

CULTURAL IMPACT ASSESSMENT

**Mahitahi Flood Mitigation Works
(Area 1)
For Nelson City Council
18 August 2025**



**Te Rūnanga
o Ngāti Kuia**

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1 CIA SUMMARY

This Cultural Impact Assessment (CIA) guides the Mahitahi Flood Mitigation Works in a way that upholds the values, responsibilities, and tikanga of Ngāti Kuia. Our role as kaitiaki is not only to safeguard what remains, but to restore the mauri, integrity, and intergenerational viability of the awa, whenua, and taonga species.

The Mahitahi is not a drainage channel to be engineered around risk. Mahitahi is wāhi taonga, wāhi tīpuna, ara tawhito, an ancestral pathway that continues to carry the flow of memory, practice, and identity. Ngāti Kuia whānau continue to harvest rongoā and kai from the Mahitahi. The awa remains part of our whakapapa, a site of learning and renewal; it is important both physically and spiritually.

Fragmenting habitat, narrowing the corridor, or severing access may adversely affect the spiritual, ecological, and generational values of Ngāti Kuia within the catchment.

Te Rūnanga o Ngāti Kuia recognises the willingness of Nelson City Council to engage early with iwi. However, the project plan in its current form contains insufficient clarity in certain areas, including the consideration of indigenous planting, access for cultural activities, fish passage, origin of fill and monitoring process.

The CIA process has identified the following recommendations informing practical, measurable mechanisms.

- Ensuring Te Rūnanga o Ngāti Kuia led kaitiaki taiao monitoring is present throughout earthworks, with a pre-start site assessment and full implementation of the Ngāti Kuia Accidental Discovery Protocol.
- Mandating cultural induction for all contractors and subcontractors before works commence.
- Retaining and enhancing access to the awa for mahinga kai, rongoā, and recreation.
- Co-designing an indigenous planting plan that incorporates taonga species, reflecting site-specific and maramataka restoration practices. ([9.2](#))
- Maintain fish passageways, avoiding any potential adverse effects on aquatic habitat.
- Integrating Te Rūnanga Ngāti Kuia into all stages of planning and design, to ensure naturalised flood solutions that restore rather than harden the river, minimising potential adverse effects to the landscape.
- Recognising the Mahitahi as part of Te Rohe Pakohe, with potential for deeper geological disturbance, referring to the Ngāti Kuia Pakohe Management Plan (2015) accordingly.

We offer these recommendations as both protection and invitation, so that decisions made now reflect the aspirations of future generations. A healthy Mahitahi is not only possible; it is essential.

Disclaimer

We have sourced information from various origins to compile this report. Where possible, we have verified that all third-party information is accurate. However, it's not feasible to audit every external report, website, individual, or organisation. If any of the information used proves to be incorrect, we accept no responsibility or liability for it. If, after completing the report, we discover that available information could have changed its conclusions, we may update the report. Nonetheless, we are not obliged to do so.

Te Rūnanga o Ngāti Kuia reserve the right to update this report through the upcoming RMA process.

Cover photo credit: Melissa Banks

2 OUR GOAL IN PREPARING THIS CIA

The purpose of this Cultural Impact Assessment (CIA) is to outline the cultural perspectives, responsibilities, and expectations of Ngāti Kuia concerning the Mahitahi Flood Mitigation Works. As tangata whenua and kaitiaki, Ngāti Kuia have a fundamental obligation to protect the mauri of te taiao and to ensure that tikanga Māori and intergenerational responsibility guide environmental interventions.

This CIA is not merely a procedural requirement; it is a mechanism through which Ngāti Kuia exercise their rangatiratanga and uphold their role as kaitiaki. It provides a culturally grounded framework for evaluating the potential and actual impacts of the proposed works on the Mahitahi River and its surrounding landscape, which are deeply embedded in Ngāti Kuia whakapapa and identity.

Ngāti Kuia assert that the standard for environmental management must extend beyond harm minimisation. The current ecological state of many environments, including the Mahitahi River corridor, reflects cumulative degradation. In this context, restoration is not optional; it is essential. Projects must demonstrate how they will contribute to the regeneration of ecosystems, the revitalisation of relationships with place, and the enhancement of mauri.

2.1 GUIDING PRINCIPLES

This CIA is underpinned by the following principles, which must inform all aspects of project design, implementation, and monitoring:

Restoration: Activities must result in a net improvement to the health and integrity of te taiao, including tangible outcomes for biodiversity, water quality, and cultural landscapes.

Intergenerational Wellbeing: Decisions must be made with future generations in mind, ensuring that they inherit an environment capable of sustaining life, identity, and cultural practice.

Cultural Integrity: Ngāti Kuia values, tikanga, and mātauranga must be embedded throughout the project lifecycle, with meaningful opportunities for iwi involvement in planning, monitoring, and decision-making.

This CIA is intended to support a collaborative and respectful partnership between Ngāti Kuia, Nelson City Council, and project stakeholders. It provides a pathway for culturally informed decision-making and affirms the importance of restoring balance to te taiao in a manner that honours Ngāti Kuia history, rights, and responsibilities.

This document serves as proof that the applicant has consulted with Te Rūnanga o Ngāti Kuia regarding the application and outlines the relationship of the iwi and the degree of effect. This

should not be considered as an affected party approval for the purposes of the Resource Management Act 1991.



Photo credit: Melissa Banks

3 NGĀTI KUIA CONTEXT

3.1 WHAKAPAPA AND ROHE OVERVIEW

Ngāti Kuia are descendants of Matua Hautere, who traced his lineage to Kupe and arrived in Te Taihū o Te Waka a Māui aboard the waka Te Hoiere. Matua Hautere ascended Maunganui from the Te Hoiere (Pelorus River) side to see what was on the other side. While traversing to the top he discovered pakohe (argillite) deposits that he used to create a tūāhu structure at the top of the mountain. Karakia (incantations) were recited, and henceforth the mountain was known as Maungatapu. It became one of the major highways for the Ngāti Kuia travelling from Te Hoiere into

Whakatū. Our rohe, known as Te Kupenga a Kuia, spans across the northern South Island, including Whakatū (Nelson), Te Hoiere (Pelorus), Rangitoto (D'Urville Island), and the Mahitahi River corridor. These places are woven into our whakapapa, carrying the names, stories, and energy of our tīpuna. From the time of Matua Hautere to today, the Mahitahi is intrinsically linked to the core memory of Ngāti Kuia history in Te Taihū.

Te Hora is our marae, nestled beneath Tūtūmāpou maunga, and remains a central place of gathering, ceremony, and connection. With many of our whānau residing in Whakatū, the Whakatū Marae also provides a pace of meeting and connection in the region, and Ngāti Kuia continue to be an important presence at the marae. The Mahitahi River is a whakapapa river; its waters, banks, and surrounding whenua are integral to our ancestral identity and cultural practices.

3.2 Ngāti Kuia worldview

We have coexisted closely with the land and waters of our rohe for mai rānō (as far back as our stories go). Our tīpuna developed customs, practices, stories, and whakataukī that connected us as a people to the patterns, cycles, and health of the natural resources around us. The mahinga kai (harvesting areas), tauranga ika (fishing grounds), and māra (cultivations) across our rohe were abundant, and our tīpuna instilled values and practices to ensure their sustainability for future generations.

We developed sustainable industries based on this knowledge, including working and trading in pakohe, as well as gathering, preparing, and trading resources like harakeke, pounamu, kai moana, and tītī. These activities were grounded in tikanga and passed down through kōrero tuku iho. Ngāti Kuia view the world through Te Ao Māori, a relational and holistic worldview that sees all parts of te taiao (the environment) as interconnected. We descend from Papatūānuku (Earth Mother) and Ranginui (Sky Father), and their children, the atua, are our tuākana (older siblings). As tēina (younger siblings), we carry the responsibility to care for the whenua, wai, ngāhere, and all living beings. These understandings are expressed through the principle of ki uta ki tai, from the mountains to the sea. It reminds us that what happens in the upper catchment impacts the river, estuary, and moana. Our role as kaitiaki is to uphold the mauri (life force) of these systems and ensure balance across physical and spiritual realms.

3.3 Historical Context and Treaty Settlement Significance

Ngāti Kuia have lived in Te Taihū mai rāno, developing sustainable practices and industries based on the resources of the land and waters. Our tīpuna traded pakohe (argillite), harvested kai moana, and cultivated māra, guided by tikanga and mātauranga Māori.

Colonisation brought significant disruption. Land was taken or sold without consent and promises of return and infrastructure were not fulfilled. Our people were displaced, and access to traditional resource areas was restricted. These injustices formed the basis of our Treaty claims.¹

In 2010, Ngāti Kuia signed Te Whakatau, our Deed of Settlement with the Crown, and in 2014, the Ngāti Kuia Claims Settlement Act was enacted.² This Settlement acknowledged our history and provided cultural and commercial redress, including statutory acknowledgements over key waterways and the coastal marine area. These acknowledgements affirm our mana whenua and must be upheld in all environmental decision-making.

