

RESOURCE MANAGEMENT ACT 1991
SELWYN DISTRICT COUNCIL

PROPOSED PLAN CHANGE 26

SELWYN DISTRICT PLAN- TOWNSHIP & RURAL VOLUMES

**A PLAN CHANGE CONCERNING THE RAKAIA HUTS WĀHI TAONGA MANAGEMENT AREAS &
SITES**

Report and Recommendation of Hearings Commissioner Jeremy Phillips

February 2012

INTRODUCTION

1. This is a recommendation on proposed Plan Change 26 ('PC26') to the Selwyn District Plan ('the Plan').
2. PC26 is a Council-initiated plan change concerned with the culture and heritage provisions of the Plan which relate specifically to wāhi taonga management areas and sites in and around Rakaia Huts Township, specifically Wāhi Taonga Management Site C39, Wāhi Taonga Management Area C103 and Silent File Area C48.
3. I have been appointed by the Council as Hearing Commissioner to hear PC26 and to recommend whether the proposed plan change should be declined, approved or approved with modifications and recommend decisions on submissions to the Plan Change. The final decision on the Plan Change will be made by the elected Council.
4. I conducted a hearing of the Plan Change and related submissions at the Selwyn District Council offices in Rolleston on 28 November 2011. The hearing was concluded and formally closed on the same day.
5. Prior to the hearing, I was provided with and reviewed the PC26 documentation, copies of submissions and the Section 42A report prepared by Mr Andrew Mactier (with associated documents within or referred to within the Section 42A report). Prior to the hearing, I also undertook a site visit to the area which is the subject of PC26 in order to familiarise myself with the Rakaia Huts settlement.

THE PROPOSED PLAN CHANGE

6. The reasons for and scope of PC26 is summarised in the Council's section 42a report as follows:

'3.1 Proposed Plan Change 26 is intended to give effect to regulatory methods to manage threats identified in the RHCMP [Rakaia Huts Conservation Management Plan]. The Plan Change is specifically concerned with the culture and heritage provisions of the District Plan which relate specifically to wāhi taonga management areas and sites in and around Rakaia Huts Township, specifically Wāhi Taonga Management Site C39, Wāhi Taonga Management Area C103 and Silent File Area C48. ...

3.6 The RHCMP goes on to identify a range of threats to the archaeological and cultural values in the area subject to the CMP [Conservation Management Plan]. Those threats can be broadly categorised as development pressure/changing land-use, and excavation/disturbance of soil. Current District Plan rules as they relate to management of archaeological and cultural values in the area subject to the CMP are

what can be described as reactive to disturbance of these values, in that an activity requires resource consent only after it disturbs damages, removes or destroys any object, artefacts or other symbol of pre-European settlement. Given the archaeological and cultural significance of the site, allied to the status of the protection of historic heritage as a matter of national importance in accordance with Section 6(f) the Act, it is considered more appropriate to provide provisions which are more proactive and precautionary in the management of such a site.

- 3.7 *The Proposed Plan Change also provides the opportunity to rectify historical inaccuracies relating to Wāhi Taonga Management Area C48, which is erroneously listed in Appendix 5 of the Rural Volume of the Plan as Silent File Area C48.*
- 3.8 *Amending the District Plan to reflect that site C48 is a Wāhi Taonga Management Area rather than a Silent File Area is consistent with Recommendation 29.15 made on Variation 20 to the Proposed District Plan (PDP) (Amendment to the PDP – Point 12). The correct amendments were made to then Planning Map 53 (now Map 133), but the schedule of Sites Of Significance To Tāngata Whenua contained in Appendix 5 of the District Plan (Rural Volume) was not amended.*
- 3.9 *Finally, PC26 affords an opportunity to ensure consistency between the historic heritage provisions in the two volumes of the Plan. This process will assist in the interpretation of rules for the public and in the clear and consistent administration of the Plan by Council staff.'*
7. Plan Change 26 was notified on Tuesday the 28th of June 2011 with submissions closing on Tuesday the 26th of July 2011. A total of seven submissions were received within that time period. Further submissions closed on Tuesday the 23rd of August 2011, with no further submissions being received.

THE HEARING

8. At the hearing, evidence and statements were presented by Council staff and consultants and by submitters. The parties that appeared before me at the hearing were generally supportive of the Plan Change, with their submissions generally seeking minor amendments to the plan provisions proposed in the section 42a report. A summary of the key points covered at the hearing follows:

Selwyn District Council (reporting officers)

9. Dan Witter, Consultant Archaeologist to the Council (of Witter Archaeology) spoke to his reports (as appended to the Plan Change as notified and his subsequent report on submissions included as part of the Section 42a report). Mr Witter reiterated his

conclusions and his rationale for the proposed boundaries for the wāhi taonga management areas ('WTMA') recommended in the Plan Change.

10. Andrew Mactier, Policy Planner then spoke to his section 42a report and recommendations. Mr Mactier provided an overview of the background to the plan change and described the 'reactive' nature of the current District Plan provisions applying to archaeological sites in the Rakaia Huts settlement. Mr Mactier expressed the opinion that these existing provisions do not give effect to section 6(e) and (f) of the Act insofar that these are matters of national importance which are to be recognised and provided for.
11. Mr Mactier summarised PC26 as comprising three main changes, being:
 - i. For the Living 1 zone, any activity with the potential to disturb archaeological remnants is a controlled activity if rūnanga and NZHPT have provided their approval to the activity. If such approval has not been obtained, consent is required for a restricted discretionary activity (as is presently the case).
 - ii. For the Rural zone, consent is required for activities with the potential for disturbance as a restricted discretionary activity (as is presently the case). However, consent is required before the activity has occurred, rather than after (as per the status quo).
 - iii. The identification of revised WTMA C39(a) and C39(b) on the planning maps.
12. Mr Mactier reiterated a number of his recommendations on specific submission points and generally maintained the conclusions in his section 42a report.

New Zealand Historic Places Trust Pouhere Taonga ('NZHPT')

13. Michael Vincent, Heritage adviser planning with NZHPT presented evidence outlining the role of NZHPT generally and specifically in terms of the RHCMP. Mr Vincent noted the wide range of terms used in the District Plan to describe heritage features and sought clarity and consistency in the use of such terms and the adoption and application of the RMA definition of 'historic heritage'. On a related point, Mr Vincent sought use of the term 'sites of significance to tangata whenua' in Appendix 5 and elsewhere in the Plan. Mr Vincent also stressed NZHPT's desire to see a broader review of provisions in the Plan that concern historic heritage and archaeological sites.
14. Mr Vincent's evidence addressed submission point 7.6 and the new rule proposed in PC26 requiring landowners to obtain written approval (under the Resource Management Act 1991) from the NZHPT in order to seek consent as a controlled activity. As I understood it, the key concern of Mr Vincent and NZHPT is the potential administrative burden associated with considering requests for written approvals from consent

applicants, particularly when such applicants might otherwise need to obtain NZHPT authorisation for activities on archaeological sites in any case.

15. In addition to Mr Vincent, Helen Brown (Maori heritage adviser) and Frank van der Heijden (Regional archaeologist) also attended the hearing on behalf of NZHPT. Both Ms Brown and Mr van der Heijden elaborated on the archaeological and cultural significance of the Rakaia Huts settlement and described the work undertaken through the RHCMP in response.

Te Rūnanga o Ngāi Tahu and Te Taumutu Rūnanga ('Ngāi Tahu')

16. For Te Rūnanga o Ngāi Tahu and Te Taumutu Rūnanga (hereafter referred to as 'Ngāi Tahu'), Fiona Sloan (of Te Taumutu Rūnanga) and Frania Zygadlo (Environmental Adviser, Mahaanui Karataiao Ltd) appeared at the hearing.
17. Ms Sloan commenced Ngāi Tahu's submission with a mihi.
18. Ms Zygadlo spoke to a brief of evidence, which summarised Ngāi Tahu's principle submission points. This firstly established the significance of Ngāi Tahu's cultural association or relationship to the Rakaia Huts Wāhi Taonga Management areas and sites. This is of some significance, noting the duty to recognise and provide for this *relationship* under section 6 of the Act.
19. Ms Zygadlo's evidence then noted Ngāi Tahu's overall support for the Plan Change and the associated rules framework, though sought a number of specific amendments. These amendments are set out fully in Ms Zygadlo's evidence, though in summary I understood them to be:
 - i. The inclusion of additional wording within two assessment matters, requiring certain considerations of importance to local rūnanga to be 'recognised and provided for'.
 - ii. The inclusion of a reference to the 'scale of activity' within assessment matters concerning certain consent applications involving ground disturbance (particularly large scale tree planting).
 - iii. The inclusion of a vacant Council-owned parcel of land in the middle terrace as part of WTMA C39(a), on the understanding that this land was excluded from PC26 and may have significant archaeological and cultural values (Note-clarification was later provided by Mr Mactier that this land was in fact subject to WTMA C39(b) in PC26 as notified).

- iv. The inclusion of additional wording to clarify that the drilling of bores for water is exempt from earthworks rules only where resource consent (from the regional council) is not required.
 - v. The correct use of macrons on the word 'wāhi' throughout PC26.
 - vi. The review of the RHCMP ahead of the scheduled review date (2014).
20. Whilst not addressed in Ms Zygadlo's evidence I note the Ngāi Tahu submission sought other specific relief and these points are addressed later in this report and in Appendix 2.

Other Submitters not in Attendance

21. I note that a number of written submissions were filed on PC26 and as required I have also considered these submissions. The submission points and relief sought are addressed in Mr Mactier's section 42a report and in Appendix 2 to this report.

Submissions and jurisdiction

22. Two preliminary matters concerning submissions require consideration.
23. The first matter concerns a missing (or technically late) submission on behalf of the Rakaia Huts Advisory Committee. As outlined in Mr Mactier's report, this submission (which was a facsimile of submission 04 from PL Williamson and EC Wilkes, albeit signed by a number of residents of the Rakia Huts Township), was unintentionally overlooked and treated as a duplicate of submission 04. To resolve this, Mr Mactier's report recommends that the submission be accepted as a late submission (submission 8.1). I concur with this recommendation and Mr Mactier's reasoning that there will be no disadvantage to any parties given the content of the submission is identical to that of submission 04.
24. The second matter concerns a number of submissions which are beyond the scope of Plan Change 26. Such matters are canvassed in paragraphs 5.7-5.16 of Mr Mactier's section 42a report and I generally agree with his reasoning as to why these particular submissions are beyond the scope of Plan Change 26 and should therefore be rejected or accepted only in part. I elaborate on some of these points further in my evaluation below and otherwise in Appendix 2 where I make specific recommendations on individual submissions.

STATUTORY ASSESSMENT FRAMEWORK

25. Section 74 of the Resource Management Act 1991 ('the Act') sets out matters to be considered in preparing a change to a district plan. Among other things, section 74

requires a local authority to fulfil its functions under section 31 and its duties under section 32, to comply with the required contents of district plans under section 75, and to promote the purpose of the Act set out in Part 2 of the Act.

26. Section 31 provides for: '*(a) the establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district*'. Proposed Plan Change 26 primarily proposes amendments to the District Plan provisions applying to the Wāhi Taonga Management Areas and sites in and around the Rakaia Huts Township. Accordingly, my determination is concerned with whether these amended provisions will achieve integrated management of the effects of resource use in these areas.

27. Section 32 of the Act requires consideration of alternatives and the costs and benefits of a proposed change to a district plan¹. A comprehensive section 32 report formed part of the Plan Change documentation and I have considered '*whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives*' (section 32(3)(b)), and '*the benefits and costs of policies, rules or other methods*' (section 32(4)(a)).

28. The merits of the various amendments proposed to the policies and rules are discussed below and although I recommend some changes to the provisions as notified and subsequently revised in the section 42a report, I am satisfied that overall, the amendments will be efficient and effective in promoting the objectives of the District Plan, that the benefits of the Plan Change outweigh the costs, and the change will be the most appropriate means of achieving the purposes of the Act. I therefore consider that the Plan Change meets the requirements of section 32 of the Act.

29. Other mandatory requirements in sections 74 and 75 of the Act for evaluating a District Plan change are comprehensively summarised in the Environment Court's *Long Bay* decision² and in this context I note:

- i. There are no national policy statements of relevance.
- ii. There are few if any relevant matters in relation to regional plans (to the extent that PC26 might be inconsistent with such matters).
- iii. There is an operative regional policy statement (RPS) that must be given effect to and a proposed RPS (publicly notified on 18 June 2011 and awaiting a hearing on submissions) that must be had regard to.

¹ No substantive changes are proposed to the existing objectives in the District Plan, so section 32(3)(a) is not relevant.

² *Long Bay – Okura Great Park Society Inc v North Shore City Council* A 078/08, para 34

In broad terms, the proposed and operative Regional Policy Statements (RPS) both contain general provisions concerning historic heritage, wāhi taonga management areas and sites, and issues of significance to Ngāi Tahu³. I am satisfied that the proposed plan change will be consistent with and will give effect to, the provisions in both the operative and proposed Regional Policy Statements.

- iv. I must have regard to the existing objectives and policies in the Selwyn District Plan and in this regard, I consider PC26 is consistent with these existing policy provisions- particularly those concerned with cultural and historic heritage.
- v. In terms of other relevant strategies prepared under other Acts, the Rakaia Huts Conservation Management Plan (RHCMP) is of particular relevance and I must have regard to this document. In this context, I note that PC26 is intended to provide a regulatory framework and methods under the Resource Management Act 1991 that responds to the issues and threats identified in the RHCMP.
- vi. I must take into account any relevant planning document recognised by an iwi authority, and the Te Taumutu Rūnanga Natural Resource Management Plan is such a document.

I note that the relevant provisions of the Te Taumutu Rūnanga Natural Resource Management Plan are addressed in the section 42a report and in the submissions and evidence of Te Rūnanga o Ngāi Tahu and Te Taumutu Rūnanga ('Ngāi Tahu') and I consider that PC26 appropriately accounts for these provisions.

- vii. In evaluating proposed rules, I must have regard to the actual or potential effect of activities on the environment. These effects are primarily the threats identified in the RHCMP that PC26 intends to address and are otherwise addressed in the submissions, evidence, and section 42a report.

30. Section 74 of the Act requires territorial authorities to make changes to its district plan in accordance with the provisions in Part 2. These include: the overarching sustainable management purpose of the Act set out in section 5, the relevant matters of national importance in section 6; relevant other matters in section 7; and the principles of the Treaty of Waitangi as required by section 8.

31. Considering these part 2 matters, I conclude that PC26 will be in accordance with these provisions and will better provide for the sustainable management of resources than the status quo. I am reinforced in this view by the 'national importance' status afforded under sections 6 (e) and (f) to the relationship of Maori and their culture to wāhi tapu (among

³ Refer paragraphs 4.8-4.16 of section 42A report of Mr Mactier.

other things) and the protection of historic heritage- matters that this Plan Change specifically provides for.

32. Overall, I am satisfied that the Plan Change is in accordance with the statutory assessment framework governing proposed district plan changes.

PRINCIPAL ISSUES RAISED

Submissions in General Opposition

33. Submissions⁴ were received opposing the plan change in its entirety or opposing the inclusion of particular properties within the revised Wāhi Taonga Management Areas C39(a) and C39(b).
34. Most of these submissions were concerned about the potential for the proposed changes to diminish property values or otherwise impose costs as and when sites in the Rakaia Huts settlement are developed, redeveloped or on sold. Some submissions disputed the presence, or significance of archaeological material or values in the area- particularly on the western side of Pacific Drive.
35. Whilst the concerns of the submitters are acknowledged, I am mindful of Dr Witter's evidence that in the absence of specialist training, members of the general public or others involved in site works would be unlikely to recognise certain archaeological material of value. In this context, the fact that existing landowners have not previously encountered archaeological material on their sites does not necessarily mean that such values are not present.
36. I also note that no expert evidence contradicted Dr Witter's assessment of the area's archaeological significance or the spatial extent of these values. Indeed, the evidence from NZHPT and Ngāi Tahu endorsed Dr Witter's opinions in this regard.
37. Finally, I note that the Rakaia Huts settlement and surrounding area has long been recognised for its archaeological and cultural significance, with associated obligations under the District Plan and Historic Places Act 1993.
38. Noting the above and the fact that historic heritage and the relationship of Maori and their culture and traditions with wāhi tapu and other taonga are matters of national importance under the Act and must be recognised and provided for, I recommend that the submissions seeking the withdrawal of PC26 be rejected.

⁴ Submissions 2.1, 2.2, 3.1, 3.2, 3.3, 4.1, 8.1

Submissions beyond Scope

39. A number of submissions relate to issues that are either peripherally relevant to PC26 or are beyond its scope.

LIM Notes

40. The content of Land Information Memoranda (LIM) is not governed by the Resource Management Act 1991 and accordingly those submissions seeking changes to the content of LIM are beyond the scope of this Plan Change. Accordingly, I recommend the rejection of these submissions⁵.
41. For the benefit of the submitters seeking amendments to LIM notes, Mr Mactier clarified that new LIM, PIM (Project information Memoranda) and general property notes will replace and update existing notes to provide further clarity and information relevant to the Rakaia Huts.

Review of RHCMP and Other District Plan Provisions

42. Submissions from NZHPT⁶ sought a wider review of the District Plan, insofar as it is concerned with historic heritage, the identification of wāhi taonga and archaeological sites, and the use of terminology in the Plan. Whilst the submission points may have merit, they go beyond the scope of this Plan Change which is confined to the Rakaia Huts area and its specific wāhi tapu and archaeological values. Accordingly, I recommend that these submission points be rejected. When the Culture and Heritage sections of the Plan are revisited by the Council as part of its District Plan review process, consultation with NZHPT will provide an opportunity to revisit these submission points and the broad range of changes sought, though I encourage the Council to note the specific concerns raised in the NZHPT submission when considering and prioritising its District Plan review programme.
43. Ngāi Tahu's submission 6.1 sought that the scheduled review of the RHCMP be brought forward from 2014. Such relief goes beyond the scope of PC26 and I therefore recommend that the submission be rejected. As noted by Mr Mactier, the RHCMP could be reviewed earlier than scheduled however this would be subject to the agreement of all relevant parties involved.

⁵ Submissions 1.1 and 3.3

⁶ Submissions 7.1 and 7.10

Other Submissions beyond scope

44. Ngāi Tahu's submission 6.3 sought the provision of a facility for storing any artefacts discovered in the Rakaia Huts settlement whilst submission 6.4 sought education initiatives for the local community and wider public. Both submissions align with recommendations in the RHCMP, however they are non-statutory initiatives best pursued outside of the District Plan framework. Accordingly, I recommend that these submission points also be rejected.

Submissions Seeking Minor Amendments

Drafting errors

45. Several submissions⁷ sought minor amendments to the Plan Change, so as to resolve drafting errors. Mr Mactier supported these submission points in his section 42a report and I concur with his assessment and recommend that these submissions be accepted.
46. In addition to those drafting error sought to be resolved by submitters, I note that PC26 as notified inadvertently deleted a number of Wāhi Taonga sites and management areas from Appendix 5 to the Rural Volume⁸. Whilst C39 and C48 are to be deleted and replaced with modified descriptions as part of PC26, (as clearly described in paragraphs 3.13-3.17 of the section 32 report accompanying PC26 as notified) I note that the other deletions clearly do not fall within the scope of the plan change- as notified or assessed. Accordingly, I have recommended the reinsertion of these sites and areas to overcome this error.
47. Submission 5.1 from the Selwyn District Council sought to reinstate the list of activities intended to be exempt from Rule 1- Earthworks in the Rural Volume of the Plan⁹. At the hearing, Ms Zygadlo noted that 'drilling of bores' was not included in the list of exempted activities in PC26 as notified and that despite not having identified (or filed a further submission on) the proposed re-insertion of this activity by submission 5.1, Ngāi Tahu are concerned about the effects of such activity if permitted. In response, Ms Zygadlo sought further wording in the Plan to the effect that the exemption only apply to 'drilling bores for water when no other resource consent [from the Regional Council] is required'¹⁰. Mr Mactier considered this change unnecessary given the likely requirements for an archaeological authority to be obtained from NZHPT and the otherwise limited scope for such activity to occur.

⁷ Submissions 7.3, 7.4, 7.8, 7.9

⁸ Mr Mactier has confirmed that Wāhi Taonga Sites C2, C3, C38, C40 and WTMA C17, C66, C90, C91 and C93 were incorrectly shown as text to be deleted in PC26 as notified.

⁹ See paragraphs 5.32-5.33 of section 42a report.

¹⁰ Hereafter referred to as Submission 6.39

48. In my view, submissions 5.1 and 6.39 should be accepted in part, with the exemption for the drilling of bores being modified to exclude such activity in WTMA C39(a). I say this in recognition of the potential variability in scale and significance of bore drilling and the evidence that ground disturbance below 200mm has the potential to adversely affect material with significant cultural and historic heritage values.

Other minor amendments

49. Other minor amendments to PC26 as notified were sought by submitters¹¹.
50. Submission 2.3 sought that the Council bear the full costs associated with any archaeological discovery on private land. Given the existing obligations (and associated costs) under the Historic Places Act 1993 for landowners who discover archaeological material, I do not consider it reasonable for this Plan Change to now transfer these costs to the Council. Notwithstanding, given the public good derived from the protection of cultural and historic heritage it is appropriate for some of the associated costs to be borne by the wider community. In this respect, existing policies in the District Plan¹² provide scope for financial assistance to those required to apply for resource consent in respect of historic heritage or cultural sites or buildings. Whilst I recommend that submission 2.3 be accepted in part, I do not recommend any changes to existing plan text or these policies.
51. Submission 6.2 sought the renaming of the archaeological area at Rakaia Huts with a traditional Ngāi Tahu name and the use of such a reference in the District Plan. Given the cultural significance of the area to Ngāi Tahu and the obligations in sections 6 and 8 of the Act, such relief is appropriate. I recommend this submission be accepted, though note that the actual change to the Plan can and will need to occur following further correspondence between Ngāi Tahu and the Council regarding the preferred name, the required amendments to the Plan and the use of the provisions in Clause 16(2) of the 1st Schedule of the Act.
52. Submission points 6.5-6.26 from Ngāi Tahu sought additional text within the Plan to recognise *cultural* heritage values alongside historic heritage values and otherwise ensure the use of appropriate terminology. Additional explanatory text was also proposed to clarify the nature and extent of cultural heritage values. Whilst such changes are not confined to the plan provisions concerning the Rakaia Huts settlement, they do provide relevant clarification to those objectives and policies that underpin the methods and other plan revisions proposed by PC26. For this reason and noting that the changes clarify (rather than fundamentally alter) the reading of the Plan, I recommend that these submission points be accepted.

