
PREFERRED APPROACH REPORT TO DISTRICT PLAN COMMITTEE

DATE: 17 July 2018

TOPIC NAME: Sites and Areas of Cultural Significance

SCOPE DESCRIPTION: Preferred Approach Report for Sites and Areas of Cultural Significance

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EXECUTIVE SUMMARY

<i>Issue(s)</i>	How to recognise and provide for the relationship of Ngai Tahu and their customs and traditions with their ancestral lands, waters, sites, whai tapu and other taonga within the Proposed Selwyn District Plan.
<i>Purpose</i>	To brief the Committee on the findings of the Sites and Areas of Significance Report that has been prepared by Mahaanui Kurataiao Ltd on behalf of Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga to communicate their preferences for the identification and categorisation of sites and areas of cultural significance in the Proposed District Plan.
<i>DPC Decision</i>	<p><i>“That the Committee notes the report”</i></p> <p><i>“ That the Committee endorses the Preferred Approach for ‘Sites and Areas of Cultural Significance’ for further development and engagement.”</i></p> <p><i>“That the Committee notes the summary plan”</i></p>



Selwyn District Council District Plan Review

Sites and Areas of Significance

June 2018

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1.0 INTRODUCTION

The Selwyn District is within the rohe of two papatipu rūnanga, Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga, that hold manawhenua over the area.

The Selwyn District Council has statutory obligations to Ngāi Tahu whānau under the Resource Management Act 1991 (RMA). These obligations include:

- Consulting with mana whenua through their representatives in preparing the district plan.
- Recognising and providing for the relationship of Ngāi Tahu and their customs and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga;
- Having particular regard to kaitiakitanga;
- Taking into account the principles of the Treaty of Waitangi; and
- Taking into account any relevant iwi planning document.

Selwyn District Council is currently reviewing its operative District Plan. As part of its review, the Council has contracted Mahaanui Kurataiao to facilitate engagement with Te Taumutu Rūnanga and Te Ngāi Tūāhuriri and to prepare a report concerned with sites and areas of cultural significance within the Selwyn District.

This report sets out mana whenua's preferred approach to the identification and categorisation of sites and areas of cultural significance. It is mandated by Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga. It includes recommendations for preferred planning provisions and maps for inclusion in the Selwyn District Plan.

2.0 REPORT STRUCTURE

This report is structured as follows:

- An outline of Te Taumutu and Te Ngāi Tūāhuriri's whakapapa and associations within the Selwyn District.
- Commentary on the provisions of the Canterbury Regional Policy Statement relevant to cultural landscapes.
- Commentary on the provisions of the Mahaanui Iwi Management Plan relevant to cultural landscapes.
- A summary of the planning provisions in the Operative Plan which recognise and protect wāhi tapu me wāhi taonga within the district.
- Analysis of the effectiveness of the Operative District Plan provisions.
- Preferred approach to identifying and categorising sites and areas of cultural significance
- Preliminary landscape categorisation (accompanied by maps)
- An outline of potential risks or threats to cultural values
- An outline of the content of objectives and policies
- Recommendations for preferred activity status for land uses within the different cultural categories
- An outline of the content of rules and assessment matters

3.0 MANA WHENUA

Ngāi Tahu are Tāngata Whenua of the Canterbury region, and hold ancestral and contemporary relationships with Canterbury. The contemporary structure of Ngāi Tahu is set down through the Te Rūnanga o Ngāi Tahu Act 1996 (TRoNT Act). 18 papatipu rūnanga collectively form Ngāi Tahu and through this structure and the TRoNT Act, the requirements for recognition of Tāngata Whenua in Canterbury are set.

The Te Rūnanga o Ngāi Tahu (declaration of Membership) Order 2001 defines the takiwā of Te Taumutu Rūnanga as follows:

‘The takiwā of Taumutu Rūnanga centres on Taumutu and the waters of Te Waihora and adjoining lands and shares a common interest with Te Ngāi Tūāhuriri Rūnanga and Te Rūnanga o Arowhenua in the area south to Hakatere.’

The pā of three Ngāi Tahu tūpuna, Te Rakitāmau, Te Ruahikihiki and Moki II, were established at various times at Taumutu. Te Rakitāmau’s pa Hakitau was situated near the opening of Te Waihora but has since been reclaimed by the sea. Orariki (the place of chiefs), the pā of Te Ruahikihiki, and Te Pā o Te Ikamutu (the village of the backwash of the fish) were built on a narrow section of land between the edge of Te Waihora and the sea where the Hone Wetere Church now stands. These pa and Te Pa o Moki were built on strategic and defensible sites. The present day Ngāti Moki Marae is located at Taumutu, on the shores of Te Waihora at the Southern end of Kaitorete Spit. Te Taumutu Rūnanga is the modern day assemblage and representative of the Ngāi Tahu hapū, Ngāti Moki and Taumutu-based Ngāi Te Ruahikihiki.

The takiwā of Te Ngāi Tūāhuriri Rūnanga is defined as follows:

‘The takiwā of Te Ngāi Tūāhuriri Rūnanga centres on Tuahiwi and extends from the Hurunui to Hakatere, sharing an interest with Arowhenua Rūnanga northwards to Rakaia, and thence inland to the Main Divide’.

Ngāi Tūāhuriri’s principal pā was originally sited near Kaiapoi and another important pā site at Rakahuri. The area connecting these pā sites is very significant. Today, the central settlement for Ngāi Tūāhuriri is at Tuahiwi.

The ancestral occupation and interaction with the region known today as Canterbury occurred initially by Waitaha then Ngāti Mamoe, who were then succeeded by the settling of the hapū, Ngāi Tuahitara and the sons of Tū-ahu-riri (Taane-Tiki, Moki and Turakautahi). Ngāi Tuahitara later became known as Ngāi Tūāhuriri after the fall of Kaiapoi Pa. The waka (canoe) which brought them to the region was the Makawhiua, whose captain was the rangatira (chief), Moki.

Once Turakautahi of Ngāi Tuhaitara had established Kaiapoi Pa as their principal fort, the leading chiefs established the mana (authority) of Ngāi Tuhaitara to the land by occupation and intermarriage.

Since settling in North Canterbury, the people of Tūāhuriri have established and continue to maintain a strong relationship with the land and water of the takiwā, including the Selwyn District. Wāhi tapu me wāhi taonga have both an historical basis and contemporary value to Ngāi Tūāhuriri, and are vital components of the relationship of mana whenua with the Selwyn District.

4.0 RELEVANT PLANNING DOCUMENTS

4.1 Resource Management Act 1991

The Resource Management Act (RMA) is New Zealand's primary legislation for managing natural and physical resources, including air, soil, fresh water and coastal marine areas. Section 5 (1) of the Act contains the purpose which is *"...to promote the sustainable management of natural and physical resources"*.

Sustainable management is defined under s5(2) which includes *"...enabling people and communities to provide for their economic, social and cultural well-being..."*

Section 6 of the RMA sets out matters which need to be recognised and provided for as matters of national importance, by all persons exercising functions and powers in achieving the purpose of the Act. These matters include s6(e) *"the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga"* and s6(f) *"the protection of historic heritage from inappropriate subdivision, use, and development"*.

Section 7 sets out matters to which particular regard shall be given in achieving the purpose of the RMA. This includes s7(a) *"Kaitiakitanga"*, which is defined under the Act as *"the exercise of guardianship by the tāngata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship"*.

Additionally, s8 requires that in achieving the purpose of the Act, the principles of the Treaty of Waitangi must be taken into account.

The identification of sites and areas of cultural significance is therefore fundamental to the District Council's achievement of sections 6, 7 and 8 of the RMA. This includes adopting appropriate methods and rules to manage the actual and potential effects of activities in these locations.

4.2 Canterbury Regional Policy Statement

Under Section 75(3)(c) of the RMA, the Selwyn District Plan must give effect to the Canterbury Regional Policy Statement (CRPS). The relevant chapter of the CRPS is Chapter 13 – Historic Heritage. This is discussed as follows:

Chapter 13- Historic Heritage

Section 13.1 sets out the issues for historic heritage within the Canterbury region. The identified issues are:

Issue 13.1.1 Inappropriate use, development or subdivision can lead to loss or degradation of historic heritage values that make a significant contribution to a regional sense of identity.

Issue 13.1.2 Historic cultural and historic heritage landscapes can be adversely affected by inappropriate subdivision, use and development.

The Explanation for Issue 13.1 describes how historic heritage items, places and areas provide an important record of how the region came to be the Canterbury known today. This includes early Māori settlement, stories, sites and traditions. For Tāngata Whenua, such items, places and areas are described as being inextricably linked to traditional values, culture and spirituality.

In terms of historic cultural and historic heritage landscapes, the Explanation for Issue 13.1.2 notes that these landscapes have important tangible and intangible values which require protection from inappropriate use. Additionally, historic cultural landscapes are identified as being particularly important to Ngāi Tahu as these can be an integral part of tūrangawaewae, providing an enduring association for Ngāi Tahu with their ancestral land.

There are two Objectives in Chapter 13. Objective 13.2.1 seeks to identify and protect significant historic heritage items, places and areas, and their particular values that contribute to the regions character and identity, from inappropriate subdivision, use and development.

Objective 13.2.2 recognises that cultural and heritage values can be expressed in a landscape setting and seeks to make provision for the protection of these landscapes from inappropriate subdivision, use and development.

The Principal Reasons and Explanations to these two objectives offer further advice, noting that Objective 13.2.1 is of particular importance to Ngāi Tahu and their culture and traditions. This Objective is concerned with “identifying and protecting” items, places and areas and therefore goes some way to making provision for the relationship of mana whenua with ancestral lands, water, sites, wāhi tapu and other taonga.

In terms of Objective 13.2.2, the Principal Reasons and Explanations make reference to s6 of the RMA and the need to recognise and protect historic heritage and the relationship of Māori and their cultural traditions with ancestral lands, from inappropriate subdivision use and development. It is further suggested that the definition of historic heritage extends to include landscapes and that landscapes can provide a settling for cultural components including stories, history or patterns of use. It is further noted that landscapes are the sum of collective heritage or cultural values and can be sensitive to change.

Policies 13.3.1 and 13.3.2 are intended to implement Objective 13.2.1.

Policy 13.3.1 is concerned with the **recognition** of physical areas and places whilst Policy 13.3.2 is concerned with **protecting the cultural values and relationships to those places**. The policies state:

13.3.1 to recognise and provide for the protection of the historic and cultural heritage resource of the region from inappropriate subdivision, use and development by:

1. *Identifying and assessing the significance of historic and cultural heritage resource according to criteria based on the following matters:*
 - a. *Historic*
 - b. *Cultural*
 - c. *Architectural*
 - d. *Archaeological*
 - e. *Technological*
 - f. *Scientific*
 - g. *Social*
 - h. *Spiritual*
 - i. *Traditional*
 - j. *Contextual*
 - k. *Aesthetic*
2. *Working with Ngāi Tahu to identify items, places or areas of historic heritage significance to them.*
3. *having regard to any relevant entry in the Historic Places Register in the process of identifying and assessing the historic heritage resource.*
4. *considering historic heritage items, places or areas of significance or importance to communities in the process of identifying and assessing the historic heritage resource.*
5. *recognising that knowledge about some historic heritage may be culturally sensitive and support protection of those areas through the maintenance of silent files held by local authorities.*

13.3.2 To recognise places of historic and cultural heritage significance to Ngāi Tahu and protect their relationship and culture and traditions with these places from the adverse effects of inappropriate subdivision, use and development.

Policy 13.3.3 seeks to implement Objective 13.2.2 and states that:

13.3.3 Significant historic cultural and historic heritage landscapes are to be protected from inappropriate subdivision, use and development. when determining the significance of values of historic cultural or historic heritage landscapes, the following matters will be considered:

1. *Heritage fabric*
2. *Time depth*
3. *Natural science value*
4. *Tāngata Whenua value*
5. *Cultural diversity*
6. *Legibility and evidential value*
7. *Shared and recognised value*
8. *Historic or cultural importance*

In relation to their management, and determining the appropriateness of scale, form and location of development in these areas, the following matters will be considered:

- a. *Cultural sensitivity of the proposal.*
- b. *Integrity or intactness of the landscape, items, features or linkages*
- c. *Vulnerability to change or modification*
- d. *Recognition of boundaries*
- e. *Opportunities for maintaining values*

The CRPS directs territorial authorities to set out objectives and policies, and methods that provide for the recognition and protection of significant historic heritage items, places or areas.

The Policy Statement then directs local authorities to develop objectives, policies or methods to manage the effects of subdivision, use and development on historic cultural and heritage landscapes. In addition, the CRPS states that local authorities should engage with Ngāi Tahu as Tāngata Whenua which includes recognising iwi management plans when determining the cultural importance of landscapes.

The Principal Reasons and Explanation further expand that local authorities should work with Te Rūnanga o Ngāi Tahu and Papatipu Rūnanga to determine areas where wāhi tapu and wāhi taonga may be affected by activities and to ensure adverse effects to culturally significant sites are avoided, remedied or mitigated. The Statement specifies that local authorities should use iwi management plans to assist in the identification of values associated with particular historic heritage items, places and areas, and to identify tools to ensure these values are maintained.

This report will assist the District Council to follow the guidance described in the CRPS and to align with its policies. This report provides information on the location of wāhi tapu and wāhi taonga (as sourced from the Mahaanui Iwi Management Plan along with research of historical documents and reference to Te Whakatau Kaupapa).

This report also (Section 8.0) describes the types of activities which may potentially threaten the cultural values associated with these wāhi tapu and wāhi taonga and sets out the preferred approach to management (tools) of these threats for the District Plan Review.

The Principal Reasons and Explanation for Policy 13.3.3 describes how sites such as wāhi tapu, wāhi taonga, and traditions such as mahinga kai, are of cultural significance to Ngāi Tahu. Appropriate protection of these areas, traditions and particular values should be provided for to meet the provisions of s6(e), s7(a) and s8 of the RMA.

The CRPS is clear that information regarding the exact location of wāhi tapu and wāhi taonga sites, and whether use of that land or public access to it is appropriate, should be determined by Te Rūnanga o Ngāi Tahu or Papatipu Rūnanga. The CRPS is therefore being clear, that this is culturally derived information as distinct from a District Council perspective on the location of these sites and areas.

It is also noted that in order to protect values, information regarding some cultural heritage items, places or areas may be withheld, or held as “silent files”.

