

23 July 2011

Submission by Mahaanui Kurataiao Ltd

On behalf of

Te Rūnanga o Ngāi Tahu and Te Taumutu Rūnanga

To

Selwyn District Council Proposed Plan Change 26 – Rakaia Huts Wahi Taonga Management Areas and sites

1 INTRODUCTION

This submission is a joint submission being made by Mahaanui Kurataiao Ltd on behalf of Te Rūnanga o Ngāi Tahu and Te Taumutu Rūnanga (hereafter referred to as Ngāi Tahu).

Te Rūnanga o Ngāi Tahu

Te Rūnanga o Ngāi Tahu is the tribal representative body of Ngāi Tahu Whānui. It is a body corporate established under section 16 of the TRoNT Act. Section 15(1) of the TRoNT Act states:

Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as the representative of Ngāi Tahu Whānui.

In paragraph 7 of section 6 of the Settlement Act (recording the Crown's apology) Ngāi Tahu is recognised "*as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.*" It has therefore been clearly affirmed in statute that Te Rūnanga o Ngāi Tahu is the sole representative of Ngāi Tahu Whānui, the iwi that is tāngata whenua within the Ngāi Tahu Takiwā.

The attention of the consent authority is respectfully drawn to the special status of Te Rūnanga o Ngāi Tahu. Te Rūnanga o Ngāi Tahu notes that this submission should not be treated as a single submission, in the manner customarily adopted by consent authority, but should be accorded the status and weight due to the tribal collective, Ngāi Tahu Whānui, which it represents.

There are currently over 43,000 members of Ngāi Tahu Whānui whose names are registered on the roll in accordance with section 8 of the Act and this number continues to grow.

Notwithstanding its statutory status as the representative voice of Ngāi Tahu Whānui "for all purposes", Te Rūnanga o Ngāi Tahu accepts and respects the right of individuals and Papatipu Rūnanga to make their own submissions to the consent authority.

Te Taumutu Rūnanga

Te Taumutu Rūnanga are one of the Papatipu Rūnanga that make up Te Rūnanga o Ngāi Tahu. The Rūnanga are the collective of the hapu and whanau of Ngāi Tahu who hold manawhenua in the takiwā that centres on Taumutu and the waters of Te Waihora and adjoining lands.

Status of Papatipu Rūnanga as Manawhenua

The Te Rūnanga o Ngāi Tahu Act 1996 (the TRoNT Act) and the Ngāi Tahu Claims Settlement Act 1998 (the Settlement Act) give recognition to the status of Papatipu Rūnanga as kaitiaki and manawhenua of the natural resources within their takiwā boundaries.

Mahaanui Kurataiao Ltd

Mahaanui Kurataiao Ltd is owned by the six Rūnanga of Christchurch and is mandated by each Rūnanga to engage in resource management on their behalf. The Rūnanga use the mechanism of Mahaanui Kurataiao Ltd, to assist the articulation of their interests, values and aspirations into decision-making process of Councils. Mahaanui Kurataiao Ltd (MKT) is an agent for the Rūnanga and has no interests of its own in relation to the proposed activity.

2 BACKGROUND

WAHI TAPU / WAHI TAONGA

According to Te Whakatau Kaupapa – (Ngai Tahu Resource Management Strategy for the Canterbury Region) (Tau et al, 1990), “in modern terms- in the Ngai Tahu rohe, the term wahi tapu refers to places held in reverence according to tribal custom and history”. Wahi tapu are therefore places of spiritual, cultural, and historical significance. The significance of these sites remains over time.

Wahi tapu places can also be referred to as wahi taonga places. These may include but are not limited to: urupa (burial grounds), special places associated with birth or death, or tauranga waka (canoe landing sites). “Te Whakatau Kaupapa” identifies urupa as the most significant wahi tapu of all to Ngai Tahu.

Some wahi tapu/taonga sites are also archaeological sites such as pa sites. As stated in “Te Whakatau Kaupapa” these sites are very important to Ngai Tahu Whanui as they offer a greater understanding of their tupuna and their world. “These sites and taonga are an integral part of Ngai Tahu” (Tau et al, 1990).

