| Whānau | Family |

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APPENDICES

APPENDIX 1 Port Lyttelton Plan Joint Statement

APPENDIX 2 Jolly, D., with Te Hapū o Ngāti Wheke, June 2014. Recognising and providing for Ngāi Tahu values in the proposed Lyttelton Port Company Construction Environmental Management Plan (CEMP)

HEALTHY HARBOUR

WORKING TOGETHER

Whakaraupō is of immense cultural significance to Ngāi Tahu. Tangata Whenua associations with Whakaraupō extend over many centuries, and include three major streams of Māori – Waitaha, Ngāti Mamoe and in later generations, Ngāi Tahu. The rich resources of the harbour brought Māori to settle in this area, and today the harbour remains highly valued for mahinga kai. The mana moana (traditional authority) of Rāpaki Ngāi Tahu over this special place is inherited from the ancestors.

Just as the harbour drew Ngāi Tahu to settle in this place, its attractiveness as a port was recognised by 1849, with the first four ships of immigrants to the Canterbury settlement following shortly thereafter. Whakaraupō is now the largest deep water port in the South Island, providing significant economic benefit for the community and the region.

Lyttelton Port Company (LPC) and Te Hapū o Ngāti Wheke share a long term interest in the future of Whakaraupō. We place a high level of importance on working together to fulfil our common responsibility as custodians and kaitiaki of the harbour.

We are committed to strengthening the partnership that already exists between us, and to enable future generations to realise the benefits of this partnership through the protection of Whakaraupō and its ability to provide for cultural, social and economic well-being.

LPC is entering a critical phase of port recovery and development. The Port Lyttelton Plan sets out the long term plans for the rebuild and expansion of the port. Our ability to work together to promote and protect the unique value of Whakaraupō as both a mahinga kai and a working port is critical to the success of these endeavours.



June Swindells
Chair, Te Hapū o Ngāti Wheke



Peter Davie
Chief Executive, Port of Lyttelton

APPENDIX 2 - Recognising and providing for Ngāi Tahu values in the proposed Lyttelton Port Company Construction Environmental Management Plan (CEMP)

Recognising and providing for Ngāi Tahu values in the proposed Lyttelton Port Company Construction Environmental Management Plan (CEMP)



Prepared for: Lyttelton Port Company

Prepared by: Dyanna Jolly (Witaskēwin), on behalf of Te Rūnanga o Ngāti Wheke (Rāpaki)

June 2014

Cover image: View of Rāpaki and Whakaraupō. Photo credit: Donald Couch.

Report prepared by:

Dyanna Jolly (Wītaskēwin). PO Box 69211 Lincoln 7640



WĪTASKĒWIN

This report was approved by the Manawhenua Advisory Group, on behalf of Te Hapū o Ngāti Wheke, on June 18th, 2014.

Disclaimer

The report does not constitute a Cultural Impact Assessment for the range of works associated with the repair and reconstruction of port infrastructure, or the planned extension of the port beyond its current boundaries. The information in this report pertains to managing the effects of construction activities generally on Ngāi Tahu values and interests, for the purposes preparing a Construction Environmental Management Plan.

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1 Introduction

Due to the anticipated scale and volume of construction activities at the Port associated with earthquake reinstatement and development, Lyttelton Port Company (LPC) is preparing a Construction Environmental Management Plan (CEMP). The purpose of the CEMP is to ensure that the environmental effects of construction are managed in a consistent and effective way.

All contractors working for LPC will have to prepare individual construction environmental management plans for specific construction projects, The LPC umbrella Plan will provide the templates, monitoring and reporting standards to enabling contractors to identify the environment effects of specific activities (e.g. piling, road works, seawall repair, building works, dewatering), the performance standards expected by LPC, and the appropriate mitigation measures and management actions to address specific environmental effects.

An important part of this process is to ensure that the CEMP recognises and provides for Ngāi Tahu values. LPC places a high level of importance on working with Te Hapū o Ngāti Wheke (Rāpaki) on matters which may affect the relationship of tangata whenua and their culture and traditions with ancestral lands, water, sites, wāhi tapu and other taonga.¹

LPC has commissioned this report to provide the information necessary to ensure that the CEMP recognises the cultural associations of Ngāti Wheke with the Port and surrounds, and provides guidance to contractors to avoid or mitigate effects of construction activities on tangata whenua values during the reconstruction of the Port's infrastructure.