In summary, the CRPS clearly sets out the need for local authorities to engage with Ngāi Tahu and Papatipu Rūnanga to identify and protect historic heritage (including items, places and areas) and historic cultural landscapes from inappropriate development activities, including subdivision.

This report will assist the Selwyn District Council to meet these requirements of the CRPS. It does so through analysis of the Mahaanui Iwi Management Plan, providing advice on sites and areas of cultural importance and advice on the activities which Te Taumutu Rūnanga and Te Ngāi Tūāhuriri consider should be managed through the District Plan.

4.3 Mahaanui Iwi Management Plan

Under Section 74(2A) of the RMA, the Mahaanui Iwi Management Plan 2013 (MIMP) must be taken into account by the District Council.

Specific issues and policies concerning cultural heritage sites, places, resources, traditions, knowledge and landscapes of importance to Ngāi Tahu are contained in the Ngā Tutohu Whenua Chapter (5.8).

Chapter 5.8 states that wāhi tapu, wāhi taonga, mahinga kai and other sites of significance, and the traditional and contemporary landscapes within which they occur is encompassed within Ngāi Tahu cultural heritage. For Ngāi Tahu, cultural heritage is not something that happened in the past, rather it is an on-going and enduring relationship with the land. The enhancement and restoration of cultural landscapes is therefore of importance to Ngāi Tahu culture, identity and well-being.

The MIMP describes a cultural landscape as a geographical area with particular (and often related) traditional, historical, spiritual and ecological value to Ngāi Tahu.

An area may be identified as a cultural landscape due to the concentration of values or due to the significance of the area relating to historical events, associations or connection to identity. The values associated with particular landscapes are indicators of those matters of most importance to manawhenua.

Cultural landscapes also provide a framework for assessing and protecting the physical features of a site or area, as well as culture and traditions. The MIMP acknowledges that land use and development have the potential to both adversely affect cultural landscape values, as well as provide opportunities for enhancement.

Similar to a District Plan, the Iwi Management Plan describes Issues of significance which are then followed by objectives and policies. Those relevant to the District Plan Review include:

Issue CL1: Cultural landscapes - the need to recognise and provide for Ngāi Tahu cultural landscapes.

Issue CL3: Wāhi tapu me wāhi taonga Identification, protection and management of wāhi tapu and wāhi taonga.

Issue CL4: Silent files There are a number of challenges associated with the use of silent files as a tool to protect wāhi tapu.

Issue CL5: Access to wāhi tapu, wāhi taonga and general places of cultural importance.

Issue CL1 describes the need for culturally appropriate tools to identify and express the relationship of Tāngata Whenua and associated values with particular places. Additionally land use and development is identified as having both positive and negative effects on cultural landscapes. It is noted that the RMA focus on outstanding landscapes can mean that cultural landscapes are not recognised explicitly in planning provisions and assessment matters are often broad relating to “cultural values”. The enhancement and restoration of cultural landscapes is described as being important to Ngāi Tahu culture, identity and wellbeing.

For Issue CL4 the MIMP specifies a number of challenges associated with the use of silent files to protect wāhi tapu. These include:

(a) Silent files are a useful mechanism, but are not the complete representation of wāhi tapu in the takiwā; and

(b) There are difficulties with using and translating the silent file mechanism in planning and policy, including the lack of specific information provided to external agencies on the nature of these sites, and discrepancies between planning documents as to the location and extent of silent file areas.

The objectives relevant to the District Plan review are:

- (1) *Cultural landscapes are recognised and provided for as a planning tool to protect wāhi tapu and wāhi taonga, the multiple values associated with these sites and places (traditional and contemporary), and the relationship of Tāngata Whenua to them.*
- (3) *Wāhi tapu and wāhi taonga are protected from inappropriate use, subdivision and development.*
- (4) *Ngāi Tahu whānui have access to sites of cultural significance in the takiwā.*

Key policies to implement these objectives are:

Cultural Landscapes

CL1.1 *To require that local and central government recognise and provide for the ability of tāngata whenua to identify particular landscapes as significant cultural landscapes, reflecting:*

- (a) *Concentration, distribution and nature of wāhi tapu and wāhi taonga;*
- (b) *Setting within which sites occur and significance of that setting;*
- (c) *Significance with regard to association and relationship to place; and*
- (d) *Degree of risk/threat.*

CL1.2 *To require that local and central government give effect to cultural landscapes in policy, planning and decision making processes as a tool to:*

- (a) *Enable holistic assessment of effects on cultural values;*
- (b) *Recognise the relationship of Ngāi Tahu to particular areas and sites; and*
- (c) *Provide a wider context for cultural heritage management and the protection of individual sites.*

CL1.3 *To work with local authorities to increase awareness and knowledge of the use of cultural landscapes as a tāngata whenua planning tool.*

CL1.6 *To require that known Māori archaeological sites and silent files are recognised and provided for as cultural landscape indicators.*

CL1.8 *To identify opportunities to enhance cultural landscapes, including but not limited to:*

- (a) *Restoration/enhancement of indigenous biodiversity;*
- (b) *Enhancing views and connections to landscape features;*
- (c) *Appropriate and mandated historical interpretation;*
- (d) *Setting aside appropriate areas of open space within developments; and*
- (e) *Use of traditional materials, design elements and artwork.*

CL1.9 *To enhance Ngāi Tahu cultural landscape values in the takiwā by:*

- (a) *Protection and restoration of places of cultural value to Ngāi Tahu, including those associated with mahinga kai;*
- (b) *Restoration and enhancement of indigenous biodiversity on the landscape, rural and urban;*
- (c) *Providing for cultural traditions (both traditional and contemporary) associated with particular places, including mahinga kai and recreational use (e.g. waka ama); and*
- (d) *Incorporating Ngāi Tahu heritage values into landscape and urban design, through the use traditional place names, interpretation, artwork and public structures.*

These MIMP policies describe the appropriate approach to identifying and protecting landscapes of cultural significance to mana whenua. The methodology described in this report accords with these MIMP policies by:

- Describing cultural landscape categories which reflect the concentration and distribution of wāhi tapu and wāhi taonga, as well as associative and spiritual values.
- Identifying risks from land use activities to the values within the varying landscape categories.

More specific policy is included in relation to wāhi tapu and wāhi taonga as follows:

Wāhi tapu me Wāhi taonga

CL3.6 Ngāi Tahu have the right to identify any site as a wāhi tapu or wāhi taonga, and have the discretion as to how these sites are protected, including the right to identify sites that must be protected from development. It is anticipated that the NZHPT will support Papatipu Rūnanga in this process, as part of the Trust's kaupapa to support the management and kaitiakitanga by whānau, hapū and iwi of their heritage places.

CL3.7 To require appropriate policies and rules in territorial and regional plans to protect sites of cultural significance from inappropriate land use and development, including but not limited to:

- (a) Explicit recognition of the relationship of Tāngata Whenua to wāhi tapu and wāhi taonga;
- (b) Processes for engagement with Papatipu Rūnanga with regard to wāhi tapu and wāhi taonga;
- (c) Recognition of cultural landscapes as a planning tool to identify and assess sites
- (d) Recognition of silent files; and
- (e) Recognition that wāhi tapu and wāhi taonga values may extend beyond the physical boundaries of individual sites;
- (f) Setting aside land from development

CL3.8 To require, where a proposal is assessed by tāngata whenua as having the potential to affect wāhi tapu or wāhi taonga, one or more of the following:

- (a) Low risk to sites:
 - (i) Accidental discovery protocol (ADP) - See Appendix 3.
- (b) High risk to sites:
 - (i) Cultural Impact Assessment (CIA);
 - (ii) Site visit;
 - (iii) Archaeological assessment, by a person nominated by the Papatipu Rūnanga;
 - (iv) Cultural monitoring to oversee excavation activity, record sites or information that may be revealed, and direct tikanga for handling cultural materials;
 - (v) Inductions for contractors undertaking earthworks;
 - (vi) Accidental discovery protocol agreements (ADP); and/or
 - (vii) Archaeological Authority from the New Zealand Historic Places Trust.

The methodology being followed in this report includes a mana whenua-led identification of wāhi tapu and wāhi taonga and the development of appropriate landscape categories for management of these sites and areas.

The matters outlined in CL3.8 are matters that could be identified within policies in a district plan as part of a management approach.

Silent Files

CL4.2 There are many wāhi tapu that are not identified as silent files, and this must be recognised and provided for in central, territorial and regional planning processes.

CL4.4 The Silent File designation means that:

- (a) There must be a high level of engagement with Papatipu Rūnanga to assess whether the location, type and scale of proposed activities may adversely effect the values associated with the Silent File area;
- (b) The Papatipu Rūnanga shall have a high level of influence over decisions to grant or decline consents. Only tāngata whenua can determine whether a development will affect silent file value; and
- (c) The Papatipu Rūnanga shall not be required to justify the nature and extent of cultural effects, or why an activity may be inconsistent with values in a Silent File area. Tāngata whenua must be able to "say no" without revealing the location or status of a site.

These policies seek to highlight that silent file designations must be supported by appropriate planning processes (in terms of activity status and requirements for resource consent), as well as engagement. These processes are necessary to provide opportunities for mana whenua to directly comment and influence resource and subdivision consents which may impact silent file values. Policy CL4.2 also highlights the limitations of relying solely on Silent Files as a mechanism to protect wāhi tapu sites.

The Operative District Plan has few provisions to provide for the protection of values associated with Silent Files, primarily limited to earthworks and assessment of impacts on

cultural values where a resource consent process is triggered. These matters are outlined further in Section 5.0.

The District Plan review process provides an opportunity to further develop relevant provisions for existing silent files as well as other wāhi tapu sites.

Access

CL5.2 *To increase the ability of Ngāi Tahu whānui to access wāhi tapu and wāhi taonga on private land by any of the following means:*

- (a) Engaging landowners to develop access arrangements;*
- (b) Engaging landowners to develop management plans to protect sites;*
- (c) Purchasing land outright;*
- (d) Opposing development that may 'lock places away'*
- (e) Registering sites or places with the NZHPT;*
- (f) Caveats on land titles;*
- (g) Creation of reserves; and*
- (h) Use of covenants.*

This policy seeks to enable greater access to identified wāhi tapu and wāhi taonga through a number of arrangements. The MIMP notes that much of Ngāi Tahu's cultural heritage (e.g., pa sites) is located on non-tribally owned lands, and is either Crown land or in private ownership. Whilst the provisions of the district plan cannot alter the status of land ownership, there is the opportunity for greater specificity in policies and assessment matters on matters related to access. For example, the development of access arrangements and management plans.

Maunga

CL8.2 *To prohibit the erection of buildings or structures on our ancestral maunga.*

This policy recognises the important role that maunga have in the spiritual and cultural beliefs of Ngāi Tahu. As the gateway to the Atua, they are considered the most sacred part of the landscape and carry the names of tūpuna.

The CRPS requires the District Council to be guided by these policies in its District Plan Review whilst the RMA requires the Iwi Management Plan to be taken into account. In summary, the Mahaanui Iwi Management Plan contains a number of very clear policies relating to the identification and management of both larger cultural landscapes as well as specific sites and places of cultural significance to mana whenua.

Section 7.0 of this report describes the methodology followed for identifying and protecting cultural landscapes. This methodology is consistent with policy CL1.1 and CL1.2 which require an approach based on the relationship Ngāi Tahu holds with particular areas and sites (as distinct from an archaeological or Council derived process). The categorisation of landscapes described in this report provides a wider context for both cultural heritage management and protection of individual sites.

5.0 OPERATIVE PLAN PROVISIONS

The Operative Selwyn District Plan makes provision for sites and areas of cultural significance in both the Township and Rural volumes. The following sections describe the approach to recognition, management and protection of wahi tapu and wahi taonga in the Plan.

5.1 Rural Volume Objectives and Policies

Chapter A4.2 of the Rural Volume describes Māori Issues and Values. It identifies the statutory context of Part 2 of the RMA and is followed by a description of the historical and contemporary associations of Rūnanga under "Tāngata Whenua of the Selwyn District".

The Chapter includes specific acknowledgement of wāhi tapu and wāhi taonga, including mahinga kai and tōpuni, statutory acknowledgements and nohoanga created under the Ngāi Tahu Claims Settlement Act 1998. It is noted that in addition to areas vested in Ngāi Tahu through the Settlement Act, there are other sites of significance to local Rūnanga.

Tāngata Whenua issues in the District are described. Of relevance to this report are:

- identification and protection of those natural and physical resources of importance, such as coastal and inland water bodies and areas of indigenous vegetation
- Protection of wāhi tapu, wāhi taonga and mahinga kai (food gathering sites) from any use or development which may threaten the values of these areas, in particular avoidance of waterbody contamination by human, industrial or animal waste;
- Protection and, where necessary, restoration of continued access to wāhi tapu, wāhi taonga and mahinga kai sites
- Protection of culturally significant sites and areas, such as urupā and occupancy sites.

Chapter A4.5 describes the key geographic features of the Rural Zone. Te Waihora/Lake Ellesmere is recognised for its immense cultural importance to Te Rūnanga o Ngāi Tahu and Papatipu Rūnanga. The Plan recognises that surrounding land use affects water quality, and activities may also disturb sites of Māori settlement and cultural importance. The hill and high country is recognised as an area containing routes travelled by Māori to reach the West Coast.

Chapter B1.2 is concerned with Vegetation and Ecosystems. The Plan describes indigenous vegetation as providing cultural opportunities and the District Plan strategy is to manage large scale earthworks, the clearance of indigenous vegetation, the planting of exotic tree species and protection of significant indigenous vegetation. There are specific policies to encourage the retention of existing indigenous vegetation, particularly on the margins of water bodies¹.

Chapter B1.3 concerns water. Issues identified for water include activities that affect the cultural values of waterbodies. The importance of quality water for mahinga kai is also acknowledged as is the wāhi taonga / wāhi tapu status of waterways. The Plan states that all waterbodies in Selwyn District are wāhi taonga/wāhi tapu and the necessity to improve water quality in Te Waihora in particular, is acknowledged.