The Mahitahi is subject to statutory acknowledgement under the Ngāti Kuia Deed of Settlement (Te Whakatau, 2010) and the Ngāti Kuia–Ngāti Apa ki te Rā Tō–Rangitāne o Wairau Settlement Act (2014). As such, the Crown formally acknowledges Ngāti Kuia as kaitiaki with an enduring statutory association to these waterways.

This statutory status applies to the continuous watercourse and riverbed owned by the Crown, including aquatic and riparian margins. It ensures that decision-makers under the RMA, Pouhere Taonga (Heritage New Zealand), and other authorities must have regard to Ngāti Kuia cultural association in project planning and resource decisions affecting the river system.

3.4 Ngāti Kuia and the Mahitahi

Maungatapu and the Mahitahi River Valley stand as enduring symbols of natural abundance, ancestral connection, and spiritual grounding. For Ngāti Kuia, for generations, this valley has been a vital source of sustenance, shelter, and wairua (spiritual essence).

The valley is renowned for its wealth of pakohe —a prized stone used for crafting tools, weapons, and ornaments. Pakohe was not only valued for its durability and sharpness but also held deep cultural significance, often exchanged in trade and gifted in ceremony. The presence of this stone in the valley made it a strategic and spiritual hub for toolmaking and resource gathering.

Beyond the stone, the valley teemed with life. Manu such as kererū, tūī, and kākā flourished in the forest canopy, providing both food and feathers for adornment. The ika (fish) of the Mahitahi River—tuna (eels), inanga (whitebait), and kōaro—were harvested with care and respect, sustaining communities through the changing seasons.

¹ Waitangi Tribunal. (2008)

² New Zealand Government. (2014)

The valley's plant life and trees offered a bounty of materials: harakeke (flax) for weaving, rongoā (medicinal plants) for healing, and timber for construction and carving. Each species was understood intimately, harvested according to tikanga (customs) that ensured sustainability and reverence.

For Ngāti Kuia, Maungatapu, and the Mahitahi River Valley, the land is not just a provider—it is a living ancestor. The valley holds a spiritual essence that binds people to place through whakapapa.

Maungatapu itself is a maunga tapu (sacred mountain), a sentinel of the valley and a spiritual beacon.

Ceremonies, waiata (songs), and stories tied to this whenua continue to be shared, ensuring that the spiritual relationship with the land remains strong. This connection for the iwi is not static—it evolves, deepens, and is reaffirmed through ongoing connection and cultural practice.

3.5 Our aspirations for te Taiao

Our aspirations are rooted in the intergenerational responsibility to protect, restore, and maintain the integrity of te Taiao.

These aspirations include:

- That efforts actively keep te Taiao in a thriving, healthy, and lasting condition.
 - That the mana and mauri of wai remain vivid and whole, and where they are already damaged, targeted and meaningful restoration is carried out.
 - That the cultural values of Ngāti Kuia, kaitiakitanga, manaakitanga, whanaungatanga, kotahitanga, mana motuhake, and wairuatanga, are preserved, and that our ability to practise our tikanga is not compromised.
- That any proposal involving the use or management of te Taiao provides tangible opportunities for restoration and enhancement, not just mitigation.

4 UNDERSTANDING THE MAHITAHİ PROJECT

The Mahitahi Flood Mitigation Works (Area 1), led by Nelson City Council, aims to reduce increasing flood risks in the Mahitahi catchment caused by climate change, extreme weather events, and urban intensification. The project concentrates on a densely populated section of the river corridor between Hanby Park and Clouston Terrace in Whakatū, an area adjacent to the Mahitahi awa. This waterway holds deep significance for Ngāti Kuia as a whakapapa river and a source of mahinga kai, rongoā, and spiritual sustenance. Mahitahi is also a wāhi taonga, wāhi tīpuna, and ara tawhito. It was a pathway between Te Hoiere and Whakatū. The Mahitahi is a type of ika that our people fished here, and we continue to gather resources and taonga from this place today.³

The proposed infrastructure includes two consenting packages under the revised plan discussed August 8th 2025, These will be referred to as Package 1 and Package 2 per our understanding, for clarity

Upgraded flood walls: New and replacement sections, with wall heights reduced in response to community feedback, for instance, a ~3m structure at Hanby Park was scaled down to a more visually permeable retaining wall. Both Packages have floodwalls proposed.

Major earthworks: Earthworks will now largely be in highly modified land, due to the reduction of the Hanby Park section of the project. Package 1 will now have only minor regrading in highly modified existing stopbank areas, so conditions under this concern relate primarily to Package 2.

Stopbanks: Initially, stopbanks were intended to be created using site-won fill. However, the plan now is to import fill from off-site to compact for raising the stopbanks. Fill will be needed for Package 1 and for fill ramps under Package 2.

Armoured banks and retaining structures: Installation of rock armour, micropiles, and reinforced concrete walls to stabilise slopes and reduce erosion. These will be required under both Packages.

Stormwater infrastructure realignment: Pipes ranging from 300mm to 1600mm in diameter will be repositioned under new structures, with stabilised outlets designed to maintain hydraulic integrity. This will remain exclusively in Package 2.

Clouston Bridge upgrades: Works under and around the bridge span include erosion control, and bank stabilisation. This will be in Package 2.

³ Te Tau Ihu Statutory Acknowledgements (2014)

While these engineering features are designed to improve flood resilience and protect urban infrastructure, they intersect with culturally layered whenua and raise several concerns for Ngāti Kuia.

4.1 LOCATION AND SCOPE

The project footprint sits within an urbanised reach of the Mahitahi awa between **Hanby Park** and **Clouston Terrace**, a zone already under pressure from infrastructure development. Despite its modified appearance, this area is rich in cultural heritage:

Hanby Park lies near recorded wāhi tapu and pā sites (e.g., MS57 and MS58) and is a potential repository for unrecorded wāhi tīpuna known through kōrero tuku iho.

Clouston Terrace, while less intensively disturbed, includes important riparian and aquatic zones affected by the proposed bridge and bank works.

The depth and breadth of excavation, especially in areas away from the immediate riverbank, increases the risk of disturbing previously untouched cultural layers. While the council and Tonkin & Taylor have conducted detailed engineering assessments, including geotechnical and archaeological desk-based reviews, the footprint raises concerns about subsurface disturbance and unrecorded wāhi tapu. Given the altered state of the embankments and the optimistic technical outlook of limited impact, extra caution is necessary. We understand that past river management methods differed from methods used today, and the possibility of discovering new finds in both undisturbed land and previously altered areas remains significant.

4.2 ENGINEERING FEATURES AND CULTURAL RISKS

Although technical design prioritises hydraulic performance and structural integrity, several features pose heightened cultural risk:

- **Excavation in culturally sensitive areas:** Proposed cutbacks may reach unmodified soils where kōiwi, taonga tūturu, or pakohe deposits remain undetected.

- **Disruption to unmodified landforms:** Works that cut into natural slopes risk degrading the mauri of the whenua and severing the physical and spiritual continuity between iwi and the awa.
- **Visual and spiritual disconnection:** High retaining structures and armoured banks could alienate communities from the river, reducing access for cultural practices, karakia, and ritual renewal.
- **Stormwater impacts:** Realignment of major pipes and flow path changes may interfere with the natural hydrology and diminish the mana and mauri of the wai, particularly if design does not align with ki uta ki tai principles.
- While an **Accidental Discovery Protocol (ADP)** is proposed, Te Rūnanga o Ngāti Kuia emphasise that this is a **baseline minimum**. The depth, breadth, and location of the works suggest that **different or further cultural safeguards are appropriate**. These should include pre-construction cultural assessments, Te Rūnanga o Ngāti Kuia-led monitoring during all ground disturbance, and active cultural design input during planning and execution.
- **Fill origin:** At the hui held on August 8th with Tonkin & Taylor and Nelson City Council, revised design plans confirmed that site-won fill will no longer be used in constructing the stopbanks. Te Rūnanga o Ngāti Kuia raise concerns about the source and appropriateness of imported fill. Te Rūnanga o Ngāti Kuia seek involvement in assessing and approving proposed fill sources to ensure acceptability.

5 METHODOLOGY

5.1 ENGAGEMENT WITH NGĀTI KUIA

Te Rūnanga o Ngāti Kuia has been involved in this project since the Te Ohu Taiao Hui on 15 April 2025. After providing some initial feedback on the cultural values and design aspects of the project as it was proposed at that time, Paul Shattock (Manager Community Engagement, Nelson City Council) invited Te Rūnanga o Ngāti Kuia to provide further input through a Cultural Impact Assessment.

Te Rūnanga o Ngāti Kuia received an updated project proposal on 12 June 2025 for review. Te Rūnanga o Ngāti Kuia reviewed the revised documents from the initial hui and participated in a site visit on 17 June with NCC, Tonkin and Taylor, and Ngāti Koata kaimahi. This hui provided a good understanding of the proposal's scope and scale.

