



**YOUR PLAN OUR FUTURE**  
TIMARU DISTRICT PLAN REVIEW  
LAND USE PLAN

## Timaru District Plan Review

### Topic 1

# Takata Whenua

Discussion Document, December 2016



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This document outlines the issues our district faces in relation to takata whenua values.

We welcome your feedback on this topic.

**Damon Odey**  
Timaru District Council Mayor

## 1.0 Introduction

### 1.1 Purpose

Timaru District Council has commissioned this report to provide a discussion around how the Timaru District Plan currently addresses takata whenua values. The report subsequently identifies the potential approaches to address matters of significance to the rūnanga and the strengths and weaknesses of each approach.

The issues relating to takata whenua values cover a range of matters but particularly relate to the need to integrate such values throughout the District Plan and to enable appropriate identification and management of places of significance to iwi. The key driver for this topic is the Resource Management Act 1991 which identifies the requirement to consider takata whenua values and to take into account the principles of the Treaty of Waitangi.

The report is intended to inform and provide a basis for consultation on this matter. The report forms part of a suite of public consultation measures that may be used to inform potential changes to the District Plan.

### 1.2 Report Format

The remainder of the report has been set out as follows:

- Section 2** identifies and describes the issue.
- Section 3** summarises the relevant statutory matters.
- Section 4** briefly explains the current Timaru District Plan approach to takata whenua values.
- Section 5** discusses some potential approaches to deal with takata whenua values.
- Section 6** outlines a possible process for progressing takata whenua values.

## 2.0 Issue Identification

Some issues are related to direction in higher order documents and others relate to areas in which guidance and input is needed directly from rūnanga. These include:

- Integration of takata whenua values throughout the District Plan and the involvement of takata whenua in the plan development process.
- Approaches to papakāinga housing or kāinga nohoanga zones, Māori community development and marae development.
- To what extent there should be mapping, objectives, policies and rules to apply to and manage areas of particular interest e.g. cultural landscapes, statutory acknowledgement areas, specific cultural sites, rock art sites, wāhi tapu, wāhi taonga, mahinga kai and which can include kāinga nohoanga / papakāinga areas as well as urupā and archaeological sites, etc.

In particular, direction will be sought on how rūnanga would prefer to balance knowledge (to ensure protection and appropriate management) with privacy (to avoid damage) as well as the ability to develop (e.g. papakāinga).

The rūnanga have expressed concern over detailed identification of significant sites which could lead to damage or destruction of areas or artefacts. For some areas, a general alert area may be more appropriate than specific site identification.

- To what extent there should be controls over specific areas or resources to recognise takata whenua values e.g. waterways, springs, wetlands, significant ecological areas, natural landscapes.
- To what extent there should be controls relating to infrastructure development, subdivision and civic urban development as these relate to takata whenua values.

## 3.0 Statutory Matters

### **Resource Management Act 1991**

The Resource Management Act 1991 seeks integration of takata whenua values through section 8 and parts of sections 6 and 7 of the Act. In addition section 5 of the Act notes that providing for cultural well-being is part of sustainable management.

Section 8 states "In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)."

All of section 6 (matters of national importance) has some relevance to takata whenua values, however particular matters include natural character under 6(a), cultural landscapes under 6(b), indigenous biodiversity and mahinga kai under 6(c), the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga under 6(e), specific cultural heritage sites under 6(f) and the protection of protected customary rights under 6(g).

Section 7 includes matters to have particular regard to and of particular relevance are kaitiakitanga (7(a)), the ethic of stewardship (7(aa)), the efficient use and development of natural and physical resources (7(b)), intrinsic values of ecosystems (7(d)), maintenance and enhancement of the quality of the environment (7(f)), any finite characteristics of natural and physical resources (7(g)), and the effects of climate change (7(i)).

### **Canterbury Regional Policy Statement 2013**

The Canterbury Regional Policy Statement 2013 provides particular direction in relation to this topic and contains a chapter specifically relating to making provision for Ngāi Tahu and their relationship with resources (chapter 4). Throughout the Regional Policy Statement there are numerous directions to Council to consult with takata whenua and include provisions for the relationship between Ngāi Tahu, their culture and traditions, and their ancestral lands, water, sites, wāhi tapu and other taonga within the District Plan. Specific mention is made of papakāinga housing and marae as part of the landuse chapter (chapter 5).

## 4.0 Timaru District Plan

The current District Plan makes reference to takata whenua issues in a number of ways:

### **Part A5 – Treaty of Waitangi**

This section discusses the role of the Treaty and the response the Council makes to the Treaty and to requirements of the Resource Management Act and the Regional Policy Statement. It sets out matters the District Plan will consider including:

- the management of koiwi tangata and artefacts.
- access to and protection of sites significant to the takata whenua.
- future use of Māori place names which have been determined in consultation with takata whenua.

**Part B2 – Natural Environment** – Includes issues in relation to access to mahinga kai.

**Part B3 – Activities on the Surface of Water** – Includes issues relating to use of the surface of water.

**Part B10 – Heritage Values** – Includes issues relating to cultural values, waahi tapu and similar sites.

**Part C – Planning Maps** – Includes statutory acknowledgement areas.

### **Part D1 – Rural Zones**

1.7 Takata Whenua Issues, Objective, Policies, Methods

Provision in Rule 1.11.2 for marae, schools, kohanga reo or pre-school facilities, places of assembly, and papakāinga as a permitted activity on land described as MR 881, MR 882, MR 4074 and which is under the control of the Māori Land Court.

**Part D6 – General Rule 6.4 Esplanade Provisions** – Incorporates takata whenua values.



# 5.0 Approaches

The main approaches in addressing takata whenua values are summarised as:

- Status quo (i.e. retain the current District Plan approach).
- Amend (i.e. the current District Plan approach requires amendment to align it with current best practice).