The CEMP will include a section on Ngāi Tahu associations with the Port and surrounds (based on Section 4 of this report). The potential effects on Ngāi Tahu values, and management actions to address these, will be woven throughout relevant sections of the CEMP rather than included as a stand alone report.

1.2 Manawhenua and Manamoana

Te Hapū o Ngāti Wheke (Rāpaki) is the Ngāi Tahu Papatipu Rūnanga representing the tangata whenua who hold mana whenua and mana moana over Whakaraupō. The takiwā of Te Hapū o Ngāti Wheke is defined in the Te Rūnanga o Ngāi Tahu (Declaration of Membership Order) 2001 and the Port Cooper Deed as centering on Rāpaki and including the catchment of Whakaraupō and Te Kaituna.

The Te Rūnanga o Ngāi Tahu (TRoNT) Act and the Ngāi Tahu Claims Settlement Act (NTCSA) 1998 give recognition to the status of Papatipu Rūnanga as kaitiaki, manawhenua and rangatira of the natural resources within their takiwā boundaries. Notwithstanding the relevant provisions of the Te Rūnanga o Ngāi Tahu Act 1996, it is established practice for resource management matters that the kaitiaki status of the Papatipu Rūnanga is supported and enabled by Te Rūnanga o Ngāi Tahu.

¹ LPC Environmental Policy, as per DRAFT CEMP (Tonkin and Taylor, March 2014).

2 Purpose of this report

The purpose of this report is to enable the CEMP to recognise and provide for Ngāi Tahu values, interests and tikanga by:

1. Identifying Ngāi Tahu values, associations and interests with the Port and surrounds;
2. Identifying and describing the potential effects on Ngāi Tahu values, including archaeological values, as a result of construction activities associated with the repair and reconstruction of port infrastructure.
3. Provision of guidance to avoid or mitigate the effects of construction on these values, including the handling of incidents, reporting and communications.

Note:

In the absence of information about specific construction projects, this report pertains to managing the effects of construction activities generally on Ngāi Tahu values and interests, for the purposes of a CEMP. Further detail may be required once information on specific construction projects is available. Importantly, the report does not constitute a Cultural Impact Assessment for the range of works associated with the repair and reconstruction of port infrastructure, or the planned extension of the port beyond its current boundaries.

3 Methods

The following methods were used to identify the information required for the CEMP:

- a) Review of the *Mahaanui Iwi Management Plan 2013* to identify issues and key policy messages relevant to the CEMP.
- b) Hui with Te Hapū o Ngāti Wheke representatives, to identify issues and ways to address these. This hui was held on April 3, 2104, and focused on answering the following questions:
 - a. *What are the key values we want to include in the CEMP?*
 - b. *What are the environmental/cultural effects of concern are associated with construction activities on Port land?*
 - c. *Are there specific management/mitigation actions required to protect Ngāi Tahu values?*

- c) Liaise with Underground Overground Archaeology to confirm areas of high risk, and cultural monitoring and Accidental Discovery Protocol (ADP) requirements, and therefore align the Archaeological Assessment with the Te Hapū o Ngāti Wheke risk assessment.
- d) Advice from Te Rūnanga o Ngāi Tahu, with regards to the protection of sites of significance (Helen Brown, Senior Environmental Advisor – Heritage, Te Rūnanga o Ngāi Tahu).
- e) Preparation of draft report for review by the Manawhenua Advisory Group² by Te Rūnanga o Ngāi Tahu.
- f) Endorsement of a final report by Te Hapū o Ngāti Wheke.

4 The relationship of Ngai Tahu to Whakaraupō

Note: The CEMP will have a section identifying Ngāti Wheke as manawhenua and the values and associations with the Port and surrounds. The text below is proposed for this section, and is drawn from the Mahaanui IMP 2013, the Lyttelton Master Plan 2012 and contributions from the Manawhenua Advisory Group. The outcomes listed in Section 6 could also be included in the tangata whenua section of the CEMP.