There are a number of water policies related to cultural interests. These include:

- Policy B1.3.2 which seeks to “Recognise and provide for the special interest of Tāngata Whenua in resource management issues relating to water”.
- Policy B1.3.10 aims to protect or enhance wetland, their ecological integrity and function along with their cultural values.
- Policy B.1.3.11 which seeks to “Utilise opportunities to create esplanade strips or other means to protect riparian margins which are sites of wāhi tapu or mahinga kai”

Chapter B1.4 deals with Outstanding Landscapes. Te Waihora is identified as an Outstanding Landscape, including the surrounding springs, wetlands and the shingle beach from Rakaia River to Kaitorete Spit and a rocky outcrop within the lake. Activities with the potential to affect the landscape values include tree planting, buildings and structures in the margins of the lake or fixed to its bed, and drainage works. The skyline and ridgelines of hills and mountains are

¹ Policy B1.2.5

also identified as culturally significant, with the high country containing mahinga kai sites, silent file areas and important geographic landmarks. Policy B1.4.21 specifically aims to recognise and protect sites with landscape significance to Tāngata Whenua.

Chapter B2 deals with Physical Resources. The Chapter identifies that infrastructure and utilities have the potential to create effects on ancestral lands, sites and other taonga. The Plan states that the Council expects there to be alternatives to locating utilities on sites with cultural significance. Policy B2.4.7 recognises that Tāngata Whenua will have a particular interest in the treatment and disposal of waste; and to ensure that appropriate consultation is undertaken.

Chapter B3.3 concerns Culture and Historic Heritage within the District. Statutory Acknowledgement and Nohoanga Sites are identified, along with wāhi taonga and wāhi tapu sites and taonga species. The District Plan Strategy for Māori sites is to record information about sites or buildings as agreed by Rūnanga, to develop voluntary protocols for the management of Silent File Areas, Wāhi Taonga and Mahinga Kai sites, along with provisions for disturbance or damage to sites and areas of cultural significance. There are four categories of sites and areas of cultural significance in the Operative Plan, being Wāhi Taonga sites, Wāhi Taonga Management Areas, Silent File Areas and Mahinga Kai sites.

Objectives and policies specific to sites and areas of cultural significance include:

Objective B3.3.1

Sites of Wāhi Tapu, Wāhi Taonga, Mahinga kai and other importance to Tāngata Whenua are protected in partnership with local Rūnanga and landholders.

Objective B3.3.3

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

Policy B3.3.1

Encourage local Rūnanga to record information about sites of cultural importance to them, where appropriate.

Policy B3.3.2

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

Policy B3.3.4

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

These objectives and policies are worded with an emphasis on the protection of sites and areas of cultural importance. Policy B3.3.2 does appear to be a rewording of Objective B3.3.1, and as a consequence provides limited further guidance on how protection is to be achieved, but the intent of protection is emphasised by the duplication. It is also unclear how Policy B3.3.1, which is about recording information will achieve the Objective of protection, unless it is complemented by very strong rules that ensure protection is achieved. Policy B3.3.4 is poorly worded, noting that there is no distinction that can be made between appropriate and inappropriate damage or destruction. From a Rūnanga perspective, all damage and destruction of wāhi tapu or wāhi taonga is considered to be inappropriate.

The Explanation and Reasons to the Objectives and Policies provide a very high level explanation of the differences between Wāhi Taonga sites, Silent File Areas, Wāhi Taonga Management Areas and Mahinga Kai sites. Wāhi Taonga sites are described as archaeological sites where the “boundary” of the site is extended by a 20m radius whilst Wāhi Taonga Management Areas are larger areas containing multiple sites. The full list of the Wāhi Taonga sites (of which there are 85) and the Silent File areas (of which there are 11) is contained in Appendix E5 of the Operative Plan.

Further comment is made on the definitions of Wāhi Tapu and Wāhi Taonga in the Operative Plan and the Mahaanui Iwi Management Plan in the section titled “Rules” below.

There are six Wāhi Taonga Management Areas in the District. These are located at Rakaia Island, a section of the coast, Taumutu, the bed of the Waimakariri and Selwyn Rivers, and the Rakaia River Moa Hunter site (divided into 2 sub Management Areas).

The Plan lists all of these sites in Appendix 5 and they are identified on the planning maps.

The Explanation and Reasons describe how the rules are intended to allow for the disturbance of materials within the 20m radius surrounding wāhi tapu, but in the event of an accidental discovery, a resource consent is then required. It therefore appears that Council intended that the policies would be implemented via a retrospective consenting process, but it is unclear how this process would achieve protection.

Activities exempt from the earthworks rules include:

- Sowing, tending or cultivating crops (to a depth of no more than 20cm)
- Digging post holes
- Maintenance or landscaping of gardens, lawns or public spaces
- Burying pets; and
- Trenching compost

Policy B3.3.5 seeks to:

“Recognise the areas of Statutory Acknowledgement identified in Appendix 8 as areas of cultural importance to Ngāi Tahu.”

The Explanation and Reasons under this Policy state that Ngāi Tahu is recognised as an affected party for any resource consent in these locations.

Policy B3.3.6 seeks to:

“Allow customary activities and erecting of temporary structures at nohoanga sites, provided any adverse effects on the environment will be minor.”

There is only one nohoanga sites identified in Selwyn District and it is listed in Appendix 8 at a location along the Rakaia River.

Policy B3.3.13 concerns the protection of identified trees from destruction or alteration and this is qualified as to the extent to which any alteration may affect their significance or health as they relate to any cultural values. We note that the word “alteration” would more commonly be association with buildings, however the intent of the policy is acknowledged. Examination of the list of protected trees suggests that the majority are introduced species, but there are some listings which have taonga species status.

5.2 Township Volume Objectives and Policies

The Township Volume duplicates the content of the Rural Volume with respect to the description of Tāngata Whenua values and the Ngāi Tahu occupation of Selwyn District. Comment is made on those sections of the Township Volume where relevant to consideration of sites and areas of cultural significance.

In addition, Chapter B1.1 Land and Soil, Contaminated Soil states that allowing soil to become contaminated does not recognise and protect the relationship of Māori with their taonga.

Chapter B1.2 concerns water and acknowledges the cultural importance of water for mahinga kai and as a taonga. The Plan notes that activities in townships affect water quality and the inter-relationship of surface and groundwaters should be considered as part of integrated landuse management. As already described in the Rural Volume, there are similar objectives and policies seeking to ensure that activities on land and the surface of water do not adversely affect wāhi tapu or wāhi taonga.

Objective B1.2.2

Activities on land and the surface of water in Selwyn District:

- *Do not adversely affect ground or surface water resources;*
- *Do not adversely affect Wāhi Tapu or Wāhi Taonga*
- *Maintain or enhance the ecological and habitat values of waterbodies and their margins;*
- *Maintain or enhance the water quality and ecological values of sites of mahinga kai; and*
- *Promote public access along rivers and streams, where appropriate.*

This objective is to be achieved through a suite of policies relating to reticulation of water services in identified towns, installation of appropriate infrastructure and compliance with New Zealand Standards. In addition, Policy B1.2.8 recognises the benefits of riparian vegetation for improving water quality and habitat values and Policy B1.2.9 proposes that esplanade reserves and strips be adopted as a mechanism to maintain riparian planting, natural character and water quality. This is complemented by Policy B1.2.11 which seeks to ensure that structures or mooring do not adversely affect Wāhi Tapu or mahinga kai sites.

Chapter B1.3 concerns ecosystems and issues associated with loss or damage to areas of significant indigenous vegetation, wetland and rivers and lakes and their margins. Indigenous vegetation and habitats can be a fundamental component of a site or area identified as wahi tapu or wahi taonga. It is noted that the objectives and policies of the Township Volume of the Operative Plan are concerned to protect ecosystems from urban development and are not concerned with their relationship to cultural landscapes and mahinga kai. This Chapter does not reference taonga species as part of ecosystems.

Chapter B2 concerns Physical Resources, and as for the Rural Volume there are objectives and policies concerning the effects of utilities on cultural values² as a result of their location, construction or operation. This includes roads and railway lines. Please refer to the discussion under the Rural Volume above.

Chapter B2 also addresses the need to facilitate access along river and streams in and adjoining townships. In these circumstances, the Plan notes that improved access may have

² Policy B2.2.7

effects on cultural values that need to be managed whilst also potentially facilitating Tāngata Whenua access to mahinga kai, wāhi tapu and wāhi taonga.

Chapter B3 concerns wāhi tapu and wāhi taonga sites. Its introductory text provides a list of what wāhi tapu and wāhi taonga sites include e.g., canoe landing sites, burial sites, rock drawing sites, altars, habitations and mahinga kai sites. It is unclear how this list relates to the 4 categories of sites and areas described in the Rural volume, but it is noted, that the Township Volume is focused on “sites” being a particular geographic location. The Township Volume does acknowledge the significance of indigenous vegetation as a component of wāhi tapu and wāhi taonga. The objectives and policies of this chapter largely duplicate the wording and intent of those described in the Rural Volume, with a consistent repetition of the intention to “protect” wāhi tapu.

The only additional policy matters that arise in the Township Volume is in relation to the objectives and policies in Chapter B4 concerned with the Growth of Townships. Objective B4.3.1 requires the expansion of townships to not adversely affect sites with cultural values and Policy B4.3.8 requiring Outline Development Plans to identify cultural values and how they are to be maintained or enhanced. Policy B4.3.10 seeks to ensure that residential or business development at Rakaia Huts does not damage or disturb archaeological sites.

5.3 Rules

As noted above, the Selwyn District Plan approach to identification and management of cultural sites and areas is based on 4 different cultural landscape categories. These are defined (in the Definitions Section) as follows:

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.

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

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

These are not definitions of wāhi tapu and wāhi taonga, but more a cross-referencing tool to the appendices of the Plan.

Section B3 of the Township Volume attempted to define wāhi tapu and wāhi taonga as;

“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 urupā (burial sites)*
- *tuhituhi o nehera (rock drawing sites)*
- *tuahu (altars)*

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

This definition or description is limited by the examples it provides, which tend to be specific locations.

The definitions for wāhi tapu and wāhi taonga in the Mahaanui Iwi Management Plan are:

Wāhi tapu: *Wāhi tapu are places of particular significance that have been imbued with an element of sacredness or restriction (tapu) following a certain event or circumstance. Wāhi tapu sites are treated according to tikanga and kawa that seek to ensure that the tapu nature of those sites is respected. Of all wāhi tapu, urupā are considered to be the most significant.*

Wāhi taonga: *Wāhi taonga are “places treasured” due to their high intrinsic values and critical role they have in maintaining a balanced and robust ecosystem (e.g. spawning grounds for fish, nesting areas for birds and freshwater springs). They are prized because of their capacity to shape and sustain the quality of life experience and provide for the needs of present and future generations, and as places that connect and bind current generations to their ancestral land and practices.*

It is recommended that the reviewed District Plan consider adopting the definitions of the Iwi Management Plan to provide consistency between the documents in respect of cultural interpretation and to achieve greater effectiveness of administration.

An overview of the rules that apply to activities within the Cultural Landscape Areas of the Operative District Plan are described as follows:

5.3.1 Rural Volume

The following provisions apply to earthworks within Sites of Significance to Tāngata Whenua (Rule 1.3):

- The Plan uses a “Note” to advise that the adoption of an Accidental Discovery Protocol for any earthworks in a Silent File Area, Wahi Taonga Site or Wahi Taonga Management Area.
- Exemptions normally granted for earthworks e.g., drilling bores or trenching for cables, are not exempt in Wahi Taonga Management Areas.
- In Silent File Areas earthworks are limited to the disturbance of soils over areas and to depths where that soil have been previously disturbed by cultivation, planting, building or earthworks.
- In Wahi Taonga Management Area C39(a) earthworks are limited to the disturbance of soils over areas where that soil has been previously disturbed by cultivation, planting, building or earthworks to a depth of 20cm.
- In Wahi Taonga Management Areas and Wahi Taonga sites earthworks are permitted so long as they 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.

- At a Mahinga Kai site, any damage to, or removal of indigenous vegetation is limited to that undertaken by Tāngata Whenua.
- Where there is non-compliance with these provisions, a resource consent is required for a Restricted Discretionary Activity. The assessment matters provide for a relatively broad assessment of “other potential adverse effects on any site of significance.....as advised by local Rūnanga”.

These provisions are generally permissive and Council relies on a “Note” to require all earthworks to adopt an Accidental Discovery Protocol. It is questionable if a “Note” has the legal status of a rule and how this is enforced.

In addition, compliance with the rule for earthworks in Wahi Taonga Management Areas and for Wahi Taonga sites is impossible to know or confirm in advance of the works. You would only be sure that you had complied with the rule ie not damaged or destroyed any archaeological artefacts once the works were completed, and if you didn’t comply, it would mean you have already damaged or destroyed the artefact. In that scenario, it is unclear what the requirement for a retrospective resource consent would achieve as it is too late to impose any requirements on how the works are undertaken and the ability to provide for cultural monitoring.

It is noted that the wording in the rule relating to Mahinga Kai, implies that cultural harvest by mana whenua “damages” indigenous vegetation. This wording causes offense and it is requested that any new wording adopted in the Reviewed District Plan does not imply that cultural practices and techniques damage or destroy indigenous plants. To the contrary, manawhenua advise that cultural harvest uses techniques which are known not to harm the health and sustainability of the species or specimen concerned.

Rule 1.7 concerns **Earthworks and Setback, Volume and Site Rehabilitation**. This rule requires all earthworks to be set back at least 20m from the edge of any waterbody, unless related to the installation of network utilities, existing fencelines, vehicle tracks and crossings which may encroach within this distance. A 5m setback can be applied where the earthworks meet specified lesser volumes over a continuous 5 year period. Controls and setbacks for earthworks from water bodies are acknowledged as contributing to achievement of policies concerned with protecting the cultural values associated with water.

Rule 2.1 concerns **Amenity and Shelterbelt Planting** and Rule 2.2 concerns **Plantations**. These rules require that the disturbance of soil or earth by tree planting is limited in Silent File Areas, Wahi Taonga Management Areas and Wahi Taonga Sites as described in the Earthworks rules above. Non-compliance with these rules is a restricted discretionary matter and there are assessment matters seeking advice from local Runanga on effects ib cultural values.

Rule 2.3 sets out the rules for **Protected Trees**. It is noted that where a resource consent is triggered for removal or pruning of protected trees, none of the matters of discretion include any reference to or consideration as to whether the tree is a Taonga species of importance to manawhenua.

Rule 3.6 concerns **Buildings and Sites of Significance to Tāngata Whenua**. These rules also require that earthworks associated with buildings in Silent File Areas, Wāhi Taonga Management Areas and Wāhi Taonga Sites are limited by the Earthworks rules. Non-

compliance with these rules is a restricted discretionary matter and there are assessment matters seeking advice from local Rūnanga and effects on cultural values.