Te Rūnanga o Ngāti Kuia submitted a CIA proposal on July 4, which was accepted on July 17. All parties acknowledge the very tight deadline for delivering this report.

Te Rūnanga o Ngāti Kuia received a draft of some significant revisions following ongoing flood mapping through hui with Sara McMillan, Principal Planner, Tonkin & Taylor and Wale Ilori, Project Manager, NCC, on August 8th. All parties agreed to extend the time frame for the CIA submission to August 15 to allow for adjustments based on these revisions.

5.2 VALUES-BASED ASSESSMENT APPROACH.

The values of Ngāti Kuia underpin our methodology for this CIA:

- Whanaungatanga: Nurturing bonds, fostering belonging.
- Manaakitanga: Cultivating generosity, elevating whānau.
- Kotahitanga: United in purpose, stronger together.
- Kaitiakitanga: Guardians of nature, stewards of tomorrow.
- Mana Motuhake: Empowerment unleashed; voices amplified.
- Wairuatanga: Spirit alive, connecting the past and future.

These values reflect our way of being and thinking, guiding how we act towards each other, our taiao, and the wider community. They have also directed the entire CIA process.

5.3 RESEARCH AND INFORMATION GATHERING

Qualitative methods were used to integrate research insights, site-based kōrero, and systematic analysis of the project's risks, components, and approach. This involved reviewing relevant documents, including resource consent assessments, cultural impact assessments, iwi planning documents, court evidence, submissions, Waitangi Tribunal reports, and council planning documents. In addition, in-depth kōrero were held with Ngāti Kuia knowledge holders to understand the relationship with the Mahitahi and inform the CIA's approach. The full list of reviewed sources is included in the references.

5.4 IDENTIFICATION OF VALUES AND RELATIONSHIPS

This assessment begins with the understanding that many values have been diminished by past actions or environmental degradation. Still, there is potential for restoration and reconnection, providing an opportunity to impact these values positively. A key aim of the CIA is to support outcomes that enhance, not just protect, these values. Striving to achieve as many restorative outcomes as possible is an integral part of the CIA process.

All values are important; they often vary in how significant or relevant they are to the project. Assigning a significance ranking values assists Te Rūnanga o Ngāti Kuia in evaluating effects on cultural wellbeing. To assess our value's significance for this project, we:

- Considered all relevant information, including proposals, site characteristics, our priorities, and historical context related to the project area.
- Explored the unique cultural context by reviewing project documents and literature, gaining insights from kōrero with whānau to collect knowledge and lived experiences.
- We assessed the project's impact on our values and explored ways to address these issues through our work with the project.

Ngāti Kuia identified core values fundamental to their cultural wellbeing and connection to the project area. These values were assessed for their current state and significance, considering historical impacts and opportunities for restoration. Significance was considered based on relevance to the project and the extent of potential effects.

The magnitude of effects was rated using a six-level scale (Very High, High, Moderate, Low, Negligible, Positive). Factors considered include confidence in the impact, spatial scale, duration, reversibility, and timing in relation to environmental cycles. We then identified whether further avoidance, remediation, or mitigation is needed.

5.5 LIMITATIONS AND ASSUMPTIONS

This CIA was developed under a tight deadline, which impacted several aspects of the process. The timeframe limited opportunities for deeper kōrero with whānau, restricting the breadth of lived experience and mātauranga able to inform the assessment. At the time of writing, key technical documents were still in development, and elements of the project design remained subject to change.

The CIA assumes that all proposed mitigation and monitoring commitments will be implemented in full. Any deviation from these could alter the nature and scale of cultural impacts. This CIA reflects Te Rūnanga o Ngāti Kuia's best effort to uphold our responsibilities as kaitiaki within the time available. It should be regarded as a living document, open to refinement as new information or design changes arise.



Photo credit: Melissa Banks

6 OUR VALUES

Ngāti Kuia hold a deep and enduring relationship with the Mahitahi and its surrounding catchment. Our values are grounded in whakapapa, tikanga, and mātauranga, and guide how we assess and respond to environmental change. These values are not abstract, they are lived, practiced, and intergenerational. In defining a value, it is important not to diminish its depth; many values are interconnected.

While this section outlines our values relevant to this project, Ngāti Kuia hold enduring, intergenerational responsibilities as kaitiaki of the Mahitahi River and its surrounding catchment, which are not confined to the footprint of a particular infrastructure project, but span Te Taihū, including areas of known and unrecorded significance.

The Mahitahi should not be viewed as an isolated construction zone, but as a living and interconnected ancestral river. The value of ki uta ki tai—from the mountains to the sea—underpins this perspective and reflects the long-held understanding by iwi that all components of a catchment are connected. What happens at a single point on the river inevitably affects the wider system. The CIA therefore affirms the need for an integrated approach ensuring that iwi values, are applied across the length of the river corridor.

Table 1. Ngāti Kuia Values

6.1 PAKOHE	Pakohe (argillite) is a significant taonga to Ngāti Kuia. It was traditionally used for toolmaking and trade and holds deep ancestral and cultural importance. The location, quality, and integrity of pakohe sites are closely tied to Ngāti Kuia's identity and heritage. Although the project footprint for the works lies outside the formally mapped zones of active stone extraction, it remains within Te Rohe Pakohe, a landscape of high cultural importance for Ngāti Kuia as <i>He Iwi Pakohe</i>. The Mahitahi catchment has long been associated with the procurement, working, and exchange of pakohe, a taonga of both spiritual and material value. Ngāti Kuia note that even in modified or urbanised areas, deeper layers may contain culturally significant deposits. ⁴
6.2 TRADITIONAL, CONTEMPORARY, AND ONGOING USE	Traditional, contemporary, and ongoing use of the Mahitahi River also includes rongoā harvesting, mahinga kai, and wānanga-based practice such as <i>tohi</i>. These are not confined to the immediate works area but form part of a wider cultural corridor, from the upper catchment to the bridge zones near Nile Street. Whānau identified a need to acknowledge the role of cultural activities in these areas, including modern expression of ancient practice. Finally, while accidental discovery protocols (ADPs) are a basic requirement, the CIA cautions against overreliance on them in

⁴ Ngāti Kuia Pakohe Management Plan (2015) should be upheld throughout the project to ensure the protection and respectful handling of any pakohe discovered.

	modified environments. Past methodologies may have displaced cultural material metres away from visible features. Given the extent of previous unmonitored ground disturbance, the presence of an on-site cultural monitor should be the minimum standard, not a discretionary addition. Archaeological protections should be strengthened in line with iwi advice, recognising that many wāhi tīpuna remain unrecorded but are well remembered through kōrero tuku iho.
6.3 WĀHI TAONGA AND WĀHI TĪPUNA	Wāhi Tīpuna and Wāhi Taonga highlight places of special significance, referring to different types of historically significant sites, showing our strong connection with our tīpuna and our whenua. These are also values that must be carefully considered in this project and are discussed further below. Wāhi tīpuna and wāhi taonga include: • places where our ancestors lived and experienced their lives • travelling tracks and key transport routes • natural resource collecting areas, both past and present • cultivation clearings and food-producing soils • places where our taonga species thrive • mountains and mountain peaks rivers, wetlands, lakes and forest areas. The Mahitahi is a wāhi taonga, a treasured place intimately tied to the identity, wellbeing, and intergenerational responsibilities of Ngāti Kuia. It is a living ancestor, woven into our pepeha, our karakia, and our tikanga. The awa provides not only ecological resources, but also spiritual sustenance, and it has long served as a space for healing, gathering, reflection, and renewal. Its protection is a matter of cultural survival. The Mahitahi is a landscape layered with ancestral presence. Wāhi tīpuna are not limited to the officially recorded pā sites at MS57 and MS58 near Kākā Hill, although these are significant. The river corridor itself, the surrounding slopes, the terraces and embankments, all hold meaning passed through generations via korero tuku iho. Sites may appear ordinary or altered today but carry deep cultural imprints. Earthworks risk disturbing or severing these layers, both

	materially and spiritually. Safeguarding these values demands recognition, presence, and process. Wāhi tīpuna refers to places of ancestral significance, deeply connected to the lives, practices, and stories of tīpuna. These sites include areas where ancestors lived, travelled, cultivated food, gathered resources, and engaged in cultural practices. They also encompass natural features such as mountains, rivers, wetlands, and forests that hold historical and spiritual importance. Wāhi tīpuna are integral to Ngāti Kuia's identity and culture. Protecting wāhi tīpuna requires careful consideration during project operations.
6.4 PAHI OCCUPATION	Throughout the valley, pahi (temporary shelters) were constructed to support seasonal harvesting. These dwellings were more than mere shelters—they were hubs of activity, learning, and connection. Families would gather in these spaces to work, rest, and pass down knowledge. The rhythm of life in the pahi mirrored the cycles of the land, with each season bringing its own tasks and teachings. These temporary settlements allowed for mobility and responsiveness to the environment, ensuring that resources were gathered respectfully and efficiently. The presence of pahi throughout the valley speaks to a deep understanding of the land and a lifestyle attuned to its offerings.
6.5 ARA TAWHITO	The Mahitahi was, and remains, an ara tawhito—a traditional ancestral travel route linking the people of Te Hoiere and Whakatū. These routes were more than just pathways; they embodied whakapapa, trade, and spirituality. Mahitahi was essential for the movement of people, pakohe, karakia, and kai. Cutting off these routes with infrastructure that hardens, narrows, or restricts access risks disrupting both cultural memory and living practices. Therefore, protection mechanisms must prioritise ongoing access, visible connections, and iwi-led restoration efforts. The ara provides connection not only for human movement but also for tuna, ika, and invertebrates, as the biodiversity within the awa is nomadic and interconnected.