## Approach 1 – Status quo

Continuation of the strategic approach within the current District Plan has been briefly considered. It is not considered appropriate for the reasons outlined in the following table:

<b>Strengths</b>	<ul style="list-style-type: none"><li>▪ Retention of the current District Plan approach would be simplistic and involve little cost.</li><li>▪ Certainty for landowners.</li></ul>
<b>Weaknesses</b>	<ul style="list-style-type: none"><li>▪ The current District Plan objectives, policies and rules do not fully cover all relevant matters required, or place sufficient emphasis on the importance of takata whenua values, as directed by the Resource Management Act and the Regional Policy Statement.</li><li>▪ The current District Plan objectives, policies and rules do not fully reflect current best practice in dealing with takata whenua values.</li><li>▪ The current District Plan provisions do not reflect the aspirations of the rūnanga to deal with issues of importance.</li></ul>



## Approach 2 – Amend

The current District Plan approach requires amendment to align it with current best practice. The preferred approach is to work closely with rūnanga to ensure that takata whenua values are clearly identified and to integrate these throughout the next District Plan, as follows:

- Amend objectives and policies that outline the role of the Treaty of Waitangi and the response the Council makes to the treaty and to requirements of the Resource Management Act and the Regional Policy Statement.
- Amend objectives and policies that integrate takata whenua values in relation to specific topics e.g. heritage and landscapes.
- Identify (at an appropriate level) sites / areas of significance to takata whenua, which may include kāinga nohoanga/ papakāinga, wāhi tapu, wāhi taonga, mahinga kai, urupā, kōiwi tangata, rock art, statutory acknowledgement areas, and artefacts etc.
- Consider the inclusion of cultural landscapes.
- Include provisions to appropriately manage cultural values and sites / areas of significance to takata whenua.
- Consider appropriate zoning of land and appropriate provisions to enable development of that land to benefit the rūnanga (marae, schools, kohanga reo or pre-school facilities, community facilities, places of assembly, papakāinga, etc).
- Consider provisions under other topics which are relevant to takata whenua values e.g. activities on the surface of water, riparian areas, wetlands, springs, ecological area, etc.
- Consider future use of Māori place names which have been determined in consultation with takata whenua.

<b>Strengths</b>	<ul style="list-style-type: none"> <li>▪ Integration of takata whenua values throughout the District Plan will ensure they are comprehensively addressed.</li> <li>▪ Updated District Plan objectives and policies at both a strategic level and in relation to specific topics will ensure that all issues are adequately addressed.</li> <li>▪ A review of existing identified sites / areas and the addition of more sites / areas will ensure that places of significance are able to be protected and managed appropriately.</li> <li>▪ Updated District Plan rules to trigger a process or require a consent will help to avoid adverse effects on places of significance.</li> <li>▪ Updated District Plan provisions will better meet the intent of the Resource Management Act, and will give effect to the Regional Policy Statement.</li> <li>▪ Amendment of District Plan rules will better reflect current best practice and better achieve protection and appropriate management of activities.</li> </ul>
<b>Weaknesses</b>	<ul style="list-style-type: none"> <li>▪ There could be concern that inappropriate identification of sites of significance could lead to harm to these areas or to artefacts.</li> <li>▪ Amended District Plan rules may (or may be perceived to) restrict some activities on private land.</li> <li>▪ Associated costs with carrying out consultation on changes, redrafting District Plan provisions, etc.</li> </ul>

## 6.0 Next Steps

There is a range of information that will need to be gathered to pursue the preferred approach set out above. The proposed next steps are:

### **1: Establish significant sites/areas**

Council will liaise directly with the Canterbury Regional Council tāngata whenua coordinator<sup>1</sup> to develop a process of identifying sites / areas of significance to the rūnanga. Such sites / areas could include cultural landscapes, statutory acknowledgement areas, specific cultural sites, rock art sites, wāhi tapu, wāhi taonga, mahinga kai, kāinga nohoanga / papakāinga areas, urupā, archaeological sites, etc. Council has made an initial approach to the coordinator to determine how such a process could be developed.

### **2: Develop specific provisions**

Following the identification of significant sites / areas, a further process will be developed to discuss options for the management of activities that could impact on sites / areas of significance e.g. what rules to apply to activities to avoid adverse effects, including the potential risk of desecration of significant areas. The provisions which would be investigated include objectives and policies, rules relating to significant sites / areas, zoning and rules for land to be used to benefit the rūnanga, and rules relating to issues of cultural significance e.g. riparian areas. To achieve this, and to ensure efficiency, a small working group will be established<sup>2</sup> to assist with the development of draft provisions for the next District Plan and these would then be brought back to the rūnanga to review and endorse.

### **3: Wider consultation**

Beyond the working group, there will be consultation with the wider community. This will enable all land owners to provide input to the process. The Council will enable the opportunity for input from the Maori Land Trusts within the District.

### **4: Input to draft District Plan**

Finally the agreed provisions would be integrated into the wider drafting process for the next District Plan, subject to the future public process.

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<sup>1</sup>Role supports Arowhenua Rūnanga including providing technical and administrative support and liaison functions and advising in relation to resource consents.

<sup>2</sup>The group will be established in liaison with and following the approval of the rūnanga and is likely to include 1-3 rūnanga representatives, Canterbury Regional Council tāngata whenua coordinator, a Timaru District Councillor and a Timaru District staff member/consultant.

**Timaru District Council**

2 King George Place

Timaru 7910

[enquiry@timdc.govt.nz](mailto:enquiry@timdc.govt.nz)

P: 03 687 7200

F: 03 687 7209

TRIM#1022348

Cover photo: Arowhenua Marae image courtesy of John Rushton