¹¹ Submissions 2.3, 6.2, 6.5-6.26, 6.28, 6.32, 6.37, 7.2, 7.7

¹² For example, Township policy B3.3.10

53. Submission 6.28 sought discussions between Council and local rūnanga to manage the process of requiring written approval from local rūnanga, where this is proposed by PC26 for certain controlled activity resource consents. The particulars of such a process need not be documented or referred to within the Plan. Notwithstanding, a collaborative approach to the implementation of the proposed written approval process is sensible and I recommend the submission be accepted in part accordingly.
54. Submission 6.32 proposed the inclusion of Te Waihora and Coopers Lagoon within the list of Statutory Acknowledgements and Nohoanga Sites in the Rural Volume of the Plan. As noted in Mr Mactier's report, neither of these sites are Statutory Acknowledgements and there was no evidence to support their inclusion within the Plan as a recognised Nohoanga site. On that basis, I recommend that the submission be rejected.
55. Submission 6.37 from Ngāi Tahu sought the reclassification of the empty paddock on the western boundary of C39(b) (as notified) to C39(a). As I understand, Ngāi Tahu sought this relief based on their understanding that this parcel of land was not included as either C39(a) or C39(b) in PC26 as notified, and that inclusion within C39(a) would be appropriate given the land's Rural zoning. Mr Mactier clarified that the land was included as part of C39(b) in PC26 and that this classification would be appropriate given the equivalent classification for the adjacent Living zoned land. Ultimately, this is a minor matter and whilst I accept Mr Mactier's point that the practical difference between C39(a) and C39(b) is slight, I consider inclusion as part of C39(a) is more appropriate given the Rural zoning of the land.
56. Submission 7.2 by NZHPT sought amendments to the explanation and reasons in objective B3.3.2 and B3.3.3 (Volume 1) to reference sections 6(e) and 6(f) of the Act respectively. Submission 7.7 sought an equivalent change to the explanation to objective B3.3.1 in the Rural Volume (Volume 2) of the Plan. Mr Mactier's report appeared to accept the rationale given by NZHPT for their submission but proposed that there be no amendments to the District Plan text. Based on my reading of sections 6(e) and 6(f) of the Act and the Plan provisions in question, I consider the relief sought by NZHPT is justified and should be accepted in part, with minor amendments to the wording of this part of the plan to ensure clarity.

Submissions Seeking Significant Changes or Amendments

57. The remaining submissions¹³ seeking changes of greater significance were made by Ngāi Tahu and NZHPT.

¹³ Submissions 6.27, 6.29, 6.30, 6.31, 6.33, 6.34, 6.35, 6.36, 7.5, 7.6,

58. Submission 6.27 concerned PC26's proposed new definition of landscaping and sought changes to address the construction of walls where this activity might result in ground disturbance below 200mm with associated effects on archaeological material. Mr Mactier acknowledged this concern and suggested amendments to the definition accordingly. I agree and recommend the submission be accepted in part.
59. Submissions 6.29 and 6.30 are concerned with the effects of large scale tree planting and sought that exemptions for such activities from certain rules be rescinded. In response, Mr Mactier advised that it is only the earthworks associated with planting of trees that benefit from the exemptions in Rule 1 of the Rural and Township Volumes of the Plan. Mr Mactier also noted that other rules in Volume 1 and 2 of the Plan control tree planting, earthworks and activities which might result in ground disturbance in WTMA C39(a) and C39(b). Of note these rules impose among other things, a low threshold of ground disturbance (20cm) before consent is required. Accordingly, Mr Mactier suggested the submission points be accepted in part with minor corresponding changes to the rules and advice notes. Considering these submission points, I consider that the 20cm threshold for permitted ground disturbance will preclude most tree planting at a scale which is of apparent concern to Ngāi Tahu. Indeed, Mr Mactier notes that ground preparation for planting by 'ripping' involves depths of 500mm-600mm, whilst individual tree holes dug by spade would otherwise be in the order of 300mm. For this reason and otherwise noting the controls in Rule 10 (Living Volume) and Rule 2 (Rural Volume), and the requirements under the Historic Places Act 1993 which provide another safeguard, I consider Mr Mactier's suggested amendments are appropriate. Accordingly, I recommend that submissions 6.29 and 6.30 be accepted in part.
60. Submission 6.31 seeks that 'the scale of the activity' be included as a relevant assessment matter for consent applications made under Rules 1, 2.1 and 2.2 of the Rural Volume of the Plan. Mr Mactier considers such relief is unnecessary as the assessment matters provide sufficient discretion over applications on the basis of their effects. I agree with Mr Mactier on this point and also note that a reference to the scale of activity within assessment matters could have the unintended consequence of implying that activities of a smaller scale should be favoured, notwithstanding the effects they may have. In my view, the key consideration for applications under these rules is the scale of adverse *effects*, rather than the scale of the activity. Accordingly, I recommend that this submission point be rejected.
61. Submission 6.33 also sought the inclusion of additional assessment matters in the Plan. The first of these additional matters drew attention to the potential urupa on the western boundary of the Living Zone, whilst the second concerned standard consent conditions. In a similar vein, Submission 6.34 sought that all applications for consent under the rules introduced by PC26 be considered with regard to standardised conditions of consent. On

both of these submission points, I consider that further changes to the Plan are unnecessary. With regards to the potential for activities to adversely affect urupa on the western boundary of the Living Zone, I consider there is sufficient discretion within the assessment matters as they stand to allow for such consideration and the archaeological assessments completed to date by Council and NZHPT and rūnanga input into future applications will ensure effects on urupa are not overlooked. As to standard consent conditions, I agree that collaboration between the Council, NZHPT and Ngāi Tahu in this regard would be beneficial from an administrative perspective. However, as the appropriateness, detail and extent of consent conditions for individual applications will depend on the particulars of a proposal, I do not support standardised conditions within the Plan. Noting the above, I recommend submissions 6.33 and 6.34 be accepted in part.

62. In addition to the specific submission points 6.33 and 6.34 concerning the wording of assessment matters, Ms Zygadlo's evidence for Ngāi Tahu sought additional wording requiring certain considerations of importance to local rūnanga to be 'recognised and provided for'¹⁴. Ms Zygadlo's evidence was that such wording was necessary given the directive requirements under section 6(e) of the Act¹⁵. Mr Mactier considered the additional wording to be unnecessary and unreasonably onerous. On this matter, I am satisfied that the assessment matters as recommended in the section 42a report are appropriate and that the overarching requirements in Part 2 of the Act will ensure decisions on resource consents are made with appropriate consideration and weight given to the matters listed in sections 5-8, including section 6(e). Accordingly, I recommend that this request also be rejected.
63. Submission 6.35 sought additional controls on utilities, so as to avoid effects on wāhi tapu values. Mr Mactier opposed such relief on the basis that earthworks and ground disturbance associated with utility structures would only be permitted where existing ground disturbance had occurred and the works did not go below a depth of 20cm. For the same reasons given earlier in respect of submissions 6.29 and 6.30, I consider these thresholds will adequately protect cultural and historic heritage values. I recommend that submission 6.35 be rejected.
64. Submission 6.36 by Ngāi Tahu sought the removal of an assessment matter in a number of places, where this concerned the costs to landowners of not being able to undertake the proposed activity. As I understand their submission, the concern is that retention of this assessment matter would provide scope for it to 'trump' adverse effects on cultural or historic heritage values. Mr Mactier was sympathetic to the submission noting the significance of the area subject to PC26, however he considered the relief sought should only extend to WTMA C39(a) and C39(b) for reasons of scope. Noting the compelling

¹⁴ Referred to hereafter as 'submission 6.38'

¹⁵ Refer F Zygadlo evidence, paragraphs 9-11

evidence of Mr Witter and submitters regarding the archaeological and cultural significance of the Rakaia Huts area and the obligations in section 6 of the Act I agree with Mr Mactier. I recommend this submission be accepted in part.

65. Submission 7.5 by NZHPT was concerned with the proposed rules in PC26 providing for controlled (rather than restricted discretionary) activity status, where 'written consent' has been obtained from NZHPT. As elaborated on by Mr Vincent at the hearing, NZHPT's preference was for the rule to refer to 'written authorisation', such that applicants would consult with NZHPT and obtain relevant NZHPT 'authorisations' (i.e., an archaeological authority) before applying for resource consent from the District Council. As I understood Mr Vincent, NZHPT does not wish to be encumbered by the written approval process under the Resource Management Act 1991 and the archaeological authorisation process under the Historic Place Act 1993.
66. Whether it is appropriate or not for a rule in a plan prepared under the Resource Management Act 1991 to rely on an authorisation obtained under another piece of legislation is a matter I sought guidance from Mr Mactier on at the hearing. Whilst a definitive answer to this question was not provided, I harbour concerns in any case about the practical application of the rule if applicants for resource consent are unable to ascertain the status of their resource consent or progress their applications until a potentially lengthy archaeological authority process is completed (Mr Vincent indicated a typical timeframe of 3 months). With these concerns in mind, I recommend that submission 7.5 be accepted in part, with amendments to the wording of the rule in question to make it clear that written consent in terms of the Resource Management Act 1991 is required from NZHPT to provide for controlled activity status. As to the concerns of NZHPT, I note that they can separately develop internal policy as to their preferred process and criteria for providing written consent so as to minimise any administrative burden, align with the archaeological authority process, or otherwise. This approach appears to already occur with other agencies that can provide statutory approvals under the Resource Management Act 1991 and other Acts (e.g., New Zealand Transport Agency).
67. NZHPT's related submission 7.6 sought the inclusion of additional advice notes through Volumes 1 and 2 of the District Plan to draw attention to obligations under the Historic Places Act 1993. Mr Mactier considered that such relief is unnecessary given the existing advice notes in the introduction to earthworks rules in the Township and Rural Volumes of the Plan. I agree with Mr Mactier in this regard and recommend this submission be rejected.

CONCLUSION

68. Subject to the amendments recommended, I am satisfied that Plan Change 26 achieves the integrated management of the effects of the use, development and protection of land and associated natural and physical resources of the district, as required by Section 31 of the Resource Management Act.
69. I have given consideration to the objectives, policies and methods proposed in PC26 pursuant to Section 32 of the Act, and am satisfied that the proposed changes to the Plan are the most appropriate means by which to achieve the purposes of the Act or the objectives of the Plan. Such an evaluation has accounted for benefits, costs and the certainty of information. .
70. I am satisfied that the Plan Change gives effect to the operative Regional Policy Statement, and I have had regard to, and given some limited weight to the proposed Regional Policy Statement. Similarly, I consider the Plan Change will promote the provisions in the Te Taumutu Rūnanga Natural Resource Management Plan and RHCMP
71. Overall, I am satisfied that Plan Change 26, as modified by this decision, achieves the purpose of the Act set out in Section 5, having recognised and provided for the relevant matters in Section 6, having had particular regard to the relevant Section 7 matters and having taken into account the principles of the Treaty of Waitangi.

RECOMMENDATION

72. For the reasons expressed above and after taking into account all of the evidence received and all relevant submissions, it is my recommendation that the plan change be **approved with modifications** as set out in **Appendix 1** and that submissions are determined accordingly as set out in **Appendix 2**.



Jeremy Phillips
Hearings Commissioner
3 February 2012

APPENDIX 1: RECOMMENDED MODIFICATIONS TO PLAN CHANGE 26

This appendix shows the recommended amendments to PC26.

Text proposed to be added by the original plan change as notified is shown as double underlined and text to be deleted as ~~striketrough~~.

Text proposed to be added by this Commissioner's Recommendation is shaded and shown as **bold double underlined** and text to be deleted as ~~**bold double striketrough**~~.

(NOTE: Map 133, Sheet 2 should be amended in accordance with the relief sought in submission 6.37, as set out in Appendix 2. For the avoidance of doubt, this would result in the undeveloped land on the 'middle terrace' (on the western boundary of WTMA C39 (b)) which is currently zoned 'Outer Plains' being identified as part of WTMA C39 (a)).

B3.3 CULTURE AND ~~CULTURE AND~~ HISTORIC HERITAGE – ISSUE

- Damage to, destruction of or inappropriate alteration of sites, places, trees and vegetation, buildings or other structures which have ~~cultural or~~ historic heritage ~~and cultural~~ values.

Culture and Historic Heritage in Selwyn District

Selwyn District is an area which has been affected by several waves of colonisation by Māori and Europeans. As a result there are sites, places and buildings which are of cultural or heritage value to individuals, families, iwi, rūnanga and communities in the District.

Some of these sites, places and buildings have been identified and protected in past planning schemes. Many significant trees have been protected for many years and it is the intention of the council to continue to provide recognition and protection for trees that display important values for the community or the environment.

Sites, areas or buildings may have heritage ~~and cultural~~ values if they are places or objects which people associate with their identity, history, events, customs or practices. Usually these values are shared by more than one person ~~and in the case of tangata whenua they are shared by the local rūnanga and Ngāi Tahu. In particular, wāhi tapu, wāhi taonga and mahinga kai are sites and/or areas that tangata whenua value as a critical part of their cultural identity. Heritage and cultural values may be associated with, but not limited to, old buildings, ruins, significant trees and vegetation, trees planted to commemorate special events, modern buildings that are part of a community's identity, the plants used in customary practices, land forms, routes, traditional trails and traditional activities.~~ Most often, people associate heritage values with old buildings, ruins or significant trees and vegetation. Many other things have heritage values. For example, plants used in customary practices, landforms, modern buildings that are part of a community's identity, routes and trails, and traditional activities and trees planted to commemorate special events.

Part of promoting the sustainable management of natural and physical resources is enabling:

“people and communities to provide for their economic, cultural and social well-being and for their health and safety...” (section 5(2)).

Section 6(e) of the Act requires the relationship of Maori, their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga to be recognised and provided for. In addition, section 6(f) of the Act requires Selwyn District Council to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development.

The Act defines historic heritage as meaning those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

- (i) archaeological:

(ii) architectural:

(iii) cultural:

(iv) historic:

(v) scientific:

(vi) technological:

and includes—

(i) historic sites, structures, places, and areas; and

(ii) archaeological sites; and

(iii) sites of significance to Māori, including wāhi tapu; and

(iv) surroundings associated with the natural and physical resources

Cultural and historic heritage values are not only part of our inheritance from the past; they are it is also a part of our contemporary identity and sense of place. Cultural and historic heritage values, including cultural connections and associations with places, makes an important contribution to the physical environment. In particular, culture and historic heritage values are a vital part of what makes a place unique or important for the people who live there.

Cultural and historic heritage values are important because they provide it provides a tangible insight into our past and can be an important source of knowledge. Cultural and heritage Heritage features can act as a reminder or social link to the past that is important to the community, but they can also provide valuable information that contributes to the knowledge of our history and environment. For example historic buildings provide information about the tools, technology and materials available at the time as well as contributing to a sense of place. Another example is examining an archaeological site to find information about how people lived in the past, and what their environment was like at that time. The accidental or inadvertent destruction or damage of cultural and heritage features can cause the loss of this knowledge as well as a social/cultural link to the past

Sites of Wāhi Taonga and Wāhi Tapu

Areas in Selwyn District have been traversed, occupied or settled by Māori, in particular by the iwi of Waitaha, Ngāti Mamoe and Ngāi Tahu. Part A, Section 4.2 explains the tāngata whenua of Selwyn District and the role of Māori in resource management under the Act.

Wāhi taonga and wāhi tapu are sacred places, which are held in reverence according to tribal custom. They provide a link to tribal custom. Protecting them helps protect and remember the mana of ancestors and provides protection for future generations.

Wāhi tapu and wāhi taonga include but are not limited to:

- tauranga waka (canoe landing sites)
- waiwhakaheketupapaku or urupa (burial sites)
- tuhituhi o nehera (rock drawing sites)

- tuahu (altars)
- pa/kainga (habitations)
- mahinga kai (food/material gathering sites)
- ruakoiwi (burial site)

These areas may have a temporary tapu placed on them or contain resources that are slightly depleted.

Sites of wāhi taonga and wāhi tapu may be damaged or destroyed by earthworks or building, associated with a variety of activities. Wāhi taonga and wāhi tapu sites may also be disturbed by people or animals. Any sort of disturbance may be inappropriate, whether physical damage is done to the site or not.

In addition to wāhi taonga and wāhi tapu sites, there are sites of mahinga kai (food gathering) which are important to local rūnanga.

Indigenous trees and plants can also have cultural values to Māori. For example, tikouka, the cabbage tree (*Cordyline Australis*) was a food source for Ngāi Tahu and used to mark Mahinga kai trails.

All natural resources including land, air and water are taonga (treasured) to Māori. Effects of activities on these values are addressed in Part B, Sections 1.1 to 1.4 of the Plan.

European Heritage Sites and Buildings

Selwyn District has been colonised and farmed by European settlers since the 1850s. Coal, lime and clay was mined in the Malvern foothills. Rural towns developed in association with farming and mining activities and the railway to the West Coast that began in the 1870s.

Many of the existing townships in Selwyn were settled very early in European colonisation. These towns typically had accommodation houses, trading stores, simple dwellings, community buildings and services such as drainage systems.

There are many sites and buildings with historic heritage values, including:

- Various styles of houses.
- Community buildings such as schools, churches and halls are often the last remains of a once thriving town.
- Early farming or transport infrastructure such as water races, bridges, roads and shelter belts, much of which is still used.
- A variety of exotic plants grown for shelter, amenity or to commemorate events.
- Industrial sites.

Historic heritage sites or buildings do not have to be 'old' to have heritage values. Modern examples with heritage values may include: plantings or structures created by communities to celebrate the new millennium; or sites of more recent yet important events for a community.

Damage To Sites With Cultural and Historic Heritage

Sites and buildings with cultural and historic heritage values may be lost or damaged by natural forces such as fire, earthquake, weather or diseases in plants. Human and animal activities can also affect sites and buildings. Examples include: earthworks, additions, alterations or

modification to buildings or parts of buildings which are not 'in keeping' with the original style, removing buildings, ruins or trees or disturbing wāhi taonga and wāhi tapu sites.

Old buildings and structures can also become derelict, particularly when they are no longer used or maintained. Many of the heritage buildings in the rural area are lost because they become derelict rather than being intentionally destroyed.

Protecting Cultural and Historic Heritage Values

As well as the specific duties under section 6 of the Act, maintaining sites and buildings with cultural and historic heritage values in Selwyn District can:

- Help teach people about their past;
- Foster people's sense of identity and community;
- Provide economic opportunities in heritage, tourism, recreation, restoration and marketing; and
- Recognise and provide for the protection of heritage and cultural sites.

Protecting sites and structures with cultural and historic heritage values involves costs:

- Many sites and structures are privately owned or on private land. For example, some wāhi taonga and wāhi tapu sites are on land not owned by tangata whenua for whom they have value. Protecting sites and structures them may sometimes prevent the landholder from using them the site or structure for other purposes, although adapting heritage buildings for new uses is common.
- Historic heritage buildings and structures need to be maintained to ensure their retention.
- Using historic heritage buildings can be costly as when the use of any building changes, the building must be upgraded as is reasonably practicable to the same level as for a new building to comply with the New Zealand Building Code.

Any measures in the District Plan to protect the cultural and historic heritage values of sites must:

- Recognise the costs to landholders if they cannot reasonably use buildings or sites.
- Be practical, easy and inexpensive for landholders to comply with.
- Encourage the ongoing use and maintenance of buildings and structures.

In addition, section 32 of the Act requires a council to assess the costs and benefits of any rule in a District Plan.

Archaeological Sites

An archaeological site is defined in section 2 of the Historic Places Act 1993 as:

"Archaeological site" means any place in New Zealand that –

(a) Either–

(i) Was associated with human activity that occurred before 1900; or

(ii) Is the site of the wreck of any vessel where that wreck occurred before 1900; and

(b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand”

Archaeological sites may be Maori or European in origin and may also be recognised as having spiritual or cultural values, such as wāhi tapu sites. There are various types of archaeological sites some of which include midden and pa sites, terraces, garden areas, kumara pits, battle grounds, areas of early settlement by Maori and Europeans, early industrial areas, rock art sites and shipwrecks.

Section 10 of the Historic Places Act 1993 directs that an archaeological authority is required from the New Zealand Historic Places Trust Pouhere Taonga if there is “reasonable cause” to suspect an archaeological site (recorded or unrecorded) may be modified, damaged or destroyed in the course of an activity.

Under the RMA 1991, a District Council shall recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development (section 6(f)). This requirement in the Act requires a council to identify known archaeological sites through the Plan and protect them from subdivision use and development through various methods. For this purpose, Appendices 3 and 5 include some archaeological sites recorded in the New Zealand Archaeological Association (NZAA) site recording scheme.

Role of District Councils

Managing effects of activities on sites or buildings with heritage or cultural values is largely a function of District Councils under section 31 of the Act. District Councils are also Heritage Protection Authorities under section 187 of the Act. This power enables the District Council to use Heritage Orders to halt the alteration or demolition of a site or building with heritage values, whether it is protected in the District Plan or not. If a Heritage Order is used, the Heritage Protection Authority has 12 months to buy the building or site, or to negotiate an appropriate outcome with the owner.

Heritage Orders

The Council has decided to identify sites and buildings with heritage or cultural values in the District Plan, rather than relying on Heritage Orders. The reasons are:

- Certainty for landowners that a site or building is protected under the Plan, rather than having a “surprise” at the time they come to make alterations.
- Certainty for the community that a site or building is protected.
- Preservation of the heritage values of sites and buildings can be successfully undertaken while allowing the landowner to continue or modify their use of the site or building.

Historic Places Act 1993

The New Zealand Historic Places Trust Pouhere Taonga is required to be notified of any proposed works affecting a listed heritage item that requires a building consent or any activities which may impact on a site of cultural significance. In addition the Trust is an affected party for resource consents involving places with heritage values.

What Are Heritage Values?

The term “heritage values” is not defined in the Act. Sites, areas or buildings may have heritage values if they are places or objects which people associate with their identity, history, events,

customs or practices. Usually these values are shared by more than one person. Most often, people associate heritage values with old buildings, ruins or significant trees and vegetation. Many other things have heritage values. For example, plants used in customary practices, landforms, modern buildings that are part of a community's identity, routes and trails, and traditional activities.

Heritage and Cultural Values in Selwyn District

Selwyn District is an area which has been affected by several waves of colonisation by Māori and Europeans. As a result there are sites, places and buildings which have cultural or heritage values to individuals, families, iwi, rūnanga and communities in the District.

Some of these sites, places and buildings have been identified and protected in past planning schemes. Many significant trees have been protected for many years and it is the intention of the council to continue to provide recognition and protection for trees that display important values for the community or the environment.

Sites of Waahi Taonga and Tapu

Areas in Selwyn District have been traversed, occupied or settled by Māori, in particular by the iwi of Waitaha, Ngāti Mamoe and Ngāi Tahu. Part A, Section 4.1 explains the tāngata whenua of Selwyn District and the role of Māori in resource management under the Act.

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These areas may have a temporary tapu placed on them or contain resources that are slightly depleted.

Sites of waahi taonga and waahi tapu may be damaged or destroyed by earthworks or building, associated with a variety of activities. Waahi taonga and waahi tapu sites may also be disturbed by people or animals. Any sort of disturbance may be inappropriate, whether physical damage is done to the site or not.

In addition to waahi taonga and waahi tapu sites, there are sites of mahinga kai (food gathering) which are important to local rūnanga.

Indigenous trees and plants can also have cultural values to Māori. For example, tikouka, the cabbage tree (*Cordyline Australis*) was a food source for Ngāi Tahu and used to mark Mahinga kai trails.

All natural resources including land, air and water are taonga (treasured) to Māori. Effects of activities on these values are addressed in Part B, Sections 1.1 to 1.4 of the Plan.

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Many of the existing townships in Selwyn were settled very early in European colonisation. These towns typically had accommodation houses, trading stores, simple dwellings, community buildings and services such as drainage systems.