6.6 MAHINGA KAI	Ngāti Kuia maintain an enduring relationship with the Mahitahi as a source of mahinga kai. This involves not only harvesting tuna, inanga, and other native species but also observing the tikanga related to these practices, including knowledge of timing, methods, locations, and preparation. These seasonal rhythms are often guided by the maramataka and are passed down in whānau-specific ways. The authority to restore, observe, and transmit mahinga kai practices remains active and essential. Infrastructure that fragments habitats, limits access, or alters ecological conditions threatens this practice. In contrast, co-designed restoration and fish passage planning provide pathways for regeneration. Supporting and enhancing a healthy, vibrant ecosystem must continue to be a priority. Aotearoa has a diverse population of native fish that all hold significance to Ngāti Kuia. We share whakapapa with ika and have relied on them as a source of sustenance for mai rānō. Ika are important indicator species and depend on a wide range of conditions to thrive. Ika, as a cultural value, encompasses all these conditions along with the practices, stories, and knowledge associated with them. Mahitahi is an old Ngāti Kuia dialect name for inanga, once abundant “...the name refers to this resource and also evokes working together in unity just as the whitebait appear to follow the same path.” (Te Tau Ihu Statutory Acknowledgements, 2014)
6.7 RONGOĀ	Rongoā refers to traditional Māori medicine and healing practices, deeply connected to the natural environment. It involves the use of native plants, trees, and natural resources for physical, spiritual, and emotional healing. Rongoā includes remedies such as herbal infusions, balms, and oils, as well as practices like karakia (prayers) and pure (cleansing rituals). The Mahitahi is also known for its rongoā, resources that sustain both body and wairua. Mahinga rongoā is the gathering of traditional medicines. Working sites for harvesting rongoā, modern and traditional, still exist along its banks.⁵ These are spaces of quiet practice, often maintained through ahikāroa and passed on within whānau. Earthworks that disturb soil profiles or alter microclimates

⁵ Kurahaupō Iwi. (2024)

	risk the viability of these sites. Restoration must involve taonga species, culturally informed planting, and respect for rongoā practices.
6.8 TE MANA O TE WAI	Te Mana o te Wai recognises the authority and sacredness of water itself. It means prioritising the needs of water over human use and respecting its rights to flow, thrive, and connect. This value sits at the centre of freshwater reform and must guide all decision-making. The Mahitahi is not a drainage channel or a risk to be managed; it is a river of whakapapa. Infrastructure works that reshape the land, realign stormwater flows, or create engineered barriers all risk eroding the mana of the river if not handled with care, balance, and respect. Ngāti Kuia continue to exercise their mana motuhake through harvesting, spiritual practice, and restoration efforts along the Mahitahi. Kaitiaki taiao monitoring, design integration, planting of taonga species, and long-term mauri assessments are minimum expressions of our obligations and our rights as kaitiaki.
6.9 CULTURAL LANDSCAPE INTEGRITY	The landscape is not viewed as a collection of isolated features, but as a continuous whakapapa of relationships, activities, history, and mauri. Cultural landscape integrity speaks to the interconnectedness of wāhi tapu, wāhi taonga, mahinga kai, significant places, as well as the relationship our people have with these places, spaces and practices. Any fragmentation, visual intrusion, or ecological degradation affects not only physical elements, but the lived, intergenerational relationship Ngāti Kuia have with place.
6.10 AHIKĀROA	Ahikāroa is the enduring presence of tangata whenua in place, not just through residence, but through continual connection, use, and guardianship. It affirms mana whenua and reflects the active, lived relationship with the whenua and wai. Activities that restrict access, sever intergenerational practice, or displace communities erode ahikāroa and by extension, the authority and wellbeing of the people.
6.11 KI UTA KI TAI	Ki uta ki tai expresses a holistic view where every element in te taiao is part of an interconnected system. What happens in the

headwaters affects the awa, the repo, the wahapū, and eventually the moana. This value reminds us that management and decision-making cannot be siloed. It also highlights the integral importance of connectivity and ecological corridors that are abundant and thriving, from the maunga, right down to the moana.

The Maitai Ecological Restoration Plan outlines strategies to protect and enhance the biodiversity of the Mahitahi River and its riparian corridor. The plan, commissioned by Nelson City Council and prepared by Morphem Environmental Ltd, focuses on ecological restoration over a 10-year timeframe, with detailed actions for the first five years.⁶ The scope of the proposed works is entirely within the Recreational Zone under this plan, and is the portion of the river with the highest percentage of native hardwood forest.

⁶ Morphem Environmental Ltd. (2020).

7 ASSESSMENT OF CULTURAL EFFECTS

This section examines the potential impacts of the proposed flood resilience works on Ngāti Kuia cultural values, referencing site information, engineering documentation and mātauranga Māori. However, adopting a broader perspective that considers the wider context, from ki uta ki tai, ensures that both the spiritual and physical dimensions of Ngāti Kuia's relationship with the Mahitahi is acknowledged and protected, consistent with our values and responsibilities as tangata whenua.

7.1 CULTURAL IMPACT ASSESSMENT FRAMEWORK

The assessment of potential impacts on the cultural values associated with the Mahitahi Flood Mitigation Works followed a process that involved a review of relevant project documents, environmental assessments, cultural reports, and iwi planning documents, as well as engagement with Ngāti Kuia whānau to understand the potential impacts upon the cultural values associated with the proposed change.

The cultural impact assessment is framed by the following six activity areas:

1. Pre-Work Preparation
2. Earthworks
3. In River Activities
4. Stabilisation, Revegetation
5. Traffic Management
6. Long-Term Awa Health

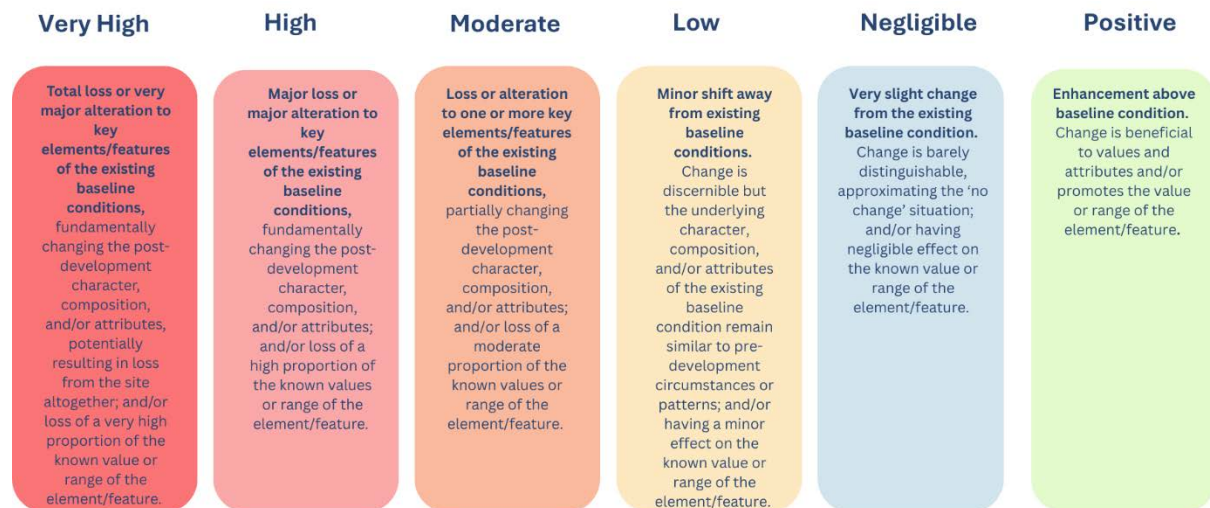
The cultural impact assessment refers to the following cultural values.

Cultural Values: Ngāti Kuia values associated with the site or activity, including wāhi tīpuna, mahinga kai, rongoā, wāhi kainga, Te Mana o te Wai, and others.

Risk to Cultural Values: A rating, using a six-level scale (Very High, High, Moderate, Low, Negligible, Positive) of the activity's potential impact on cultural values, informed by whānau insight and our collective assessment of the likely disruption to these values (See Figure 1. below).

Protection Mechanisms: Recommended actions to uphold, restore, or enhance those values (see further details of recommendations found in Section 7 of this CIA).