Ngāi Tahu values and associations with the Port and surrounds

Te Hapū o Ngāti Wheke is one of four Ngāi Tahu Papatipu Rūnanga (marae-based communities) situated on Banks Peninsula. The Rūnanga is the representative Ngāti Wheke, the tangata whenua who hold mana whenua and mana moana (traditional authority) over Whakaraupō/Lyttelton Harbour.

Ngāti Wheke are based at Rāpaki. The name Rāpaki recalls the actions of the Ngāi Tahu chief Te Rakiwhakaputa who threw down his rāpaki (waist mat) on shores of Whakaraupō, thus claiming the land for Ngāi Tahu. Te Rakiwhakaputa's son, Wheke, settled at Rāpaki and the hapū became known as Ngāti Wheke.

Whakaraupō is of immense cultural significance to Ngāi Tahu. Associations with Whakaraupō extend over many centuries, and include three major streams of Māori - Waitaha, Ngāti Mamoe and in later generations, Ngāi Tahu. The name of the ridge above Lyttelton – Ō Kete-Upoko - marks a battle that occurred at the beginning of the 18th century, whereby a Ngāi Tahu war party defeated the resident Ngāti Māmoe. The rich resources of the harbour brought Māori to settle in this area, and today the harbour remains highly valued for mahinga kai. These traditions define the relationship between Rāpaki Ngāi Tahu and the harbour.

A fishing kāinga (settlement) known as Ōhinehou was located at the site of present day Lyttelton. The main settlement area centred on the foreshore near the site of the present day Sutton

² A group established by Te Hapū o Ngāti Wheke and Lyttelton Port Company to provide advice LPC during port recovery.

Reserve, extending inland and up towards the tunnel entrance. There was also a small trading market located on the foreshore to the east of the kāinga, at the site of the present day Oxford Street Bridge. Rāpaki Ngāi Tahu traded pioke/rig with other hapū and provided produce to early whalers, settlers and workmen. Trade occurred by sea, and by land-based trails such as the Bridle Path and foreshore track.

The Ngāi Tahu Claims Settlement Act (NTCSA) 1998 recognises the cultural, spiritual, historical and traditional association of Ngāi Tahu to the Whakaraupō coastal marine area as part of the larger Te Tai o Mahaanui/Selwyn - Banks Peninsula Statutory Acknowledgement area. Statutory Acknowledgements are designed to recognise the mana of Ngāi Tahu in relation to a specific areas or sites, and to improve the effectiveness of Ngāi Tahu participation in resource management processes.

Today, Te Hapū o Ngāti Wheke is committed to ensuring that a tangata whenua perspective is brought to wider community issues and projects within the catchment. The *Mahaanui Iwi Management Plan 2013* sets out the Rūnanga's aspirations and policies for Whakaraupō. The restoration of the customary fisheries values of harbour and the protection of sites of significance are key issues in the Plan.

5 Providing for Ngāi Tahu values in the CEMP

Construction activities associated with reinstatement and development of Port infrastructure have the potential to affect tangata whenua values and interests.³ There are four key areas of interest for Te Hapū o Ngāti Wheke:

1. **Archaeological values:** Ngāi Tahu have occupied and gathered resources in and around the Lyttelton area for centuries, and therefore there is a risk of accidental discoveries of material of cultural significance (taonga/treasures) or sites that contain kō iwi tangata (human skeletal remains).
2. **Water quality:** Te Hapū o Ngāti Wheke are working to restore mahinga kai (customary fisheries) values in the harbour, and therefore have an interest in any activity that may affect water quality or mahinga kai habitat.
3. **Appropriate incident management and communication:** As manawhenua and kaitiaki, Ngāti Wheke have a responsibility to ensure appropriate tikanga (protocol) is upheld with regard to incident management and communication.
4. **Fisheries and marine mammals:** The fish and marine mammals that live in Whakaraupō are highly valued by tangata whenua, and some construction activities have the potential to disturb the habitat or behaviour of some species.

³ In the absence of information about specific construction projects, this section identifies issues of interest with regard to construction activities generally on port land.

The sections below identify and qualify risk to these four areas of interest as a result of construction activities. Guidance is provided on performance standards or management actions required to avoid or mitigate the effects on these values.