Additionally, there is a provision under this rule that building, or altering a building cannot involve the removal or damage of indigenous vegetation in a Mahinga Kai site unless it is for mahinga kai purposes. The wording of this rule is confusing if not non-sensical, as the removal of vegetation associated with construction or alteration of building is not in any way related to harvesting for mahinga kai. It may be more appropriate to have a simple rule in the Plan that clearly states any removal of indigenous vegetation in a Mahinga Kai site is only for mahinga kai purposes. Removal for any other purpose is a restricted discretionary activity.

It is noted that the rules do not contemplate that there may be any other effects on cultural values arising from a building other than in relation to earthworks.

This pattern of control of earthworks associated with land use is repeated in **Rules 4.3 Roads and Sites of Significance to Tāngata Whenua, 5.10 Utility Structures and Sites of Significance to Tāngata Whenua, 5.11 Utility Buildings and Sites of Significance to Tāngata Whenua, 6.6 Outdoor Signs and Sites of Significance to Tāngata Whenua.** These rules all require any earthworks associated with a road, utility structure or building, or a sign located within the identified Cultural Landscapes to meet the Earthworks standards and the provision relating to the removal of indigenous vegetation in a Mahinga Kai site is repeated i.e., removal or damage to indigenous vegetation can only be for mahinga kai purposes.

It is noted that the rules do not contemplate that there may be any other effects on cultural values arising from roads, utility buildings and structures or signage, other than in relation to earthworks.

It is noted that Rule **5.13 Waterbody Setbacks – Utility Structures and Utility Buildings** impose significant setbacks from lakes and wetlands adjoining a lake i.e., 100m, 20m from listed waterbodies and 10m from all other waterbodies. Non-compliance with these setbacks is a discretionary activity.

Chapter C9 sets out the rules applying to Activities. It is noted that there are no rules pertaining to the location of activities in the identified Cultural landscapes and no matters of cultural consideration identified for any of the activities. This includes rules relating to the clearance of indigenous vegetation.

Chapter C10 sets out the provisions for Subdivision. Any proposed subdivision within an identified Cultural Landscape is a restricted discretionary activity. The provisions for esplanade reserves or strips restrict consideration of the potential reserve or strip to protection of silent file areas or public access (amongst a number of other considerations). The matters of consideration do not include mahinga kai or other cultural values that may be enhanced by the provision of an esplanade reserve or strip.

5.3.2 Township Volume

The above provisions are duplicated in the Township Volume to the extent that they apply to earthworks within the Wahi Taonga Management Areas at Rakaia Huts.

5.3.3 Summary

In summary the rules of the Operative District Plan are almost singularly focused on the management of earthworks as the tool for protection of sites and areas of cultural significance.

The only exception would appear to be in relation to the removal of indigenous vegetation in a Mahinga Kai site (of which there is only one). The provisions do create opportunity for consideration of effects on cultural values where subdivision occurs within the identified cultural landscapes, and this can include the input of Rūnanga, noting that the wording adopted in the Plan is “as advised by local Rūnanga”.

6.0 ANALYSIS OF EFFECTIVENESS OF OPERATIVE PLAN

Having regard to the commentary in Section 5.0 above the following analysis is made of the Operative Plan provisions in respect of sites and areas of significance.

The Operative Plan does acknowledge the statutory obligation to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and wāhi taonga.

The definitions or descriptions used in the Operative District Plan for Wāhi Tapu and Wāhi Taonga are however out-dated and lacking in specificity as to what these terms relate to, particularly when compared with the Mahaanui Iwi Management Plan. On this basis, the descriptions in the Operative District Plan are potentially more difficult to interpret and administer, which has a consequential effect on the effectiveness of the provisions.

The Operative District Plan contains an objective to protect wāhi taonga. This accords with the statutory direction in the RMA and the CRPS. The objective is to be achieved through a number of policies which include recognising sites and areas and protecting these from “inappropriate” damage or destruction. There is specific policy recognition for Statutory Acknowledgements. As previously noted however, these policies adopt poor terminology e.g., “inappropriate” damage and destruction. All damage and destruction is inappropriate and a distinction cannot be made between appropriate and inappropriate damage.

Different types of cultural landscapes have been created and the sites are listed in Appendix E5. Whilst this step of recognition is acknowledged, the listings for Wāhi Taonga sites are limited to the archaeological site itself plus a 20m radius. This approach limits the extent of Rūnanga input into a very small locale and fails to recognise that cultural interests and values are embedded within a contemporary and holistic world-view of integrated environmental management and do not reflect the historical association and occupation of all parts of the district.

The policies will only be effective where they are implemented through efficient rules. In the Operative Plan the rules put in place to achieve the “protection” described in the objectives are extremely limited in effect. As noted under the Summary above, the Plan is almost singularly focused on the management of earthworks as the tool to achieve protection of cultural sites and areas.

The protection of cultural values associated with water and water bodies (recognised as culturally significant in the Plan’s objectives and policies) are only achieved by default, where the Plan imposes large setbacks for earthworks and structures from waterways. The Plan does not identify any cultural basis or contribution as a reason for these setbacks, nor does it include any culturally focused assessment matters for activities where a resource consent is triggered. Accordingly, while the setbacks may contribute to achievement of cultural objectives for maintenance and enhancement of riparian corridors, this is not explicit within the Plan.

The main deficiency of the Operative Plan is that it does not contemplate that there may be effects on cultural values other than those associated with earthworks and the accidental discovery of artefacts. For example, the Plan does not contemplate that an intensive farming activity on, or close to a wahi tapu locality may create adverse effects on cultural values, nor a structure on a ridgetop. It does not provide any mechanism for considering effects on Mahinga Kai outside of the two Mahinga Kai Sites in Appendix E5.

The Operative Plan does contemplate that subdivision within cultural landscapes should require a resource consent process to be followed where the effects on cultural values are considered. The associated assessment matters are very general, requiring consideration of adverse effects on the cultural landscape. The assessment matters are deficient in that they do not specifically require or direct engagement with Rūnanga by either the applicant or Council.

Accordingly, the Operative Plan could only be described as weakly providing for the protection of wāhi tapu, wāhi taonga and silent files, primarily due to the limited rules that apply to activities within the cultural landscapes and the limited extent of the cultural landscapes themselves. The Plan would potentially be more effective in terms of providing for s6(e) of the RMA – Ngāi Tahu culture and traditions, and the provisions of the CRPS, if more explicit connections were made to matters such as the taonga status of water, taonga species, customary gathering, the planting of riparian margins and controls or assessment matters in relation to activities such as intensive farming within cultural landscapes.

The further development of categories for cultural landscapes would provide a more robust framework for the management of activities in respect of cultural values.

7.0 RECOMMENDED APPROACH

To achieve the purpose of the RMA, councils have specific statutory duties around providing for the relationship of Māori and their customs and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga. It is common practice for councils to attempt to achieve these duties by encouraging ngā rūnanga to provide a list of identified culturally significant sites to be protected in plans.

Planners often regard that sites and areas of cultural significance can be neatly pinpointed on planning maps in the same way as European archaeological or heritage sites. Such a generic approach means that cultural considerations are often overlooked compared with more comprehensively developed or specific policies or assessment matters. Statutory plans often reference “cultural values”, however, this term is so broad it provides little guidance on what this actually means and what may be required to fulfill statutory obligations or higher order objectives to “protect cultural values”.

This traditional approach aims to recognise and protect wāhi tapu me wāhi taonga in district plans through a two-step process:

1. Sites are pinpointed on planning maps, generally as a circle; and
2. Within those circles, rules apply to activities which may affect the site (i.e. earthworks or buildings).

The approach involves identifying the physical location of sites, including their boundaries, to ensure certainty in terms of where the rules apply. The iwi authority and/or papatipu rūnanga

are then identified as an affected party in terms of processing a resource consent application. This approach is essentially reflected in Appendix E5 of the Rural and Township Volumes in the Operative District Plan but is only applied to earthworks.

The advantage of this approach is that it is easy for anyone to understand (with or without a background in tikanga Māori) and it also fits neatly within the traditional style of statutory plans. This approach however, overlooks the historical occupation and relationship that both Te Ngāi Tuahuriri and Te Taumutu have with the entire Selwyn District. All of the district is regarded as ancestral land, and mana whenua traditionally occupied and used the resources of all of the District. Accordingly, the Runanga hold interests in the management of all natural resources within the takiwā.

Additionally, Rūnanga have previously stated that they do not support the identification and inclusion of all culturally significant sites (including wāhi tapu and other taonga) in district plans as they are concerned that identifying specific sites in plans may be mistakenly perceived as meaning that these are the only areas within the takiwā of interest to the rūnanga.³

For these reasons, the traditional planning approach does not accord with a cultural perspective of resource management, and does not therefore meet the requirements of the CRPS or s6(e) of the RMA4.

It is therefore recommended that the District Council moves away from the traditional approach of recording archaeological sites and instead pursue a more contemporary classification approach. Whilst the Operative District Plan has identified different types of cultural landscape, it has relied on a very limited rule base to manage only a very limited (1 or 2) types of effects, being the discovery of archaeological artefacts and removal or loss of indigenous vegetation in two very specific locations. A contemporary approach has a broader range of culturally significant sites and areas, with differing values.

The Christchurch District Plan is an example of a contemporary classification system which could be adapted to the Selwyn District.

Provisions for the Christchurch District Plan were approved by an independent hearings panel which consisted of a High Court Judge, an Environment Court Judge and highly experienced planners. Some confidence can therefore be taken, that the Christchurch approach has been robustly assessed.

The Christchurch District Plan includes sub-chapter 9.5 which relates to the management of sites and areas of cultural significance to Ngāi Tahu mana whenua, recognising the whole of the district encompasses ancestral lands as well as waters, sites, wāhi tapu and wāhi taonga.

The contemporary classification approach reflects a variety of culturally significant sites and areas within the Christchurch District (including Banks Peninsula) and identifies activities likely to affect their historic and contemporary cultural values.

The Christchurch District Plan contains three broad types of cultural sites. These consist of:

1. Wāhi Tapu/Wāhi Taonga (including Mahaanui Iwi Management Plan Silent Files and Kaitorete Spit)

³ Te Ngāi Tūāhuriri Position, Wāhi Tapu me wāhi taonga in the Waimakariri & Rakahuri catchments Report, June 2017

⁴ The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga

2. Ngā Tūranga Tūpuna.

3. Ngā Wai

Each of these cultural landscapes has provisions which reflect the associated values that require protection. Provisions in regards to (1) are the most onerous, with the need to protect highly significant values whilst Ngā Tūranga Tūpuna and Ngā Wai provide for the identification of culturally significant sites without implementing a lot of additional rules. The CCC approach effectively recognises sites and areas of cultural significance, and more closely aligns with the relevant policies in the Mahaanui Iwi Management Plan.

The decision document for sub-chapter 9.5⁵ states that wāhi tapu /wāhi taonga sites includes places that are considered by Ngāi Tahu to be wāhi tapu or wāhi taonga.

Ngā Tūranga Tūpuna are described as places of settlement or occupation in the past, which includes areas or landscapes of Ngāi Tahu cultural significance.

Ngāi Wai consist of particular water bodies and their margins and include wetlands, waipuna (springs) and coastal waters which are significant areas of customary use (including mahinga kai) for Ngāi Tahu.

To develop these classifications, Ngāi Tahu undertook an assessment of existing documented information including Cultural Impact Assessments, archaeological association sites, and silent file areas, to identify the Wahi Tapu/Taonga sites. These were then discussed with Rūnanga representatives⁶.

In some instances, particular areas include multiple classifications (i.e. Ngā Tūranga Tūpuna and Wāhi Tapu/Wāhi Taonga or Ngāi Wai) within them. In this scenario, the values of all of the classifications are required to be considered.

The rules applying to each of the identified sites and areas of Ngāi Tahu cultural significance are primarily contained in the relevant zone and district wide chapters (hazardous substances, contaminated land, natural hazards, general rules and procedures, transport, subdivision, development and earthworks), along with matters of discretion, which must be considered when a resource consent is triggered.

This report is recommending that the proposed approach for sites of cultural significance in the Selwyn District Plan is based on the process and categories established by the Christchurch District Plan. Following this methodology ensures that Ngāi Tahu history is recognised over larger areas of the district as well as in areas of high significance, for example silent files, with appropriate provisions.

It is relevant to note that where a culturally significant site is also a Papakāinga Kāinga/Nohoanga, the Natural and Cultural Heritage rules (including those applying to wāhi tapu and outstanding natural landscapes) either do not apply to the Kāinga Nohoanga or have a reduced level of control.

8.0 CULTURAL LANDSCAPE CATEGORIES

The following landscape categories have been identified through a process of research and mapping led by the Manager of Mātauranga Māori Taiao and supported by a Rūnanga representative. Existing data sources were adopted as a starting point and/or retained from the

⁵ Independent Hearings Panel Christchurch Replacement District Plan Schedules to Decision Topic 9.5

⁶ Ngāi Tahu hearing evidence- S.32AA Report corrections, February 2016, pg 5.

Operative Plan and other statutory documents, such as the Canterbury Land and Water Regional Plan. The identified landscapes and the development of categories were discussed with Rūnanga through hui and the sharing of documentation.

It must be acknowledged that the landscape categories, sites and areas identified in this report are not definitive and final. They represent the best efforts to date using desk top resources only. None of the sites and areas have been ground-truthed and should Council require more information or qualification of the sites and areas, that would require additional research, and investigation including site visits.

It is expected that over time further sites and areas may be identified and the landscape categories and maps further developed.

The following landscape categories are recommended to be included within the reviewed Selwyn District Plan.

These landscapes are shown on maps in Appendix 2 and are accompanied by a Schedule providing the name of each site/area and a description of the key feature contained within the landscape site or area

8.1 Ngā Tutohu Whenua

Ngā Tutohu Whenua are the cultural landscapes of the Selwyn District, which encompass broad areas, rather than defined localities or specific sites. These landscapes fall within the following catchments as described in the Mahaanui Iwi Management Plan:

6.4 Waimakariri (Pg.213-225)

6.11 Te Waihora (Pg.321-337)

6.12 Rakaia ki Hakatere (Pg.341-355)

The Waimakariri catchment encompasses a number of landscape features including mountains, high country lakes and wetlands, foothills, forests and grasslands to the spring fed lowland streams and coastal lagoons. The name Waimakariri refers to the cold mountain fed waters of this braided river. The river was also part of larger network of ara tawhito linking the east coast to the mahinga kai resources of the high country and pounamu on the West Coast.