Figure 1. Risk Scale



The measures include cultural monitoring, ecological baseline assessments, fish passage maintenance, tailored planting plans, minimised sedimentation, and kaitiaki taiao monitoring. Risks range from low to moderate, with a focus on co-design, ongoing iwi involvement, and practical mitigation actions such as erosion control, contractor induction, and ensuring visual access to the awa.

Section 8 refers to the proposed integration of cultural values throughout all stages of flood resilience implementation.

8 IMPACTS ON CULTURAL VALUES

The tables below (8.1 to 8.6) summarise the cultural values, risks to the values, and the proposed restoration mechanisms. The risks are colour-coded as referenced in the Risk Scale; active links will take the reader to Section 9, where a full description of the proposed condition is explained. There are also links to Ngāti Kuia values, which were expanded upon in Table 1. Section 6 of this document.

8.1 PRE-WORK PREPARATION

Cultural Value	Risk	Restoration Mechanism
Wāhi Taonga/Tīpuna	a. Contractors' misunderstanding of the potential and actual findings of taonga. b. Misunderstanding of the Mahitahi as taonga, being wāhi Tīpuna	i. Cultural education for potential findings, taonga and cultural values of the Mahitahi as tīpuna (6.3) through enabling kaitiaki taiao monitoring, cultural induction, Accidental Discovery Protocol (C.1 . and C.2)
Ara tawhito	a. Second consenting package risk to increase in time of awa continuity being interrupted. b. Budgeting and timing risks as outlined in ID2, 3, 4 T&T Risk and Opportunity Register	i. The opportunities presented by a staged consented process must be explored. (9.6) ii. Consideration to timing of the two consents to reduce the overall time in interruption of the ara tawhito (6.5). The risk of delay, particularly on the second package, to be acknowledged by contingency plan if risk identified.
Mahinga kai Rongoā harvesting (modern and traditional)	a. Loss through vegetation clearance b. Restrictions on access for harvest	i. Careful planning to ensure vegetation clearance is minimal, necessary, avoiding native taonga species (9.2). ii. Plan to retain access to the awa for harvesting rongoā (6.7), mahinga kai (6.6), and recreation (C.10)
Te Mana o te Wai	a. Risks to the ongoing health of the awa	i. Ecology assessment to be followed to ensure in-stream values and Te Mana o Te Wai (6.8) are upheld in defining the appropriate flow level for works. (C.6)

8.2 EARTHWORK ACTIVITIES

Cultural Value	Risk	Restoration Mechanism
Wāhi Taonga	a. Potential and actual findings of taonga, kōiwi etc b. Accidental damage to the awa (spills, sediment, unpredictable weather or intervention)	i. Ensure all contractors are inducted by mandated kaitiaki taiao monitor to ensure understanding of Wāhi taonga (6.3), in communication with site manager and contractors (C.1 and C.2.) ii. Ensure earthworks intervention is reduced where possible. (9.3) iii. Precautionary approach - emergency procedures in place for low likelihood, high impact events. (C.3.)
Ara Tawhito	a. Loss of Access	i. Notification process to alert the community of loss of access to the ara tawhito (6.5) (C.10)
	a. Clouston Bridge unknowns (as per ID5 T&T Risk and Opportunity Register p.101.)	i. Timely, updated information shared with Te Rūnanga o Ngāti Kuia regarding the Clouston Bridge strengthening between consenting packages, including WSP engineering assessment (ID5 T&T p.101.)
Mahinga kai	a. Fish, tuna, and instream habitat at risk due to sediment and diversion.	i. ESCP to be reviewed by Te Rūnanga o Ngāti Kuia (C.5) ii. Ecological reporting /baseline monitoring informing protection of habitats for mahinga kai (6.6) and other instream life.
Rongoā harvesting (modern and traditional)	a. Loss of Rongoā due to vegetation clearance prior to earthworks b. Restrictions on access during works	i. Careful planning to ensure vegetation clearance is minimal, necessary, preventing adverse effects on native taonga species and the habitat (9.2). ii. Retain access to the awa for harvesting rongoā (6.7), mahinga kai (6.6), and recreation, where possible (C.10.)
Te Mana o te Wai	a. Risk of contamination from offsite fill material to stopbanks	i. Ecological monitoring during earthworks intervals, to ensure Te Mana o te Wai (6.8) agreed-upon triggers for effective and timely communication, allowing for intervention within this framework (9.4) ii. Stop bank fill material brought in from offsite must undergo geotechnical and contaminant testing. Data findings to be communicated with Te Rūnanga o Ngāti Kuia in a timely manner prior to implementation.

8.3 IN RIVER ACTIVITIES

Cultural Value	Risk	Restoration Mechanism
Wāhi Taonga	a. Potential and actual findings of taonga, kōiwi etc.	i. Enact kaitiaki taiao monitoring and cultural induction to ensure understanding of Wāhi Taonga (6.3) , and Accidental Discovery Protocol (C.1 and C.2).
Mahinga kai	a. Risk to fish, tuna and instream habitat due to sediment and diversion from Earthworks b. Loss of access for harvest	i. Retain fish passageways and ensure health of the awa remains viable for instream inhabitants with reference to the ESCP, ecology assessment and carefully planned works (9.4.) ii. eDNA and/or ecological fish survey prior to any diversions. We recommend engaging with Te Rūnanga o Ngāti Kuia for cultural health indicator monitoring (9.4) iii. Works to be timed to ensure access to other locations along the awa for harvest of mahinga kai, (6.6) ongoing.
Rongoā harvesting (modern and traditional)	a. Loss of access for harvest	i. Timely notification to alert the community of any restriction to access for the purposes of rongoā harvest, including other cultural activities. (6.7) (C.10.)
Te Mana o te Wai	a. Sedimentation b. Riverbed disturbance c. Habitat health d. <u>Silt trap functionality</u>	i. Retain access to the awa for harvesting rongoā, mahinga kai, and recreation, including timely communication with whānau and community. ii. Te Rūnanga o Ngāti Kuia review of the ESCP (C.5) iii. Kaitiaki taiao to ensure silt traps remain in place with no failure. iv. Independent ecological monitoring with agreed-upon triggers for intervention to ensure Te Mana o te Wai. (6.8) (9.4)

8.4 STABILISATION ACTIVITIES

Cultural Value	Risk	Protection Mechanism
Wāhi Taonga	a. Ongoing risk of accidental finds	i. Unless significant earthworks are occurring at this stage, enacting the Accidental Discovery Protocol will suffice during stabilisation assuming contractors have a good understanding of wāhi taonga (6.3). (C.1 and C.2.)
Ara Tawhito	a. Public access during works b. Public access is discouraged while riparian plantings are established	i. Carefully timed delivery and use of suitable fill material to ensure the least public disruption and unimpeded continuity of ara tawhito (6.5). ii. Plant species selected for quick establishment, deep rooting species such as Tī kouka, allowing for nature-based stabilisation.(9.2).
Cultural Landscape	a. Source material for stop bank fill. b. Compacting activities	i. Minimise wall heights and interruption of sightlines along the awa corridor, retaining connection to landscape (6.9) and visual amenity. ii. Retain access to the awa for cultural practice such as harvesting rongoā, mahinga kai, and recreation. iii. Ensure suitable material is used for fill, compacted immediately to minimise the risk of sedimentation during rain events. (9.3)
Mahinga kai and Rongoā harvesting	a. Erosion prone riverbanks due to vegetation clearance b. Appropriate species selection c. Revegetation establishment and interim flood risk	i. Planting implementation timed to allow for establishment of the appropriate plant material PB2 grade, providing a head start for nature based stabilisation. ii. Revegetation application should be undertaken immediately on completion of works. (C.4) iii. Riparian species selected to restore the habitat for mahinga kai (6.6) and Rongoā (6.7). Te Rūnanga o Ngāti Kuia to review and input into the proposed planting list. (9.2) iv. Environmentally friendly materials sourced for weed mat, allowing for effective root establishment. Recommend mix-grade virgin waste wools, which provides moisture control, weed suppression and excellent ground stabilisation. Being natural and 100% biodegradable (9.2.1)
Ki uta ki tai	a. Opportunity for revegetation alignment with catchment restoration goals	i. The opportunity for restoration, pest control and integration into wider catchment initiatives. Recognition for Ki uta ki tai (6.11) to provide for potential restoration of the awa (9.2) ii. Riparian species to be selected, Te Rūnanga o Ngāti Kuia to review and provide input into the planting list. Titiraukawa

		nursey to be considered as a supplier of eco sourced plants.
Cultural Landscape Integrity	a. Removal of Heritage trees.	i. Any necessary removal of heritage trees shall be remedied, with particular consideration given to the amenity value. Riparian planting to enhance the cultural continuity, (6.9) taller tree species such as Tī Kouka providing for shade, as well as deep rooted species for stabilisation. (9.2)

8.5 TRAFFIC MANAGEMENT

Cultural Value	Risk	Restoration Mechanism
Ara Tawhito	a. Amenity use interruption. b. Noise and interruption from heavy machinery c. Temporary storage concerns associated with fill imported from off-site. (Sediment, public access)	i. TMP to be provided for Te Rūnanga o Ngāti Kuia review. ii. Machinery to be operated during daytime hours. Earthworks must comply with REr.43 Noise, mitigating any negative effects on the community and nearby whānau. (C.12.) iii. Transport of suitable material for fill from offsite to be carefully timed so to ensure efficient use, ensuring there is no requirement for long term onsite storage. (9.3)

8.6 LONG-TERM AWA HEALTH

Cultural Value	Risk	Restoration Mechanism
Wāhi taonga Ara tawhito Mahinga kai Rongoā harvesting (modern and traditional)	a. Opportunities to create long-term beneficial change beyond flood resilience.	i. To provide for recognition of Ngāti Kuia cultural values (6), increase biodiversity and ecological values, considered design of riparian corridor and flood resilience planning. (9.2) ii. The historical and contemporary cultural connection to harakeke. Ika and riparian rongoā should be considered for when selecting plant species. Te Rūnanga o Ngāti Kuia to provide input. iii. Integration with wider Mahitahi restoration plans to ensure full catchment continuity
Te Mana o te Wai Ki Uta Ki Tai	a. Risk to all values in the long term due to lack of planning/ effective implementation	i. Referencing the CIA and initiatives advanced through the options plan, so to thoughtfully design all associated works.