The *Mahaanui Iwi Management Plan 2013* provides the policy framework for this guidance. The IMP is a planning document prepared by Te Hapū o Ngāti Wheke and five other Ngāi Tahu Papatipu Rūnanga. It identifies natural resource management issues of significance and provides a Ngāi Tahu values-based policy framework to resolve those issues.

5.1 Archaeological values

Construction activities involving earthworks on port land have the potential to disturb material of cultural significance, including sites that contain kō iwi tangata (human skeletal remains). How this potential is managed is dependent on the level of risk identified by tangata whenua and archaeological assessment.

Policy CL3.5 of the *Mahaanui IMP 2013* requires that development of area adjacent to a known site of significance must be considered and monitored for potential effects on unknown additional sites. Existing sites within the port boundaries are indicators of a larger network of Māori land and resource use in the area, highlighting the potential that further evidence could be exposed during works at the port.

As a general rule, an Accidental Discovery Protocol (ADP) is used to manage the potential for unearthing cultural materials in low risk areas. An ADP sets out the steps to be taken in the instance that material that may be of archeological significance is uncovered. In areas identified as high risk, Archaeological Authorities and cultural monitoring are required.⁴

The Historic Places Act 1993 provides protection for both known and unknown sites of significance. The Act defines an archaeological site as any place associated with pre-1900 human activity, where there is material evidence relating to the history of New Zealand. Any person who wishes to destroy, damage or modify the whole or any part of an archaeological site (known or unknown) requires an authority from Heritage New Zealand/Pouhere Taonga⁵ to do so.

Following risk assessments undertaken by Te Hapū o Ngāti Wheke and Underground Overground Archaeology, three areas on port land are identified as High Risk with regard to exposing evidence of historical Māori land use and occupancy. These areas are associated with known sites of significance, including NZAA sites. A description of each High Risk Area and its boundaries is provided below.

⁴ Mahaanui IMP 2013 Issue CL3 Explanation; p.169.

⁵ Formerly the New Zealand Historic Places Trust

High Risk Area 1: Inner harbour foreshore

The foreshore area of the inner harbour is identified as High Risk for exposing Māori archaeological material. This area includes the kāinga Ōhinehou at the western end of inner harbour, and extends along the foreshore to the east. It is also noted that the risk extends north of the port land boundaries.

High Risk Area 1 includes NZAA site M36/229. The site record for this site indicates a small area of midden and intact oven located near the original foreshore, and subsequently the site of the Lyttelton Post Office from 1875. The midden was investigated under authority 2011/263eq, for monitoring of the removal of concrete foundations. Material recovered included shell (paua, mussel, catseye, cockle), sea mammal, fish and bird bone, and a small broken adze. Two features were left in situ under a concrete floor, and additional archaeological deposits are likely to remain along the southern boundary of the section.⁶ The site has high archaeological value due to its rarity and information potential.⁷