There are many sites and buildings with heritage values, including:

- Various styles of houses.
- Community buildings such as schools, churches and halls are often the last remains of a once thriving town.
- Early farming or transport infrastructure such as water races, bridges, roads and shelter belts, much of which is still used.
- A variety of exotic plants grown for shelter, amenity or to commemorate events.
- Industrial sites.

Heritage sites or buildings do not have to be 'old' to have heritage values. Modern examples with heritage values may include: plantings or structures created by communities to celebrate the new millennium; or sites of more recent yet important events for a community.

Damage To Sites With Heritage Or Cultural Values

Sites and buildings with heritage or cultural values may be lost or damaged by natural forces such as fire, earthquake, weather or diseases in plants. Human and animal activities can also affect sites and buildings. Examples include: earthworks, additions, alterations or modification to buildings or parts of buildings which are not 'in keeping' with the original style, removing buildings, ruins or trees or disturbing waahi taonga and waahi tapu sites.

Part of promoting sustainable management of natural and physical resources is:

- Recognising and protecting the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and waahi taonga (section 6(e)).
- Having particular regard to recognising and protecting the heritage values of sites, buildings, places or areas (section 7(e)).

As well as the specific duties under section 6 and 7 of the Act, maintaining sites and buildings with heritage values in Selwyn District can:

- Help teach people about their past;
- Foster people's sense of identity and community; and
- Provide economic opportunities in heritage, tourism, recreation, restoration and marketing.

Many of the sites and buildings with heritage or cultural values are privately owned. Some waahi taonga and waahi tapu sites are on land not owned by tāngata whenua for whom they have value. These sites and buildings often have other uses and values. Any measures in the District Plan to protect the heritage and cultural values of sites must:

- ~~—— Recognise the costs to landowners if they cannot reasonably use buildings or sites.~~
- ~~—— Be practical, easy and inexpensive for landowners to comply with, to be successful.~~

~~Part of promoting sustainable management of natural and physical resources is enabling:~~

~~“people and communities to provide for their economic, cultural and social well-being and for their health and safety...”~~

~~In addition, section 32 (4)(a) of the Act requires a council to assess the costs and benefits of any rule in a district plan.~~

Archaeological Sites

~~An archaeological site is defined in section 2 of the Historic Places Act 1993 as:~~

~~"Archaeological site" means any place in New Zealand that—~~

~~(a) — Either—~~

~~(i) Was associated with human activity that occurred before 1900; or~~

~~(ii) Is the site of the wreck of any vessel where that wreck occurred before 1900; and~~

~~(b) — Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand"~~

~~Archaeological sites may be Maori or European in origin and may also be recognised as having spiritual or cultural values, such as waahi tapu sites. There are various types of archaeological sites some of which include midden and pa sites, terraces, garden areas, kumara pits, battle grounds, areas of early settlement by Maori and Europeans, early industrial areas, rock art sites and shipwrecks.~~

~~Section 10 of the Historic Places Act 1993 directs that an authority is required from the New Zealand Historic Places Trust Pouhere Taonga if there is “reasonable cause” to suspect an archaeological site (recorded or unrecorded) may be modified, damaged or destroyed in the course of an activity. Under the RMA 1991, a District Council shall recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development (section 6(f)). This requirement in the Act requires a council to identify known sites through the Plan and protect them from subdivision use and development through various methods. For this purpose, Appendices 3 and 5 include some archaeological sites recorded in the NZAA site—recording scheme.~~

Role of District Councils

~~Managing effects of activities on sites or buildings with heritage or cultural values is largely a function of District Councils under section 31 of the Act. District Councils are also Heritage Protection Authorities under section 187 of the Act. This power enables the District Council to use Heritage Orders to halt the alteration or demolition of a site or building with heritage values, whether it is protected in the District Plan or not. If a Heritage Order is used, the Heritage Protection Authority has 12 months to buy the building or site, or to negotiate an appropriate outcome with the owner.~~

Heritage Orders

The Council has decided to identify sites and buildings with heritage or cultural values in the District Plan, rather than relying on Heritage Orders. The reasons are:

- Certainty for landowners that a site or building is protected under the Plan, rather than having a “surprise” at the time they come to make alterations.
- Certainty for the community that a site or building is protected.
- Preservation of the heritage values of sites and buildings can be successfully undertaken while allowing the landowner to continue or modify their use of the site or building.

Historic Places Act 1993

The New Zealand Historic Places Trust Pouhere Taonga is required to be notified of any proposed works affecting a listed heritage item that requires a building consent. In addition the Trust is an affected party for resource consents involving places of heritage values.

~~CULTURE AND~~ CULTURE AND HISTORIC HERITAGE — STRATEGY

The Township Volume of the District Plan uses the following basic strategy to protect sites with cultural and heritage values:

General

- Foster a partnership for protecting sites and buildings with cultural and historic cultural or heritage values between owners; local communities; local ~~rūnanga~~ rūnanga and the Council.

~~CULTURE AND~~ CULTURE AND HISTORIC HERITAGE — OBJECTIVES

Objective B3.3.2

Sites of wāhi waahi tapu and other importance to tāngata whenua are protected.

Explanation and Reasons

Part of promoting sustainable management of natural Part of promoting sustainable management also involves enabling people and communities to provide for their economic, social and cultural well-being.

Objective B3.3.1 develops a partnership approach to culture and heritage protection as many sites and buildings that have cultural or and historic heritage values in Selwyn District are privately owned and are still in use. The co-operation of owners These efforts should be acknowledged and encouraged.

The role of the Council, local ~~rūnanga~~ rūnanga and community interest groups is to recognise, encourage and assist the work of landowners, not to take control out of their hands.

Objective B3.3.2 reflects the duty duties under section 6 (e) and (f) (fe) of the Act. to recognise and provide for the protection of protect sites of waahi tapu and other cultural importance wāhi

~~tapu and other sites of cultural importance to local rūnanga Māori from inappropriate subdivision, use, and development to Māori.~~ It is achieved through policies and methods which encourage local rūnanga rūnanga and landowners to develop protocols for activities in areas with such sites. This is the preferred approach indicated by local rūnanga~~rūnanga~~. The District Plan also contains rules to manage earthworks, buildings and other activities in Wāhi Taonga Sites, ~~waahi taonga sites~~ Wāhi Taonga Management Areas and ~~management areas~~ and in Silent File Areas~~silent file areas~~.

Objective B3.3.3 reflects the duty under section ~~6(f) 7(e)~~ of the Act to recognise and provide for the protection of historical~~al~~ heritage from inappropriate subdivision, use, and development~~have particular regard to the protection of the heritage values of sites, areas and buildings.~~ The objective recognises that not all sites or buildings with historic heritage values in the District will warrant formal protection under the Act. The objective

~~CULTURE AND~~ CULTURE AND HISTORIC HERITAGE — POLICIES AND METHODS

~~MĀORI SITES~~ SITES OF SIGNIFICANCE TO TANGATA WHENUA

Policy B3.3.2

Recognise and protect sites of cultural importance to local ~~rūnanga~~rūnanga through fostering a partnership between landholders and local ~~rūnanga~~rūnanga.

Explanation and Reasons

Many sites of

Methods

Advocacy

- Joint protocols with landholders and land managers for Wāhi Taonga Management Areas ~~waahi taonga Management Areas~~ and other sites, if appropriate

District Plan Rules

- see Policy B3.3.3 and B3.3.4

Policy B3.3.4

Protect areas identified in the Plan as Wāaahi Taonga Sites, Wāaahi Taonga Management Areas and Mahinga Kai Sites, from inappropriate damage or destruction, ~~whenever practical~~.

Explanation and Reasons

Policies B3.3.3 and B3.3.4 recognise and provide for the protection of four types of sites in the Plan.

Silent File Areas may contain sites of immense cultural importance to local rūnanga. The silent file areas are listed in Appendix 5 and shown on the Planning Maps. The exact location and the type of site within the silent file area are not disclosed by local rūnanga, to try and reduce the

likelihood of intentional damage to the site and in respect of the traditions of keeping this information among tribal elders.

Wāhi Taonga Sites are sites of traditional occupation or use by local rūnanga. Most have been uncovered by archaeologists and contain objects or remnants of their past use. The Wāhi Taonga Sites are based on the grid reference of the original site and are extended for a 20m radius, in case there is other material around the site which has not been uncovered.

Wāhi Taonga Management Areas are large areas which contain many Wāhi Taonga Sites. There are six Wāhi Taonga Management Areas in the District; at Rakaia Island, along the Coast from the Rakaia River to Fisherman's Point, Taumutu, along the bed of the Waikirikiri/Selwyn River and the area surrounding and including the Rakaia Huts Township, which has two distinct Wāhi Taonga Management Areas, one of which is the culturally and archaeologically significant Rakaia River Mouth Moa Hunter Site. For the purposes of management under the District Plan, the Rakaia River Mouth Moa Hunter Site has been divided into 2 sub Wāhi Taonga Management Areas (C39(a) and C39(b)) with site C39(b) relating directly to the Living 1 Zone of the Rakaia Huts Township itself.

Mahinga kai sites are sites which were traditionally used to gather food or materials for medicine, crafts and other traditional activities. Many wetlands and waterbodies are sites of mahinga kai. In addition, there are two sites of identified land, where vegetation is traditionally gathered. The District Plan rules require a resource consent to damage or remove indigenous vegetation on these sites, other than for mahinga kai purposes.

Policy B3.3.3 relates to Silent File Areas. Any disturbance of the sites within Silent File Areas is usually inappropriate. However, much land within the silent file areas has been disturbed in the past as part of farming or building activities. Therefore, the District Plan rules allow any activity, which disturbs soil over an area or to a depth where it has already been disturbed, as a permitted activity (no resource consent needed). Any activity which disturbs soil in areas or to depths where it has not previously been disturbed, requires resource consent.

Silent file areas may contain sites of immense cultural importance to local rūnanga. The silent file areas are listed in Appendix 5 and shown on the Planning Maps. The exact location and the type of site within the silent file area are not disclosed by local rūnanga, to try and reduce the likelihood of intentional damage to the site and in respect of the traditions of keeping this information among tribal elders.

Any disturbance of the sites within silent file areas is usually inappropriate. However, much land within the silent file areas has been disturbed in the past as part of farming or building activities. Therefore, the District Plan rules allow any activity, which disturbs soil over an area or to a depth where it has already been disturbed, as a permitted activity (no resource consent needed). Any activity which disturbs soil in areas or to depths where it has not previously been disturbed, requires resource consent. In deciding whether any disturbance of land in a silent file area is appropriate, the Council shall refer to local rūnanga for advice about whether the proposed activity will disturb a culturally important site within the silent file area. The Council will also consider whether there are alternative sites or methods to undertake the activity, and the costs to the landholder of these alternative options; and of not being able to undertake the activity at all.

Policy B3.3.4 relates to Wāhi Taonga Sites, Wāhi Taonga Management Areas and Mahinga Kai Sites. waahi taonga sites, waahi taonga management areas and mahinga kai sites. These sites are listed in Appendix 5 and shown on the Planning Maps. Waahi taonga sites are sites of traditional occupation or use by local rūnanga. Most have been uncovered by archaeologists and contain objects or remnants of their past use. The information about the location and content of these sites is publicly recorded and the aim of Policy B3.3.4 is to protect the artefacts and remnants contained in these sites from inappropriate damage or destruction. The Wāhi

Taonga Sites ~~waahi taonga sites~~ are based on the grid reference of the original site and are extended for a 20m radius, in case there is other material around the site which has not been uncovered. The rules in the Plan do not prevent the soil in this 20m radius from being disturbed. If an object is uncovered in that area, it cannot be further damaged, removed or destroyed without first obtaining a resource consent.

With regard to Wāhi Taonga Management Area C39(b) at Rakaia Huts; the site is still of significant cultural and archaeological value in spite of significant alterations and disturbance to the area since European settlement. The District Plan identifies a number of activities which are considered to have less than minor effects on the cultural and archaeological values of Wāhi Taonga Management Area C39(b). These activities do not require a resource consent for earthworks. Activities exempt from earthworks rules include;

- sowing tending or cultivating crops;
- digging post holes;
- maintenance or landscaping of gardens, lawns or public spaces;
- burying pets; and
- trenching compost.

The District Plan allows any other activity not exempt from the rules to disturb soil over areas which have been previously disturbed by cultivation, planting, building or earthworks (to a depth of 20cm) as a permitted activity (no resource consent needed). Any activity not exempt from the rules and which disturbs soil in those areas to depths of more than 20cm, or disturbs soil in areas not previously disturbed by those activities shall require a resource consent.

In deciding whether protecting any Silent File Area, Wāhi Taonga Site, Wāhi Taonga Management Area or Mahinga Kai Site is practical; the Council shall refer to local rūnanga for advice about the effects of the proposed activity on the site and the cultural significance of the site. In relation to Wāhi Taonga Management Area C39(b) at Rakaia Huts, Council shall refer to the New Zealand Historic Places Trust Pouhere Taonga for advice about the effects of the proposed activity on any archaeological values. The Council will also consider whether there are alternative sites or methods to undertake the activity, and the costs to the landholder of these alternative options; and of not being able to undertake the activity at all.

~~Waahi Taonga Management Areas are large areas which contain many waahi taonga sites. There are four areas in the District at Rakaia Island, Taumutu, along the coast from the Rakaia River to Fisherman's Point, and along the bed of the Waikirikiri/Selwyn River. The Council wishes to foster a partnership between local rūnanga, landholders and Environment Canterbury (coast and Waikirikiri/ Selwyn Riverbed) for the appropriate management of these areas.~~

~~Mahinga kai sites are sites which were traditionally used to gather food or materials for medicine, crafts and other traditional activities. Many wetlands and waterbodies are sites of mahinga kai. In addition, there are two sites of identified land, where vegetation is traditionally gathered. The District Plan rules require a resource consent to damage or remove indigenous vegetation on these sites, other than for mahinga kai purposes~~

In addition, the provisions of the Historic Places Act 1993 apply to the Wāhi Taonga Management Areas in and around Rakaia Huts Township ((C39(a) and C39(b)). Other Wāhi Taonga Sites and Wāhi Taonga Management Areas may also be subject to the Historic Places Act 1993, as they may be considered archaeological sites. In deciding whether protecting any waahi taonga site,

~~waahi taonga management area or mahinga kai site is practical, the Council shall refer to local rūnanga for advice about the effects of the proposed activity on the site and the cultural significance of the site. The Council will also consider whether there are alternative sites or methods to undertake the activity, and the costs to the landholder of these alternative options; and of not being able to undertake the activity at all.~~

Where a landholder requires a resource consent to undertake an activity in a Silent File Area, a Wāhi Taonga Site, a Wāhi Taonga Management Area or a Mahinga Kai Site~~silent file area, a waahi taonga site or management area or a mahinga kai site~~, the Council has a policy to consider reducing or waiving fees for processing the resource consent application (see Policy B3.3.9~~10.11~~). This policy applies to heritage sites and in areas of outstanding landscapes, as well.

Method

District Plan Rules

- Sites of Significance to Tangata Whenua Cultural Historic Heritage Sites

~~CULTURE AND~~ CULTURE AND HISTORIC HERITAGE — ANTICIPATED ENVIRONMENTAL RESULTS

The following outcomes should result from implementing Section B3.3:

- A growing database of the history of the Selwyn District.
- Development of agreements between landowners and local rūnanga for conducting activities in 'silent file' areas.
- Wāhi ~~Waahi~~-tapu and wāhi~~aa~~hi taonga sites are protected.
- Sites and buildings with significant historic heritage values are used and maintained.
- Recognition of and protection for trees of significant value to the community and environment.

~~CULTURE AND~~ CULTURE AND HISTORIC HERITAGE — MONITORING

Please refer to Part E, Appendix 1.

PART C

2 LIVING ZONE RULES — EARTHWORKS

Notes

1. Rule 2 does not apply to any of the following activities:

- Landscaping or maintenance of gardens, lawns or public spaces;
- Sowing, tending or cultivating crops, grazing or planting trees;

- Digging post holes;
 - Burying pets;
 - Trenching compost;
 - Digging soak holes, building foundations and related activities, except in Wāhi Taonga Management Area C39(b), ;
 - Maintaining and clearing rivers, water races or drains except in Wāhi Taonga Management Area C39(b);
 - Maintaining or repairing existing flood protection works except in Wāhi Taonga Management Area C39(b); or
 - Earthworks required to duct cables except in Wāhi Taonga Management Area C39(b).
2. Stockpiling of material disturbed by earthworks may be affected by Rule 10.11 – Activities and the Outdoor Storage of Materials and Goods.
 3. Refer to Appendix 6 for Protocols on Accidental Discovery of Archaeological Sites.
 4. Earthworks affecting any archaeological site including Wāhi Taonga Management Area C39(b) at Rakaia Huts, may require an archaeological authority from the New Zealand Historic Places Trust Pouhere Taonga.
 5. Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development. Refer to Part B, 4.4 for further information on development contributions.
 6. Earthworks in areas listed in Appendix 5 and shown on the planning maps as a Silent File Area, Wāhi Taonga Site or Wāhi Taonga Management Area may be subject to Rule 10.4 Activities and Cultural Historic Heritage Sites

2.1 EARTHWORKS

Permitted Activities – Earthworks

- 2.1.1 Any earthworks shall be a permitted activity if the following conditions are met:
 - 2.1.1.1 Any disturbed or stockpiled material is kept moist until it has consolidated, and
 - 2.1.1.2 Any stockpiled material is kept consolidated or covered to avoid sediment run-off from rainfall, and
 - 2.1.1.3 Any site subject to earthworks is either:
 - (a) built upon,
 - (b) sealed,
 - (c) landscaped, or
 - (d) the land recontoured and replanted,

no more than 12 months after the earthworks commencing, except in the case of landscaping and planting which shall be undertaken during the first planting season following the completion of the earthworks.

- 2.1.1.4 Earthworks do not occur and material from earthworks is not deposited within:
- (a) 20m of any waterbody listed in Appendix 12.
 - (b) 10m of any other waterbody (excluding aquifers).
- 2.1.1.5 On land located within the Living 1A or 2A Zones at Tai Tapu, earthworks are limited to the forming of any accessway to a site or the preparation of any site to erect a building, provided that these earthworks do not alter or impede the land drainage pattern.
- 2.1.1.6 Except where Rule 2.1.1.5 applies, any earthworks has:
- (a) a volume of not more than 2,000m³ per project; and
 - (b) a vertical cut face where no more than 5% of the total vertical cut is over 2 metres.
- 2.1.1.7 Any earthworks undertaken on any site to be used to erect a building complies with NZS 4431 Code of Practice for Earth Fill for Residential Development.
- 2.1.1.8 The earthworks are not part of mining or mineral exploration.
- 2.1.1.9 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(b) at Rakaia Huts, any earthworks are limited to the disturbance of soil over areas where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks. Any disturbance within those areas shall be limited to a maximum depth of 20cm;
- 2.1.1.10 For the part of Wāhi Taonga Management Area C48 zoned Living 1 at Rakaia Huts, any earthworks does not involve the disturbance, damage to, removal of or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site

Controlled Activities – Earthworks and Sites of Significance to Tangata Whenua (Wāhi Taonga Management Areas)

2.1.2 Any earthworks which do not comply with Rule 2.1.1.9 or 2.1.1.10 shall be a controlled activity if the written consent of the local rūnanga has been obtained, and in the case of Wāhi Taonga Management Area C39(b), the written consent of the New Zealand Historic Places Trust Pouhere Taonga, has also been obtained.

2.1.3 In assessing any application made under Rule 2.1.2, Council shall restrict its control to consideration of the following matters:

2.1.3.1 For the part of Wāhi Taonga Management Area C48 zoned Living 1 at Rakaia Huts any damage to, destruction or removal of any object, remnant or artefact contained within Wāhi Taonga Management Area C48, as advised by local rūnanga; and

2.1.3.2 In Wāhi Taonga Management Area C39(b), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga; and

2.1.3.3 Any monitoring or review conditions.

Restricted Discretionary Activities – Earthworks

2.1.4

Restricted Discretionary Activities – Earthworks and Sites of Significance to Tangata Whenua (Wāhi Taonga Management Areas)

- 2.1.6 Any activity which does not comply with Rule 2.1.2 shall be a restricted discretionary activity.
- 2.1.7 Under Rule 2.1.6 the Council shall restrict the exercise of its discretion to all of the following matters:
- 2.1.7.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local rūnanga;
 - 2.1.7.2 Any damage to, destruction or removal of any object, remnant or artefact contained within a Wāhi Taonga Site or Wāhi Taonga Management Area as advised by local rūnanga and in the case of Wāhi Taonga Management Area C39(b), the New Zealand Historic Places Trust Pouhere Taonga;
 - 2.1.7.3 Other than in Wāhi Taonga Management Area C39(b), aAny potential costs to the landholder of not being able to undertake the proposed activity on that site;
 - 2.1.7.4 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
 - 2.1.7.5 Any positive effects which may offset any adverse effects; and
 - 2.1.7.6 Any monitoring or review of conditions.

Notes

1. ~~Rule 2 does not apply to any of the following activities:~~
 - ~~Landscaping or maintenance of gardens, lawns or public spaces;~~
 - ~~Sowing, tending or cultivating crops, grazing or planting trees;~~
 - ~~Digging post holes, soak holes, building foundations and related activities;~~
 - ~~Maintaining and clearing rivers, water races or drains;~~
 - ~~Maintaining or repairing existing flood protection works; or~~
 - ~~Earthworks required to duct cables.~~
2. ~~Stockpiling of material disturbed by earthworks may be affected by Rule 10.11 Activities and the Outdoor Storage of Materials and Goods.~~
3. ~~Refer to Appendix 6 for Protocols on Accidental Discovery of Archaeological Sites.~~
4. ~~Earthworks affecting any archaeological site require the consent of the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B, Section 3.3, “Archaeological Sites”.~~
5. ~~Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed~~

~~or expanded as a direct result of growth from development. Refer to Part B, 4.4 for further information on development contributions.~~

Reasons for Rules

Earthworks may create the following effects: dust nuisance; slope failure or erosion; siltation effecting neighbouring properties; waterbody

Mineral exploration and mining require resource consent in Living zones, irrespective of the scale of earthworks. The reason that mineral exploration.....

Rules 2.1.1.9 and 2.1.1.10 manage earthworks in areas which contain sites of special significance to tāngata whenua or protect archaeological sites. Protecting these sites is part of the duty under section 6(e) of the Act “to provide for the relationship of Māori and their customs and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga’ and section 6(f) to recognise and provide for ‘the protection of historic heritage from inappropriate subdivision, use and development’

Wāhi Taonga Management Areas are of considerable cultural and archaeological significance. Earthworks in these areas are appropriate in certain circumstances and to a certain depth, after which resource consent is required (Controlled Activity). In assessing any application for resource consent made under Rule 2.1.2, the Council will consider whether the earthworks will disturb the special site within the Wāhi Taonga Management area C39(c)(b) and whether that disturbance is inappropriate, as advised by local rūnanga and in the case of Wāhi Taonga Management Area C39(b), the Historic Places Trust Pouhere Taonga).

Note 1 clarifies that earthworks associated with the activities listed are, in the view of the Council, de minimus activities (very minor/negligible). Rule 2 is not intended to affect or control those activities other than in Wāhi Taonga Management Area C39(b).