NGAI TAHU’S CULTURAL ASSOCIATION TO THE ‘RAKAIA HUTS WAHI TAONGA MANAGEMENT AREAS AND SITES’

The ‘Rakaia Huts Wahi Taonga Management Areas and sites’, which refers to the area in and around the Rakaia Huts settlement at the Rakaia River mouth, is noted in the Te Taumutu Runanga Natural Resource Management Plan (Taumutu Plan) as a known moa hunter site and that “the coastline from Taumutu to Rakaia was an important north-south route for the ancestors of Ngai Te Ruahikihiki ki Tau”. The Taumutu Plan identifies “the land and waters around the Rakaia River mouth and Rakaia Huts as of special interest to Te Taumutu Runanga and Te Runanga o Ngai Tahu historically, culturally and

archaeologically". As such, the 'Rakaia Huts Wahi Taonga Management Areas and sites' have significant wahi tapu values and forms an important part of Ngāi Tahu cultural identity.

The area is however already the site of the Rakaia Huts settlement, a camping ground and an existing rural property. The current and possible future land uses and activities pose a number of threats to the protection of the wahi tapu values of the area.

3 STATUTORY REQUIREMENTS RELEVANT TO THIS DRAFT PLAN CHANGE

The following relevant legislative provisions relating to the protection of wahi tapu are outlined below.

Resource Management Act 1991 (RMA)

Part II of the RMA contains a number of specific provisions relating to tangata whenua that must be considered in decisions made under the RMA:

- Section 6(e) requires that *"the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga" is to be recognised and provided for;*
- Section 6(f) requires that *"the protection of historic heritage from inappropriate subdivision, use and development" is to be recognised and provided for; (of which "historic heritage" is defined in the RMA as including "sites of significance to Maori , including wahi tapu")*.
- Section 7(a) requires that particular regard is given to 'kaitiakitanga '.
- Section 8 requires that the principles of the Treaty of Waitangi are taken into account.

Wahi tapu are taonga of Maori and are acknowledged as such in Article 2 of the Treaty.

Under section 74 when preparing or changing a district plan, a territorial authority shall have regard to:

- (b) (ii) *Any relevant planning document recognised by an iwi authority affected by the district plan.*

The relevant planning documents recognised by Te Rūnanga o Ngāi Tahu as the iwi authority are the Te Taumutu Rūnanga Natural Resource Management Plan; and Te Whakatau Kaupapa - Ngai Tahu Resource Management Strategy for the Canterbury Region (1990). The relevant policies from each document are outlined below:

Te Taumutu Rūnanga Natural Resource Management Plan

Part 3, Section 5 No Takaroa – Coastal and Marine environment

5.2 Nga Whaingā- General Policy Objectives

- *That the history of tangata whenua remains on the landscape, through the protection of wahi taonga, wahi tapu, mahinga kai and wahi ingoa.*

5.3.3 Rakaia Huts

Due to the significance of the area, Te Taumutu Runanga has developed specific policies that apply to any activities (e.g. earthworks) undertaken in the area. These include:

1. Any earthworks, including building, in the area of the Rakaia Huts requires consent from Te Taumutu Runanga.
2. Accidental find protocols will be attached to any consent application.
3. An archaeologist to be on site when any excavations occur, as recommended by the Runanga.
4. If any artefacts of significance are found during any excavation activities, these will be returned to Te Taumutu Runanga.
5. If any Kōiwi tangata (human remains) are uncovered, Te Taumutu Runanga is to be notified immediately. The Runanga will give urgent priority to any such notification so that the resulting disruption to the excavation activity is kept to a minimum.
6. Consistent with wider Ngāi Tahu Policy, Te Taumutu Runanga will take full responsibility for seeing that any remains are reinterred appropriately and in full consultation with the police.