Te Waihora is described as a tribal taonga representing a major mahinga kai and an important source of mana. It is noted that for the past 160 plus years, farming and settlement values have been enabled at the expense of Ngāi Tahu values. The restoration of the lake is now a tribal priority.

The Rakaia River is identified as a major braided river within the takiwā and is valued for its diversity in character, flows. The restoration of the mauri and mahinga kai values of the Rakaia River and its tributaries, lakes and wetlands is a key component of this cultural landscape.

Acknowledging the importance of ki uta ki tai (holistic and integrated management of land and water), catchments provide an appropriate understanding of the broader landscape. They also provide recognition that Ngāi Tahu travelled through, engaged with and named the land. This association is inter-generational (i.e., it is not limited to historical occupation and events), with opportunities for future generations to experience and engage with the landscape as their tūpuna once did⁷.

⁷ Mahaanui Iwi Management Plan 2013, pg 165.

The Mahaanui Iwi Management Plan states that Ngā Tutohu Whenua is a meaningful way to identify and recognise the values within catchments and the relationship with mana whenua.

During the Christchurch District Plan review, Ngāi Tahu identified the whole district as a landscape that has cultural values and Rūnanga⁸ then went on to categorise areas of particular sensitivity⁹ within the catchment. Similarly, in the Selwyn District context the catchments are used as the starting point for establishing the extent of cultural interests and associations with further categorisation occurring through the development of further cultural landscape categories.

Within the combined catchment area there are four distinguishable geographical areas which could be described as Ngā Tutohu Whenua. These are:

- Kā Tiritiri o te Moana – the Southern Alps and High Country
- Wairiri – the Malvern Hills
- Kā Pikihi Whakatekata o Waitaha – the Canterbury Plains
- Te Waihora

The Ngā Tutohu Whenua is shown on the maps in Appendix 2.

Data Source for Maps: Maps follow the line-work used for the Mahaanui IMP 2013.

8.2 Wāhi Tapu and Wāhi Taonga

Wāhi tapu are sites and places that are culturally and spiritually significant to mana whenua history and identity and may include sites such as urupā, pā, maunga tapu, kāinga, tūranga waka and places where taonga have been found. The term is generally applied to places of particular significance due to an element of sacredness or some type of restriction as a result of a specific event or action. Wāhi tapu sites are to be protected according to tikanga and kawa (local customary practices) which seek to ensure that the sacred nature of those sites is respected.

Mana whenua consider wāhi taonga to be ‘treasured places’ due to their high intrinsic values and role in maintaining balanced ecosystems. Wāhi taonga are prized for their capacity to shape and sustain the quality of life and provide for the needs of present and future generations. Allowing and maintaining access to these areas is also important to Ngāi Tahu cultural and identity. Sites and areas that are recommended to be identified as wāhi tapu and wāhi taonga listed below.

In terms of values associated with wāhi tapu and wāhi taonga, it is important to highlight that they are not solely confined to the physical boundaries of individual sites or the artefacts they contain. Rather, the significance of a site also includes on its historical and contemporary relationship to the surroundings and community.¹⁰

The following sub-categories are proposed under the heading of Wāhi tapu and Wāhi taonga and are shown on the attached maps in Appendix 2.

⁸ RFWG consisted of a representative from each of the 6 papatipu rūnanga in the Christchurch District.

⁹ Ngāi Tahu hearing evidence- S.32AA Report corrections, February 2016.

¹⁰ Te Ngāi Tūāhuriri Position, Wāhi Tapu me wāhi taonga in the Waimakariri & Rakahuri catchments Report, June 2017

8.2.1 Silent Files

Silent files are a tool to protect culturally significant sites such as urupā, waiwhakaheke tūpapaku or other wāhi tapu. A silent file gives a general indication of the location of the significant site without identifying its exact site. The presence of a Silent File on a planning map should act as a trigger for a high level of meaningful engagement with mana whenua for activities.

It should be noted that there are wāhi tapu that are not identified within silent files. Accordingly, the terms are not inter-changeable.

The use of silent files was introduced in Te Whakatau Kaupapa (Ngāi Tahu Resource Management Strategy for the Canterbury Region) in 1990. This document states that silent files identify only the general area of wāhi tapu or other special sites, acknowledging that these sites have differing levels of significance and value. Additionally, some sites are described as being known to most Ngāi Tahu, while other sites may be only known to small groups (i.e. an extended whānau). In the latter situation, it is up to the groups or whānau to determine what information (if any) is revealed for those sites¹¹.

During the hearings for the Christchurch Replacement District Plan, evidence provided on the existence/importance of sites of Ngāi Tahu cultural significance purposely avoided describing the underlying importance and specific values of silent file areas. This is consistent with the purpose of a silent file as well as the policies contained in the Mahaanui Iwi Management Plan¹².

In the Selwyn context it is proposed that the existing Silent File areas are carried over into the Replacement District Plan as a sub-category of Wāhi Tapu and Wāhi Taonga.

Data Source for Maps: Existing SDP Silent Files shapes and generated property-level shapes that provide mapped representation of sites.

8.2.2 Maunga Tapu/Tūpuna

Maunga are mountains and they are included as Wāhi Tapu as they are considered to be the most sacred part of a landscape, representing spiritual and cultural beliefs for mana whenua. They are often named after tūpuna and significant historical events and stories, and function as important navigation markers on Ara Tawhito/Ancestral Trails.

Data Source for Maps: Generated shapes following contour lines at snowlines or just above average treelines, at Property-level.

8.2.3 Key Pā/Kāinga/Mahinga Kai sites

Several ancestral Pā, kāinga and significant nohoanga occur within Selwyn District. They are localities with significant traditional histories i.e. appear within central tribal traditions. They are also places where, in multiple cases, archaeological evidence of Māori origin has been recorded and described previously.

¹¹ Te Whakatau Kaupapa, 1990, Introduction page 1-4 & 1-5.

¹² Opening legal submissions on behalf of Te Rūnanga o Ngāi Tahu and Ngā Rūnanga, January 2016.

Data Source for Maps: Generated shapes (at Property-level) that comprise the best understanding of the extent sites based on analysis of archival materials.

8.2.4 Ngā Puna

Ngā puna are springs. In addition to being important aquatic environments and freshwater sources, they are tapu (sacred). Waipuna also have an important role in Māori cosmology and rongoā (Māori medicinal treatments) and in many instances are considered Wāhi Tapu by Mana Whenua. In particular, ngā puna that were associated with the Waikirikiri (Selwyn River) were important for the harvest of cultural resources such as harakeke.

Data source for maps: Datasets come from ECan catalogued springs.

8.3 Ngā Tūranga Tūpuna

Ngā Tūranga Tūpuna refers to larger extents of land within which there is a concentration and broader range of culturally significant sites for example, archaeological sites of Māori origin, silent files¹³, sites (including remnants) of ancestral Pā, kainga (settlements or homes), urupā (burials), and all of the spaces inter-connecting these places and features. In addition to these sites, there will be rivers, streams, springs and wetlands within these areas. The values within a Ngā Tūranga Tūpuna are both historical and contemporary.

Ngā Tūranga Tūpuna also represent areas where Mana Whenua have an elevated concern with regards to the integration and effects of a wide range of land-use activities and may require notification or engagement as part of a planning process.

The Christchurch City Hearings Panel decision for sub-chapter 9.5¹⁴ further describes Ngā Tūranga Tūpuna as places of settlement or occupation in the past, which do not usually contain known physical features (excluding archaeological sites), but do provide an opportunity to incorporate Ngāi Tahu history and values into the development or redevelopment of these areas.

The Ngā Tūranga Tūpuna identified in Selwyn District relates to Te Waihora, its margins and associated wetlands as defined in the Cultural Landscape Values Management Area (CLVMA) in the Canterbury Land and Water Regional Plan. This area is already mapped and known by landowners, and the addition of this landscape to the District Plan would achieve consistency with the Regional Land and Water Plan and the Mahaanui Iwi Management Plan.

In addition the coastal area between the Rakaia River and Taumutu is included as part of the Ngā Tūranga Tūpuna. This follows the description of a portion of the Ngāi Tahu Te Tai o Mahaanui Statutory Acknowledgement Area. This coastline is valued as a cultural landscape and it is a priority to protect wāhi tapu and wāhi taonga, acknowledging the dynamics of the coast which is subject to erosion.

The extent of Ngā Tūranga Tūpuna are shown on the attached maps in Appendix 2.

¹³ Silent files are a tool to protect sites of significance in the takiwā. Silent files areas are mapped by tribal experts to indicate a higher probability of encounter with sensitive tangible and/or intangible Ngāi Tahu values, without revealing the exact location.

¹⁴ Independent Hearings Panel Christchurch Replacement District Plan Schedules to Decision Topic 9.5

Data Source for Maps: Te Waihora Cultural Values Landscape Management Area (ECan).

Coastline shape from Ngāi Tahu Te Tai o Mahaanui Statutory Acknowledgement Area edited to suit district boundaries.

8.4 Ngā Wai

Wai is water and represents the essence of all life. It is integral to tribal identity and considered to be a wāhi taonga.

Ngā wai is source of mahinga kai and therefore has an intrinsic connection to the health of species harvested for mahinga kai purposes. In addition there are also cultural values associated with ngā wai related places of significant events, occupation, historic access and travel routes.

Waimāori/freshwater also appears in creation traditions. For example, Maku (moisture/water) mated with Mahoranuiatea and begat Ranginui – his tears, resulting from continued separation from Papatūānuku, are the rains. Water is a promoter of all life and is the circulatory blood system of Papatūānuku, and thus represents the life blood of the environment. Its condition and treatment is a reflection on the health and regard for Papatūānuku.

The Ministry for the Environment (2016) notes that “...iwi, hapū and whānau interests and values are not adequately considered in planning and resource management decision-making..” and in addition states government perspectives including ensuring “...iwi and hapū are able to participate in decision-making about fresh water in their rohe...” and “...the relationship of iwi and hapū with, and values for, particular freshwater bodies is recognised.”¹⁵.

For the purposes of a district plan, the categories specified in this section seek to encompass selected water bodies and their margins which have been determined to be significant areas of mahinga kai or other customary uses for mana whenua. These include Ngā Awa/Rivers, Ngā Roto/Lakes, Ngā Hāpua/Coastal Lagoons, Ngā Repo/Wetlands and Ngā puna/springs. Each of these are advocated for by Mana Whenua on the grounds of ancestral and customary associations, and rightful statutory acknowledgment and incorporation. These sub-categories are described in the sections below.

8.4.1 Ngā Awa

Ngā awa include the major rivers within Selwyn District and the tributaries of these rivers that in some cases may be intermittent in flow. A number of these are retained within cultural memory via ancestral place-names and tend to follow their original natural water course. In addition to the sites, places and water-bodies described, these waterways are within the kaitiakitanga of Mana whenua.

Many of these water-bodies were also former trails and places of mahinga kai, including nohoanga.

Data Source for Maps: Selections from within LINZ hydrography data in addition to several draft property-level polygons comprise this dataset.

¹⁵ Ministry for the Environment/Manatū Mō Te Taiao:2016

8.4.2 Ngā Roto

Ngā roto are the lakes in the Selwyn District retained within cultural memory via ancestral place-names. Some lakes were also part of former trails as well as being places of mahinga kai and nohoanga.

Data Source for Maps: Selections from within LINZ hydrography data comprises this dataset.

8.4.3 Ngā Hāpua

Ngā hāpua are lagoons and are highly significant to their mahinga kai values. Ngāi Tahu consider lagoons to be excellent indicators of catchment health and the mauri of rivers and streams.

Data Source for Maps: Selections from within LINZ hydrography data in addition to several draft property-level polygons comprise this dataset.

8.4.4 Ngā Repo

Ngā repo (wetlands) are taonga to Ngāi Tahu as they provide rich sources of mahinga kai and natural ecosystem functions that protect and improve mauri.

Advocacy for the continuing health and restoration of wetlands is found throughout Tau et al.(1990) and Te Ngāi Tūāhuriri Rūnanga et al. (2013). Description of the traditional utilisation of wetland environs is found in Anderson and Tau (2008) and Anderson (1998).

Data Source for Maps: Selections from within LINZ hydrography data adjacent to Te Waihora are included within Ngā Wai.

9.0 THREATS

The following section of this report outlines perceived threats (including specific land use activities) to cultural sites and areas of significance

Section 6.11 Te Waihora of the Mahaanui Iwi Management Plan identifies a number of issues relevant to Selwyn District. These include the impact of land use and settlement on the margins of Te Waihora on its water quality, and the cumulative effects of land use in the wider catchment on the cultural values associated with Te Waihora. In particular the loss of mahinga kai resources and opportunities within the catchment are a concern. The restoration of mauri and mahinga kai are described as first order priorities.

The cultural health of lowland waterways and groundwater are also specifically discussed. These have been compromised as a result of intensive land use from rural activities as well as wastewater and stormwater disposal associated with urban and subdivision activities, the drainage of wetlands and degradation of riparian areas.

The protection of wāhi Tapu and wāhi Taonga is mentioned as a specific issue.

A more comprehensive list of specific activities or matters which may adversely affect cultural values and interests within the district, is as follows:

9.1 Earthworks (including within water body margins)

Earthworks encompass activities that involve soil disturbance, land modification and excavation, which may occur at a range of scales from individual sites (i.e. house site) to large developments such as residential subdivisions or regional infrastructure projects. As stated in the Iwi Management Plan, any activity that involves ground disturbance has the potential to uncover cultural material (including wāhi tapu). Accordingly, these activities can result in the damage or destruction of physical sites and areas of cultural significance.

Earthworks activities such as residential land development can also leave large areas of land cleared with bare soil exposed to rainfall and surface water flows, which can cause sediments, soils or pollutants to enter water bodies. The Iwi Management Plan advises that the effectiveness of erosion and sediment control as a component of earthworks activities is a key concern for mana whenua¹⁶.

Earthworks associated with quarrying and mining are specifically identified in the Iwi Management Plan as potentially impacting on wāhi tapu sites. Particular issues relate to erosion and sediment control, visual impacts and loss of indigenous vegetation, particularly where these concern sites and areas identified as wāhi tapu and wāhi taonga.

9.2 Contaminated Land

The Iwi Management Plan states that contaminated land can have adverse effects on Ngāi Tahu cultural associations as contaminated sites or areas may be on, near or adjacent to land with mahinga kai, wāhi tapu or historical associations. Any land use activities which either results in the disturbance of existing contaminated sites or areas, or potentially causes new contamination risks is of concern to mana whenua.