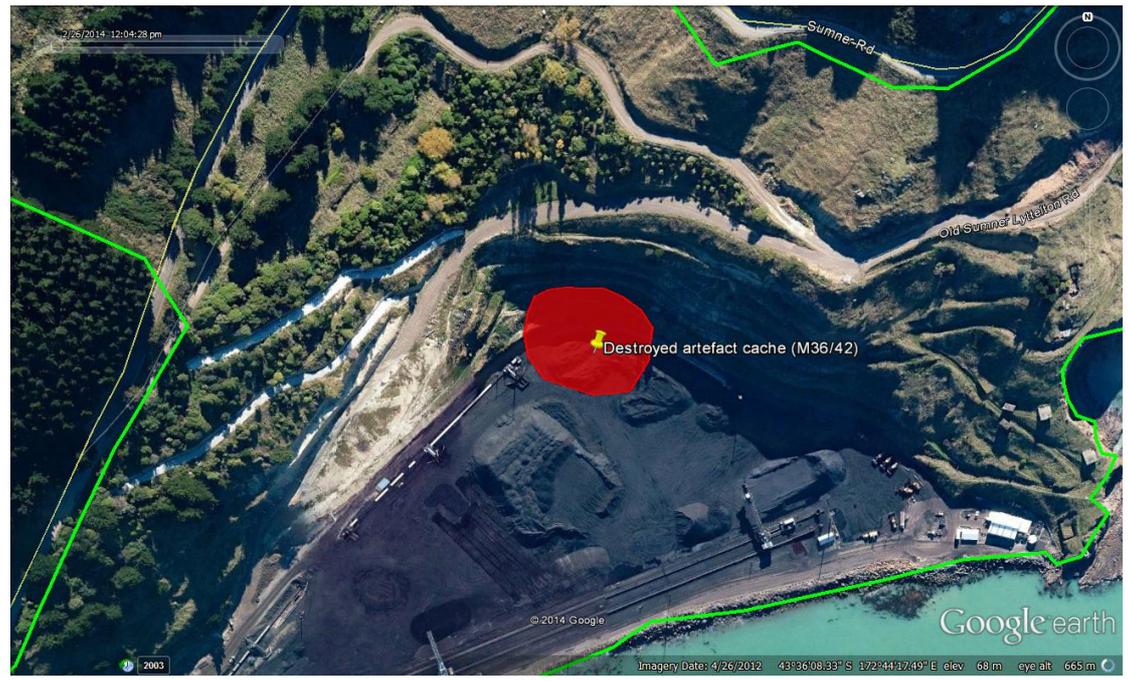


⁶ Draft Archaeological Assessment provided by Underground Overground Archaeology (April 2014), pp. 14-15.

⁷ Ibid, p.14-15.

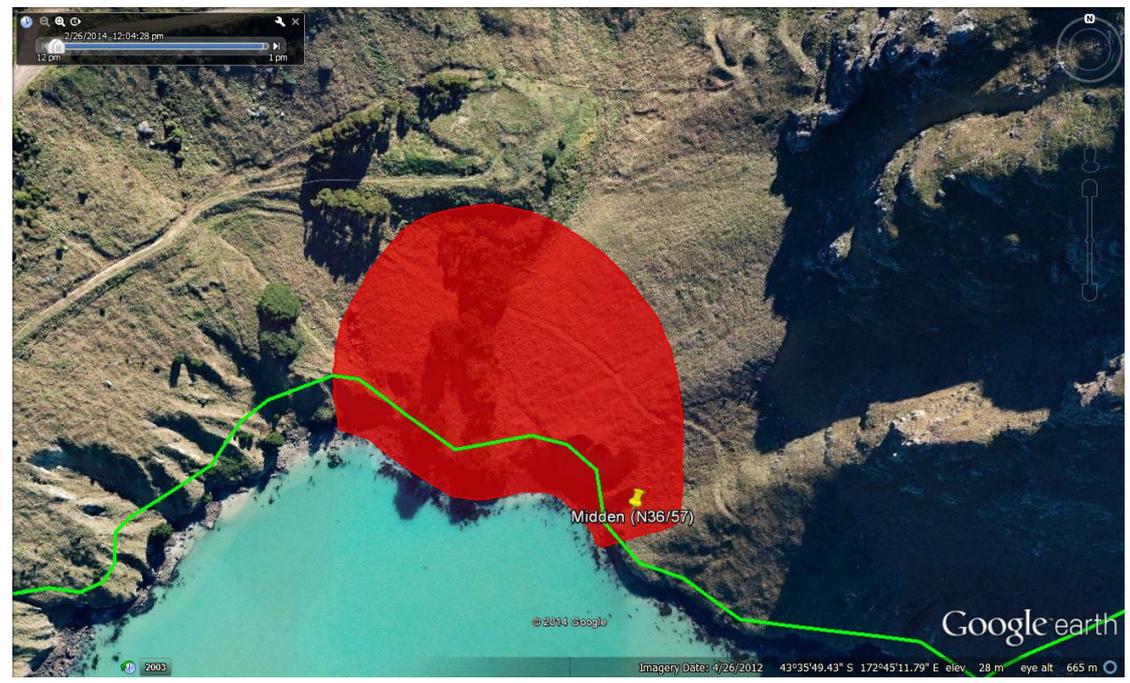
High Risk Area 2: NZAA site M36/42 and surrounds

This area of high risk surrounds NZAA site M36/42, a destroyed artefact cache. The site record for this site notes that a polished nephrite adze and two bone composite fish hook points were found here in 1938. The site is recorded as destroyed by spoil during harbour improvements. While Te Hapū o Ngāti Wheke has some concern about accessibility (and safety) of this site for cultural monitors, the Rūnanga supports the Archaeological Assessment recommendation that the presence of site M36/42 indicates the potential for further archaeological discoveries.