PART C

4 LIVING ZONE RULES – BUILDINGS

4.14 BUILDINGS AND SITES OF SIGNIFICANCE TO TANGATA WHENUA (WĀHI TAONGA MANAGEMENT AREAS)

Permitted Activities – Buildings and Sites of Significance to Tangata Whenua (Wāhi Taonga Management Areas)

4.14.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if all of the following conditions are met:

4.14.1.1 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(b), any earthworks associated with the building are limited to the disturbance of soil over areas where that soil has been previously disturbed by cultivation, planting (trees, pasture or

crops), building or earthworks. Any disturbance within those areas shall be limited to a maximum depth of 20cm

4.14.1.2 For the part of Wāhi Taonga Management Area C48 zoned Living 1 at Rakaia Huts, any earthworks does not involve the disturbance, damage to, removal of or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site.

Controlled Activities – Buildings and Sites of Significance to Tangata Whenua (Wāhi Taonga Management Areas)

4.14.2 Any activity which does not comply with Rules 4.14.1.1 and 4.14.1.2 shall be a controlled activity if the written consent of the local rūnanga **has been obtained;** and in the case of Wāhi Taonga Management Area C39(b), the **written consent of the** New Zealand Historic Places Trust Pouhere Taonga, has **also** been obtained.

4.14.3 In assessing any application made under Rule 4.14.2, Council shall restrict its control to consideration of the following matters:

4.14.3.1 For the part of Wāhi Taonga Management Area C48 zoned Living 1 at Rakaia Huts any damage to, destruction or removal of any object, remnant or artefact contained within Wāhi Taonga Management Area C48, as advised by local rūnanga; and

4.14.3.2 In Wāhi Taonga Management Area C39(b), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga; and

4.14.3.2 Any monitoring or review conditions.

Restricted Discretionary Activities – Buildings and Sites of Significance to Tangata Whenua (Wāhi Taonga Management Areas)

4.14.4 Any activity which does not comply with Rule 4.14.2 shall be a restricted discretionary activity.

4.14.3 Under Rule 2.1.6 the Council shall restrict the exercise of its discretion to all of the following matters:

4.14.3.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local rūnanga;

4.14.3.2 Any damage to, destruction or removal of any object, remnant or artefact contained within a Wāhi Taonga Site or Wāhi Taonga Management Area as advised by local rūnanga, and in the case of Wāhi Taonga Management Area C39(b), the New Zealand Historic Places Trust Pouhere Taonga;

4.14.3.3 **Other than in Wāhi Taonga Management Area C39(b), a**ny potential costs to the landholder of not being able to undertake the proposed activity on that site;

4.14.3.4 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;

4.14.3.5 Any positive effects which may offset any adverse effects; and

4.14.3.6 Any monitoring or review of conditions.

Reasons for Rules

Sites of Significance to Tangata Whenua (Wāhi Taonga Management Areas)

Rule 4.14 manages the effects of erecting buildings in Wāhi Taonga Management Areas at Rakaia Huts. Activities which may disturb this area and sites require a resource consent, so the Council can assess whether the activity will affect any culturally important site, as advised by local rūnanga and in the case of Wāhi Taonga Management Area C39(b), the New Zealand Historic Places Trust Pouhere Taonga.

The Council has a policy to consider reducing or waiving resource consent processing fees for activities in such areas (see Part B, Section 3.3). For further information on these areas and sites, refer to the Reasons for the Earthworks Rules.

PART C

10 LIVING ZONE RULES — ACTIVITIES

Notes:

1. Activities affecting any archaeological site including Wāhi Taonga Management Area C39(b) may require an Archaeological Authority from the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B, Section 3.3 Archaeological Sites).
2. Refer to Appendix 6 “Protocols on Accidental Discovery of Archaeological Sites” when any activities occur in any Silent File, Wāhi Taonga Site or Wāhi Taonga Management Area.

10.4 ACTIVITIES AND SITES OF SIGNIFICANCE TO TANGATA WHENUA (WĀHI TAONGA MANAGEMENT AREAS)

Permitted Activities — Activities and Sites of Significance to Tangata Whenua (Wāhi Taonga Management Areas)

10.4.1 The following activities shall be permitted activities:

- 10.4.1.1 In any areas listed in Appendix 5 and shown on the Planning Maps as a Silent File Area, any disturbance of soil which is limited to disturbance of soil over areas and to depths where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), buildings or earthworks.

- 10.4.1.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(b), any earthworks associated with any proposed activity are limited to the disturbance of soil over areas where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks. Any disturbance within those areas shall be limited to a maximum depth of 20cm;In any area listed in Appendix 5 and shown on the Planning Maps as a Waahi Taonga Site or Waahi Taonga Management Area, any proposed activity which does not involve the disturbance, damage to, removal of or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site.
- 10.4.1.3 For the part of Wāhi Taonga Management Area C48 zoned Living 1 at Rakaia Huts, any earthworks does not involve the disturbance, damage to, removal of or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site
- 10.4.1.4 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 10.4.1.2 or 10.4.1.3, any proposed activity which does not involve the disturbance, damage to, removal of or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site.In any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai site, any damage to or removal of indigenous vegetation which is limited to that undertaken by tāngata whenua for mahinga kai purposes.
- 10.4.1.5 In any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai site, any damage to or removal of indigenous vegetation which is limited to that undertaken by tāngata whenua for mahinga kai purposes.

Controlled Activities – Activities and Sites of Significance to Tangata Whenua (Wāhi Taonga Management Areas)

- 10.4.2 Any activity which does not comply with Rule 10.4.1.2 or 10.4.1.3 shall be a controlled activity if the written consent of the local rūnanga **has been obtained;** and in the case of Wāhi Taonga Management Area C39(b), the **written consent of the** New Zealand Historic Places Trust Pouhere Taonga, has **also** been obtained.
- 10.4.3 In assessing any application made under Rule 10.4.2 Council shall restrict its control to consideration of the following matters:
- 10.4.3.1 For the part of Wāhi Taonga Management Area C48 zoned Living 1 at Rakaia Huts any damage to, destruction or removal of any object, remnant or artefact contained within Wāhi Taonga Management Area C48, as advised by local rūnanga; and
- 10.4.3.2 In Wāhi Taonga Management Area C39(b), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga; and
- 10.4.3.3 Any monitoring or review conditions.

Restricted Discretionary Activities – Activities and Sites of Significance to Tangata Whenua (Wāhi Taonga Management Areas)

- 10.4.24 Any activity which does not comply with Rules 10.4.1.1, 10.4.1.4, 10.4.1.5 or 10.4.2 to 10.4.1.3 shall be a restricted discretionary activity.
- 10.4.35 Under Rule 10.4.2 4 the Council shall restrict the exercise of its discretion to all of the following matters:
- 10.4.3.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local rūnanga;
 - 10.4.3.2 Any damage to, destruction or removal of any object, remnant or artefact contained within a Wāahi Taonga Site or Wāahi Taonga Management Area as advised by local rūnanga and in the case of Wāhi Taonga Management Area C39(b), the New Zealand Historic Places Trust Pouhere Taonga rūnanga ;
 - 10.4.3.3 Other than in Wāhi Taonga Management Area C39(b), aAny potential costs to the landholder of not being able to undertake the proposed activity on that site;
 - 10.4.3.4 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
 - 10.4.3.5 Any positive effects which may offset any adverse effects; and
 - 10.4.3.6 Any monitoring or review of conditions.

Reasons for Rules

Sites of Significance to Tāngata Whenua (Wāhi Taonga Management Areas)

Rule 10.4 manages activities in areas which contain sites of special significance to tāngata whenua. Protecting these sites is part of the duty under section 6(e) of the Act “to provide for the relationship of Maori and their customs and traditions with their ancestral lands, water, sites, wāahi tapu and other taonga and to “recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development” (Section 6(f).

Tāngata whenua have identified three types of sites in the plan. Silent File Areas may contain sites which are of immense cultural importance to tāngata tangata whenua. The exact location of the site is not disclosed. Any disturbance of these sites may be inappropriate. The rule allows earthworks to occur on soil which has already been disturbed, but requires a resource consent for earthworks which will disturb soil in areas which had not been previously worked, or if the earthworks involve excavating soil to depths where it has not been disturbed by other activities. The Council restricts its discretion to whether the earthworks will disturb the special site within the Silent File area and whether that disturbance is inappropriate (as advised by local rūnanga rūnanga).

Wāhi Wāahi Taonga Sites and Wāhi Taonga Management Areas contain sites of past settlement or occupation by tāngata tangata whenua. Wāhi Taonga Sites are based on the grid reference of the original site and are extended for a 20m radius, in case there is other material around the site which has not been uncovered. The rules in the Plan do not prevent the soil in this 20m

radius from being disturbed. If an object is uncovered in that area, it cannot be further damaged, removed or destroyed without obtaining a resource consent.

Wāhi Taonga Management Areas are areas which contain many Wāhi Taonga sites. The rules in the Plan for most Wāhi Taonga Management Areas in the District do not prevent the soil in the area from being disturbed. If an object is uncovered in that area, it cannot be further damaged, removed or destroyed without obtaining a resource consent. The rules for the Wāhi Taonga Management Area which make up the Rakaia River Moa Hunter Site (C39(a) and C39(b) at Rakaia Huts are more restrictive due to the significant cultural and archaeological values which have been identified in that area.

The rule allows earthworks to occur on soil which has already been disturbed (to a maximum depth of 20cm), but requires a resource consent for earthworks which will disturb soil in areas which had not been previously worked, or if the earthworks involve excavating soil to depths greater than 20cm where the soil has been previously disturbed. In assessing any application for resource consent made under Rule 10.4.2, the Council will consider whether the earthworks will disturb the special site within Wāhi Taonga Management area C39(b) and whether that disturbance is inappropriate, as advised by local rūnanga and the Historic Places Trust Pouhere Taonga.

Many Wāhi Taonga Sites and Wāhi Taonga Management Areas in the District Most of these sites have been uncovered by archaeologists and their location and what they contain is recorded. Earthworks in and around these sites are appropriate, provided that the artefacts and remnants which are contained within the sites are not removed, damaged or destroyed. Appendix 5 lists the artefacts, remnants or objects discovered so far within each site, though there may be more material located around the area. Wāhi Wāhi Taonga Management Areas are areas which contain many Wāhi Wāhi Taonga sites. The Council is encouraging land owners or managers and local rūnanga rūnanga to develop joint protocols for activities within these areas.

Silent File Areas, Wāhi Taonga Sites and Wāhi Taonga Management Areas may also be considered as archaeological sites. Any activity affecting any archaeological site requires the consent of the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B, Section 3.3, “Archaeological Sites”).

Mahinga Kai sites are sites used for traditional food gathering by ~~tāngata~~ ~~tangata~~ whenua. The sites identified within this Plan are valued for their vegetation. A resource consent is required for this vegetation to be damaged or removed, except for mahinga kai purposes.

PART C

12 LIVING ZONE RULES – SUBDIVISION

Notes:

1. The subdivision of any land is not a permitted activity. (This means that subdivision requires a resource consent).
2. If a subdivision is a controlled or restricted discretionary activity, the Council will restrict its discretion to the matters listed in the relevant rule under the heading “Matters over which the Council has restricted the exercise of its discretion”.
3. If subdivision is a discretionary or a non-complying activity, the Council is required to consider all relevant matters under Sections 104, 104B and 104D of the Act.

4. Rule 12 applies to the subdivision of land, within the meaning of Section 218 of the Act.
5. The design of any road, vehicular accessway, right of way or vehicle crossing must comply with Rule 5: Roading.
6. Any earthworks associated with subdivision of land must comply with Rule 2: Earthworks.
7. Erecting any dwelling or other building on any land must comply with Rule 4: Buildings or Rule 6: Utilities.
8. Underlined words are defined in Part D of the Plan.
9. The subdivision of any land adjoining a State Highway which is a Limited Access Road (LAR) firstly requires consent obtainable from Transit New Zealand. This is in addition to the subdivision application that is made with the Selwyn District Council. For any other LAR the consent is required from the Selwyn District Council in addition to the subdivision application.
10. Development contributions under the LTCCP Development Contribution Policy will be taken where network infrastructure, community infrastructure or reserves have to be constructed or expanded as a direct result of growth from development. Refer to Section B4.4 for further information on development contributions.
11. Earthworks in areas listed in Appendix 5 and shown on the planning maps as a Silent File Area, Wāhi Taonga Site or Wāhi Taonga Management Area may be subject to Rule 10.4 Activities and Cultural Sites. In addition, any Earthworks affecting any of these sites may require the consent of the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B, Section 3.3 Archaeological Sites).
12. Earthworks affecting any archaeological site, including Wāhi Taonga Management Area C39(b) at Rakaia Huts, may require the consent of the New Zealand Historic Places Trust Pouhere Taonga.
13. Refer to Appendix 6 "Protocols on Accidental Discovery of Archaeological Sites" when any Earthworks occur in any Silent File, Wāhi Taonga Site or Wāhi Taonga Management Area.

12.1 SUBDIVISION – GENERAL

Restricted Discretionary Activities – Subdivision – General

12.1.4 Matters over which the Council has restricted the exercise of its discretion:

Special Sites

- 12.1.4.15 For the subdivision of land which contains or adjoins any waterbody (excluding aquifers) any mitigation to protect the hydrological characteristics and any ecological values of the waterbody (excluding aquifers).
- 12.1.4.16 If the land to be subdivided contains any ecological site or any place or item which is listed in Appendix 2 as a Designation, Appendix 3 as a Heritage Item, Appendix 4 as a Protected Tree, Appendix 5 as a Site of Significance to Tangata Whenua~~Appendix 3 as a Heritage, Cultural or Ecological site, or in Appendix 2 as a Designation, or in Appendix 4 as a Protected Tree~~:

- (a) Any effects (adverse or beneficial) which subdividing the land may have on the values of the site, which are identified in the District Plan; and
- (b) Any proposed mitigation measures to lessen any adverse effects on the site; and
- (c) Whether public access to the site is desirable and, if so, how this may be improved as part of the subdivision; and
- (d) Whether the size and shape of the allotment area is appropriate to maintain the values and features of the site and enable ready access to and maintenance of the site or features on the site.

12.2 SUBDIVISION – BOUNDARY ADJUSTMENTS

Special Sites

- 12.2.2.8 If any allotment subject to the boundary adjustment contains or adjoins:
- (a) Any waterbody excluding aquifers; or
 - (b) Any site listed in Appendix 3 as a Heritage Item, Appendix 4 as a Protected Tree: or Appendix 5 as a Site of Significance to Tangata Whenua~~Appendix 3 or 4; or~~
 - (c) A designation:

12.3 SUBDIVISION – ACCESS, RESERVE AND UTILITY ALLOTMENTS

Controlled Activities – Subdivision – Access, Reserve and Utility Allotments

- 12.3.2 Matters over which the Council has reserved control:

Special Sites

- 12.3.2.5 If the land to be subdivided contains any ecological site or any place or item which is listed in ~~Appendix 2 or 3 or 4 as a Heritage site or ecological site or protected tree, or designation:~~ Appendix 2 as a Designation, Appendix 3 as a Heritage Item, Appendix 4 as a Protected Tree, Appendix 5 as a Site of Significance to Tangata Whenua;

.....

- (e) The results of any consultation with the New Zealand Historic Places Trust Pouhere Taonga and local rūnanga.

PART C

24 BUSINESS ZONE RULES - SUBDIVISION

- 24.1.4 Matters over which the Council has restricted the exercise of its discretion:

Special Sites

- 24.1.4.16 If the land to be subdivided contains an ecological site or any place or item which is listed in Appendix 2 as a Designation, Appendix 3 as a Heritage Item, Appendix 4 as a Protected Tree, Appendix 5 as a Site of Significance to Tangata Whenua~~:Appendix 3 as a Heritage, Cultural or Ecological site, or in Appendix 2 as a Designation, or in Appendix 4 as a Protected Tree:~~

24.2 SUBDIVISION – BOUNDARY ADJUSTMENTS

- 24.2.2 Matters over which the Council has restricted the exercise of its discretion:

Special Sites

- 24.2.2.7 If any allotment subject to the boundary adjustment contains or adjoins:
- (a) Any waterbody (excluding aquifers); or
 - (b) Any ecological site, or any site listed in Appendix 2 as a Designation, Appendix 3 as a Heritage Item, Appendix 4 as a Protected Tree, Appendix 5 as a Site of Significance to Tangata Whenua~~Any site listed in Appendices 2 or 3 or 4; or~~
 - (c) ~~A designation:~~

24.3 SUBDIVISION – ACCESS, RESERVE AND UTILITY ALLOTMENTS

- 24.3.2 Matters over which the Council has restricted the exercise of its discretion:

Special Sites

- 24.3.2.5 If the land to be subdivided contains an ecological site or any place or item which is listed in Appendix 2 as a Designation, Appendix 3 as a Heritage Item, Appendix 4 as a Protected Tree, Appendix 5 as a Site of Significance to Tangata Whenua~~2 or 3 or 4 as a Heritage site or ecological site or protected tree, or designation:~~
- (a) Any effects (adverse or beneficial) which subdividing the land may have on the values of the site identified in the District Plan; and
 - (b) Any proposed mitigation measures to lessen any adverse effects on these values; and
 - (c) Whether public access to the site is desirable and, if so, how this may be improved as part of the subdivision;
 - (d) Whether the size and shape of the allotment area is appropriate to maintain the values and features of the site and enable ready access to and maintenance of the site.
 - (e) The results of any consultation with the New Zealand Historic Places Trust Pouhere Taonga and the local rūnanga.

PART D

DEFINITIONS

H

Historic Heritage: means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

- (i) archaeological;
- (ii) architectural;
- (iii) cultural;
- (iv) historic;
- (v) scientific;
- (vi) technological; and

Includes-

- (i) historic sites, structures, places, and areas; and
- (ii) archaeological sites; and
- (iii) sites of significance to Maori, including wāhi tapu; and
- (iv) surroundings associated with the natural and physical resources.

L

Landscaping: means the visual improvement of an area through designed live planting of trees, shrubs and ground cover for amenity purposes and may include provision of physical features such as paving, walls, art and seating. For the purposes of this definition, landscaping does not include the re-contouring of land by removing or displacement of earth or soil or for any earthworks associated with the erection or installation of a wall.

M

Maintenance of gardens lawns or public spaces: means carrying out any work to preserve existing gardens lawns or public spaces in such a way that the scale or nature of the gardens lawns or public spaces is not altered. Maintenance does not include upgrading.

S

Silent File Area: includes any land which is listed in Appendix 5 and shown on the Planning Maps as a Silent File Area.

W

Wāhi Taonga Site: includes any land, building or structure which is listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site.

Wāhi Taonga Management Area: includes any land, building or structure which is listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Management Area.

PART E

APPENDIX 5

Schedule of Sites of Significance to Tangata Whenua

~~SITES OF SIGNIFICANCE TO TANGATA WHENUA~~

<u>Wāhi Taonga Management Areas</u>					
<u>Site No.</u>	<u>Description</u>	<u>Location</u>	<u>Legal Description</u>	<u>Zone</u>	<u>Map No.</u>
<u>C39(b)</u>	<u>Rakaia River Moa Hunter Site</u> <u>Archaeological Site</u>	<u>Rakaia Huts</u>	<u>Lot 31, Lots 33-48, Lots 50-55 & Lot 57 DP355509, Lots 2 & 3 DP38661, Lots 1 & 2 DP 433364, Lots 1 - 3 DP 50684, Lots 1-9 and Lots 12 - 37 DP 54813, Lots 1 & 2 DP 57141, Lots 1 & 2 & Lots 5 - 11 DP 6253, Lots 13 - 20 DP 6253 and RES 4092</u>	<u>Living 1</u>	<u>133</u>
<u>Site No.</u>	<u>Location</u>	<u>Legal Description</u>	<u>Zone</u>	<u>Map No.</u>	
<u>C103</u>	<u>Rakaia Huts</u>	<u>Res 4092, Lots 1-2 DP 55293, Lots 19 and 20 DP 6283, Lots 2 and 3 DP 38661, Lots 1-9 DP 54813, Lots 12-37 DP 54813, Lots 1 and 2 DP 57141, Lot 1 DP 74178</u>	<u>Liv 1 / Outer Plains</u>	<u>133</u>	

B3.3 CULTURE AND ~~CULTURE AND~~ HISTORIC HERITAGE – ISSUE

- Damage to, destruction of or inappropriate alteration of sites, places, trees and vegetation, buildings or structures which have ~~cultural or historic~~ heritage **and cultural** values.

Culture and Historic Heritage in Selwyn District

Selwyn District is an area which has been affected by several waves of colonisation by Māori and Europeans. As a result there are sites, places and buildings which are of cultural or heritage value to individuals, families, iwi, rūnanga and communities in the District.

Some of these sites, places and buildings have been identified and protected in past planning schemes. Many significant trees have been protected for many years and it is the intention of the council to continue to provide recognition and protection for trees that display important values for the community or the environment

Sites, areas or buildings may have heritage **and cultural** values if they are places or objects which people associate with their identity, history, events, customs or practices. Usually these values are shared by more than one person **and in the case of tangata whenua they are shared by the local rūnanga and Ngāi Tahu. In particular, wāhi tapu, wāhi taonga and mahinga kai are sites and/or areas that tangata whenua value as a critical part of their cultural identity. Heritage and cultural values may be associated with, but not limited to, old buildings, ruins, significant trees and vegetation, trees planted to commemorate special events, modern buildings that are part of a community's identity, the plants used in customary practices, land forms, routes, traditional trails and traditional activities.** Most often, people associate heritage values with old buildings, ruins or significant trees and vegetation. Many other things have heritage values. For example, plants used in customary practices, landforms, modern buildings that are part of a community's identity, routes and trails, and traditional activities and trees planted to commemorate special events.

Part of promoting the sustainable management of natural and physical resources is enabling:

“people and communities to provide for their economic, cultural and social well-being and for their health and safety...” (section 5(2)).

Section 6(e) of the Act requires the relationship of Maori, their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga to be recognised and provided for. In addition, section 6(f) of the Act requires Selwyn District Council to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development.

The Act defines historic heritage as meaning those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

(i) archaeological:

(ii) architectural:

(iii) cultural:

(iv) historic:

(v) scientific:

(vi) technological;

and includes—

(i) historic sites, structures, places, and areas; and

(ii) archaeological sites; and

(iii) sites of significance to Māori, including wāhi tapu; and

(iv) surroundings associated with the natural and physical resources

Cultural and historic heritage values are not only part of our inheritance from the past; they are also a part of our contemporary identity and sense of place. Cultural and historic heritage values, including cultural connections and associations with places, makes an important contribution to the physical environment. In particular, culture and historic heritage values are a vital part of what makes a place unique or important for the people who live there.