The Iwi Management Plan also contains a number of number of specific policies which concern enabling mana whenua to participate in decision making about contaminated land.

9.3 Subdivision

As mentioned previously, subdivision and development is an issue in the takiwā, in both urban and rural settings. Subdivision and land use change can increase the potential for effects on sites and areas of cultural significance. These effects may be concerned with land disturbance and the introduction of activities which are inappropriate in close proximity, or causing the displacement or loss of wāhi tapu or wāhi taonga values. In addition, intensification of the built environment may increase demand for water supply, wastewater and stormwater disposal, adversely impacting surface and groundwaters.

The Iwi Management Plan states that appropriate protection mechanisms for culturally significant sites (including wāhi tapu and wāhi taonga) should consider whether the site or area is considered low or high risk for potential accidental finds or damage, destruction or modification of known or unknown cultural sites.

¹⁶ Mahaanui Iwi Management Plan, Pg 116

9.4 Vegetation Removal and Clearance

Vegetation is often cleared for land management purposes, including converting land from one use to another. The perceived threat associated with this activity is that the removal of vegetation (e.g. “scrub”) can often include the removal of significant indigenous plant species such as Kānuka, Mānuka and Tōtara, all of which are identified as taonga species under the Ngāi Tahu Claims Settlement Act 1998 (Schedule 97). These species are also important nursery species for other indigenous species¹⁷.

The removal of indigenous vegetation can also result in adverse effects on indigenous biodiversity values and mahinga kai values. This may occur as indigenous vegetation is a source of customary resources (i.e. raupō, harakeke and other rongoā/medicinal plantings) and may also provide habitat for mahinga kai species.

Riparian vegetation is a particularly significant factor in terms of protecting the quality of an aquatic habitat. The loss or reduction of riparian vegetation may impact the presence and diversity of in stream biota, as well increasing the vulnerability to erosion along the margins of waterways which can in turn lead to an increase in sediment inputs into a waterway.

In addition to the consequential impacts on biodiversity and habitat arising from the removal of indigenous species, the loss of vegetation may also diminish the extent and quality of the cultural landscape.

9.5 Disturbance of Wetlands, Riparian Margins and Waipuna

All of the above activities, namely earthworks, vegetation removal, subdivision and development activities have the potential to adversely affect wetland areas, waipuna (springs) and riparian margins. Mana whenua consider all of these to be wāhi taonga, as they are treasured for their role in protecting and enhancing mauri (health or life force), as well as providing habitat for mahinga kai.

The Iwi Management Plan considers wetlands, riparian margins and waipuna together as they are physically inter-connected. Further, the Iwi Management Plan emphasises that existing wetlands, waipuna and riparian areas need to be protected, maintained or enhanced. Degraded areas should also be restored, and opportunities taken to re-establish wāhi taonga across the landscape.

A notable example of a potential threat (particularly to riparian areas) is the establishment of dwellings or other structures within prescribed water body setbacks. Water body setbacks provide a number of functions including improving water quality and catchment wide ecosystem health by filtering potential contaminants and providing access for the maintenance of water bodies¹⁸. However, encroachment into these setbacks can limit their overall functionality and consequently can adversely affect mana whenua values associated with these areas.

Rūnanga have consistently advocated for the protection of the mauri of water bodies through the requirement for, and enforcement of appropriate setbacks or buffers between water bodies and land use activities. However, past engagement with councils has elevated Rūnanga concerns as encroaching activities (within prescribed setbacks) are more often than not

¹⁷ Mahaanui Iwi Management Plan, Pg 117

¹⁸ Christchurch District Plan, sub-chapter 6.6, Water Body Setbacks, policy 6.6.2.1.2.

consented by councils, despite consistent Rūnanga objections. It is recommended that Selwyn District Council considers the potential benefits associated with the maintenance of water body setbacks in both urban and rural environments.

9.6 Restrictions on Access

As outlined in the Iwi Management Plan, any land use activities which impede or restrict mana whenua access to identified sites and areas of cultural significance (including wāhi tapu, wāhi taonga as well as mahinga kai sites) is of particular concern to the Rūnanga. The Plan specifies that mana whenua access to culturally significant sites and areas has been adversely affected for a number of reasons including restrictions to physical access as many sites and areas are located on non-tribally owned lands (both Crown and private).

Whilst mana whenua accept and support the need to restrict public access to sensitive areas. i.e. to protect the habitat and breeding ground of indigenous species; Ngāi Tahu access to sites and resources should be recognised and provided for independently from general public access. Additionally, the Iwi Management Plan states that customary access is a customary right, which means that mana whenua must have unencumbered physical access to these areas¹⁹.

9.7 Structures, Utilities and Roads

Structures have the potential to impact on cultural landscapes, depending on the existing values and characteristics of the landscape concerned, and the scale and design of the structure.

In some cases it may be the earthworks associated with the structure that are more of concern, or its proximity to waterbodies.

The Iwi Management Plan identifies that Ngāi Tahu has a particular interest in energy generation, distribution and use. Of particular relevance to the District Plan, Policy P17.5 supports in principle the use of wind and solar energy generation in Canterbury.

In respect of transport, the Iwi Management Plan identifies the protection of sites of significance and indigenous biodiversity from transport infrastructure. The policies specify that in order to protect Tāngata Whenua values, development and construction of transport infrastructure should avoid sites and areas identified as wāhi tapu, wāhi taonga and silent files.

9.8 Intensive Farming and Heavy Industry

Buildings and activities associated with intensive farming and heavy industries, particularly in the rural environment have the potential to impact on sites and areas of cultural significance. The effects may be directly related to earthworks or the impact of large scaled buildings on the landscape. However, in some cases, even if the intensive farm or heavy industry is not directly within or on a wāhi tapu or wāhi taonga site or area, the proximity to these types of activities may be culturally inappropriate.

¹⁹ Mahaanui Iwi Management Plan 2013, pg 152.

9.9 Commercial Forestry

The Iwi Management Plan identifies that commercial forestry can have significant effects on sites and areas of cultural significance. This may be through significant change to the cultural landscape e.g., earthworks, the spread of wilding trees or physical modification and damage to waterways. The establishment of commercial forestry at a larger scale can involve earthworks which contaminate and cause sedimentation in waterways, result in damage or destruction to significant sites, or the loss of indigenous biodiversity values including mahinga kai.

9.10 Commercial Recreation and Tourism

The scale and frequency of commercial recreation and tourism activities have the potential to impact cultural values. This may be through the construction of buildings, the nature of activities e.g., motorised activities; or the concentration of people. This is of particular concern in a wāhi tapu landscape or site where increased human activity and presence may conflict with the spiritual associations with the setting.

10.0 RECOMMENDED APPROACH TO PLANNING PROVISIONS

Having identified the landscape categories in Section 8.0 above, and the potential threats or risks to cultural values in Section 9, this section sets out a preferred approach to the management of those activities and risks for the reviewed District Plan. It focuses on the scope and content of proposed objectives and policies, but not the actual wording of new provisions.

One of the key recommendations is to enable mana whenua input to resource consent processes and decision-making for sites and areas of cultural significance. There may be a mana whenua section in the Reviewed District Plan which will describe set out how mana whenua and the District Council will work together. A recommended policy on engagement is included in this report for completeness.

10.1 OBJECTIVES

The proposed landscape categories encompass large areas which will contain a number of varying cultural values and respective associations. It is recommended the Council develops objectives that describe the ultimate outcome anticipated from the management of activities within these differing landscapes. The content of the objectives should address the following:

- The historic and contemporary relationship of mana whenua with their ancestral lands, water, sites, wāhi tapu and wāhi taonga within the district is **recognised and provided for**.
- An integrated approach to management of land use recognising **ki uta ki tai** and the inter-relationship between land use, ecosystems, natural processes and water.
- The cultural significance of Te Waihora, lagoons, lakes, rivers, wetlands, springs and the coastal environment to Ngāi Tahu is recognised and are able to exercise kaitiakitanga and customary uses in accordance with tikanga.

10.2 POLICIES:

A suite of policies addressing subject matters as outlined below, are recommended for the different landscape categories.

10.2.1 Ngā Tutohu Whenua

The Ngā Tutohu Whenua landscape categories are catchment scaled and are intended to recognise, acknowledge and inform District Plan users of the historical and contemporary relationship, values and interests of Ngāi Tahu to the District. This landscape category also reflects a holistic approach to environmental management and ki uta ki tai.

A policy is proposed which establishes the basis for mana whenua engagement in environmental management and decision-making. It is not proposed that there be any specific rules relating to this landscape category except to the extent that specified activities adopt a buffer or setback from Wāhi Tapu, Wāhi Taonga and Ngā Turanga Tūpuna landscapes or sites. Recognition of Māori place names within the District Plan is also supported.

- Recognition that the entire Waimakariri District is of immense cultural significance to Te Ngāi Tūāhuriri and accordingly Ngāi Tūāhuriri's interests extend to all matters related to the future development of the District.
- Recognise and adopt Māori place names within the District Plan.

10.2.2 Wāhi Tapu/Wāhi Taonga

A key recommendation is to increase the specificity in policies and assessment matters as they relate to the protection of wāhi tapu and wāhi taonga. Rules for activities within a Wāhi Tapu / Wāhi Taonga area should be the most stringent and provide for avoidance of disturbance of urupā, and protection from inappropriate development, disturbance, damage or destruction.

The provisions should require engagement with Rūnanga and automatically identify Papatipu Rūnanga as an affected party.

In addition, the Rūnanga wish to see three new areas of policy as follows:

- A policy which deems any archaeological sites newly registered and not already in the District Plan to have the status of a wāhi tapu site. This would have the effect of triggering the rules/resource consents in accordance with the provisions for wāhi tapu and wāhi taonga.
- A requirement for particular activities within a specified (buffer) distance of wāhi tapu and wāhi taonga to consider effects on cultural values e.g., intensive farming, rural industrial activities.
- SDC commitment to mapping of further cultural landscapes over time.

The possible scope of policies includes:

- Any disturbance of urupā is to be avoided.

- The policy should contain an exception to allow Rūnanga or their authorised agent/representatives, opportunities to undertake activities associated with further identification and protection of such sites.
- Wāhi Tapu and Wāhi Taonga sites are to be protected from any inappropriate development activities, or activities which will result in disturbance, damage or destruction of these sites.
- Facilitate opportunities for enhancement of cultural and ecological values within Wāhi Tapu and Wāhi Taonga, particularly where associated with mahinga kai.
- Activities occurring adjacent to these sites must not result in adverse effects on them.
- To deem new archaeological sites to have the status of wāhi tapu and wāhi taonga.
- To require particular land uses within a specified buffer distance of wāhi tapu and wāhi taonga to consider effects on cultural values.

In this instance it is anticipated that the policies would support a high level of engagement with Papatipu Rūnanga for any activities which could result in a disturbance. A recommendation for an engagement policy is included below.

10.2.3 Ngā Tūranga Tūpuna

As noted above, it is proposed to identify Te Waihora and its surrounding environs as a Ngā Tūranga Tūpuna. The scope of policies for the reviewed District Plan could include:

- Recognition that Ngā Tūranga Tūpuna are important cultural landscapes in terms of both the historic and contemporary relationships mana whenua hold with these areas.
- Enhancement of mahinga kai and customary uses by way of providing opportunities to enhance planting and to use taonga species for planting and landscaping.
- Improved access along water bodies and wetland areas for customary use.
- Enhancement of waterbodies, springs (waipuna), wetlands (repo) through the reinstatement of original watercourses, riparian planting and avoiding encroachment by inappropriate buildings, structures and activities.
- Protection of urupā from disturbance and inappropriate activities.
- Requirements for accidental discovery protocols and cultural monitoring as part of earthworks activities.
- Requiring all development proposals from network utility companies, Councils and requiring authorities to demonstrate through engagement, cultural impact assessments and cultural health assessments that the design, location and installation of utilities are appropriate from a cultural perspective.

10.2.4 Ngā Wai

The key policy considerations in relation to Ngā wai concern avoiding encroachment on identified water bodies by earthworks and structures and avoiding the loss of wetlands by earthworks, structures, land drainage and vegetation removal.

- Recognition that Ngā Wai (including water bodies, waipuna, reporepo and parts of the coastal environment) are culturally significant to mana whenua.

- Recognise the status of waterways identified as Statutory Acknowledgements in the Ngāi Tahu Claims Settlement Act and ensure that land use is managed to avoid encroachment on and manage the effects of land use on those waterways.
- Ensure that land use activities are managed in respect of potential effects they may cause on waterbodies by:
 - Maintaining the natural character of the water bodies
 - Enhancing riparian planting, and in particular the use of taonga species as part of planting
 - Setbacks for structures and activities
 - Reinstatement of original watercourses
- Ensure activities and structures on the surface of water do not adversely affect taonga species or customary uses.
- To recognise and enhance opportunities for customary use and access.
- Encourage opportunities to create corridors connecting water bodies, areas of indigenous vegetation and new areas of indigenous planting.
- Ensure new land uses do not generate additional waste and stormwater that is discharged into Ngā Wai.
- Commit to the replacement and up-grading of infrastructure to avoid adversely affecting water bodies.

10.2.5 Archaeological Sites

It is recommended that a policy is included in relation to archaeological sites or cross-reference is made to any provisions in the reviewed District Plan in respect of Archaeological Authorities.

- Avoid damage to or destruction of archaeological sites.

10.2.6 Engagement

It is recommended that the reviewed District Plan include specific policies on engagement.

- Resource consent applicants and landowners required to engage with Rūnanga before applying for resource consent or undertaking activities either adjacent to within identified sites of cultural significance.
- Where no prior Rūnanga engagement has occurred, the Council (SDC) will ensure that engagement occurs with the Rūnanga at the time an application is lodged.
- As part of the engagement process, mana whenua are enabled to determine the need for, and scope of, cultural assessments.
- Requirement for network utility operators to engage with mana whenua for any notices of requirement, outline plans and resource consent applications. As part of the engagement process, opportunities for cultural assessments (as determined appropriate by the Rūnanga) should be provided.
- When an Accidental Discovery is made, a requirement for Rūnanga to be notified and the opportunity to determine if the site is Wāhi Tapu.

10.2.7 Informing Landowners and the Public

Mana whenua also support the Council developing policies within (and external) to the District Plan to include information about cultural landscapes in Land Information Memorandums and other methods of land and property information sharing.