High Risk Area 3: NZAA site N36/57 and surrounds

The third area of high risk is associated with NZAA site N36/57, a coastal midden located on the foreshore below the Gollans Bay quarry. The site record describes the site as thin lenses of charcoal and shell. It was recorded in 1969, and at that time was described as almost destroyed by erosion. The site record also notes that whalers used this bay in the 1830's, and there is a suggestion that this implies the possibility that the midden was deposited by whalers.⁸ The assessment by Te Hapū o Ngāti Wheke suggests likelihood that this site was associated with a mahinga kai area. The area of high risk includes the midden site and surrounds, extending inland to the gully/bush area and slopes.



Archaeological Values - Recommended Management Actions:

1. LPC to obtain a global authority to destroy, damage, or modify an archaeological site, and to prepare an Archaeological Management Plan (this is consistent with the recommendations provided by Underground Overground Archaeology).
2. An Accidental Discovery Protocol (ADP) to apply across port land, for all construction activities involving ground disturbance. An ADP will be provided with the Archaeological Assessment and reflects the ADP provided in the *Mahaanui IMP 2013* (with some revision to reflect work occurring under a global authority).
3. All contractors working in High Risk Areas 1, 2, and 3 are to be made aware of the risk of exposing evidence of historical Māori land use and occupancy, and their legal

⁸ Draft Archaeological Assessment provided by Underground Overground Archaeology (April 2014), p. 16.

responsibilities under the Historic Places Act 1993 with regard to the protection of known and unknown sites of significance.

4. Cultural monitoring may be required for earthworks in High Risk Areas 1, 2, and 3, at the discretion of Te Hapū o Ngāti Wheke. The Rūnanga is to be notified at least 1 month prior to the start of proposed earthworks, and provided details of the nature, scale and duration of the activity. Cultural monitors are assigned by the Rūnanga, and costs are the responsibility of the contractor.
5. Where a cultural monitor is assigned to a site, the role of the monitor is to ensure there is a tikanga (protocol) process connected with construction activity in areas identified as high risk, including:
 - (a) To oversee excavation activity, and record sites or information that may be revealed.
 - (b) To direct tikanga for the retrieval and handling cultural materials in the case of an accidental discovery.
 - (c) To provide karakia (prayer) or whakawātea (clearing the way) before work starts on the first day in a High Risk Area.
6. The CEMP should provide for an adaptive approach to managing risk to sites of significance. It is important that Te Hapū o Ngāti Wheke is able to re-assess risk and update required management actions if conditions change (e.g. the discovery of archaeological material in a low-risk area will likely necessitate a cultural monitor on site for further works).

5.2 Water quality

The potential impact on harbour water quality as a result of long-term construction activity is an environmental and cultural effect of concern for tangata whenua. Te Hapū o Ngāti Wheke seek to have water quality in Whakaraupō consistent with protecting customary fisheries and enabling customary use. For the purposes of the CEMP, this means managing the potential for contaminants entering coastal waters as result of construction activities on port land.

A number of general policies in the Mahaanui IMP are relevant to this discussion:

Policy WH1.2 requires that all activities are assessed for consistency with managing Whakaraupō as a mahinga kai (food gathering area).

Policy WH2.4 (b) requires that port activities avoid contributing to pollution in the outer harbour.

Policy WH2.4 (b) requires that port activities seek to avoid or minimise pollution in the inner harbour.

The IMP also contains specific policies on earthworks and stormwater management, setting out how these activities can be managed to avoid impacts on water quality. The recommended management actions below reflect these policies.

Te Hapū o Ngāti Wheke recognise that environmental conditions in an industrial zone will be different than in the rest of the harbour. However, the environmental footprint of the port extends beyond physical boundaries, and therefore construction activities need to be managed to minimise impacts on water quality in the harbour as a whole. While the inner harbour is relatively contained, construction activities further east create a higher risk to harbour water quality if not managed appropriately. Direct discharges to water should be avoided, and the potential for non point source discharges minimised.