Cultural and historic heritage values are important because they provide a tangible insight into our past and can be an important source of knowledge. Cultural and heritage features can act as a reminder or social link to the past that is important to the community, but they can also provide valuable information that contributes to the knowledge of our history and environment. For example historic buildings provide information about the tools, technology and materials available at the time as well as contributing to a sense of place. Another example is examining an archaeological site to find information about how people lived in the past, and what their environment was like at that time. The accidental or inadvertent destruction or damage of cultural and heritage features can cause the loss of this knowledge as well as a social/cultural link to the past

Statutory Acknowledgement and Nohoanga Sites

The Ngāi Tahu Claims Settlement Act 1998 identifies Areas of Statutory Acknowledgement. These areas are culturally significant to Ngāi Tahu. In Selwyn District, there are four “Areas of Statutory Acknowledgement”:

1. Moana Rua/Lake Pearson
2. Kura Tawhiti/Castle Hill
3. Whakamatau/Lake Coleridge
4. Te Tai o Manaanui/Selwyn-Banks Peninsula Coastal Marine Area

The Act requires these areas to be identified on a map attached to the District Plan (see Planning Maps).

Ngāi Tahu is an affected party for any activity which affects Areas of Statutory Acknowledgement, for the purposes of sections 95 - 95F of the RMA. The consent authority has discretion to decide if an activity will affect the area. If it will, Ngāi Tahu is an affected party similar to any landholder or resident in the area.

Nohoanga sites are areas of customary settlement for mahinga kai (food gathering). One site is recognised in Selwyn District under the Ngāi Tahu Claims Settlement Act 1998. It is located at the mouth of the Rakaia River (see Planning Map 1). The Ngāi Tahu Claims Settlement Act 1998 gives Ngāi Tahu rights to occupy land at Nohoanga Sites for mahinga kai, including the right to erect temporary dwellings or shelters (section 259).

The Ngāi Tahu Claims Settlement Act 1998 recognises the significance of Te Waihora/Lake Ellesmere (see Part A Section 4.2 Maori Issues and Values). The Ngāi Tahu Claims Settlement Act provides for the bed of Te Waihora/Lake Ellesmere to be vested in fee simple estate to Te Rūnanga o Ngāi Tahu. The Act also has provisions for the preparation of a Joint Management plan for Te Waihora, to be developed between Ngāi Tahu and the Department of Conservation, with input from local authorities.

Sites of Wāhi Taonga and Wāhi Tapu

Areas in Selwyn District have been traversed, occupied or settled by Māori. Part A, Section 4.2 explains the role of Māori in resource management under the Act, and describes the tāngata whenua of Selwyn District.

Wāhi Taonga and Wāhi Tapu are sacred places, which are held in reverence according to tribal custom. They provide a link to tribal custom. Protecting them helps protect and remember the mana of ancestors, and provides protection for future generations.

Sacred places include:

- Tauranga waka (canoe/landing sites)
- Waiwhakaheke Tūpāpaku (burial or habitation)
- Tuhituhi (rock drawing sites)
- Tuaha (sacred altars)
- Urupā (burial grounds)
- Pa sites
- Wai Taonga mahi o ringa (special sites where one finds material such as Harakeke-Flax and pingao-sand sedge.

These areas may have a rāhui (temporary tapu) placed on them.

Sites of wāhi taonga and wāhi tapu may be damaged or destroyed by earthworks or building, associated with a variety of activities. Wāhi taonga and wāhi tapu sites may also be disturbed by people or animals. Any sort of disturbance may be inappropriate, whether physical damage is done to the site or not.

In addition to wāhi taonga and wāhi tapu sites, there are sites of mahinga kai (food gathering) which are important to local rūnanga. Indigenous trees and plants can also have cultural values to Māori. For example, tikaka, the cabbage tree (*Cordyline Australis*) was a food source for Ngāi Tahu and used to mark Mahinga Kai trails.

All natural resources, including land, air and water are taonga (treasured) to Māori. Effects of activities on these values are addressed in Part B, Sections 1.1 to 1.4 of the Plan.

European Historic Heritage Sites and Buildings

Selwyn District has been colonised and farmed by European settlers since the 1850s. Coal, lime and clay were mined in the Malvern foothills. Rural towns developed associated with farming and mining activities, and the railway to the West Coast which began in the 1870s. Many of the existing townships in Selwyn were settled very early in European colonisation. These towns typically had accommodation houses, trading stores, simple dwellings, community buildings and services such as drainage systems.

There are many sites and buildings with heritage values in the rural area. For example:

- Various styles of houses.
- Community buildings – schools, churches and halls which are often the last links or symbols of a once thriving town or settlement.
- Early farming or transport infrastructure: water races, bridges, roads, shelter belts; much of which is still used.
- A variety of exotic plants grown for shelter, amenity or to commemorate events.
- Industrial sites.

Heritage sites or buildings do not have to be old to have heritage values. Modern examples with heritage values may include: plantings or structures created by communities to celebrate the new millennium.

Many of the District's heritage sites and buildings are located in the rural area. Land uses in the rural area, particularly beyond the Inner Plains (see Planning Maps) have not changed as quickly as in townships. When new buildings and structures are needed in rural areas, there is often sufficient space to put them alongside old ones, rather than demolishing and replacing old ones.

Damage to Sites with Cultural and Historic Heritage Values

Sites and buildings with cultural and historic heritage values may be lost or damaged by natural forces such as fire, earthquake, weather or diseases in plants. Human and animal activities can also affect sites and buildings. Examples include earthworks, additions, alterations or modification to buildings or parts of buildings which are not in keeping with the original style, removing buildings, ruins or trees or disturbing wāhi taonga and wāhi tapu sites.

Old buildings and structures can also become derelict, particularly when they are no longer used or maintained. Many of the heritage buildings in the rural area are lost because they become derelict rather than being intentionally destroyed.

Protecting Cultural and Historic Heritage Values

As well as the specific duties under section 6 of the Act, maintaining sites and buildings with cultural and historic heritage values in Selwyn District can:

- Help teach people about their past;
- Foster people's sense of identity and community;
- Provide economic opportunities in heritage, tourism, recreation, restoration and marketing; and
- Recognise and provide for the protection of heritage and cultural sites.

Protecting sites and structures with cultural and historic heritage values involves costs:

- Many sites and structures are privately owned or on private land. For example, some wāhi taonga and wāhi tapu sites are on land not owned by tangata whenua for whom they have value. Protecting sites and structures them may sometimes prevent the landholder from using them the site or structure for other purposes, although adapting heritage buildings for new uses is common.
- Heritage buildings and structures need to be maintained to ensure their retention.
- Using heritage buildings can be costly as when the use of any building changes, the building must be upgraded as is reasonably practicable to the same level as for a new building to comply with the New Zealand Building Code.

Any measures in the District Plan to protect the cultural and historic heritage values of sites must:

- Recognise the costs to landholders if they cannot reasonably use buildings or sites.
- Be practical, easy and inexpensive for landholders to comply with.
- Encourage the ongoing use and maintenance of buildings and structures.

In addition, section 32 of the Act requires a council to assess the costs and benefits of any rule in a District Plan.

Archaeological Sites

An archaeological site is defined in section 2 of the Historic Places Act 1993 as:

"Archaeological site" means any place in New Zealand that–

(a) Either –

(i) Was associated with human activity that occurred before 1900; or

(ii) Is the site of the wreck of any vessel where that wreck occurred before 1900; and

(b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand".

Archaeological sites may be Maori or European in origin and may also be recognised as having spiritual or cultural values such as wāhi tapu sites. There are various types of archaeological sites, some of which include midden and pa sites, terraces, garden areas, kumara pits, battle grounds, areas of early settlement by Maori and Europeans, early industrial areas, rock art sites and shipwrecks.

Section 10 of the Historic Places Act 1993 directs that an archaeological authority is required from the New Zealand Historic Places Trust Pouhere Taonga if there is "reasonable cause" to suspect an archaeological site (recorded or unrecorded) may be modified, damaged or destroyed in the course of an activity.

Under the RMA 1991, a District Council shall recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development (section 6(f)). This requirement in the Act compels a council to identify known sites through the Plan and protect them from use and development through various methods. For this purpose, Appendices 3 and 5 include archaeological sites recorded in the New Zealand Archaeological Association (NZAA) site recording scheme.

Role of District Councils

Managing effects of activities on sites or buildings with heritage or cultural values is largely a function of district councils under section 31 of the Act. District councils are also Heritage Protection Authorities under section 193 of the Act. This power enables the District Council to use Heritage Orders to halt the alteration or demolition of a site or building with heritage values, whether it is protected in the District Plan or not. If a Heritage Order is used, the Heritage Protection Authority has 12 months to buy the building or site, or to negotiate an appropriate outcome with the owner.

Heritage Orders

The Council has decided to identify sites and buildings with heritage or cultural values in the District Plan, rather than relying on Heritage Orders. The reasons are:

- Certainty for landholders that a site or building is protected under the Plan, rather than having a "surprise" at the time they come to make alterations.
- Certainty for the community that a site or building is protected.
- Preserving the heritage values of sites and buildings can be successfully undertaken while allowing the landowner to continue or modify their use of the site or building.

Historic Places Act 1993

The New Zealand Historic Places Trust Pouhere Taonga is required to be notified of any proposed works affecting a listed heritage item that requires a building consent or any activities which may impact on a site of cultural significance. In addition the Trust is an affected party for resource consents involving places with heritage values.

What are Heritage Values?

The term heritage values is not defined in the Act. However, sites, areas or buildings may have heritage values if they are places or objects which people associate with their identity, history, events, customs or practices. Usually these values are shared by more than one person. Often people think of heritage sites as old buildings, or ruins. Many other things have heritage values including significant trees and vegetation. For example, plants used in customary practices, landforms, modern buildings that are part of a community's identity, routes and trails, traditional activities, and trees planted to commemorate special events.^{PC18}

Heritage and Cultural Values in Selwyn District

Selwyn District has been settled by Māori and Europeans. There are sites, places and buildings which have cultural or heritage values to individuals, families, iwi, rūnanga and communities in the District.

Some of these sites, places and buildings have been identified and protected in past planning schemes.

Part of promoting sustainable management is recognising and protecting:

- The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga. (section 6 (e)).
- The protection of historic heritage from inappropriate subdivision, use and development (section 6(f)).

Many significant trees have been protected for many years and it is the intention of the Council to continue to provide recognition and protection for trees that display important values for the community or the environment.

Statutory Acknowledgement and Nohoanga Sites

The Ngāi Tahu Claims Settlement Act 1998 identifies Areas of Statutory Acknowledgement. These areas are culturally significant to Ngāi Tahu. In Selwyn District, there are four "Areas of Statutory Acknowledgement":

1. — Moana Rua/Lake Pearson
2. — Kura Tawhiti/Castle Hill
3. — Whakamatau/Lake Coleridge
4. — Te Tai o Manaanui/Selwyn Banks Peninsula Coastal Marine Area

The Act requires these areas to be identified on a map attached to the District Plan (see Planning Maps).

Ngāi Tahu is an affected party for any activity which affects Areas of Statutory Acknowledgement, for the purposes of section 93 and 94 of the RMA. The consent authority has discretion to decide if an activity will affect the area. If it will, Ngāi Tahu is an affected party similar to any landholder or resident in the area.

Nohoanga sites are areas of customary settlement for mahinga kai (food gathering). One site is recognised in Selwyn District under the Ngāi Tahu Claims Settlement Act 1998. It is located at the mouth of the Rakaia River (see Planning Map 1). The Ngāi Tahu Claims Settlement Act 1998 gives Ngāi Tahu rights to occupy land at Nohoanga Sites for mahinga kai, including the right to erect temporary dwellings or shelters (section 259).

The Ngāi Tahu Claims Settlement Act 1998 recognises the significance of Te Waihora/Lake Ellesmere (see Part A Section 4.2 Maori Issues and Values). The Ngāi Tahu Claims Settlement Act provides for the bed of Te Waihora/Lake Ellesmere to be vested in fee simples to Te Rūnanga o Ngāi Tahu. The Act also

~~has provisions for the preparation of a Joint Management plan for Te Waihora, to be developed between Ngāi Tahu and the Department of Conservation, with input from local authorities.~~

Sites of Wāhi Taonga and Tapu

~~Areas in Selwyn District have been traversed, occupied or settled by Māori. Part A, Section 4.2 explains the role of Māori in resource management under the Act, and describes the tāngata whenua of Selwyn District.~~

~~Wāhi Taonga and Wāhi Tapu are sacred places, which are held in reverence according to tribal custom. They provide a link to tribal custom. Protecting them helps protect and remember the mana of ancestors, and provides protection for future generations.~~

~~Sacred places include:~~

- ~~—— Tauranga-waka (canoe/landing sites)~~
- ~~—— Waiwhakaheke Tūpāpaku (burial or habitation)~~
- ~~—— Tuhituhi (rock drawing sites)~~
- ~~—— Tuaha (sacred altars)~~
- ~~—— Urupā (burial grounds)~~
- ~~—— Pa sites~~
- ~~—— Wai Taonga mahi o ringa (special sites where one finds material such as Harakeke Flax and pingao sand sedge.~~

~~These areas may have a rāhui (temporary tapu) placed on them.~~

~~Sites of wāhi taonga and wāhi tapu may be damaged or destroyed by earthworks or building, associated with a variety of activities. Wāhi taonga and wāhi tapu sites may also be disturbed by people or animals. Any sort of disturbance may be inappropriate, whether physical damage is done to the site or not.~~

~~In addition to wāhi taonga and wāhi tapu sites, there are sites of mahinga kai (food gathering) which are important to local rūnanga. Indigenous trees and plants can also have cultural values to Māori. For example, tikaka, the cabbage tree (*Cordyline Australis*) was a food source for Ngāi Tahu and used to mark Mahinga Kai trails.~~

~~All natural resources, including land, air and water are taonga (treasured) to Māori. Effects of activities on these values are addressed in Part B, Sections 1.1 to 1.4 of the Plan.~~

Heritage Sites and Buildings

~~Selwyn District has been colonised and farmed by European settlers since the 1850's. Coal, lime and clay were mined in the Malvern foothills. Rural towns developed associated with farming and mining activities, and the railway to the West Coast which began in the 1870's. Many of the existing townships in Selwyn were settled very early in European colonisation. These towns typically had accommodation houses, trading stores, simple dwellings, community buildings and services such as drainage systems.~~

~~There are many sites and buildings with heritage values in the rural area. For example:~~

- ~~—— Various styles of houses.~~
- ~~—— Community buildings — schools, churches and halls which are often the last links or symbols of a once thriving town or settlement.~~
- ~~—— Early farming or transport infrastructure: water races, bridges, roads, shelter belts; much of which is still used.~~

—— A variety of exotic plants grown for shelter, amenity or to commemorate events.

—— Industrial sites.

Heritage sites or buildings do not have to be old to have heritage values. Modern examples with heritage values may include: plantings or structures created by communities to celebrate the new millennium.

Many of the District's heritage sites and buildings are located in the rural area. Land uses in the rural area, particularly beyond the Inner Plains (see Planning Maps) have not changed as quickly as in townships. When new buildings and structures are needed in rural areas, there is often sufficient space to put them alongside old ones, rather than demolishing and replacing old ones.

Damage to Sites with Heritage or Cultural Values

Sites and buildings with heritage or cultural values may be lost or damaged by natural forces such as fire, earthquake, weather or diseases in plants. Human and animal activities can also affect sites and buildings. Examples include earthworks, additions, alterations or modification to buildings or parts of buildings which are not in keeping with the original style, removing buildings, ruins or trees or disturbing wāhi taonga and wāhi tapu sites.

Old buildings and structures can also become derelict, particularly when they are no longer used or maintained. Many of the heritage buildings in the rural area are lost because they become derelict rather than being intentionally destroyed.

Protecting Heritage and Cultural Values

As well as the specific duties under section 6 of the Act, maintaining sites and buildings with heritage values in Selwyn District can:

—— Help teach people about their past;

—— Foster people's sense of identity and community;

—— Provide economic opportunities in heritage, tourism, recreation, restoration and marketing; and

—— Recognise and provide for the protection of heritage and cultural sites.

Protecting sites and structures with heritage and cultural values involves costs:

—— Many sites and structures are privately owned or on private land. Protecting them may sometimes prevent the landholder from using the site or structure for other purposes, although adapting heritage buildings for new uses is common.

—— Heritage buildings and structures need to be maintained to ensure their retention.

—— Using heritage buildings can be costly as when the use of any building changes, the building must be upgraded as is reasonably practicable to the same level as for a new building to comply with the New Zealand Building Code.

Any measures in the District Plan to protect the heritage and cultural values of sites must:

—— Recognise the costs to landholders if they cannot reasonably use buildings or sites.

—— Be practical, easy and inexpensive for landholders to comply with.

—— Encourage the ongoing use and maintenance of buildings and structures.

Part of promoting sustainable management of natural and physical resources is enabling:

“people and communities to provide for their economic, cultural and social well being and for their health and safety...”
(section 5(2)).

~~In addition, sections 6 (e) and (f) of the Act relate to the recognition of the relationship between Maori and their culture, and the protection of historic heritage from inappropriate subdivision use and development. In addition, section 32 of the Act requires a council to assess the costs and benefits of any rule in a District Plan.~~

Archaeological Sites

~~An archaeological site is defined in section 2 of the Historic Places Act 1993 as:~~

~~"Archaeological site" means any place in New Zealand that—~~

~~(a) — Either—~~

~~(i) — Was associated with human activity that occurred before 1900; or~~

~~(ii) — Is the site of the wreck of any vessel where that wreck occurred before 1900; and~~

~~(iii) — Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand". Check whether this is (b) or (iii)~~

~~Archaeological sites may be Maori or European in origin and may also be recognised as having spiritual or cultural values such as wāhi tapu sites. There are various types of archaeological sites, some of which include midden and pa sites, terraces, garden areas, kumara pits, battle grounds, areas of early settlement by Maori and Europeans, early industrial areas, rock art sites and shipwrecks.~~

~~Section 10 of the Historic Places Act 1993 directs that an authority is required from the New Zealand Historic Places Trust Pouhere Taonga if there is "reasonable cause" to suspect an archaeological site (recorded or unrecorded) may be modified, damaged or destroyed in the course of an activity. Under the RMA 1991, a District Council shall have particular regard to the recognition and protection of heritage values of sites, buildings, places and areas (section 6(f)). This requirement in the Act compels a council to identify known sites through the Plan and protect them from use and development through various methods. For this purpose, Appendices 3 and 5 include archaeological sites recorded in the NZAA (New Zealand Archaeological Association) site recording scheme.~~

Role of District Councils

~~Managing effects of activities on sites or buildings with heritage or cultural values is largely a function of district councils under section 31 of the Act. District councils are also Heritage Protection Authorities under section 193 of the Act. This power enables the District Council to use Heritage Orders to halt the alteration or demolition of a site or building with heritage values, whether it is protected in the District Plan or not. If a Heritage Order is used, the Heritage Protection Authority has 12 months to buy the building or site, or to negotiate an appropriate outcome with the owner.~~

Heritage Orders

~~The Council has decided to identify sites and buildings with heritage or cultural values in the District Plan, rather than relying on Heritage Orders. The reasons are:~~

- ~~—— Certainty for landholders that a site or building is protected under the Plan, rather than having a "surprise" at the time they come to make alterations.~~
- ~~—— Certainty for the community that a site or building is protected.~~
- ~~—— Preserving the heritage values of sites and buildings can be successfully undertaken while allowing the landowner to continue or modify their use of the site or building.~~

Historic Places Act 1993

New Zealand Historic Places Trust Pouhere Taonga is required to be notified of any proposed works affecting a listed heritage item that requires a building consent. In addition the Trust is an affected party for resource consents involving places of heritage values.

CULTURE AND HISTORIC HERITAGE CULTURE AND HERITAGE — STRATEGY

The Rural Volume of the District Plan uses the following basic strategy to protect sites with cultural and heritage values:

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CULTURE AND HISTORIC CULTURE AND HERITAGE — OBJECTIVES

Objective B3.3.3

To recognise and protect trees that contribute to character, ecological, or amenity values and/or are of significance to tāngata ~~tāngata~~ whenua, and the quality of the rural and urban environments identified in the District Plan.

Explanation and Reasons

Objective B3.3.1 reflects the duty duties under section 6(e) and (f) (f) of the Act. to recognise and provide for the protection of wāhi tapu and other sites of cultural importance to Māori from inappropriate subdivision, use, and development. The policies encourage local rūnanga and landholders to develop protocols for activities in Silent File areas. The co-operation of landholders is important for on-going protection of these sites and access to them. The District Plan also contains a policy and rules to manage earthworks, buildings and other activities in Silent File areas. Silent File areas are areas which contain sites of immense cultural or spiritual importance to tāngata whenua. The exact location of the site is not indicated, to protect it from intentional disturbance. Any Silent File areas protected by the District Plan are shown on the Planning Maps and listed in Appendix 5. The Appendix should be regularly reviewed and sites may be added or removed by a plan change as required.

Objective B3.3.2 also reflects the duty under section 6(f) of the Act to recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development. The objective recognises that not all sites or buildings with heritage values in the District will warrant formal protection under the Act. The objective is achieved by policies and methods to: record the heritage values of any site or building and to protect those with significant heritage values. The places identified to have significant heritage values are listed in Appendix 3. Wherever possible, the Council works with landholders to protect heritage sites in partnership. A partnership is:

- Necessary to ensure sites and buildings in private ownership, are maintained; and
- Desirable to encourage people to protect the District's heritage, in the future.

Objective B3.3.2 fosters partnerships to protect heritage sites. The process of assessing the heritage values of sites was carried out in consultation with landholders. The provisions to protect heritage sites and buildings recognise the “costs” and “benefits” of owning heritage sites.

The policies and rules for protecting heritage sites and buildings:

- Allow modifications and alterations, maintain or enhance the heritage values of the site or building.

- Discourage demolition of sites or buildings, but recognise that in some cases there may be no practical alternative.

Objective B3.3.1 reflects the duty under section 6(e) of the Act to recognise and protect sites of wāhi tapu and other cultural importance to Māori. The policies encourage local rūnanga and landholders to develop protocols for activities in Silent File areas. The co-operation of landholders is important for on-going protection of these sites and access to them. The District Plan also contains a policy and rules to manage earthworks, buildings and other activities in Silent File areas. Silent File areas, are areas which contain sites of immense cultural or spiritual importance to tāngata whenua. The exact location of the site is not indicated, to protect it from intentional disturbance. Any Silent File areas protected by the District Plan are shown on the Planning Maps and listed in Appendix 5. The Appendix should be regularly reviewed and sites may be added or removed by a plan change as required.

Objective B3.3.2 reflects the duty under section 6(f) of the Act to have particular regard to the protection of the heritage values of sites, areas and buildings. The objective recognises that not all sites or buildings with heritage values in the District will warrant formal protection under the Act. The objective is achieved by policies and methods to: record the heritage values of any site or building and to protect those with significant heritage values. The places identified to have significant heritage values are listed in Appendix 3. Wherever possible, the Council works with landholders to protect heritage sites in partnership. A partnership is:

- Necessary to ensure sites and buildings in private ownership, are maintained; and
- Desirable to encourage people to protect the District's heritage, in the future.

Objective B3.3.2 fosters partnerships to protect heritage sites. The process of assessing the heritage values of sites was carried out in consultation with landholders. The provisions to protect heritage sites and buildings recognise the “costs” and “benefits” of owning heritage sites.

The policies and rules for protecting heritage sites and buildings:

- Allow modifications and alterations, maintain or enhance the heritage values of the site or building.
- Discourage demolition of sites or buildings, but recognise that in some cases there may be no practical alternative.