Part 4, Section 4.9 Ngā Wahi Tapu, Ngā Wahi Taonga

Management guidelines for sites and places of significance are outlined as follows:

- Any activity that has the potential to affect a wahi tapu, wahi taonga or other site of significance shall involve consultation with Te Taumutu Runanga.
- Te Taumutu Runanga is the only one to assess the degree of cultural significance of any given site in the Taumutu takiwa.
- Any archaeological finds remain the cultural property of Ngāi Te Ruahikihiki ki Taumutu and Te Taumutu Runanga (The Runanga is licensed to hold artefacts). This information is not to be made public, unless provided for by the hapu or Runanga.
- Tikanga Māori shall be observed on wahi tapu/wahi taonga sites as these sites shall be protected from inappropriate activities that may denigrate the wahi tapu status.
- Any persons proposing activities, in which earth moving or similar work will occur in an area of known or possible culturally significant sites, are required to enter into an Accidental Find Protocol. In some areas, such as Rakaia Huts, Te Taumutu Runanga requires that an archaeologist be on site when any excavations are undertaken. Te Taumutu Runanga has a Cultural site/Accidental Discovery Protocol, based on Te Runanga o Ngāi Tahu policy. The protocol is between the Runanga and the applicant, and will be implemented as a condition on the consent.

Te Whakatau Kaupapa -Ngāi Tahu Resource Management Strategy for the Canterbury Region, 1990.

This document outlines Ngāi Tahu wide policies regarding wahi tapu and wahi taonga. Below are some of the relevant policies.

Section 4 – Ngāi Tahu Objectives and Policy Statements

4. -30 Archaeological Sites

Policy

1. That all archaeological sites of interest to Ngāi Tahu Whānui be given formal protection, and that the right to modify them shall remain solely with Ngāi Tahu.
3. That consistent with the policies on urupa, no burials should be disturbed. Should human remains be revealed, the excavation should stop immediately until approval for recommendation is given by the Runanga concerned.
10. In addition to the above points, Ngāi Tahu insist that all archaeological sites which reasonably may be expected to be affected by any development activities are investigated. These activities include sites that are in line of, or

nearby to , any road, working area, dumping site, stock piling areas and so on. Such sites are as much risk as any site directly affected by a development proposal.

4 CONSULTATION PROCESS

Ngai Tahu consider that the consultation process with the Selwyn District Council (SDC) has been very constructive. There have been several informative hui with Mahaanui Kurataiao Ltd (MKT) staff and a SDC planning officer, Andrew Mactier, and on occasion two New Zealand Historic Places Trust staff, to discuss drafts of the proposed Plan Change 26. There has been a good response by SDC to the issues raised and discussed in some parts of the plan change and the planning officer sought to address the matters identified in the consultation, through subsequent meetings.

First Schedule Consultation was undertaken with representatives from Te Taumutu Runanga and from the Toitu Te Whenua unit at Te Runanga o Ngai Tahu and MKT staff with Council on 23rd June 2011. This was a helpful process that provided Te Taumutu Runanga and Te Runanga o Ngai Tahu with a clear understanding of the issues and details of the plan change.

5 SUBMISSION POINTS

Overall, Ngai Tahu support the proposed plan change to implement the Rakaia Huts Conservation Management Plan (RHCMP) and which effectively provides better protection of the wahi tapu and wahi taonga values of the area. The proposed plan change adequately recognizes the cultural significance of the wahi tapu values of the Wahi Taonga Management Areas (WTMA); the amended rules framework provides improved protection of the WTMA's from the adverse effects of land use activities and provides active involvement of Te Taumutu Runanga in the consent process and the new policy gives adequate direction to protect the WTMA's.

In particular, Ngai Tahu SUPPORT:

- An additional policy B3.3.4 in both the township and rural volumes which identifies that the WTMA's should be protected from inappropriate damage or destruction;
- An amended rules framework which now requires applicants to obtain a resource consent prior to conducting an activity (subject to some activities that are exempt). This significantly improves the level of protection of wahi tapu values whereby previously a resource consent was only required if an artifact was found.
- An amended rules framework in which Earthworks, Buildings, and Activities in the Township area are to be controlled via resource consents as Controlled Activities and subdivision –general, boundary adjustments are Restricted Discretionary Activities and Subdivision (Access, Reserve and Utility) are Controlled Activities.
- An amended earthworks rules framework in which activities in the Rural area are to be controlled via resource consents as restricted discretionary activities.
- In part (not fully), an amended list of activities which are exempt from earthworks rules which give clear directions to what is inappropriate.