Issues raised by Te Hapū o Ngāti Wheke with regard to long-term construction activities on port land and minimising the effects on water quality are:

- Containment of effects: The effects of construction activities should be contained within the industrial area (i.e. port land and inner harbour).
- Sediment and erosion control: Sedimentation in Whakaraupō is a significant issue of concern for tangata whenua.⁹ Sediment accumulates in kaimoana (shellfish) beds, degrading the quality of the habitat and the resource. Construction activities on land in the marine environment create a risk of increased concentrations of suspended sediment in the harbour waters.
- Contaminated soil management: Some areas of port land may have contaminated soils, and construction activities that expose these soils can pose a risk to water quality, if soils are washed into the harbour during storm events.
- Storm water management: Rūnanga policy is that stormwater should be clean before it enters the harbour (Mahaanui IMP 2013, Policy WH6.4). Stormwater can carry high sediment loads or contaminants, and this can adversely affect water quality.
- Spills or leaks, and the discharge of contaminants to ground or water (i.e. fuel, oil or other contaminants).
- Construction activities that occur in the marine environment (e.g. pile driving) and potential impacts on water quality.

Water Quality - Recommended Management Actions

1. Across all construction activities, ensure appropriate and effective measures are in place to avoid the discharge of contaminants to water, or to land where contaminants may enter water.
2. Effective erosion and sediment control measures are required to avoid the discharge of sediment to the harbour. This includes but not limited to:

⁹ Mahaanui IMP 2013, Issue WH1 (b).

- (a) Minimising the extent of land cleared and left bare at any given time.
 - (b) Using sediment control systems designed to minimise erosion and contain sediment eroded by water or wind (e.g. buffer zones, silt fences, sediment basins).
 - (c) Ensuring sediment does not enter stormwater system.
3. The CEMP should contain an assessment of risk associated with contaminated soils, and the responses and processes associated with managing the potential for contaminated soil to enter the harbour. This assessment should be drafted in accordance with any recommendations or requirements of ground conditions surveys.
 4. The CEMP should contain a Stormwater Management Plan with effective measures to manage stormwater during construction to avoid contaminated stormwater entering the harbour, given the high sediment loads or contaminants that stormwater may carry.
 5. A spill of fuel, oil or other hazardous substance to water or to land where the contaminants may enter water must be treated as an emergency incident. The risks, responses and processes associated with managing this potential should be outlined in a Spill Management Plan, including the involvement Te Hapū o Ngāti Wheke in incident management. See Recommendation 2 under Section 5.3 (Incident management) below.
 6. Monitoring provisions in the CEMP to include requirements for regular monitoring and effective plans of action if thresholds or limits are exceeded or adverse effects detected. Monitoring programmes should reflect and respond to the protection of harbour water quality and the marine environment generally.
 7. LPC should require all contractors to have contingency plans (including funds) in the event of an uncontrolled or emergency discharge.
 8. LPC should require all contractors to identify risk, and provide a response plan, in the event that construction materials are found in other parts of the harbour (i.e. washing up on shore).

5.3 Incident management and communication processes

Te Hapū o Ngāti Wheke's interest in incident management and communication processes is in response to the need to ensure correct Ngāi Tahu tikanga (protocol) is followed.

Incidents of interest to Te Hapū o Ngāti Wheke are:

- a) Accidental discovery of archaeological material, including kō iwi tangata.
- b) Accidental spill of contaminants to the harbour (e.g. fuel or oil).
- c) Drowning of a worker on the construction site.
- d) Death of a Māori person on the construction site.

Incident Management - Recommended Management Actions

Accidental discoveries

1. In areas where there is a cultural monitor on site (i.e. Areas of High Risk), the cultural monitor will ensure the appropriate care and protection of accidental discoveries, including retrieval and handling consistent with the correct tikanga.
2. In areas where there is no cultural monitor on site (i.e. low risk areas), the ADP will set out the steps to take in the event of an accidental discovery of Māori archaeological material. This includes the requirement for work to cease at the site, and immediate contact with Te Hapū o Ngāti Wheke.

Spills

3. Te Hapū o Ngāti Wheke is to be notified in the event of a spill or leak of oil, fuel or other hazardous substance, to water or to land where contaminants may enter water. The harbour is used for mahinga kai and any spills must be reported so that whānau can be notified.