Objective B3.3.3 seeks to provide for the recognition and protection of trees that display values of significance to the community or environment. These trees contribute to character, ecological or amenity values and/or are of significance to tāngata whenua, along with contributing to the quality of the rural and urban environments in the District. Significant trees are generally appreciated by the community and require protection from development and activities that may lead to damage or their destruction.

CULTURE AND HISTORIC CULTURE AND HERITAGE – POLICIES AND METHODS

MĀORI SITES SITES OF SIGNIFICANCE TO TANGATA WHENUA

Policy B3.3.3(a)

Protect sites within areas recognised in the Plan as Silent File areas,

Policy B3.3.4 3(b)

Protect areas identified in the Plan as Wāhi Taonga Sites, Wāhi Taonga Management Areas and Mahinga Kai sites, from inappropriate damage or destruction, ~~whenever practical~~.

Explanation and Reasons

Policies B3.3.3 and B3.3.4 recognise and provide for the protection of four types of sites, in the Plan.

Silent File Areas may contain sites of immense cultural importance to local rūnanga. The Silent File Areas are listed in Appendix 5 and shown on the Planning Maps. The exact location and the type of site within the silent file area are not disclosed by local rūnanga, to try and reduce the likelihood of intentional damage to the site and in respect of the traditions of keeping this information among tribal elders.

Wāhi Taonga Sites are sites of traditional occupation or use by local rūnanga. Most have been uncovered by archaeologists and contain objects or remnants of their past use. The Wāhi Taonga Sites are based on the grid reference of the original site and are extended for a 20m radius, in case there is other material around the site which has not been uncovered.

Wāhi Taonga Management Areas are large areas which contain many Wāhi Taonga Sites. There are six Wāhi Taonga Management Areas in the District; at Rakaia Island, along the Coast from the Rakaia River to Fisherman's Point, Taumutu, along the bed of the Waikirikiri/Selwyn River and the area surrounding and including the Rakaia Huts Township, which has two distinct Wāhi Taonga Management Areas, one of which is the culturally and archaeologically significant Rakaia River Moa Hunter Site. For the purposes of management under the District Plan, the Rakaia River Mouth Moa Hunter Site has been divided into 2 sub Wāhi Taonga Management Areas (C39(a) and C39(b) with site C39(a) relating directly to the land zoned Rural (Outer Plains) to the east of Rakaia Huts Township itself.

Mahinga Kai sites are sites which were traditionally used to gather food or materials for medicine, crafts and other traditional activities. Many wetlands and waterbodies are sites of mahinga kai. In addition, there are two sites of identified land, where vegetation is traditionally gathered. The District Plan rules require a resource consent to damage or remove indigenous vegetation on these sites, other than for mahinga kai purposes.

Policy B3.3.3 relates to Silent File Areas. Any disturbance of the sites within Silent File Areas is usually inappropriate. However, much land within the Silent File Areas has been disturbed in the past as part of farming or building activities. Therefore, the District Plan rules allow any activity which disturbs soil over an area or to a depth where it has already been disturbed, as a permitted activity (no resource consent needed). Any activity which disturbs soil in areas or to depths where it has not previously been disturbed requires a resource consent.

In deciding whether any disturbance of land in a Silent File Area is appropriate, the Council shall refer to local rūnanga for advice about whether the proposed activity will disturb a culturally important site within the Silent File Area. The Council will also consider whether there are alternative sites or methods to undertake the activity, and the costs to the landholder of these alternative options; and of not being able to undertake the activity at all.

Policy B3.3.4 relates to Wāhi Taonga Sites, Wāhi Taonga Management Areas, and Mahinga Kai Sites. These sites are listed in Appendix 5 and shown on the Planning Maps. The information about the location and content of these sites is publicly recorded and the aim of Policy B3.3.4 is to protect the artefacts and remnants contained in these sites from damage or destruction.

The Wāhi Taonga Sites are based on the grid reference of the original site and are extended for a 20m radius, in case there is other material around the site which has not been uncovered. The rules in the Plan do not prevent the soil in this 20m radius from being disturbed. If an object is uncovered in that area, it cannot be further damaged, removed or destroyed without first obtaining a resource consent.

With regard to Wāhi Taonga Management Area C39(a) at Rakaia Huts; the area is still of significant cultural and archaeological value in spite of significant alteration and disturbance to the area since

European settlement. The District Plan identifies a number of activities which are considered to have less than minor effects on the cultural and archaeological values of Wāhi Taonaga Management Area C39(b)(a). These activities do not require a resource consent for earthworks. Activities exempt from the earthworks rules include:

- sowing tending or cultivating crops;
- digging post holes;
- Maintenance or landscaping of gardens, lawns or public spaces;
- burying pets; and
- trenching compost

The District Plan allows any activity not exempt from the earthworks rules to disturb soil over areas which have been previously disturbed by cultivation, planting or earthworks (to a depth of no more than 20cm) as a permitted activity (no resource consent needed). Any activity not exempt from the rules and which does disturb soil in areas previously disturbed by cultivation, planting or earthworks to depths more than 20cm, or disturbs soil in areas not previously disturbed shall require a resource consent.

In deciding whether protecting any Wāhi Taonga Site, Wāhi Taonga Management Area or Mahinga Kai site is practical, the Council shall refer to local rūnanga for advice about the effects of the proposed activity on the site and the cultural significance of the site. In relation to Wāhi Taonga Management Area C39(a) at Rakaia Huts, Council shall refer to the New Zealand Historic Places Trust Pouhere Taonga for advice about the effects of the proposed activity on any archaeological values. The Council will also consider whether there are alternative sites or methods to undertake the activity, and the costs to the landholder of these alternative options; and of not being able to undertake the activity at all.

In addition, the provisions of the Historic Places Act 1993 apply to the Wāhi Taonga Management Areas in and around Rakaia Huts Township ((C39(a) and C39(b)). Other Wāhi Taonga sites and management areas may also be subject to the Historic Places Act 1993, as they may be considered archaeological sites.

Where a landholder requires a resource consent to undertake an activity

Policies B3.3.3 (a) and (b) recognise and provide for the protection of four types of sites, in the Plan:

~~Policy B3.3.3(a) relates to Silent File Areas. Silent File Areas may contain sites of immense cultural importance to local rūnanga. The Silent File Areas are listed in Appendix 5 and shown on the Planning Maps. The exact location and the type of site within the Silent File Area, are not disclosed by local rūnanga, to try and reduce the likelihood of intentional damage to the site and in respect of the traditions of keeping this information among tribal elders.~~

~~Any disturbance of the sites within Silent File Areas is usually inappropriate. However, much land within the Silent File Areas has been disturbed in the past as part of farming or building activities. Therefore, the District Plan rules allow any activity which disturbs soil over an area or to a depth where it has already been disturbed, as a permitted activity (no resource consent needed). Any activity which disturbs soil in areas or to depths where it has not previously been disturbed, requires a resource consent. In deciding whether any disturbance of land in a Silent File area is appropriate, the Council shall refer to local rūnanga for advice about whether the proposed activity will disturb a culturally important site within the Silent File Area. The Council will also consider whether there are alternative sites or methods to undertake the activity, and the costs to the landholder of these alternative options; and of not being able to undertake the activity at all.~~

~~Policy B3.3.3(b) relates to Wāhi Taonga Sites, Wāhi Taonga Management Areas, and Mahinga Kai Sites. These sites are listed in Appendix 5 and shown on the Planning Maps. Wāhi Taonga Sites are sites of traditional occupation or use by local rūnanga. Most have been uncovered by archaeologists and contain objects or remnants of their past use. The information about the location and content of these sites is publicly recorded and the aim of Policy B3.3.3(b) is to protect the artefacts and remnants contained in these sites from damage or destruction. The Wāhi Taonga Sites are based on the grid~~

~~reference of the original site and are extended for a 20m radius, in case there is other material around the site which has not been uncovered. The rules in the Plan do not prevent the soil in this 20m radius from being disturbed. If an object is uncovered in that area, it cannot be further damaged, removed or destroyed without obtaining a resource consent.~~

~~Wāhi Taonga Management Areas are large areas which contain many Wāhi Taonga Sites. There are four areas in the District at, Rakaia Island, Taumutu, along the Coast from the Rakaia River to Fisherman's Point, and along the bed of the Waikirikiri/Selwyn River. The Council wishes to foster a partnership between local rūnanga, landholders and Environment Canterbury (coast and Waikirikiri/Selwyn River bed) for the appropriate management of these areas.~~

~~Mahinga Kai Sites are sites which were traditionally used to gather food or materials for medicine, crafts and other traditional activities. Many wetlands and waterbodies are sites of mahinga kai. In addition, there are two sites identified on land, where vegetation is traditionally gathered. The District Plan rules require a resource consent to damage or remove indigenous vegetation on these sites, other than for mahinga kai purposes.~~

~~In deciding whether protecting any Wāhi Taonga Site, Wāhi Taonga Management Area or Mahinga Kai site is practical, the Council shall refer to local rūnanga for advice about the effects of the proposed activity on the site and the cultural significance of the site. The Council will also consider whether there are alternative sites or methods to undertake the activity, and the costs to the landholder of these alternative options; and of not being able to undertake the activity at all. The provisions of the Historic Places Act 1993 may apply to Wāhi Taonga sites and management areas, as they may be considered archaeological sites.~~

Policy B3.3.109

Assist owners where funds are available with the costs associated with the maintenance or restoration of heritage resources; and the additional resource consent costs imposed by the provisions to protect heritage sites or buildings, Silent File Areas, Wāhi Taonga Management Areas and Wāhi Taonga Management Sites and Mahinga Kai Sites and silent file areas listed in the District Plan.

Explanation and Reasons

The provisions in the District Plan for protecting sites of wāhi tapu or other cultural values or heritage values, impose costs on the owners of those sites for the benefit of the wider community.

CULTURE AND HISTORIC CULTURE AND HERITAGE – ANTICIPATED ENVIRONMENTAL RESULTS

The following results should occur from implementing Section B3.3:

- A growing database of the history of

CULTURE AND HISTORIC CULTURE AND HERITAGE – MONITORING

Please refer to Part E, Appendix 1.

PART C

1 RURAL RULES – EARTHWORKS

Notes

1. Rule 1 – Earthworks, does not apply to any of the following activities, except where the provisions of Rule 1.5 (Earthworks and Protected Trees) apply:
 - ~~Tending or landscaping~~ ~~Landscaping or maintenance~~ of gardens, lawns or public spaces;
 - ~~Sowing, tending or cultivating crops, grazing or planting trees;~~
 - Digging post holes;
 - ~~Drilling bores, except in Wāhi Taonga Management Area C39(a).~~
 - ~~Planting trees or removing dead or diseased trees;~~
 - ~~Cultivation;~~
 - Burying Pets;
 - Trenching compost;
 - ~~Digging soak holes, building foundations and related activities, except in Wāhi Taonga Management Area C39(a), ;:~~
 - ~~Maintaining and clearing rivers, water races or drains except in Wāhi Taonga Management Area C39(a);~~
 - ~~Maintaining or repairing existing flood protection works except in Wāhi Taonga Management Area C39(a); or~~
 - Earthworks required to duct cables except in Wāhi Taonga Management Area C39(b)(a).

Any ~~earthworks~~ associated with digging post holes, cultivation, tending or landscaping gardens, planting trees or removing dead or diseased trees, providing ducting for fibre optic cables, or drilling bores, except where the provisions of Rule 1.5 (Earthworks and Protected Trees) apply.
2. Rule 1 – Earthworks does apply to earthworks associated with harvesting forests or tracks into areas to harvest forests.
3. ~~Planting of Shelterbelts, Amenity Plantings and Plantations is subject to Rule 2 – Tree Planting and Removal of Protected Trees.~~
3. Rules 9.16. and 9.17 apply to blasting and vibration. Rule 8 Waste Generation, Storage and Disposal applies to offal pits and landfills.
4. Earthworks affecting any archaeological site, Silent File Area, Wāhi Taonga Management Area or Wāhi Taonga Management Site may require the consent of an archaeological authority from the New Zealand Historic Places Trust Pouhere Taonga (refer to Part B, Section 3.3 Archaeological Sites).
- 5.. Refer to Appendix 6 “Protocols on Accidental Discovery of Archaeological Sites” when any Earthworks occur in any Silent File, Wāhi Taonga Site or Wāhi Taonga Management Area.
56. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.
67. Where a listed protected tree has been removed (with the approval of the Council) or is in a dangerous or diseased condition such that its continued protection cannot be justified, it shall be deleted from the list without further formality.
78. The description of the location of each protected tree in Appendix 4 is as at date of this part of the Plan becoming operative. Any subsequent change to a street address or legal description shall not affect the application of the specific rules to that protected tree. Street addresses and legal descriptions will, from time to time, be updated without further formality. ^{PC18}

1.2 EARTHWORKS AND SITES OF SIGNIFICANCE TO TANGATA WHENUA CULTURAL SITES (SILENT FILE AREAS, WĀHI TAONGA SITES, WĀHI TAONGA MANAGEMENT AREAS, MAHINGA KAI SITES)

Permitted Activities – Earthworks and Sites of Significance to Tangata Whenua Cultural Sites (Silent File Areas, Wāhi Taonga Sites, Wāhi Taonga Management Areas, Mahinga Kai Sites)

1.2.1 Any earthworks which meet the following conditions shall be a permitted activity:

- 1.2.1.1 In any area listed in Appendix 5 and shown on the Planning Maps as a Silent File Area, the earthworks are limited to the disturbance of soil over areas and to depths where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks;
- 1.2.1.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), the earthworks are limited to the disturbance of soil over areas where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks. Any disturbance within those areas shall be limited to a maximum depth of 20cm;
- 1.2.1.3 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 1.2.1.2, the earthworks do not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site;
- ~~1.2.1.2 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or a Wāhi Taonga Management Area, the earthworks do not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site;~~
- 1.2.1.34 In any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai site, any damage to, or removal of, indigenous vegetation is limited to that undertaken by tāngata whenua for mahinga kai purposes.

Restricted Discretionary Activities – Earthworks and Sites of Significance to Tangata Whenua Cultural Sites (Silent File Areas, Wāhi Taonga Sites, Wāhi Taonga Management Areas, Mahinga Kai Sites)

1.2.2 Any activity which does not comply with Rule 1.2.1 shall be a restricted discretionary activity

1.2.3 Under Rule 1.2.2 the Council shall restrict its discretion to consideration of:

- 1.2.3.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local rūnanga ;
- 1.2.3.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga;Any damage to, destruction or removal of any object, remnant or artefact contained within a Wāhi Taonga Site or Wāhi Taonga Management Area, as advised by local rūnanga ;

- 1.2.3.3 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 1.2.1.2, any damage to, destruction or removal of any object, remnant or artefact, as advised by local rūnanga; Any adverse effects of the proposed activity on any Mahinga Kai Site, as advised by local rūnanga;
- 1.2.3.4 Any adverse effects of the proposed activity on any Mahinga Kai Site, as advised by local rūnanga; Any potential costs to the landholder/occupier of not being able to undertake the proposed activity on that site;
- 1.2.3.5 Other than in Wāhi Taonga Management Area C39(a), aAny potential costs to the landholder/occupier of not being able to undertake the proposed activity on that site;Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
- 1.2.3.6 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;Any positive effects which may offset any adverse effects; and
- 1.2.3.7 Any positive effects which may offset any adverse effects; andAny monitoring or review conditions.
- 1.2.3.8 Any monitoring or review conditions.

Reasons for Rules

Rule 1 Earthworks, manages potential effects from earthworks on the environment. Rules are needed to manage

Rule 1.2 manages earthworks in areas which contain sites of special significance to tāngata whenua. Protecting these sites

Wāhi Taonga Sites and Wāhi Taonga Management Areas contain sites of past settlement or occupation by tāngata whenua. Most of these sites have been uncovered by archaeologists and their location and what they contain is recorded. Earthworks in and around these sites are appropriate, provided that the artefacts and remnants which are contained within the sites are not removed, damaged or destroyed. The exception are the Wāhi Taonga Management Areas which make up the Rakaia River Moa Hunter Site (C39(a) and C39(b)). These sites are of considerable cultural and archaeological significance. Earthworks in these areas are appropriate in certain circumstances and to a certain depth, after which resource consent is required.

Appendix 5 lists the artefacts, remnants or objects discovered so far within each site, though there may be more material located around the area. Wāhi Taonga Management Areas are areas which contain many Wāhi Taonga sites. The Council is encouraging land owners or managers and local rūnanga ~~rūnanga~~ to develop joint protocols for activities within these areas (see Part B, Section 3.3).

Mahinga Kai Sites are sites used for traditional food gathering by tāngata whenua. The sites identified within this plan are valued for their vegetation. Rule 1.2 requires a resource consent for this vegetation to be damaged or removed, except for mahinga kai purposes.

The trees listed in Appendix 4

PART C

2 RURAL RULES — TREE PLANTING AND REMOVAL OF PROTECTED TREES

2.1 SHELTERBELTS AND AMENITY PLANTING

Permitted Activities — Shelterbelts & Amenity Planting

2.1.1 The planting of any trees for amenity planting, shelterbelts shall be a permitted activity if all of the following conditions are met:

2.1.1.9 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any disturbance of soil or earth by the tree planting(s) is limited to the disturbance of soil over areas where that soil has been previously disturbed by ~~cultivation, tree planting(s) (trees, pasture or crops), building or earthworks~~. Any disturbance within those areas shall be limited to a maximum depth of 20cm;~~In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or a Wāhi Taonga Management Area, the tree planting(s) do not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site;~~

2.1.1.10 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 2.1.1.9, the tree planting(s) do not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site;~~In the area shown on the Planning Maps as the Port Hills Zone, the tree(s) are not located within the Summit Road Protection Area as defined in Appendix 24.~~

2.1.1.11 In the area shown on the Planning Maps as the Port Hills Zone, the tree(s) are not located within the Summit Road Protection Area as defined in Appendix 24.

Restricted Discretionary Activities — Shelterbelts & Amenity Planting

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2.1.8 Any activity which does not comply with Rule 2.1.1.8 2.1.1.9, or 2.1.1.10 ~~or 2.1.1.9~~ shall be a restricted discretionary activity.

2.1.9 Under Rule 2.1.8 the Council shall restrict its discretion to all of the following matters:

2.1.9.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local rūnanga rūnanga;

2.1.9.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga;~~Any damage to, destruction or removal of, any object, remnant or artefact contained within a Wāhi Taonga Site or Wāhi Taonga Management Area, as advised by local rūnanga;~~

- 2.1.9.3 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 2.1.9.2, any damage to, destruction or removal of, any object, remnant or artefact, as advised by local rūnanga; Any potential costs to the landholder of not being able to undertake the proposed activity on that site;
- 2.1.9.4 Other than in Wāhi Taonga Management Area C39(a), aAny potential costs to the landholder of not being able to undertake the proposed activity on that site;Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
- 2.1.9.5 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;Any positive effects which may offset any adverse effects; and
- 2.1.9.6 Any positive effects which may offset any adverse effects; andAny monitoring or review conditions.
- 2.1.9.7 Any monitoring or review conditions.

Non-Complying Activities – Shelterbelts & Amenity Planting

- 2.1.12 Any activity which does not comply with Rule 2.1.1.6, 2.1.1.7, 2.1.1.40 ~~11~~ or 2.1.10 shall be a non-complying activity.

2.2 PLANTATIONS

Permitted Activities – Plantations

- 2.2.1 The planting or harvesting of any plantation shall be a permitted activity if all of the following conditions are met:
- 2.2.1.3 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any disturbance of soil or earth by the plantation is limited to the disturbance of soil over areas where that soil has been previously disturbed by cultivation, tree planting (trees, pasture or crops), building or earthworks. Any disturbance within those areas shall be limited to a maximum depth of 20cm;
- 2.2.1.4 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 2.2.1.3, a Wāhi Taonga Management Area, the plantation does not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site;
- 2.2.1.45 Any tree is planted at least:
- (a) 20m from the edge of any waterbody listed in Appendix 17; and
 - (b) 10m from the edge of any other waterbody (excluding aquifers)]
- Provided that Rules 2.2.1.45(a) and 2.2.1.45(b) do not apply to any trees planted for the purpose of bank stabilisation or prevention of soil erosion.
- 2.2.1.56 No tree shades
- 2.2.1.67 No tree of the plantation

2.2.1.78 Any plantation is planted and maintained

Restricted Discretionary Activities – Plantations

- 2.2.6 Any activity which does not comply with Rules 2.2.1.2 , 2.2.1.3, or 2.2.1.4 ~~or 2.2.1.3~~ shall be a restricted discretionary activity.
- 2.2.7 Under Rule 2.2.6, the Council shall restrict its discretion to the consideration of:
- 2.2.7.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local rūnanga ~~rūnanga~~;
 - 2.2.7.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga;~~Any damage to, destruction or removal of, any object, remnant or artefact contained within a Wāhi Taonga Site or Wāhi Taonga Management Area, as advised by local rūnanga;~~
 - 2.2.7.3 Any damage to, destruction or removal of, any object, remnant or artefact contained within a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 2.2.7.2, as advised by local rūnanga;
 - 2.2.7.4 Other than in Wāhi Taonga Management Area C39(a), aAny potential costs to the landholder of not being able to undertake the proposed activity on that site
- 2.2.8 Any plantation which does not comply with Rule 2.2.1.56 shall be a restricted discretionary activity.

Discretionary Activities – Plantations

- 2.2.11 Any plantation which does not comply with Rule 2.2.1.4 5 shall be a discretionary activity.

Non-Complying Activities – Plantations

- 2.2.12 Any plantation which does not comply with Rule 2.2.1.6 7 shall be a non-complying activity.
- 2.2.13 Any plantation which does not comply with Rule 2.2.1.7 8 shall be a non-complying activity.

Reasons for Rules

Rule 2 manages potential effects from amenity tree planting, shelterbelts, plantations and removal of protected trees. The District Plan has rules to manage these effects because they have effects which occur on other property or on

With respect to the Summit Road Protection Area of the Port Hills,

Resource consent is also required for new plantations on Wāhi Tapu and Mahinga Kai sites, and in Wāhi Taonga Management Areas and Silent File areas. The local rūnanga will be considered an affected party to allow for their input on how the rūnanga may be affected. For the Wāhi Taonga Management Areas which make up the Rakaia River Moa Hunter Site (C39a and C39(b) the New Zealand Historic Places Trust Pouhere Taonga will also be considered an affected party as the site is an archaeological site.

3 RURAL RULES - BUILDINGS

3.6 BUILDINGS AND SITES OF SIGNIFICANCE TO TANGATA WHENUA SILENT FILE AREAS, WĀHI TAONGA SITES, WĀHI TAONGA MANAGEMENT AREAS AND MAHINGA KAI SITES

Permitted Activities – Buildings and Sites of Significance to Tangata Whenua Silent File Areas, Wāhi Taonga Sites, Wāhi Taonga Management Areas and Mahinga Kai Sites

3.6.1 Erecting any building or any additions or alterations to, or modification or demolition of, any building shall be a permitted activity if all of the following conditions are met:

3.6.1.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any earthworks associated with the building is limited to the disturbance of soil over areas where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks. Any disturbance within those areas shall be limited to a maximum depth of 20cm.~~In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or a Wāhi Taonga Management Area, the building does not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site.~~

3.6.1. ~~23~~ In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 3.6.1.2, the building does not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site.~~In any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai Site, any damage to or removal of indigenous vegetation is limited to that undertaken by tāngata whenua for mahinga kai purposes.~~

3.6.1.4 In any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai Site, any damage to or removal of indigenous vegetation is limited to that undertaken by tāngata whenua for mahinga kai purposes.