10.3 RULES

See Appendix 2 Ngā Wai, Appendix 3 Ngā Tūranga Tūpuna and Appendix 4 Wāhi Tapu/Wāhi Taonga for guidance on the types of rules and controls that may be appropriate for management of land use and activities within the above landscape categories. These tables should be read as “indicative” with the final Rūnanga position being confirmed once Council has advised:

- Definitions
- Zones
- Activity status for land uses

In addition, the reviewed District Plan should include provisions that require any resource consent application within a Wāhi Tapu/ Wāhi Taonga area to be notified to the relevant Rūnanga, and to Heritage New Zealand Pouhere Taonga in respect of sites on the New Zealand Heritage List / Rārangi Korero (absent their written approval).

As noted in the appendices, activities such as quarrying, rural industrial activities and intensive farming occurring within Ngā Tutohu Whenua (i.e., the wider district) should be subject to buffer distances from Wāhi Tapu, Wāhi Taonga and Ngā Tūranga Tūpuna sites and areas, with assessment matters requiring assessment of potential effects on cultural values.

10.4 ASSESSMENT MATTERS

The following section describes the types of assessment matters that should be included in the reviewed District Plan.

10.4.1 Ngā Tutohu Whenua

Rules relating to Ngā Tutohu Whenua require more intensive or rural processing activities to be setback from Wāhi Tapu/Wāhi Taonga and Ngā Turanga Tupuna landscapes. It is appropriate for applicants to engage with the relevant Papatipu Rūnanga enabling any feedback to be incorporated into resource consent applications. This allows Rūnanga to contribute to the consenting process through recommendations or consent conditions to provide for and protect cultural values.

- Whether the Rūnanga has been consulted and how the applicant proposes to incorporate the outcomes of that consultation;
- Potential adverse effects on both tangible and intangible Ngāi Tahu values as determined by the Rūnanga through initial engagement;

- Effects of the proposal on Ngāi Tahu values as determined through a Cultural Impact Assessment and if any recommendations from that Assessment have been integrated into the proposal;
- Whether the proposed activity will result in the removal of indigenous vegetation and effects on mahinga kai and other customary uses.

10.4.2 Ngā Turanga Tūpuna:

It is important that the rules relating to Ngā Turanga Tūpuna require the applicant to engage with the relevant Papatipu Rūnanga enabling any feedback to be incorporated into their resource consent application. This allows Rūnanga to contribute to the consenting process through recommendations or consent conditions to provide for and protect cultural values.

- Whether the Rūnanga has been consulted and how the applicant proposes to incorporate the outcomes of that consultation;
- Whether the proposal will result in the disturbance of any culturally significant sites;
- Effects of the proposal on Ngāi Tahu values and proposed mitigation measures;
- Whether the proposed activity will result in the removal of indigenous vegetation and effects on mahinga kai and other customary uses;
- Whether the proposal maintains or restores natural features with cultural values within these areas;
- The extent to which the proposed activity will affect the natural character of Te Tai o Mahaanui / the coastal environment.
- Effects of the proposal on archaeological values including provision for the resourcing of cultural monitors and accidental discovery protocols (as deemed necessary by the Rūnanga);
- In respect of utilities, the extent to which the proposed utility has a technical or operational need for the particular location.

10.4.3 Wāhi Tapu and Wāhi Taonga

- Potential adverse effects on both tangible and intangible Ngāi Tahu values as determined by the Rūnanga through initial engagement;
- Whether a cultural impact assessment has been undertaken by a Rūnanga mandated writer and the extent to which the proposal is consistent with the values and recommendations identified;
- Effects of the proposal on archaeological values including provision for the resourcing of cultural monitors and accidental discovery protocols (as deemed necessary by the Rūnanga);
- The extent to which identified sites of cultural significance are proposed to be protected;
- Whether the Rūnanga has been consulted and how the applicant proposes to incorporate the outcomes of that consultation;
- In respect of sites which are on the New Zealand Heritage List/ Rārangī Kōrero, whether Heritage New Zealand Pouhere Taonga has been consulted and the outcomes of that consultation;

- In respect of utilities and any buildings or structures located in mountainous areas, SDC should consider the extent to which the utility has technical or operational needs for its proposed location. If these needs can be met at an alternative location, this should be examined.

10.4.4 Ngā Wai

- Whether the Rūnanga has been consulted, the outcome of that consultation and whether the development or activity responds to, or incorporates the outcome of that consultation;
- Effects on sites of archaeological value including consideration of the need to impose an Accidental Discovery Protocol or have a cultural monitor present;
- The effects of the proposed activity on Ngāi Tahu values and the appropriateness of any mitigation measures including new planting and improved access for customary use;
- Whether the proposal will remove indigenous vegetation and any effects on mahinga kai and other customary uses;
- The extent to which the proposed activity will affect the natural character of the waterbody and its margins.
- Whether wastewater disposal and stormwater management systems recognise the cultural significance of ngā wai, and do not create additional demand to discharge directly; and
- In respect of utilities, the extent to which the proposed utility has technical or operational needs for its location.

11.0 CONCLUSION

It is recommended that the Selwyn District Council adopt the maps and outline of provisions (objectives, policies, rules and assessment matters) contained within this report as the preferred approach for the recognition, management and protection of cultural landscapes.

It is understood that this report whilst providing direction on the preferred approach, does not contain detailed or final provisions and that these will be the subject of further development and engagement with Rūnanga.

APPENDIX 1

Cultural Landscapes - Maps



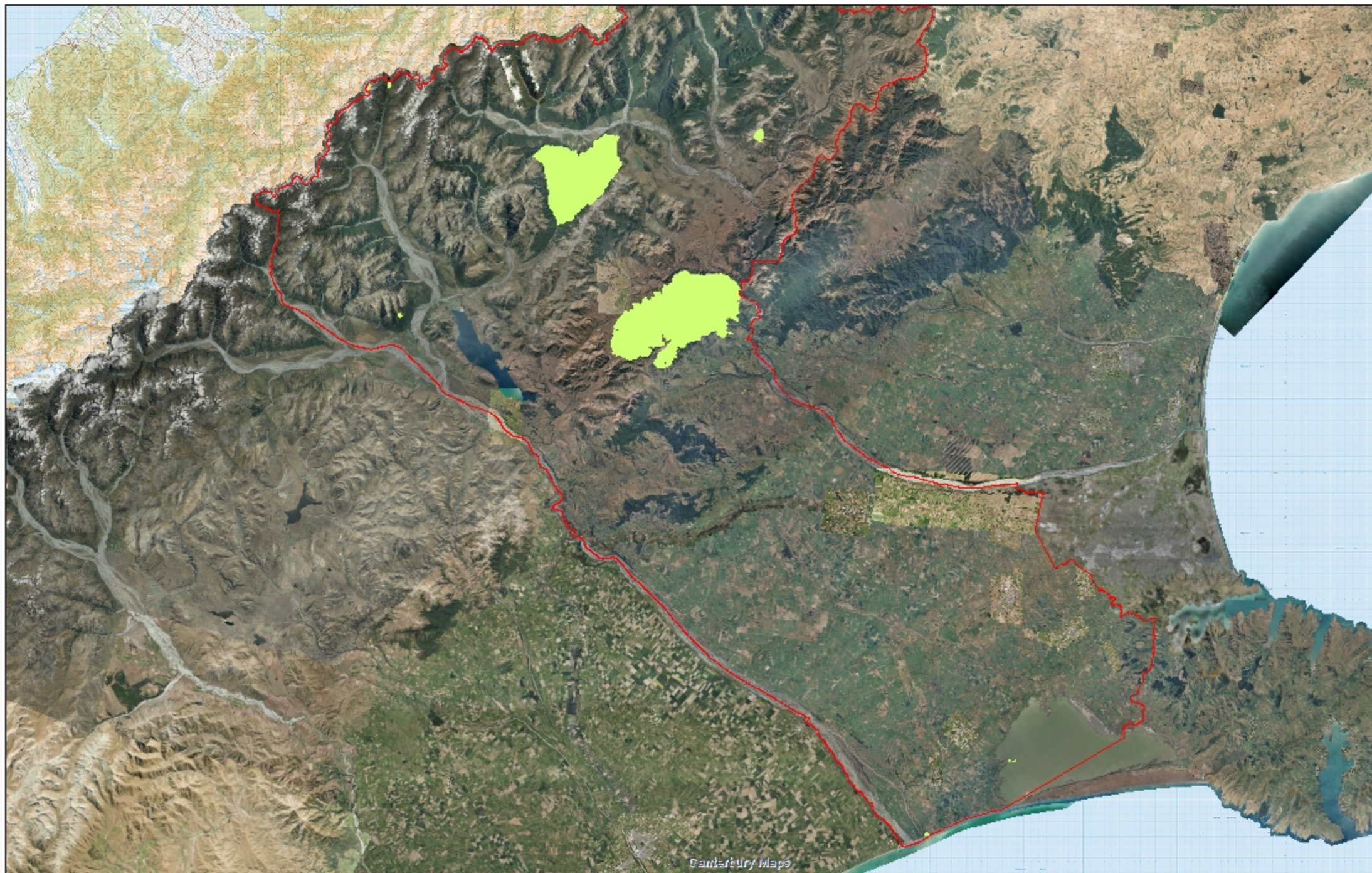
Map 1 - Wāhi_Tapu (Site IDs: 1-15)





Map 2 - Wāhi_Tapu_Waipuna





Map 3 - Wāhi_Taonga (Site IDs: 16-28)



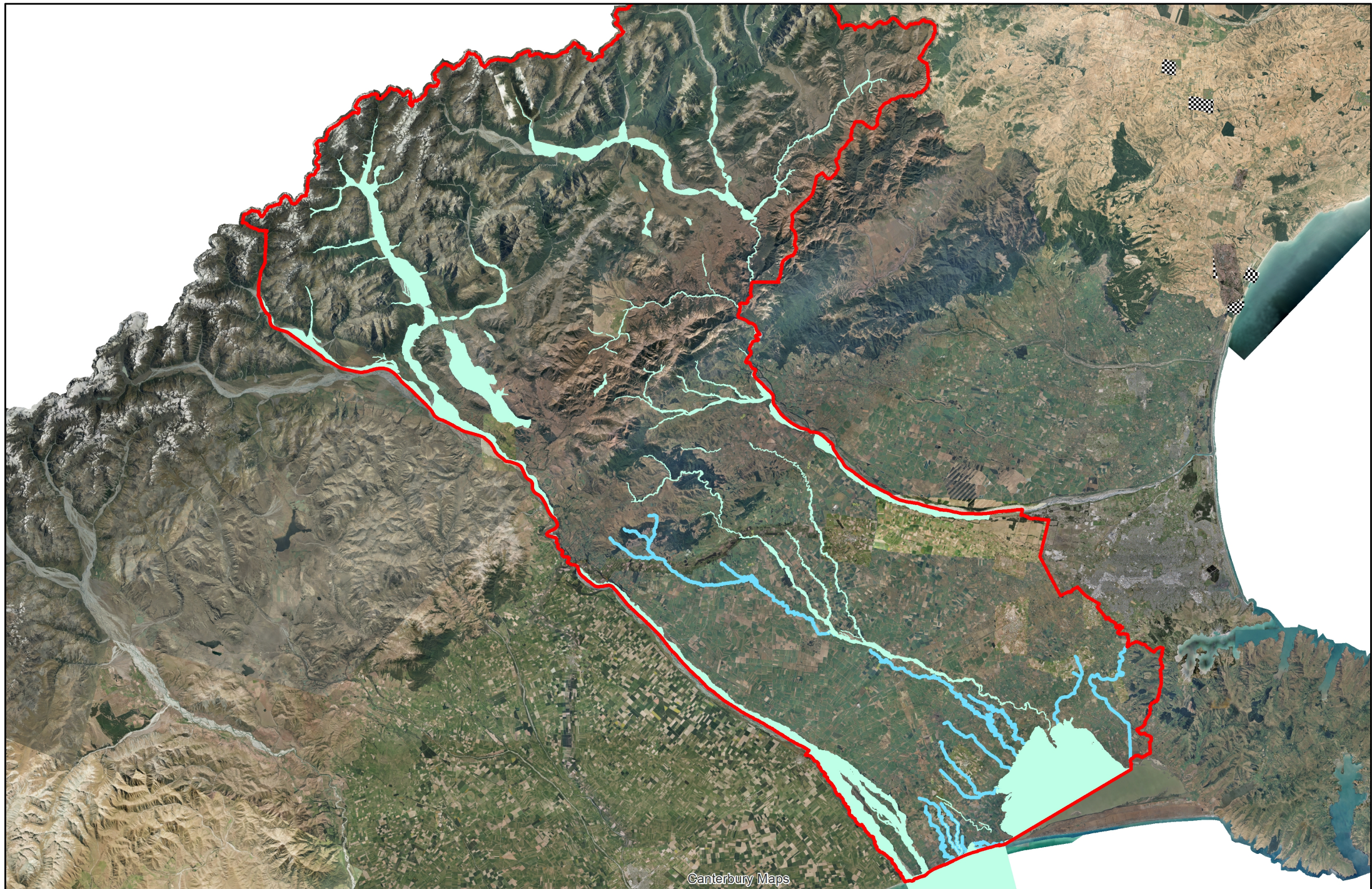


N



Map 4 - Ngā Tūranga Tūpuna (Site IDs: 29-30)





Map 5 - Ngā_Wai (Site IDs: 31-54)

20 10 0 20 Kilometers



N



Map 6 - Ngā Tūtohu_Whenua (Site IDs: 55-57)

APPENDIX 2

RULES: NGĀ TUTOHU WHENUA

NGĀ TUTOHU WHENUA				
Rural and Urban Areas				
	Permitted	Restricted Discretionary	Discretionary	Non-Complying
Rural Industrial Activities Quarrying Commercial Forestry Intensive Farming Commercial recreation and tourism activities	Must be located more than 200m from the boundary with a Wāhi Tapu/Wāhi Taonga or Ngā Turanga Tupuna landscape.		When located within 200m of the boundary with a Wāhi Tapu/Wāhi Taonga or Ngā Turanga Tupuna landscape.	
Large scale subdivision			Applies within Landscape and 200m buffer from Landscape boundary	

APPENDIX 3

RULES: NGĀ WAI

NGĀ WAI				
Urban Areas				
	Permitted (or Controlled where noted)	Restricted Discretionary	Discretionary	Non-Complying
Buildings	<p>Demolition or removal of any building or part of a building including earthworks, provided no parts of the structure remain in a prescribed setback (to be determined).</p> <ul style="list-style-type: none"> Must not cause flood, erosion or bank stability vulnerability. <p>General activities associated with existing buildings, i.e. use, repair and maintenance activities also permitted.</p> <p>Note: Erosion and Sediment Control measures required (consistent with the ECan Erosion and Sediment Control Guideline)</p>	<p>Any new buildings or structures (including fences, impervious surfaces) within a prescribed water body setback area.</p> <p>This includes temporary works as well as the placement of permanent structures.</p>		
Roading and Transport	General maintenance and repairs of existing roading.	<p>New bridges</p> <p>Extending or widening existing roads, footpaths, cycleways or parking areas which reduce distance between the road and the water bodies (within prescribed setback distance)</p>	New roads, footpaths, cycleways within prescribed setback	
Earthworks	Works within a prescribed water way setback to be subject to limits on volume and maximum depth.	Restricted discretionary if the permitted standards are not met.		