9 PROTECTING CULTURAL VALUES

To enable the protection of cultural values and ecological integrity during the Mahitahi River flood resilience improvement works, the following restoration mechanisms are recommended. These measures reflect Ngāti Kuia's responsibilities as kaitiaki taiao, drawing upon mātauranga Māori.⁷

Implementing the restoration mechanisms will support the project to meet its engineering objectives while upholding the mauri of the Mahitahi and strengthening relationships with Ngāti Kuia.

9.1 NGĀTI KUIA INDUCTION AND KAITIAKI TAI AO MONITORING

Te Rūnanga o Ngāti Kuia kaitiaki taiao monitors should be present during all excavation and earthworks, particularly at Portion 3 and Portion 5 (T&T).⁸ The on-site presence upholds the cultural values, providing opportunities to identify and respond to any potential impacts on culturally significant sites, practices and mauri.

Pre-start cultural site assessments should be carried out in person, not simply as desktop reviews, to identify areas of sensitivity before construction begins. Te Rūnanga o Ngāti Kuia should also be involved in all pre-construction planning meetings, especially where works may intersect with known wāhi tapu, yet to be identified wāhi tīpuna, or ecologically sensitive areas.

Cultural inductions led by Te Rūnanga o Ngāti Kuia should be mandatory for all contractors and subcontractors. Planned induction will promote understanding of Mahitahi, Ngāti Kuia cultural values and respectful engagement protocols. On-site workers must adhere to safety procedures, with cultural safety being a key component, especially when working on significant sites. The presence of kaitiaki taiao monitor on site provides cultural oversight of earthworks and guidance to ensure best practice and cultural safety.

Recent hui with Amanda Young (110825) confirmed onsite kaitiaki taiao monitoring is important, as we continue to form an understanding of the Mahitahi occupation. Archaeologists, NCC, and Ngāti Kuia will all benefit from the insights gained through effective monitoring and managing any adverse effects along the awa corridor.

Ngāti Kuia Accidental Discovery Protocol (see Appendix 3) must be fully implemented. This includes the immediate cessation of work in the event of discovering wāhi tapu, kōiwi, taonga, or other culturally significant materials. Clear escalation procedures should be followed, with Te Rūnanga o

⁷ Also insights from the Kurahaupō Cultural Values Report and Pakohe Management Plan

⁸ See Maps and Overlays in Appendices

Ngāti Kuia guiding all responses. A collaboratively developed Cultural Monitoring Plan should be created, with pre- and post-activity indicators related to river health, mauri, and the visibility of cultural presence and practice. Cultural outcomes should be reviewed regularly throughout the project.

The nature of having a second consenting package should be leveraged, and adaptive management should be employed with ongoing engagement between the works under Package one and Package two. Any accidental discovery, reduction in works, complaints from the public or onsite issues should be recorded during Package one works, with adaptations to remedy any of the identified issues under Package two.

9.1.1. Recommended Conditions

C.1. The appointment of mandated kaitiaki taiao monitors to be coordinated between the contractor and Te Rūnanga o Ngāti Kuia. The monitoring schedule (including frequency of monitoring, induction) will be determined by engagement with Te Rūnanga o Ngāti Kuia Kaitiaki taiao co-ordinator in conjunction with the kaitiaki taiao monitor(s).

Induction prior to the commencement of any works.

All contractors and subcontractors engaged in implementing this consent shall participate in a cultural induction delivered by the mandated kaitiaki taiao monitor. The purpose of the induction is to ensure that all personnel are aware of and understand the tikanga (customs), kawa (protocols), and culturally significant matters relevant to the area and the scope of the works. A record of induction attendance shall be maintained by the consent holder and made available to Council and Te Tauihu Iwi representatives upon request.

i. Monitoring

Throughout all excavation activities, the consent holder must ensure that a mandated kaitiaki taiao monitor is engaged to determine where monitoring is required, with the presumption that all ground disturbance activities are subject to monitoring unless advised otherwise by the onsite monitor.

C.2. In the event that an unidentified archaeological site is located during any maintenance works, the following shall apply:

- a) Work shall cease immediately at that place and within 20 metres around the site;
- b) The contractor shall shut down all machinery, secure the area, and advise the Site Manager;
- c) The Site Manager shall secure the site and notify the Heritage New Zealand Regional Archaeologist. Further assessment by an archaeologist may be required;
- d) If the site is of Māori origin, the Site Manager shall notify the Heritage New Zealand Regional Archaeologist and the appropriate iwi groups or kaitiaki representative of the discovery and

ensure site access to enable appropriate cultural procedures and tikanga to be undertaken, as long as all statutory requirements under legislation are met (Heritage New Zealand Pouhere Taonga Act, Protected Objects Act);

- e) If human remains (kōiwi tangata) are uncovered the Site Manager shall advise the Heritage New Zealand Regional Archaeologist, NZ Police and the appropriate iwi groups or kaitiaki representative and the above process under (d) shall apply. Remains shall not be moved until such time as iwi and Heritage New Zealand have responded;
- f) Works affecting the archaeological site and any human remains (kōiwi tangata) shall not resume until Heritage New Zealand gives written approval for work to continue. Further assessment by an archaeologist may be required;
- g) Where iwi request it, any information recorded as the result of the find, such as a description of location and content, is to be provided for their records; and
- h) Heritage New Zealand will determine if an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 is required for works to continue.⁹

9.2 MAINTAINING AND ENHANCING HABITAT

Planting

The project documentation to date has not adequately described site-specific restoration or planting plans. The CIA recommends the development of an appropriate planting plan that is site-specific, habitat-enhancing, and sympathetic to the surrounding environment. The current project documentation lacks detailed information on restoration and planting, referring only to native species in a general manner.

The Mahitahi is an active site for both traditional and contemporary rongoā practices. The planting plan should be co-designed with Te Rūnanga o Ngāti Kuia to include taonga species. Post-construction riparian planting and restoration, guided by Ngāti Kuia, should use taonga species such as harakeke and Tī kōuka. These efforts support ecological health, stabilise banks, and uphold the mauri of the awa. Several harakeke cultivars are recognised for properties, such as producing high-quality muka, healing properties or resilient fibres (Riley, 2019). Including such cultivars in riparian planting supports the ongoing use of the awa as a source of wellbeing and reinforces ahikāroa.

The Mahitahi project documentation provides a useful guide for restoration planting, including species like Pukio, Toetoe, Horoeka, and Manatu, which are suitable for planting within the floodplain, along with other species. Planting these species, especially near heavily populated areas,

⁹ Note: This protocol does not apply when an archaeological authority issued under the Heritage New Zealand Pouhere Taonga Act 2014 is in place.

Note: It is an offence under S87 of the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site without authority from Heritage New Zealand, irrespective of whether the works are permitted or consent has been issued under the Resource Management Act.

offers an opportunity for kaumātua who may find it difficult to travel to share mātauranga Māori in a convenient and accessible location, not only for Ngāti Kuia whānau.

New plantings will not provide stability until they have time to establish root systems; therefore, it is important that suitable natural, biodegradable matting such as mixed virgin waste wools, providing for moisture control, weed suppression and excellent ground stabilisation.

As consent is likely for clearance activities (REr. 59 Vegetation Clearance), a revegetation plan will be required, providing an opportunity not only to mitigate the effects of any clearances, also to improve the habitat and ecosystem, contributing to the overall good and net improvement of the awa. Care should be taken to keep the time between clearance of vegetation and replanting as short as possible to allow for continued access and ongoing seasonal activities.

High Risk Low Likelihood Events

In the event of an oil spill or contaminants reaching the awa or whenua, Ngāti Kuia must be notified. This allows whānau to make informed decisions about entering the awa or harvesting from the awa or whenua after such an event. All care must be taken to prevent these events from happening, with robust, timing process in place to handle adverse events should they occur. This should include predefined communication channels, remedial works, safety testing, and escalation procedures.