- An amended District Plan Map 133 which indicates the larger extent of the archaeological site as identified in the RHCMP.
- An amended District Plan Map 133 which indicates the two different WTMA's – C39(a) and C39(b) and the application of these two different Wahi Taonga Management Areas in the rules framework.
- An amended Appendix 5 -Schedule of Sites of Significance to Tangata Whenua in the Rural volume to reflect that site C48 is a Wahi Taonga Management Area rather than a silent file. This makes it consistent with the decision to agree with the submission of Te Runanga o Ngai Tahu and Te Taumutu Runanga (submission 1127.01 & 1127.02) to the Proposed Selwyn District Plan- Heritage and Cultural Sites' to re designate the area from Silent File to a Wahi Taonga Management Area.
- An amended Appendix 5 -Schedule of Sites of Significance to Tangata Whenua of both volumes in the Plan.

However, there are some areas that Ngai Tahu consider need strengthening to reflect the degree of protection that this area requires. These are outlined in Table 1 –Points that Ngai Tahu consider need strengthening in the Proposed Plan Change (attached). 'Decisions sought' by Ngai Tahu in the table are for more robustness to manage risks that may diminish or desecrate wahi tapu/taonga values of the areas. To summarize, these include the need to protect the integrity of the wahi tapu values from: some landscaping activities that are proposed to be exempt from earthworks rules; large scale development e.g. plantations; activities that may disturb that ground at an inappropriate depth and nature; activities that may desecrate possible urupa at the boundary of the WTMA's; the potential risk of the construction of new utilities. The need for a standard list of consent conditions or conditions of a written approval is also addressed.

6 RECOMMENDATIONS

In addition to the submission points, Ngai Tahu suggest a few recommendations to further provide for the protection of the integrity of the wahi tapu/taonga values of the area. These include non-regulatory, broader requirements.

Review the Rakaia Huts Conservation Management Plan (RHCMP)

The archaeological and cultural significance of the area was acknowledged in the preparation of a Rakaia Huts Conservation Management Plan (RHCMP) for the area which was prepared by consultants to Selwyn District Council and consulted on through a joint working party that included Te Taumutu Runanga, Selwyn District Council and the NZ Historic Places Trust. The RHCMP, adopted by Council in October 2009, is a guiding document that aims to recognise the threats to the archaeology and to a lesser extent cultural values of the Rakaia Huts area and recommends regulatory and non-regulatory management tools to manage those threats. However, Ngai Tahu request a review of the RHCMP (or preparation of a separate management plan) as the current plan is limited in recognition of tangata whenua cultural values. The RHMP is essentially based on a European archaeological perspective and lacks the necessary cultural perspective on wahi tapu/taonga and the protection required.

Re-naming of “Moa Hunter Site” with a traditional Ngai Tahu name

Ngai Tahu request that the ‘Rakaia Moa Hunter Site’ be re-named by Ngai Tahu with a culturally appropriate, traditional place name. This would be changed in Appendix 5 –Schedule of Sites of Significance to Tangata Whenua and in the text of the B3.3 Section of both volumes in the District Plan. This would be undertaken with consultation with Ngai Tahu.

Set up a place to store the artefacts

Ngai Tahu request that there be discussion with SDC on possible places nearby the WTMA to store the possible artefacts that may be found. Possible sites suggested are the campground and the empty paddock on the western side of C39 (b).

Education of the wider public and the local community

Ngai Tahu consider that the education of the public in general and in particular the local community of the wahi tapu /taonga and archaeological values of the WTMA are critical in gaining support and understanding of the proposed plan changes by the community. This could be on the form of public talks, interpretation panels, booklets etc

7 CLOSING POINTS

Te Runanga o Ngai Tahu and Te Taumutu Rūnanga appreciate the opportunity for public participation provided through notification.

Te Runanga o Ngai Tahu and Te Taumutu Rūnanga **do wish to be heard** at any hearing for the resource consent.

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