	<p>Or earthworks to meet same setback as applied to buildings.</p> <p>Note: Erosion and Sediment Control measures required (consistent with the ECan Erosion and Sediment Control Guideline)</p> <p>Works related to enhancement or maintenance of water bodies including:</p> <ul style="list-style-type: none"> channel realignment, rock placement for the purposes of habitat improvement. amenity features associated with public land such as reserves, including public artworks, interpretation panels and seating along or around water bodies. <p>Standards for enhancement and maintenance works include:</p> <ul style="list-style-type: none"> must not prevent fish passage. Should not occur during spawning seasons for mahinga kai species. 	<p>Earthworks associated with hazard mitigation and defences against water.</p>		
Subdivision	<p>Boundary adjustments which result in no additional allotments and subject to meeting setback requirements for any earthworks, building platforms and no increase in the number of allotments sharing a boundary with the waterway, unless it includes an esplanade reserve</p>	<p>Restricted discretionary if the setback requirements are not met.</p> <p>Any subdivision which results in the creation of additional allotments adjacent to a Ngā Wai/ identified water body</p>		

	<p>to be a controlled activity.</p> <p>Subdivision for the purpose of creating esplanade reserves or strips to be a controlled activity.</p>	<ul style="list-style-type: none"> Consent notice - i.e. planting requirements. 		
Utilities	<p>General maintenance of existing utility structures and establishment of temporary structures.</p> <p>Utilities sited at least 20m from a Ngā Wai.</p>	<p>Additions to or replacement of existing utility structures</p> <p>Small scaled utilities within setback.</p>	Large scale network utilities within 20m setback	
Vegetation clearance	<p>Clearance works required to either maintain or enhance the banks of water bodies for mahinga kai, ecological, amenity reasons or flood management.</p> <p>Works include:</p> <ul style="list-style-type: none"> removing exotic species and replanting with margins and berms with indigenous species. 		The removal of significant indigenous vegetation (criteria set out in Appendix 3 of the Canterbury Regional Policy Statement).	Removal of vegetation from margins of a wetland.

NGĀ WAI				
Rural areas				
	Permitted	Restricted Discretionary	Discretionary	Non-Complying
Earthworks	<p>Must be located outside specified setbacks. See buildings below. Plus:</p> <p>Earthworks for post holes for fencing, planting holes for trees and plants, maintenance of existing farm tracks and farm ponds, cultivation of existing pasture.</p>	<p>Earthworks occurring within specified setbacks.</p> <p>Earthworks associated with hazard mitigation and defences against water.</p>		
Quarrying			All quarrying in a general Rural Zone.	
Forestry	Existing forestry includes-associated tending, maintenance and harvesting.		Any new commercial forestry activities, including plantation forestry (for wood protection purposes) within the rural zones.	
Buildings	<p>Demolition or removal of any building or part of a building including earthworks permitted provided no parts of the structure remain in the setback.</p> <ul style="list-style-type: none"> Must not cause flood, erosion or bank stability vulnerability. Note: Erosion and Sediment Control measures required (consistent with the ECan Erosion and Sediment Control Guideline) 	<p>Any new buildings or structures (including fences, impervious surface) within a prescribed water body setback.</p> <p>This includes temporary works as well as the placement of permanent structures.</p>		

	General activities associated with existing buildings, i.e. use, repair and maintenance activities also permitted.			
Subdivision	<p>Boundary adjustments which result in no additional allotments to be a controlled activity.</p> <p>Boundary adjustments are subject to standard setback requirements (from waterways/ Ngā Wai) for any boundary adjustment.</p> <p>Subdivision for the purpose of creating esplanade reserves or strips shall be a controlled activity.</p>	Boundary adjustments and rural subdivision where setbacks not met.		
Utilities and Energy Generation	General maintenance of existing utility structures and establishment of temporary structures provided at least 20m from a Ngā Wai (waterbody or spring) and 100m from the edge of a Ngā Roto (lake).	<p>Additions to or replacement of existing utilities within setbacks.</p> <p>Construction or extension of any access tracks to utilities (new or existing) within prescribed setbacks.</p> <p>Installation and operation of equipment for assessing a site for suitability for renewable electricity generation within prescribed setbacks.</p>	<p>New utility structures within prescribed setbacks.</p> <p>Renewable energy generation within prescribed setbacks.</p>	
Roading and Transport	General maintenance and repairs of existing roading, cycleways and walkways	<p>New bridges</p> <p>Extending or widening existing roads, walk or cycle ways which reduce the distance to the water bodies within prescribed setbacks</p>	New roads, cycle tracks and walkways within prescribed setbacks	

Farming	<p>Pastoral/extensive farming, horticulture and viticulture permitted in the rural zones. Stockyards, outdoor storage areas/buildings and horticultural structures are permitted provided,</p> <ul style="list-style-type: none"> • A minimum 10m setback from any water body is maintained. • Fencing along waterways to prevent stock access. <p>Planting of indigenous plantings along riparian margins to be encouraged.</p>	Stockyards, outdoor storage areas/buildings and horticultural structures within prescribed setbacks.		
Intensive Farming and Rural Industrial Activities			All Intensive farming and Rural Industrial activities in Rural Zones.	
Vegetation clearance	<p>Clearance works to maintain or enhance the banks of water bodies for mahinga kai, ecological or amenity reasons.</p> <p>Works include:</p> <ul style="list-style-type: none"> • removing exotic species and replanting with margins and berms with indigenous species. 		The removal of significant indigenous vegetation (criteria set out in Appendix 3 of the Canterbury Regional Policy Statement).	Removal of vegetation from margins of wetland.

APPENDIX 4

RULES: NGĀ TURANGA TŪPUNA

Ngā Tūranga Tūpuna				
Rural Areas				
	Permitted	Restricted Discretionary	Discretionary	Non-Complying
Rural Industrial Activities and Intensive Farming			Rural industrial activities e.g., timber yards, dairy processing Intensive farming activities Applies within Landscape and 200m buffer from Landscape boundary	
Earthworks	Permitted subject to prescribed standards. Earthworks for post holes for fencing, planting holes for trees and plants, maintenance of existing farm tracks and farm ponds, cultivation of existing pasture.	Earthworks that exceed the permitted volume and/ or depth.		
Buildings	Dwellings, Farm Accessory Buildings within permitted standards in the Rural Zone Buildings permitted in a Papakāinga/Kāinga Nohoanga Zone	Oversized Farm Accessory buildings		
Commercial Forestry	Existing forestry includes-associated tending, maintenance and harvesting.		New commercial forestry activities Applies within Landscape and 200m buffer from Landscape boundary	
Quarrying			Quarrying activities Applies within Landscape and 200m buffer from Landscape	

			boundary	
Farming	<p>Pastoral, extensive, horticulture, viticulture.</p> <p>Stockyards, outdoor storage areas/buildings and horticultural structures are permitted provided,</p> <ul style="list-style-type: none"> • A minimum 10m setback from any water body. • Fencing along waterways to prevent stock access. <p>Planting of indigenous plantings along riparian margins to be encouraged</p>	<p>Stockyards, outdoor storage areas/buildings and horticultural structures within prescribed setbacks.</p>		
Utilities and Renewable Energy Generation	<p>General maintenance, operation or repair of existing utility structures and establishment of temporary structures.</p> <p>Small scale renewable energy generation</p>	<p>Installation and operation of equipment for assessing a site for suitability for renewable electricity generation.</p> <p>Construction or extension of access tracks to utilities (new or existing).</p> <p>Replacement of and additions to existing utility structures</p>	<p>New utility structures</p> <p>Relocation, of existing utility structures.</p> <p>Large-scale renewable energy generation</p>	
Roading and Transport	<p>General maintenance and repairs of existing roads, cycleways and walkways</p>	<p>New bridges</p> <p>Widening of existing roads, cycle ways and walkways</p>	<p>New roads, cycleways and walkways.</p>	
Indigenous Vegetation Clearance	<p>Customary harvest</p> <p>Clearance to maintain or enhance the banks of water bodies for mahinga kai, ecological or amenity reasons. Works include:</p> <ul style="list-style-type: none"> • removing exotic species and replanting margins and berms 		<p>The removal of significant indigenous vegetation (criteria set out in Appendix 3 of the Canterbury Regional Policy Statement).</p>	<p>The removal of vegetation adjoining wetlands</p>

	<p>with indigenous species.</p> <ul style="list-style-type: none"> channel realignment, rock placement for habitat improvement. amenity features such as public artworks, interpretation panels and seating along or around water bodies. 			
Subdivision	Boundary adjustments no new lots created	<p>Subdivision to create allotments for access, esplanade strips, site protection, utility structures or stopbanks</p> <p>Complying Rural allotments</p>	Non-complying rural allotments	
Commercial recreation and tourism		<p>All commercial recreation and tourism activities.</p> <p>Applies within Landscape and 200m buffer from Landscape boundary</p>		

Ngā Tūranga Tūpuna – doesn't currently apply to urban areas but provided for completeness				
Urban Areas				
Earthworks	Permitted within maximum volume and maximum depth.	Any earthworks that do not comply with the permitted volume and/ or depth.		
Buildings	Permitted in accordance with Zone Standards including setback requirements; <ul style="list-style-type: none"> A minimum 10m setback from any water body is maintained during all works related to the construction of a building (i.e. no works within setback or permanent structures). 	Restricted discretionary where prescribed standards not met.		
Subdivision	Boundary adjustments (with no additional lots created). No physical works required.	Any subdivision which results in the creation of additional lots.		
Utilities	As above	As above		
Transport and Rooding	As above	As above		

APPENDIX 5

RULES WĀHI TAPU/WĀHI TAONGA

Wāhi Tapu/ Wāhi Taonga				
Urban Areas				
	Permitted	Restricted Discretionary	Discretionary	Non-Complying
Earthworks	Permitted within maximum volume and maximum depth and protection of springs	Any earthworks that do not comply with prescribed volumes or depth.		
Buildings	General activities associated with existing buildings, i.e. use, repair and maintenance activities.	Any new buildings or additions to existing buildings in a wāhi tapu/ wāhi taonga. Removal or demolition of any existing building or part of a building including associated earthworks.		
Subdivision	Boundary adjustments (with no additional lots created). No physical works required.	Small scale subdivision which results in the creation of additional lots to be used for new residential or industrial purposes.	Large scale residential, commercial or industrial developments which result in the creation of additional lots Applies within Landscape and 200m buffer from Landscape boundary .	
Utilities and Renewable Energy Generation	General maintenance and repair activities for existing structures.	Construction or extension of any access tracks to utilities (new or existing). Any new temporary structures. Replacement of, or additions to existing utilities. Small scale renewable energy generation.	The installation of new utility structures or relocation of an existing utility structure. The relocation or replacement of existing utility structures.	
Vegetation clearance			Removal of any significant	

			indigenous vegetation (as per appendix 3 of the CRPS)	
Commercial recreation and tourism		<p>All commercial recreation and tourism activities.</p> <p>Applies within Landscape and 200m buffer from Landscape boundary</p>		

Wāhi Tapu/ Wāhi Taonga				
Rural Areas				
	Permitted	Restricted Discretionary	Discretionary	Non-Complying
Earthworks	Permitted within maximum volume and maximum depth and setback from springs	Any earthworks that do not comply with permitted volumes or depth. Earthworks associated with demolition of any existing building.		
Quarrying		Extensions to existing quarries	Any new quarrying developments.	
Forestry	Existing forestry includes-associated tending, maintenance and harvesting.	Any new commercial forestry developments including plantation forestry. Exclusions apply for: <ul style="list-style-type: none"> The planting of trees for small scale non-commercial purposes. 		
Buildings	Activities associated with existing buildings ie use, repair and maintenance.	Any new buildings or additions to existing buildings provided they are not located on a wāhi tapu identified as a maunga. Removal or demolition of any existing building or part of a building (including associated	Any new buildings located on a wāhi tapu identified as a maunga.	
Subdivision	Boundary adjustments (with no additional lots created). No physical works required.	Any new subdivision activity which results in the creation of additional lots within a rural area. Exclusions include subdivision for the following purposes: <ul style="list-style-type: none"> General farming activities (stockyards and 	Any large scale rural residential developments (i.e. lifestyle blocks) which result in the creation of additional lots.	

		storage areas).		
Utilities and Renewable Energy Generation	General maintenance and repair activities for existing structures.	<p>Construction or extension of any access tracks to utilities (new or existing).</p> <p>Installation and operation of equipment for assessing a site for suitability for renewable electricity generation.</p> <p>Any new temporary structures.</p> <p>Replacement of, or additions to existing utilities.</p> <p>Small scale renewable energy generation.</p>	<p>The installation of new utility structures or relocation of an existing utility structure.</p> <p>The relocation or replacement of existing utility structures, or</p> <p>Large scale renewable energy generation.</p>	
Roading and Transport	General maintenance and repairs of existing roads, cycleways and walkways	<p>New bridges</p> <p>Widening of existing roads, cycle ways and walkways</p>	New roads, cycleways and walkways.	
Farming	<p>Pastoral, extensive, horticulture, viticulture subject to protection of springs from works and activities</p> <p>Stockyards, outdoor storage areas/buildings and horticultural structures are permitted provided,</p> <ul style="list-style-type: none"> • A minimum 10m setback from any water body. • Fencing along waterways to prevent stock 	Stockyards, outdoor storage areas/buildings and horticultural structures within prescribed setbacks.		

	access. Indigenous planting along riparian margins to be encouraged			
Vegetation clearance			Removal of any significant indigenous vegetation (as per Appendix 3 of the CRPS)	
Commercial recreation and tourism		All commercial recreation and tourism activities. Applies within Landscape and 200m buffer from Landscape boundary		