9.2.1. Recommended Conditions

C.11. Any exposed riverbank resulting from the works shall be re-grassed or planted in a manner that minimises erosion and enhances in-stream habitat. All exposed ground shall be planted within 3 months of the adjacent works being completed or, if undertaken immediately prior to summer, as soon as the next planting season commences. Preference shall be given to the planting of appropriate native riparian species. Interim stabilisation is required immediately in the case of a significant rain event until plant root systems take hold, and appropriate nature-based solutions are to be used.

C.3. In the event of a spill of fuel, hydraulic fluid, or other potential liquid contaminants, immediate steps shall be taken to contain the spilt contaminant. The spilled contaminant and any material used to contain it shall be removed from the site and disposed of at a landfill authorised to receive it. The Consent Holder shall also immediately notify the Manager, Consents and Compliance, or a delegated officer, of the spill and actions to be taken.

9.3 EARTHWORKS

All proposed earthworks propose to alter the awa or the whenua. The flood resilience purpose of this project necessitates these alterations for the benefit of the community. Where it is found that these alterations can be lessened and still achieve flood resilience goals, this will likely be supported.

All yet-to-be-determined earthworks and associated structures have been assigned a higher risk rating to reflect the uncertainty surrounding the final design.

Earthworks

Portion 4 refers to lowering the ground beneath the Clouston Bridge. The final design for this stage is yet to be completed. There should be ongoing communication about the potential need for further work or strengthening because of the unknowns, as well as an agreed trigger and process if concerns arise. Any finalised alterations to stormwater pipes and river intrusions should be confirmed and shared with Te Rūnanga o Ngāti Kuai accordingly. The uncertainty surrounding this work has been given weight in the risk matrix due to the need for ongoing engagement to confirm details.

Habitat degradation during earthworks, particularly those in stream or involving vegetation clearance, can have long-term adverse effects on the mauri of the Mahitahi. The summer work schedule is designed to minimise flood risks and reduce instream disturbance; however, it must be acknowledged that the weather is becoming more unpredictable, and allowances should be made for more extended periods of work. The risk of not completing the project within the timeframe of the RIF funding (Section 8 T&T) should not take priority over protecting instream values.

Stopbanks

The proposed stop bank at Portion 4 exceeds the limits set out under REr. 25 Front Yards, and both the stop banks at 4 and 5 may require consent under REr. 55 Structures on the road reserve. Te Rūnanga o Ngāti Kuia agrees that the proposed stop bank dimensions are necessary for the project's design purposes. Using a natural, considered design is essential. Te Rūnanga o Ngāti Kuia will support any minimisation of the stopbank where modelling demonstrates it can be done safely.

Offsite fill for stop banks should be tested for contaminants and subjected to geotechnical testing, with careful selection. York Valley is a known contamination site, using fill from York Valley raises concerns for Te Rūnanga o Ngāti Kuia. Whakatū has experienced well-documented issues with inappropriate fill used onsite, leading to extensive remediation. It is crucial for Te Rūnanga o Ngāti Kuia that such issues are not repeated in the future, particularly when used in proximity to the awa. Additionally, it is important that the transport of fill is thoughtfully planned to prevent the need for long term storage and to ensure it can be placed and compacted efficiently once onsite in case of unexpected rainfall events. Te Rūnanga o Ngāti Kuia seeks further insight into these concerns surrounding the use of fill as suitable material.

Construction

Floodwalls have already been revised to reduce visual disturbance and promote a more natural flow. All modifications to planned floodwalls, in response to ongoing flood mapping, must align with the goal of maintaining a natural and minimally invasive structure and allow for ongoing connection with the awa corridor. The proposed armoured slope, which may be required under Portion 5 and as part

of Package 2, should be constructed using nature-based solutions where possible. Similar to concerns regarding fill, any materials used for this section should be reviewed and approved by Te Rūnanga o Ngāti Kuia after being carefully sourced and tested. Te Rūnanga o Ngāti Kuia seeks further insight into these concerns surrounding the use of materials involved in armoured bank construction.

9.3.1. Recommended Conditions

C.4. Any exposed riverbank resulting from the works shall be re-grassed or planted in a manner that minimises erosion and enhances in-stream habitat. All exposed ground shall be planted within 3 months of the adjacent works being completed or, if undertaken immediately prior to summer as soon as the next planting season commences. Preference shall be given to the planting of appropriate native riparian species.

C.5. At least 3 working days prior to commencing work at any site the Consent Holder shall provide an Erosion and Sediment Control Plan (ESCP) to the Council's Monitoring Officer for Certification. No works shall commence until the ESCP has been certified by the Council's Monitoring Officer

C.6. The Consent Holder shall take all practicable measures, as determined by the Ecologist and certified by the Council's Monitoring Officer, to minimise sedimentation and increased turbidity of any river. The measures to be adopted may include, but are not limited to:

- a) Limiting in-stream/river works as much as practicable.
- b) Completing works in the minimum time practicable.
- c) Avoiding the placement of construction material or excavated material in the flowing channel of any river.
- d) Rapidly and progressively stabilising disturbed areas.
- e) Diverting river flow during the works; and
- f) Installing and maintaining appropriate erosion and sediment control measures.

C.12. All activities shall comply with New Zealand Standard NZS6803:1999 (Acoustics – Construction Noise). Noise-producing plant operating at the site (including bypass pumps) shall be fitted with silencers or noise insulation (such as hay bales) as required, to comply with the noise limits specified in the Standard.

9.4 RETAINING FISH PASSAGEWAYS

Fish passage and aquatic habitat protection are vital for sustaining mahinga kai. Infrastructure design must preserve migration and reproduction pathways for native species, avoiding obstructions to tuna and inanga passage. It is recommended that flood mitigation design ensures the maintenance of fish passageways.

Under Rule FWr.13 Temporary diversion of surface water T&T finds it likely that a section of the awa will need to be diverted.

No fish survey or eDNA data has been made available to date. This data should be collected and supplied to establish a baseline prior to works commencing. We welcome the opportunity to input into Cultural Health Indicator monitoring.

9.4.1. Recommended Conditions

C.7. Unless otherwise agreed, the ecologist shall be present at the commencement and conclusion of works and when any dewatering or diversion works are undertaken. The Consent Holder shall comply with the instructions of the ecologist at all times.

C.8. The Consent Holder shall take all practicable measures, as determined by the Ecologist and certified by the Council's Monitoring Officer, to minimise sedimentation and increased turbidity of any river. The measures to be adopted may include, but are not limited to:

- a) Limiting in-stream/river works as much as practicable;
- b) Completing works in the minimum time practicable.
- c) Avoiding the placement of construction material or excavated material in the flowing channel of any river.
- d) Rapidly and progressively stabilising disturbed areas.
- e) Diverting river flow during the works; and
- f) Installing and maintaining appropriate erosion and sediment control measures.

C.9. Any river diversion shall be carried out in accordance with best practice methodologies as determined by the Ecologist in order to maintain fish passage and minimise downstream sedimentation associated with the diversion.

9.5 RETAINED ACCESS FOR HARVESTING RONGOĀ, MAHINGA KAI, AND RECREATION

To support cultural wellbeing, access to the Mahitahi for mahinga kai, mahinga rongoā (rongoā harvesting), wānanga, and recreation must be maintained throughout the project. Te Rūnanga o

Ngāti Kuia should be notified of closures and the timing of reopening of sections in advance, so that they can enact timely communication with whānau.

The CIA recommends that flood infrastructure avoid hardening or fencing that restricts movement or disconnects from the river, and that design elements include naturalised edges, physical and visual access points.

Stop banks can cause visual disruption and removal from the traditional area, a balance must be made between a practical height and sensitive, inclusive design.

9.5.1. Recommended Condition

C.10. No works shall impede public access to and along any formed access adjoining any river unless the Consent Holder has given the public notice and erected signs in accordance with a certified Traffic Management Plan (TMP). At least 3 days prior to works commencing, a copy of the TMP shall be submitted to Council's Monitoring Officer for certification.

9.6 COMPREHENSIVE CONSENT

The proposal highlights timing and budgeting risks (T&T Risk and Opportunities 4 & 5). While we recognise the aim to simplify delivery by dividing potentially contentious elements, the initial preference of Te Rūnanga o Ngāti Kuia is to proceed with a single, comprehensive consent.

However, as of the update provided on 8 August 2025, Te Rūnanga o Ngāti Kuia understands the need for a second consenting package. Given the sound reasoning and the need for each consent to be independent, without relying on the other, this approach can be supported with the uptake of the application of adaptive management principles. Lessons learned, issues raised, and improvements from the first set of consents should be discussed and utilised to provide the second package with informed improvements wherever they emerge. Potential risks associated with the split consenting package have been given a higher risk rating to acknowledge the uncertainty around the second consent application.