Restricted Discretionary Activities – Buildings and Sites of Significance to Tangata Whenua Silent File Areas, Wāhi Taonga Sites, Wāhi Taonga Management Areas and Mahinga Kai Sites

3.6.2 Any activity which does not comply with Rule 3.6.1 shall be a restricted discretionary activity.

3.6.3 Under Rule 3.6.2, the Council shall restrict its discretion to all of the following matters:

3.6.3.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local rūnanga rūnanga;

3.6.3.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact,

as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga; Any damage to, destruction or removal of any object, remnant or artefact contained within a Wāhi Taonga Site or Wāhi Taonga Management Area, as advised by local rūnanga;

- 3.6.3.3 Any damage to, destruction or removal of any object, remnant or artefact contained within a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 3.6.3.2., as advised by local rūnanga; Any adverse effects of the proposed activity on any Mahinga Kai Site, as advised by local rūnanga;
- 3.6.3.4 Any adverse effects of the proposed activity on any Mahinga Kai Site, as advised by local rūnanga; Any potential costs to the landholder of not being able to undertake the proposed activity on that site;
- 3.6.3.5 Other than in Wāhi Taonga Management Area C39(a), aA any potential costs to the landholder of not being able to undertake the proposed activity on that site; Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
- 3.6.3.6 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options; Any positive effects which may offset any adverse effects; and
- 3.6.3.7 Any positive effects which may offset any adverse effects; and Any monitoring or review conditions.
- 3.6.3.8 Any monitoring or review conditions.

Reasons for Rules

Rule 3.6 manages the effects of erecting buildings in Silent File and Wāhi Taonga Management Areas, and on Wāhi Taonga and Mahinga Kai Sites. Activities which may disturb these areas and sites require a resource consent, so the Council can assess whether the activity will affect any culturally important site, as advised by local rūnanga rūnanga. The Council has a policy

In the Wāhi Taonga Management Area which comprises the Rakaia River Moa Hunter Site (C39(a) and C39(b)), the New Zealand Historic Places Trust Pouhere Taonga is also considered to be an affected party as the area is an archaeological site.

Rule 3.7 manages

PART C

4 RURAL RULES — ROADING

4.3 ROADING AND SITES OF SIGNIFICANCE TO TANGATA WHENUA SILENT FILE AREAS, WĀHI TAONGA SITES, WĀHI TAONGA MANAGEMENT AREAS AND MAHINGA KAI SITES

Permitted Activities — Roading and Sites of Significance to Tangata Whenua Silent File Areas, Wāhi Taonga Sites, Wāhi Taonga Management Areas and Mahinga Kai Sites

- 4.3.1.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any earthworks associated with any road is limited to the disturbance of soil over areas where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks. Any disturbance within those areas shall be limited to a maximum depth of 20cm;~~Within any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or a Wāhi Taonga Management Area, any road does not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site; and~~
- 4.3.1.3 Within any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 4.3.1.2, any road does not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site; and ~~Within any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai site, any damage to, or removal of, indigenous vegetation is limited to that undertaken by tāngata whenua for mahinga kai purposes.~~
- 4.3.1.4 Within any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai site, any damage to, or removal of, indigenous vegetation is limited to that undertaken by tāngata whenua for mahinga kai purposes.

Restricted Discretionary Activities – Roothing and Sites of Significance to Tangata Whenua ~~Silent File Areas, Wāhi Taonga Sites, Wāhi Taonga Management Areas and Mahinga Kai Sites~~

- 4.3.3.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local rūnanga rūnanga;
- 4.3.3.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga;~~Any damage to, destruction or removal of, any object, remnant or artefact contained within a Wāhi Taonga Site to Wāhi Taonga Management Area, as advised by local rūnanga ; or~~
- 4.3.3.3 Any damage to, destruction or removal of, any object, remnant or artefact contained within a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 4.3.3.2, as advised by local rūnanga; Any adverse effects of the proposed activity on any Mahinga Kai site, as advised by local rūnanga ;
- 4.3.3.4 Any adverse effects of the proposed activity on any Mahinga Kai site, as advised by local rūnanga; Any potential costs to the landholder of not being able to undertake the proposed activity on that site;
- 4.3.3.5 Other than in Wāhi Taonga Management Area C39(a), a~~Any potential costs to the landholder of not being able to undertake the proposed activity on that site; Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;~~
- 4.3.3.6 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options; Any positive effects which may offset any adverse effects; and

4.3.3.7 Any positive effects which may offset any adverse effects; and Any monitoring or review conditions.

4.3.3.8 Any monitoring or review conditions.

PART C

5 RURAL RULES – UTILITIES

5.10 UTILITY STRUCTURES AND SITES OF SIGNIFICANCE TO TANGATA WHENUA SILENT FILE AREAS, WĀHI TAONGA SITES, WĀHI TAONGA MANAGEMENT AREAS, MAHINGA KAI SITES – UTILITY STRUCTURES

Permitted Activities – Utility Structures and Sites of Significance to Tangata Whenua Silent File Areas, Wāhi Taonga Sites, Wāhi Taonga Management Areas, Mahinga Kai Sites – Utility Structures

- 5.10.1.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any earthworks associated with any utility structure is limited to the disturbance of soil over areas where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks. Any disturbance within those areas shall be limited to a maximum depth of 20cm; Within any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or a Wāhi Taonga Management Area, the construction, maintenance, etc of any utility structure does not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site; and.
- 5.10.1.3 Within any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 5.10.1.2, the construction, maintenance, upgrading or replacement etc of any utility structure does not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site; Within any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai site, any damage to, or removal of, indigenous vegetation associated with the construction, maintenance, etc of any utility structure is limited to that undertaken by tāngata whenua for mahinga kai purposes.
- 5.10.1.4 Within any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai site, any damage to, or removal of, indigenous vegetation associated with the construction, maintenance, upgrading or replacement of etc of any utility structure is limited to that undertaken by tāngata whenua for mahinga kai purposes.

Restricted Discretionary Activities – Utility Structures And Sites of Significance to Tangata Whenua Silent File Areas, Wāhi Taonga Sites, Wāhi Taonga Management Areas, Mahinga Kai Sites – Utility Structures

- 5.10.2 Any activity which does not comply with Rules 5.10.1.1 to 5.10.1.3 4 shall be a restricted discretionary activity.

- 5.10.3 Under Rule 5.10.2, the Council shall restrict its discretion to the following matters:
- 5.10.3.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File Area, as advised by local rūnanga rūnanga;
 - 5.10.3.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga; Any damage to, destruction or removal of, any object, remnant or artefact contained within a Wāhi Taonga Site or Wāhi Taonga Management Area, as advised by local rūnanga ; or
 - 5.10.3.3 Any damage to, destruction or removal of, any object, remnant or artefact contained within a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 5.10.3.2, as advised by local rūnanga; Any adverse effects of the proposed activity on any Mahinga Kai site, as advised by local rūnanga ;
 - 5.10.3.4 Any adverse effects of the proposed activity on any Mahinga Kai site, as advised by local rūnanga; Any potential costs to the landholder of not being able to undertake the proposed activity on that site;
 - 5.10.3.5 Other than in Wāhi Taonga Management Area C39(a), aAny potential costs to the landholder of not being able to undertake the proposed activity on that site; Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
 - 5.10.3.6 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options; Any positive effects which may offset any adverse effects; and
 - 5.10.3.7 Any positive effects which may offset any adverse effects; and Any monitoring or review conditions.
 - 5.10.3.8 Any monitoring or review conditions.

5.11 UTILITY BUILDINGS AND SITES OF SIGNIFICANCE TO TANGATA WHENUA SILENT FILE AREAS, WĀHI TAONGA SITES, WĀHI TAONGA MANAGEMENT AREAS, MAHINGA KAI SITES – UTILITY BUILDINGS

Permitted Activities – Utility Buildings and Sites of Significance to Tangata Whenua Silent File Areas, Wāhi Taonga Sites, Wāhi Taonga Management Areas, Mahinga Kai Sites – Utility Buildings

- 5.11.1.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any earthworks associated with the building is limited to the disturbance of soil over areas where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks. Any disturbance within those areas shall be limited to a maximum depth of 20cm;In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or a Wāhi Taonga Management Area, the construction, maintenance etc of the building does not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site.

- 5.11.1.3 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 5.11.1.2, the construction, maintenance, upgrading or replacement of etc of the building does not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site.~~In any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai site, any damage to or removal of indigenous vegetation associated with the construction, maintenance, etc of any utility building is limited to that undertaken by tāngata whenua for mahinga kai purposes.~~
- 5.11.1.4 In any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai site, any damage to or removal of indigenous vegetation associated with the construction, maintenance, upgrading or replacement of etc of any utility building is limited to that undertaken by tāngata whenua for mahinga kai purposes.

Restricted Discretionary Activities – Utility Buildings and Sites of Significance to Tangata Whenua Silent File Areas, Wāhi Taonga Sites, Wāhi Taonga Management Areas, Mahinga Kai Sites – Utility Buildings

- 5.11.2 Any activity which does not comply with Rules 5.11.1.1 to 5.11.1.34 shall be a restricted discretionary activity
- 5.11.3 Under Rule 5.11.2, the Council shall restrict its discretion to all of the following matters:
- 5.11.3.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File Area, as advised by local rūnanga rūnanga;
- 5.11.3.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga;~~Any damage to, destruction or removal of any object, remnant or artefact contained within a Wāhi Taonga Site or Wāhi Taonga Management Area, as advised by local rūnanga;~~
- 5.11.3.3 Any damage to, destruction or removal of any object, remnant or artefact contained within a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 5.11.3.2, as advised by local rūnanga;~~Any adverse effects of the proposed activity on any Mahinga Kai site, as advised by local rūnanga;~~
- 5.11.3.4 Any adverse effects of the proposed activity on any Mahinga Kai site, as advised by local rūnanga;~~Any potential costs to the landholder of not being able to undertake the proposed activity on that site;~~
- 5.11.3.5 Other than in Wāhi Taonga Management Area C39(a), a~~Any potential costs to the landholder of not being able to undertake the proposed activity on that site;~~
~~Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;~~
- 5.11.3.6 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;~~Any positive effects which may offset any adverse effects; and~~
- 5.11.3.7 Any positive effects which may offset any adverse effects; and~~Any monitoring or review conditions.~~
- 5.11.3.8 Any monitoring or review conditions.

Reasons for Rules

Rules 5.10 and 5.11 manage the effects of erecting buildings in Silent File Areas and Wāhi Taonga Management Areas, and on Wāhi Taonga sites and Mahinga Kai sites. Activities which may disturb these areas and sites require a resource consent, so the Council can assess whether the activity will affect any culturally or archaeologically important site, as advised by local rūnanga ~~rūnanga~~ and, in the case of the Wāhi Taonga Management Area which comprises the Rakaia River Mouth Moa Hunter Site (C39(a) and C39(b)), the New Zealand Historic Places Trust Pouhere Taonga..

PART C

6 RURAL RULES - OUTDOOR SIGNS AND NOTICEBOARDS

6.6 OUTDOOR SIGNS AND SITES OF SIGNIFICANCE TO TANGATA WHENUA SILENT FILE AREAS, WĀHI TAONGA SITES, WĀHI TAONGA MANAGEMENT AREAS AND MAHINGA KAI SITES

Permitted Activities — Outdoor Signs and Sites of Significance to Tangata Whenua Silent File Areas, Wāhi Taonga Sites, Wāhi Taonga Management Areas and Mahinga Kai Sites

6.6.1 Erecting any outdoor sign shall be a permitted activity if all of the following conditions are met:

6.6.1.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any earthworks associated with any sign is limited to the disturbance of soil over areas where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks. Any disturbance within those areas shall be limited to a maximum depth of 20cm.~~Within any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or a Wāhi Taonga Management Area, any earthworks associated with any sign does not involve the disturbance, damage to, removal or destruction of, any object, artefact or other symbol of pre-European settlement, occupation or use of that site; and~~

6.6.1.3 Within any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 6.6.1.2, any earthworks associated with any sign does not involve the disturbance, damage to, removal or destruction of, any object, artefact or other symbol of pre-European settlement, occupation or use of that site; and~~Within any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai site, any damage to or removal of indigenous vegetation associated with a sign is limited to that undertaken by tāngata whenua for mahinga kai purposes.~~

6.6.1.4 Within any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai site, any damage to or removal of indigenous vegetation associated with a sign is limited to that undertaken by tāngata whenua for mahinga kai purposes.

Restricted Discretionary Activities – Outdoor Signs and Sites of Significance to Tangata Whenua Silent File Areas, Wāhi Taonga Sites, Wāhi Taonga Management Areas and Mahinga Kai Sites

6.6.3 Under Rule 6.6.2, the Council shall restrict its discretion to consideration of:

- 6.6.3.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local rūnanga rūnanga;
- 6.6.3.2 In the area listed in Appendix 5 and shown on the Planning Maps as Wāhi Taonga Management Area C39(a), any inappropriate disturbance or other potential adverse effects on any site of significance, object, remnant or artefact, as advised by local rūnanga and the New Zealand Historic Places Trust Pouhere Taonga; Any damage to, destruction or removal of, any object, remnant or artefact contained within a Wāhi Taonga Site or Wāhi Taonga Management Area, as advised by local rūnanga;
- 6.6.3.3 Any damage to, destruction or removal of, any object, remnant or artefact contained within a Wāhi Taonga Site or any Wāhi Taonga Management Area not listed in 6.6.3.2, as advised by local rūnanga; Any adverse effects of the proposed activity on any Mahinga Kai site, as advised by local rūnanga;
- 6.6.3.4 Any adverse effects of the proposed activity on any Mahinga Kai site, as advised by local rūnanga; Any potential costs to the landholder of not being able to undertake the proposed activity on that site;
- 6.6.3.5 Other than in Wāhi Taonga Management Area C39(a), aAany potential costs to the landholder of not being able to undertake the proposed activity on that site; Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
- 6.6.3.6 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options; Any positive effects which may offset any adverse effects; and
- 6.6.3.7 Any positive effects which may offset any adverse effects; and Any monitoring or review conditions.
- 6.6.3.8 Any monitoring or review conditions.

PART C

10 RURAL RULES - SUBDIVISION

10.4 SUBDIVISION ON SPECIAL SITES (ECOLOGICAL, HISTORIC HERITAGE AND SITES OF SIGNIFICANCE TO TANGATA WHENUA HERITAGE AND CULTURAL).

Restricted Discretionary Activities – Subdivision on Special Sites (Ecological, Historic Heritage and Sites of Significance to Tangata Whenua Heritage and Cultural)

10.4.2 Under Rule 10.4.1, the Council shall restrict its discretion to consideration of:

- 10.4.2.1 All of the matters listed in Rule 10.1.2.
- 10.4.2.2 Any adverse effects of the proposed subdivision on:
- (a) Any historic heritage or archaeological site; or
 - (b) Any protected tree; or
 - (c) Any Silent File area, Wāhi Taonga site, Wāhi Taonga Management Area or Mahinga Kai site, as advised by local rūnanga rūnanga, and in the case of Wāhi Taonga Management Area C39(a), the New Zealand Historic Places Trust Pouhere Taonga; or
 - (d) Any significant ecological site;
- 10.4.2.3 The effects considered under Rule 10.4.2.2 include (but are not limited to):
- (a) Any effects of the subdivision of land on the site, including separating the site between allotments which may result in separate ownership or management of the site;
 - (b) Effects on access to the site and whether any restrictions on access to the site may detract from or help maintain its values;
 - (c) Alternative boundaries for the new allotments created which may better maintain the site in one allotment or access to the site, if access is desirable;
 - (d) Any condition on the subdivision consent requiring a consent notice or other mechanism to be placed on the Certificate of Title for any allotment created, to alert prospective purchasers that activities involving historic heritage or archaeological sites, trees or buildings, or cultural sites Sites of Significance to Tangata Whenua listed in Appendix 5, may require a resource consent application under the Plan, or in the case of an archaeological site, consent of an archaeological authority from the New Zealand Historic Places Trust Pouhere Taonga; and
 - (e) Any positive effects which may offset any adverse effects.

PART D

DEFINITIONS

H

Historic Heritage: means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

- (i) archaeological:**
- (ii) architectural:**
- (iii) cultural:**
- (iv) historic:**
- (v) scientific:**
- (vi) technological; and**

Includes-

- (i) historic sites, structures, places, and areas; and
- (ii) archaeological sites; and
- (iii) sites of significance to Maori, including wāhi tapu; and
- (IV) SURROUNDINGS ASSOCIATED WITH THE NATURAL AND PHYSICAL RESOURCES.

L

Landscaping: means the visual improvement of an area through designed live planting of trees, shrubs and ground cover for amenity purposes and may include provision of physical features such as paving, walls, art and seating. For the purposes of this definition, landscaping does not include the re-contouring of land by removing or displacement of earth or soil, or for any earthworks associated with the erection or installation of a wall.

M

Maintenance of gardens lawns or public spaces: means carrying out any work to preserve existing gardens lawns or public spaces in such a way that the scale or nature of the gardens lawns or public spaces is not altered. Maintenance does not include upgrading.

W

Wāhi Taonga Management Area: includes any land, building or structure which is listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Management Area.

PART E

APPENDIX 5

SCHEDULE OF SITES OF SIGNIFICANCE TO TANGATA WHENUA CULTURAL SITES

Wāhi Taonga Sites and Management Areas, Silent File Areas and Mahinga Kai Sites

WĀHI TAONGA SITES					
Site No.	Description	Location	Legal Description	Zone	Map No.
C2	Rock Shelter	Near West Coast Road – Castle Hill	Lot 2 DP 43207	High Country	29
C3	Rock Shelter	Near West Coast Road – Castle Hill	Lot 2 DP 43207	High Country	29
C38	Occupation	Rakaia Island	RS 19028	Outer Plains	1

WĀHI TAONGA SITES

Site No.	Description	Location	Legal Description	Zone	Map No.
C39	Moa Hunter Site	Near North Rakaia Road	Lot 2 DP 74178	Outer Plains	113
C40	Oven	Rakaia Island	Res 2040	Outer Plains	1
C...					

WĀHI TAONGA MANAGEMENT AREAS

Site No.	Location	Legal Description	Zone	Map No.
C17	Rakaia Island	Res 2040, RS 19033, RS 19032, Res 2039, RS 19031, RS 19030, RS 19029, RS 19028	Outer Plains	1
C39 (a)	Rakaia River Moa Hunter Site Archaeological Site	Selwyn District Council Camping Ground and land immediately east of Rakaia Huts Township	Lot 1 DP 55293, Lot 2 DP 55293 and the 8.56417hectares of Lot 1 DP 74178 as indicated on Planning Map 133	Outer Plains 133
C48		Rural Outer Plains Surrounding Rakaia Huts Township	LOT 2 DP 74178, PT LOT 1 DP 75540, LOT 1 DP 4439, PT Reserve 3047, PT Rural Section 18213, PT Reserve 4363, and the 4.37045 hectares of LOT 1 DP 74178 as indicated on Planning Map 133	Outer Plains and Living 1 133
C66	Beach from Rakaia River to Fishermans Point – Seaward of the Coastal Hazard 1 Line		Outer Plains	1,2,4
C90	Selwyn River/Waikirikiri and 20m setback for those properties adjoining the Selwyn River/Waikirikiri		Outer Plains and Malvern Hills	7,8,11, 12,13, 15,16, 17,20, 21,22
C91	Taumutu Road	Pt Lot 2 DP 6299, Pt Lot 2 DP 4745, Pt Lot 3 DP 4745, Lot 1 DP 71251, Lot 4 DP 25359, Res 879, and RS 11117, Lot 4 DP 14196, Lots 1 and 2 DP 75905, Pt RS 9459, Res 806, 878, 889, and 901 and RS 10480	Outer Plains	2,4
C93	Waikekewai Creek and 20 metres either side of Waikeke Creek	RS 4145, Pt RS 5106; Pt RS 3344, 4041, Sec 1 and 4c Homebrook Settlement; Lots 2 and 3 DP 72203; Pt Lot 1 DP 6240; Pt Lot 4 DP 72203; Lot 1 DP 5088; Pt Lot 1 DP 3826; Lot 1 DP 10731; Pt Lot 2 DP 3826; Pt Lots 2 and 3 DP 987; Pt Lot 1 DP 56275; Pt RS 4049; Lots 1, 2, 4, and 5 DP 23044, Pt Lot 3 DP 4745; Lot 2 DP 4745.; RS 35465; RS 7889, Pt RS 5866; RS 7889; Pt RS 6148; Lots 1,2 and 3 DP 68909; RS 35465; Lot 1 DP 71251	Outer Plains	4

WĀHI TAONGA SITES

Site No.	Description	Location	Legal Description	Zone	Map No.
C2	Rock Shelter	Near West Coast Road— Castle Hill	Lot 2 DP 43207	High Country	29
C3	Rock Shelter	Near West Coast Road— Castle Hill	Lot 2 DP 43207	High Country	29
C38	Occupation	Rakaia Island	RS 19028	Outer Plains	1
C39	Moa Hunter Site	Near North Rakaia Road	Lot 2 DP 74178	Outer Plains	113
C40	Oven	Rakaia Island	Res 2040	Outer Plains	1
C...					

WĀHI TAONGA MANAGEMENT AREAS

Site No.	Location	Legal Description	Zone	Map No.
C17	Rakaia Island	Res 2040, RS 19033, RS 19032, Res 2039, RS 19031, RS 19030, RS 19029, RS 19028	Outer Plains	1
C66	Beach from Rakaia River to Fishermans Point —Seaward of the Coastal Hazard 1 Line		Outer Plains	1,2,4
C90	Selwyn River/Waikirikiriri and 20m setback for those properties adjoining the Selwyn River/Waikirikiriri		Outer Plains and Malvern Hills	7,8,11, 12,13, 15,16, 17,20, 21,22
C91	Taumutu Road	Pt Lot 2 DP 6299, Pt Lot 2 DP 4745, Pt Lot 3 DP 4745, Lot 1 DP 71251, Lot 4 DP 25359, Res 879, and RS 11117, Lot 4 DP 14196, Lots 1 and 2 DP 75905, Pt RS 9459, Res 806, 878, 889, and 901 and RS 10480	Outer Plains	2,4
C93	Waikekewai Creek and 20 metres either side of Waikeke Creek	RS 4145, Pt RS 5106; Pt RS 3344, 4041, Sec 1 and 4c Homebrook Settlement; Lots 2 and 3 DP 72203; Pt Lot 1 DP 6240; Pt Lot 4 DP 72203; Lot 1 DP 5088; Pt Lot 1 DP 3826; Lot 1 DP 10731; Pt Lot 2 DP 3826; Pt Lots 2 and 3 DP 987; Pt Lot 1 DP 56275; Pt RS 4049; Lots 1, 2, 4, and 5 DP 23044, Pt Lot 3 DP 4745; Lot 2 DP 4745; RS 35465; RS 7889, Pt RS 5866; RS 7889; Pt RS 6148; Lots 1,2 and 3 DP 68909; RS 35465; Lot 1 DP 71251	Outer Plains	4

WĀHI TAONGA SITES

Site No.	Description	Location	Legal Description	Zone	Map No.
C38	Occupation	Rakaia Island	RS 19028	Outer Plains	4
C39	Moa Hunter Site	Near North Rakaia Road	Lot 2 DP 74178	Outer Plains	113
C40	Over	Rakaia Island	Res 2040	Outer Plains	4

WĀHI TAONGA MANAGEMENT AREAS

Site No.	Description	Location	Legal Description	Zone	Map No.
C39 (a)	Rakaia River Moa Hunter Site Archaeological Site	Selwyn District Council Camping Ground and land immediately east of Rakaia Huts Township	Lot 1 DP 55203, Lot 2 DP 55203 and the 8.56417 hectares of Lot 1 DP 74178 as indicated on Planning Map 133	Outer Plains	133
C48		Rural Outer Plains Surrounding Rakaia Huts Township	LOT 2 DP 74178, PT LOT 1 DP 75540, LOT 1 DP 4439, PT Reserve 3047, PT Rural Section 18213, PT Reserve 4363, and the 4.37045 hectares of LOT 1 DP 74178 as indicated on Planning Map 133	Outer Plains and Living 1	133

SILENT FILE AREAS

Site No.	Location	Legal Description	Zone	Map No.
C48	Near Pacific Drive	Lot 1 DP 4439, Lots 1 and 2 DP 74178, RS 18213, Res 4363, Lot 1 DP 75540, Res 3047	Outer Plains	133

APPENDIX 2: RECOMMENDATIONS ON SUBMISSIONS

Note: Further submissions are shown in *italics*.