Fatality

4. Te Hapū o Ngāti Wheke is to be notified in the event of an on-site accident resulting in the death of a Māori person. As manawhenua, Rāpaki Ngāi Tahu are responsible to ensure that correct tikanga is followed in such an event.
5. Te Hapū o Ngāti Wheke is to be notified if a worker drowns in the harbour during construction activities. A death in the water will place the area in a state of tapu (state of being set apart) and require a rāhui (restriction on use) to be applied, preventing the use of the harbour for food-gathering.

5.4 Fisheries and marine mammals

In addition to the avoiding discharges of contaminants to the marine environment, construction activities must be managed to minimise disturbance to fisheries and marine mammals. The fish and marine mammals that live in Whakaraupō are highly valued by Te Hapū o Ngāti Wheke. Marine-based works such as pile driving can generate underwater vibrations and noise that can disturb the habitat or behaviour some species.

Te Hapū o Ngāti Wheke have lodged an application with the Ministry for Primary Industries for an additional Mātaitai Reserve to cover the inner two thirds of the harbour (excluding port land).¹⁰ Mātaitai reserves are established to conserve, protect and restore the customary fisheries resource, and recognise and provide for the special relationship of tangata whenua with

¹⁰ There is already one mātaitai reserve in the harbour. The Rāpaki Mātaitai Reserve was established in 1998. The Reserve was the first Mātaitai in New Zealand.

an area. If the application is successful, construction activities associated with the reconstruction and development of port infrastructure will occur immediately adjacent to a Mātaitai Reserve.

Fisheries and Marine Mammals: Recommended Measures and Management Actions

1. The CEMP to explicitly identify the value of Whakaraupō as a customary fishery and the importance of managing construction activities to recognise and provide for this.
2. The CEMP to include provisions to monitor and manage the potential disturbance to fishes and marine mammals, including the effects of noise and vibration associated with marine-based works.
3. If the Whakaraupō Mātaitai application is successful, then the CEMP should be revised to recognise and provide for this Reserve as located adjacent to port land.

5.5 Other

The impact of long term construction activities on Lyttelton as a community is also noted by Te Hapū o Ngāti Wheke, particularly with regard to dust and noise. It is critical that the Lyttelton community has input into how these effects can be managed over the long-term, to reduce the impacts on community well-being. Dust and noise management plans will be important to minimising any effects on the community.

6 Conclusions

This report is prepared on behalf of Te Hapū o Ngāti Wheke, as the Ngāi Tahu Papatipu Rūnanga representing the tangata whenua who hold mana whenua and mana moana (traditional authority) over Whakaraupō/ Lyttelton Harbour. The report provides information and recommendations to ensure that a CEMP being prepared by LPC recognises and provides for Ngāi Tahu values, interests and tikanga (protocols).

The guidance provided in this report emphasizes a number of outcomes that tangata whenua seek through the preparation of a CEMP:

- Recognition of historical Māori use and occupancy of port land and surrounds, and therefore the potential for accidental finds of cultural/archaeological material.
- Recognition of the importance of Whakaraupō as a mahinga kai (food resource), and the need to manage activities to avoid effects on coastal marine water quality and mahinga kai habitat.

- Containment of the effects of construction activity to port land and the inner harbour (i.e. the industrial area), and specific provisions to manage the increased risk to water quality as a result of construction activities to the east of the inner harbour.
- Recognition of Ngāti Wheke, as manawhenua, and the role of Te Hapū o Ngāti Wheke in incident management.

For Te Hapū o Ngāti Wheke, the CEMP is an opportunity for LPC to send a clear message to contractors and the community that the company has a long term and custodial interest in the harbour, by ensuring that performance standards, mitigation measures and management actions are consistent with protecting the harbour and the multiple values that are associated with it.

A final recommendation from Te Hapū o Ngāti Wheke is that LPC reports back to the Manawhenua Advisory Group about how the recommendations in this report are incorporated into the CEMP. The Advisory group was established by Te Hapū o Ngāti Wheke and LPC to facilitate structured and regular interactions, the effective delivery of information and the provision of advice to support port recovery.

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