9.6.1. Recommended Condition

The CIA recommends adopting an adaptive management process. Any issues, improvements, or changes encountered in the first package should be used to initiate discussions with Te Rūnanga o Ngāti Kuia and other relevant parties to inform the planning process for the second package.

10 CONCLUSION

The role of Ngāti Kuia as kaitiaki taiao is deeply rooted in whakapapa, tikanga, and mātauranga Māori, affirming the enduring responsibility to protect and restore the mauri of the Mahitahi awa and its surrounding catchment. The Cultural Impact Assessment of the flood resilience works proposed underscores the importance of Ngāti Kuia's presence and authority throughout the project lifecycle, ensuring the cultural values, rights, and responsibilities are upheld.

The Mahitahi Flood Mitigation Works present an opportunity to foster a collaborative and respectful partnership between Te Rūnanga o Ngāti Kuia, Nelson City Council, and project stakeholders. Such a partnership must prioritise restoration, cultural integrity, and intergenerational wellbeing, moving beyond harm minimisation to actively restore ecosystems, cultural landscapes, and relationship with place.

Ongoing engagement and adaptive management are vital to achieving these outcomes. Mahitahi Flood Mitigation Works must not only enhance flood resilience but also act as a pathway for cultural and ecological restoration, affirming the role of Ngāti Kuia as kaitiaki and supporting a future where te taiao thrives for generations to come.

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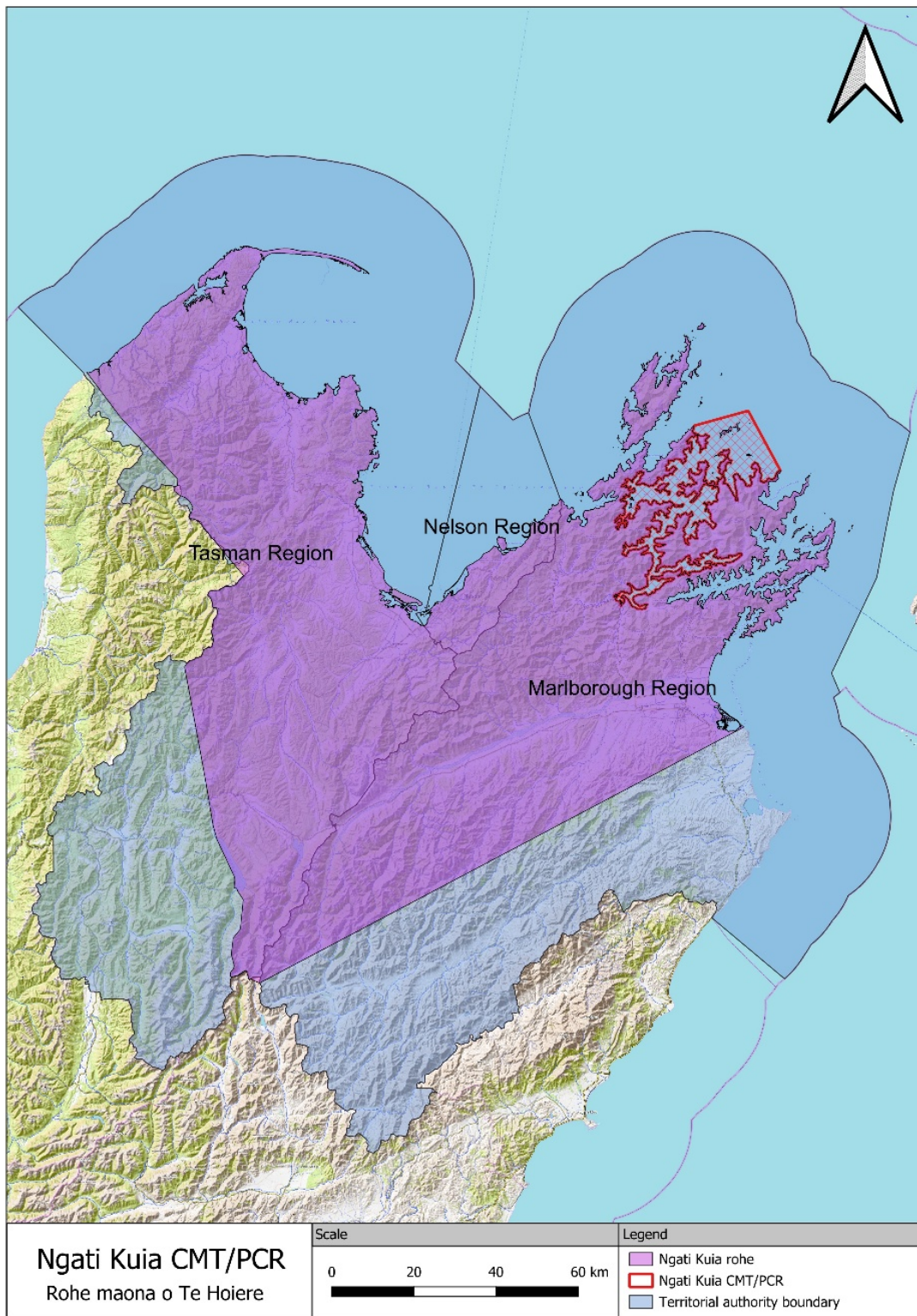
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Photo credit: Melissa Banks

APPENDIX 1. TE KUPENGA A KUIA



APPENDIX 2: NGĀTI KUIA ACCIDENTAL DISCOVERY PROTOCOLS

4. The Agent/Project Manager must ensure that either themselves or the Contractor, as appropriate, are available to meet and guide Ngāti Kuia, the Project Archaeologist, and Police (if required) to the discovery area. The Contractor and Agent/Project Manager will assist with any reasonable requests that any of these people may make.
5. The Agent/Project Manager shall ensure that no information is released to the media except as authorised by the Land Owner/Consent Holder, in consultation with Ngāti Kuia.
6. In the event the discovery area is found to contain an archaeological site, the Regional Archaeologist and Heritage NZ must be contacted and an archaeological authority must be obtained in accordance with the Heritage New Zealand Pouhere Taonga Act 2014. Kōiwi that are part of an archaeological site can only be removed if an archaeological authority has been obtained.
7. If an archaeological authority is granted, the Agent/Project Manager must ensure any Contractors or other persons undertake all subsequent works in accordance with the conditions of this authority.
8. The Contractor must ensure that all visits to the discovery area are cleared by the Agent/Project Manager.
9. The Agent/Project Manager must ensure that work in the discovery area does not recommence until all statutory and cultural requirements have been met.

Further Procedures in the Event that Kōiwi are discovered

10. As soon as practicable after the Agent/Project Manager has given notice to Ngāti Kuia that Kōiwi have been discovered, the Agent/Project Manager shall invite Ngāti Kuia to inspect the site and undertake appropriate cultural ceremonies at the site.
11. If Ngāti Kuia wish to undertake such ceremonies, the Agent/Project Manager shall make the necessary arrangements for these ceremonies as soon as practicable.
12. Once these ceremonies are completed, the Agent/Project Manager shall arrange for the Project Archaeologist, in consultation with the New Zealand Police and Ngāti Kuia, to inspect the skeletal remains.
13. The Project Archaeologist will record details of the Kōiwi, the site of discovery, and any other relevant facts, and these records will be made available to the New Zealand Police and Ngāti Kuia.
14. If the Kōiwi are Māori, and the New Zealand Police and/or Coroner have no uncertainty or suspicion about the Kōiwi, the Agent/Project Manager shall arrange for Ngāti Kuia to remove the Kōiwi from the site, or if they decline, arrange for the New Zealand Police and/or Coroner to do so.
15. In the event that the New Zealand Police and/or Coroner have any uncertainty or suspicion about the Kōiwi, they are responsible for making any records they require and for any Kōiwi that they remove from the site.
16. If the Kōiwi are Māori and the New Zealand Police and/or Coroner remove only part of the Kōiwi, the provisions of Section 14. above will apply.
17. If the Kōiwi are non-Māori, the New Zealand Police and/or Coroner will be responsible for removing any remaining exposed Kōiwi.

Custody of Taonga (Excluding Kōiwi) or Material Found at an Archaeological Site

18. The Project Archaeologist will have initial control of, and responsibility for, all material contained in the discovery area.
19. The Agent/Project Manager shall ensure no objects are removed from the site until it has been determined, in consultation between the Project Archaeologist and Ngāti Kuia, whether it is associated with an archaeological site or the object is Taonga (be it Taonga Tūturu or otherwise).
20. If the object is of Māori origin and found in an archaeological site and/or is a Taonga Tūturu, the Project Archaeologist will record the object and notify the Ministry for Culture and Heritage of the finding as required under the Protected Objects Act 1975. The Project Archaeologist will then hand the material to the local public museum for the Maori Land Court to make a determination on

- ownership. If the object is European in origin the Agent/Project Manager shall deliver any such object to the Land Owner/Consent Holder so that the legal right to ownership can be determined.
21. If the object is a Taonga and less than 50 years old, (ie not Taonga Tūturu), the Agent/Project Manager shall invite Ngāti Kuia to remove the Taonga from the site.

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