Sub No.	Name, Submission Point & Subject Area		Submission Type	Decision requested	Recommendation
01	Graham Shearman	1.1 Whole of Plan Change	Oppose	1.1 If changes are implemented, then the proposed attachment to the LIM notes should include documentation of any official archaeological investigations carried out on a specific property.	Reject
02	RA & PJ Perkins	2.1 Whole of Plan Change	Oppose	2.1 The fact that no archaeological material has ever been found on the south-western side of Pacific Drive. Our property is a split level house, the earthworks already done when the house was built were extensive, at least a metre deep and nothing found	Reject
				2.2 We believe our property will lose value of 25% and we would want compensation to that effect from the Council.	Reject
				2.3 Any costs incurred by a finding if reported (which is highly unlikely) be paid by Selwyn District Council.	Accept in Part
03	RGS & SM Nee	3.1 Placement of a report on my LIM Report regarding importance of Historic Places Trust interest in my freehold property.	Oppose	3.1 That the south-west side of Pacific Drive be excluded from the proposed Maori site. On the basis that no artefacts have ever been found on our side of the Pacific Drive, therefore the whole procedure is crap.	Reject
				3.2 We believe it will have a devaluation value of at least \$20,000.00 per section and I believe the Council should reimburse the said amount to each and every section to the owner as compensation	Reject

				3.3 That it be withdrawn from all LIM reports on the devaluation basis	Reject
04	PL Williamson & EC Wilkes	4.1 Whole Plan Change	Oppose	4.1 The settlement of this situation once and for all. Stop this continuing pandering to certain groups of people at the expense of those who pay rates. We on the south side of Pacific Drive were not originally included in the Draft Plan and we wish this situation to remain.	Reject
05	Selwyn District Council	5.1 Note 1 in Part C – 1 Rural Rules – Earthworks	Support, but with amendments to errors	5.1 Delete Note 1 from Part C – 1 Rural Rules – Earthworks of the Rural Volume of the Rural Volume subject to Plan Change 26. Replace with the amended Note 1, as outlined in the submission, which shows the correct list of activities which are exempt from the Earthworks Rules in Rural Zones.	Accept in Part
06	Te Rūnanga o Ngāi Tahu and Te Taumutu Rūnanga	6.1 Whole of Plan Change	Support in part	Review the Rakaia Huts Conservation Management Plan.	Reject
	6.2 Whole of Plan Change	Support in part	Re-name the Moa Hunter Site with a traditional Ngāi Tahu name	Accept	
	6.3 Whole of Plan Change	Support in part	Set up a place to store artefacts	Reject	
	6.4 Whole of Plan Change	Support in part	Educate the local community and the wider public.	Reject	
	6.5 Volumes 1 & 2: Heading B3.3 Historic Heritage - Issue	Oppose in part	AMEND the headings in both Township and Rural Volumes to read: <i>“B3.3 Culture and Historic Heritage -Issue”</i> .	Accept	
	6.6 Volume 1 & 2: Statement under heading: Damage to,	Oppose in part	AMEND the statement in both Township and Rural Volumes to read: <i>“Damage to, destruction of or inappropriate alteration of sites, places, trees and vegetation, buildings or other structures which have historic heritage and cultural values”</i> .	Accept	
	6.7 Volume 1 and 2: Sub Heading: Historic Heritage in Selwyn District	Oppose in Part	AMEND the sub-heading to in both Township and Rural Volumes to read: <i>“Culture and Historic Heritage in Selwyn District”</i> .	Accept	
	6.8 Page 7 Volume 1 and Page 38 Volume 2: Third paragraph beginning “Sites, areas or buildings may have heritage values	Oppose in part	AMEND the paragraphs in both Township and Rural Volumes to read: <i>“Sites , areas or buildings may have heritage and cultural values if they are places or objects which people associate with their identity, history, events, customs or practices. Usually these values are shared by more than one person and in the case of tangata whenua they are shared by the local rūnanga and Ngāi Tahu. In particular, wāhi tapu, wāhi taonga and</i>	Accept	

			<i>mahinga kai are sites and/or areas that tangata whenua value as a critical part of their cultural identity. Heritage and cultural values may be associated with, but not limited to, old buildings, ruins, significant trees and vegetation, trees planted to commemorate special events, modern buildings that are part of a community's identity, the plants used in customary practices, land forms, routes, traditional trails and traditional activities".</i>	
	6.9 Page 8 Volume 1 and page 39 Volume 2: First paragraph	Oppose in part	AMEND the paragraph in both Township and Rural Volumes to read: <i>"Cultural and historic heritage values are not only part of our inheritance from the past; it is also a part of our contemporary identity and sense of place. Cultural and historic heritage values, including cultural connections and associations with places, make an important contribution to the physical environment. In particular, cultural and historic heritage values are a vital part of what makes a place unique or important for the people who live there".</i>	Accept
	6.10 Page 8 in Volume 1 and Page 39 in Volume 2: Second paragraph	Oppose in part	AMEND the paragraph in both Township and Rural Volumes to read: <i>"Cultural and historic heritage values are important because it provides a tangible insight into our past and can be an important source of knowledge. Cultural and heritage features can.</i> <i>The accidental or inadvertent destruction or damage of cultural and heritage features can cause the loss of this knowledge as well as a social/cultural link to the past".</i>	Accept
	6.11 Page 10 in Volume 1 and page 41 in Volume 2: First Heading – 'Damage to Sites with Historic Heritage'	Oppose in part	AMEND the heading in both Township and Rural Volumes to read: <i>"Damage To Sites With Cultural and Historic Heritage Values"</i>	Accept
	6.12 Page 10 in Volume 1 and page 41 in Volume 2: First paragraph after first heading 'Sites and buildings with historic heritage values'	Oppose in part	AMEND the sentence in both Township and Rural Volumes to read: <i>"Sites and buildings with cultural and historic heritage values".</i>	Accept
	6.13 Page 10 in Volume 1 and page 41 in Volume 2: Second Heading – 'Protecting	Oppose in part	AMEND the heading in both Township and Rural Volumes to read: <i>"Protecting Cultural and Historic Heritage Values".</i>	Accept

	Historic Heritage Values'			
	6.14 Page 10 in Volume 1 and page 41 in Volume 2: First sentence after second heading – As well as the specific duties under section 6 of the Act, maintaining'	Oppose in part	AMEND the sentence in both Township and Rural Volumes to read: <i>"As well as the specific duties under section 6 of the Act, maintaining sites and buildings with cultural and historic heritage values in Selwyn District can:...."</i>	Accept
	6.15 Page 10 of Volume 1 - Second sentence under second heading, and page 42 of Volume 2 – First sentence 'Protecting sites and structures with historic heritage values involve costs'	Oppose in part	AMEND the sentence in both Township and Rural Volumes to read: <i>"Protecting sites and structures with cultural and historic heritage values involves costs:...."</i>	Accept
	6.16 Page 10 in Volume 1 – Second sentence under second heading, and page 42 in Volume 2 – First sentence first bullet point.	Oppose in part	RETAIN the sentence in both Township and Rural Volumes and AMEND the so that the bullet point reads: <i>- "Many sites and structures are privately owned or on private land. For example, some wāhi taonga and wāhi tapu sites are on land not owned by tangata whenua for whom they have value. Protecting sites and structures may sometimes prevent the landholder from using them for other purposes, although adapting heritage buildings for new uses is common"</i>	Accept
	6.17 Page 10 in Volume 1 – Third sentence under second heading, and page 42 in Volume 2 – second sentence.	Oppose in part	AMEND the sentence in both Township and Rural Volumes to read: <i>"Any measures in the District Plan to protect the cultural and historic heritage values of sites must....":</i>	Accept
	6.18 Page 16 in Volume 1 and page 48 in Volume 2 – First Heading 'Historic Heritage – Strategy'	Oppose in part	AMEND the heading in both Township and Rural Volumes to read: <i>"Culture and Historic Heritage – Strategy".</i>	Accept
	6.19 Page 16 Volume 1 Second statement – 'Foster a partnership for protecting sites and buildings with historic heritage ...'	Oppose in part	AMEND Second statement in the Township Volume to read: <i>"Foster a partnership for protecting sites and buildings with cultural and historic heritage...."</i>	Accept

6.20 Page 16 in Volume 1 – Second Heading and page 48 in Volume 2 – Second Heading – ‘Historic Heritage – Objectives’	Oppose in part	AMEND the heading in both Township and Rural Volumes to read: ‘Culture and Historic Heritage – Objectives’	Accept
6.21 Page 16 in Volume 1 – Explanation and Reasons – Second paragraph – ‘Objective B3.3.1 develops a partnership’	Oppose in part	AMEND: Second paragraph in the Township Volume to read: “Objective B3.3.1 develops a partnership approach to culture and heritage protection..... that have cultural and historic heritage values in the Selwyn District..” .	Accept
6.22 Page 17 in Volume 1 AND Volume 2: First Heading “Historic Heritage –Policies and Methods”	Oppose in part	AMEND the heading in both Township and Rural Volumes to read: “Culture and Historic Heritage - Policies and Methods”	Accept
6.23 Page 20 in Volume 1 – Method – District Plan Rules – Cultural Historic Heritage Sites	Oppose	RETAIN: heading in TownshipVolume so as to be consistent with Rules. “Sites of Significance to Tangata Whenua”	Accept
6.24 Page 20 in Volume 1 and page 54 in Volume 2 – First Heading – Historic Heritage – Anticipated Environmental Results	Oppose in Part	AMEND the heading in both Township and Rural Volumes to read: “Culture and Historic Heritage- Anticipated Environmental Results” .	Accept
6.25 Page 20 in Volume 1 and Volume 2 – Second Heading Historic Heritage – Monitoring.	Oppose in part	AMEND the heading in both Township and Rural Volumes to read: “Culture and Historic Heritage – Monitoring” .	Accept
6.26 Page 16 in Volume 1 (Township) – Objective B3.3.2 – Explanation and Reasons , 4 th paragraph under second heading	Oppose in part	REPLACE : The word “Maori” with “local rūnanga ”.	Accept
6.27 Page 21 in Volume 1 Part C , 2 Living Zone Rules –Earthworks	Oppose in part	DELETE the word “walls” from the definition of “Landscaping” in both Attachment 1: Changes to the District Plan (Township Volume) and Attachment 2:	Accept in part

	Notes 1 and page 54 in Volume 2 Part C, 1 Rural Rules - Earthworks Notes 1. Page 35 in Volume 1 – Definitions And page 73 in Volume 2 - Definitions		Changes to the District Plan (Rural Volume). And ADD the word “ post holes ” instead which is already exempt from the earthworks rules. Or REPLACE: the current proposed definition of “Landscaping” with new definitions of “soft landscaping” and “hard landscaping” which will respectively allow for activities that are permitted and those that are not.	
	6.28 Page 23, 25 and 27 in Volume 1 - Part C, Rules – Earthworks, Buildings and Activities – Rules 2.1.2 2.1.3, 2.1.6 2.1.7, 4.14.2, 1.14.3, 4.14.4, 4.14.3 (5?), 10.4.2, 10.4.3, 10.4.4 and 10.4.5)	Support	DISCUSS: the methods or tools to implement this written approval process with Council.	Accept in part
	6.29 Page 23 in Volume 1 - Part C, 2 Living Zone Rules – Earthworks Notes 1 - <i>Rule 2 does not apply to any of the following activities:.....</i> and page 54 in Volume 2 Part C, 1 Rural Rules- Earthworks Notes 1 <i>Rule 1 –Earthworks, does not apply to any of the following activities.....</i>	Oppose in Part	ADD: Part C, 2 Living Zone Rules – Earthworks Notes 1 <i>Rule 2 does not apply to any of the following activities:...</i> -Sowing, tending or cultivating crops, grazing, or planting trees of a scale less than ...(an appropriate measure yet to be calculated) - Planting of trees greater than a scale of ...(an appropriate measure yet to be calculated) except in Wāhi Taonga Management Area C39(b)..... Part C, 1 Rural Rules- Earthworks Notes <i>Rule 1 –Earthworks, does not apply to any of the following activities....</i> -Sowing, tending or cultivating crops, grazing, or planting trees of a scale less than (an appropriate measure yet to be calculated) - Planting of trees greater than a scale of (an appropriate measure to be calculated) except in Wāhi Taonga Management Area C39(a).	Accept in Part.
	6.30 Pages 58 and 59 of Volume 2 (Rural) - 2 Rural Rules – Tree Planting and Removal of Protected Trees – Rules 2.1, 2.1.1, 2.2 and 2.2.1	Oppose in part	ADD: to <i>Permitted Activities - Shelterbelts and Amenity Planting</i> 2.1.1 <i>The planting of any trees for amenity planting, shelterbelts shall be a permitted activity if all of the following conditions are met:.....</i> 2.1.1.9 <i>.In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a), any Any disturbance within those areas shall be limited to a maximum depth of 20cm and less than a scale of (an appropriate measure yet to be calculated)</i>	Accept in Part.

			<p>ADD: to 2.2.1 Permitted Activities – Plantations 2.2.1.3 In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a), any Any disturbance within those areas shall be limited to a maximum depth of 20cm and less than a scale of (an appropriate measure yet to be calculated)</p>	
	<p>6.31 Matters discretion is restricted to under Restricted Discretionary Activities and Earthworks, Shelterbelts and Amenity Planting and plantations (Pages 56, 58 and 60 of Volume 2 (Rural)).</p>	Oppose in part	<p>ADD: to Restricted Discretionary Activities- for Earthworks, Shelterbelt, Amenity Planting and Plantations <i>The Council shall include in its discretion to consideration of: the scale of the activity and the degree of change of land use and these effects on wāhi tapu and wāhi taonga and certain conditions to address this.</i></p>	Reject
	<p>6.32 Page 39 in Volume 2 – Statutory Acknowledgement and Nohoanga Sites</p>	Oppose in part	<p>ADD: to list under heading <i>Statutory Acknowledgment and Nohoanga Sites, in</i> Attachment 2: Changes to the District Plan (Rural Volume), p.39. -Te Waihora -Coopers Lagoon</p>	Reject
	<p>6.33 Volume 1 and 2 All rules for Restricted Discretionary Activities for both Township and Rural Volumes – Matters that Council shall restrict its discretion to consideration of.</p>	Oppose in part	<p>ADD: to “<i>matters to be considered</i>” by Council for all Restricted Discretionary Activities for all activities for both Township and Rural areas. - Special consideration of the risk of activities in the boundaries of the WTMA areas, especially in the western boundary of the Living Zone, to adversely disturb potential urupa in these locations. - Consent conditions requiring specific requirements for: • cultural monitoring; • a local rūnanga representative on site during the works; • ensuring that a Accident Discovery Protocol is followed; • An agreement with local rūnanga as to for what happens to any found artefacts; and • a briefing on detection of archaeological artefacts for contractors and sub-contractors on site.</p>	Accept in Part
	<p>6.34 All rules in proposed plan change regardless of whether controlled or restricted discretionary.</p>	Neither support nor oppose	<p>ADD to all rules: - Consent and written approval conditions requiring specific requirements for: • cultural monitoring;</p>	Accept in Part

			<ul style="list-style-type: none"> • a local rūnanga representative on site during the works; • ensuring that a Accident Discovery Protocol is followed; • An agreement with local rūnanga as to what happens to any found artefacts; and • a briefing on detection of archaeological artefacts for contractors and sub- contractors on site. 	
	6.35 Page 65 in Volume 2 (Rural) Part C Rural Rules – Utilities <i>5.10 Utility Structures and Sites of Significance to Tangata Whenua</i> Permitted Activities - <i>Utility Structures and Sites of Significance to Tangata Whenua</i> 5.10.1.2	Oppose in part	ADD: to “Permitted Activities - <i>Utility Structures and Sites of Significance to Tangata Whenua</i> 5.10.1.2 <i>-In the area listed in Appendix 5 and shown on the Planning Maps as WTMA C39(a) , any earthworks associated with any utility structure is limited to...</i> <i>.... repairing existing utilities provided that they are replaced in the same trench/hole</i> ADD: <i>If the utilities are “new” then they default to a Restricted Discretionary Activity with specific conditions (yet to be developed) that are required to be met.</i>	Reject
	6.36 Pages 20 – 29 in Volume 1 – Matter Council has Restricted its Discretion too in Restricted Discretionary Activities clause for Earthworks (Rule 2.1), Buildings (Rule 4.14) and Activities (Rule 10.4) and Pages 54-72 in Volume 2 - Matter Council has Restricted its Discretion too in Restricted Discretionary Activities clause for Earthworks (Rule 1.2), Shelterbelts and Amenity Planting (2.1), Buildings (3), Roothing (4.3), Utilities (5.10), Utility Buildings (5.11), and Outdoor Signs and Noticeboards (6.6).	Oppose 7	REMOVAL: in Restricted Discretionary Activities 1.2 Earthworks, 2.1 Shelterbelts and Amenity Planting; 3 Buildings; 4.3 Roothing; 5.10 Utilities; 5.11 Utility Buildings ; B6.6 Outdoor Signs and Noticeboards Of Matters that Council shall restrict its consideration of: <i>Any potential costs to the landowner/occupier of not being able to undertake the proposed activity on that site.</i>	Accept in Part
	6.37 Map 133 Sheet 2	Not stated	AMEND: Map 133 to indicate that the empty paddock on the western boundary of C39 (b) is identified as C39 (a).	Accept

	6.38 Volume 1 and 2 All rules for Restricted Discretionary Activities for both Township and Rural Volumes – Matters that Council shall restrict its discretion to consideration of.	Oppose in part	ADD: to “ <i>matters to be considered</i> ” by Council for all Restricted Discretionary Activities for all activities for both Township and Rural areas. ‘of which will be recognised and provided for’ following the words ‘local rūnanga’ and before the words ‘ and the New Zealand...’	Reject		
	6.39 Notes 1 and page 54 in Volume 2 Part C, 1 Rural Rules - Earthworks Notes 1. Page 35 in Volume 1 – Definitions And page 73 in Volume 2 - Definitions	Oppose in part	ADD the words “for water when no other resource consent is required” following the words <i>‘Drilling bores’</i> in Note 1	Accept in Part		
07	New Zealand Historic Places Trust Pouhere Taonga	7.0	Whole of Plan Change 26	Oppose in part	See various specific relief sought below.	
	7.1 Volumes 1 and 2: Definition and Terminology for historic heritage	Oppose in part	At the time of the District Plan review, special focus is made on addressing the terminology of the heritage chapters of Volumes 1 and 2.	Reject		
	7.2 Volume 1: Objective B3.3.2 Explanation and Reasons	Oppose in part	That the ‘Explanation and Reasons’ paragraphs are amended to correctly reference sections 6(e) and 6(f) of the RMA and those amendments are consequential through Volume 1 and 2. <ul style="list-style-type: none">Objective B3.3.2 reflects the duty under section 6(e) to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites waahi tapu, and other taonga.Objective B3.3.3 reflects the duty under section 6(f) of the act to recognise and provide for the protection of historical heritage from inappropriate subdivision, use, and development.	Accept in part		
	7.3 Volume 1: Policy B3.3.4 Explanation and Reasons	Oppose in part	Amend the paragraph to give accurate reference to the policy which provides for reducing or waiving fees.	Accept		
	7.4 Volume 1: Earthworks 2.1, Reason for Rules	Oppose in part	Amend to Wāhi Taonga Management Area C39(b) in Reasons for Rules for Volume 1: Earthworks 2.1, Reason for Rules.	Accept		

	7.5 Volume 1: Controlled Activity 2.1.2	Oppose in part	Amend Rule 2.1.2 to reflect the following: Any earthworks which do not comply with Rule 2.1.1. 9 or 2.1.1.10 shall be a controlled activity if the written consent of the local rūnanga has been obtained. In the case of Wāhi Taonga Management Area C39(b), which is an archaeological site, the written authorisation of the New Zealand Historic Places Trust has been obtained. And that consequential amendments are made through the appropriate sections of Volumes 1 and 2 of the District Plan.	Accept in Part
	7.6 Volume 1: Controlled Activity 2.1.2	Oppose in part	That an 'Advice Note' is included in the section as detailed below: Activities affecting any archaeological site including Wāhi Taonga Management Area C39(b) may require an Archaeological Authority from the New Zealand Historic Places Trust Pouhere Taonga. And that consequential amendments are made through the appropriate sections of Volumes 1 and 2 of the District Plan.	Reject
	7.7 Volume 2: Historic Heritage – Objective B3.3.3 Explanations and Reasons.	Oppose in Part	That the 'Explanations and Reasons' paragraphs are amended to correctly reference section 6(e) of the RMA and are amended as follows: Objective 3.3.1 reflects the duty under section 6(e) of the Act to recognise the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.	Accept in Part
	7.8 Volume 2: Policy B3.3.4 Explanation and Reasons	Oppose in part	That amendment is made to reference Wāhi Taonga Management Area C39(a) in the Explanation and Reasons section of Policy B3.3.4.	Accept
	7.9 Volume 2: Part C. Rural Rules – Earthworks. Note 1	Oppose in part	That amendment is made to reference Wāhi Taonga Management Area C39(a) in the 'Notes' section of Part C. Rural Rules – Earthworks.	Accept
	7.10 Volume 1 and 2 General Submission		That the Selwyn District Council undertakes a specific review of the heritage chapters to ensure that matters of national importance under sections 6(e) and 6(f) of the RMA are provided for.	Reject
08	PL Williamson & EC Wilkes 8.1 Whole Plan Change	Oppose	8.1 The settlement of this situation once and for all. Stop this continuing pandering to certain groups of people at the expense of those who pay rates. We on the south side of Pacific Drive were not originally included in the Draft Plan and we wish this situation to remain.	Reject