

MANA WHENUA

Note on dialect: In Ngāi Tahu/Kāi Tahu dialect, 'k' is used interchangeably with 'ng'. As the 'k' variant is most commonly used by Kāti Huirapa in the ~~Timaru~~ District, this is the practice followed in this District Plan, except for references to legislation or the name of a legal entity (for example Te Rūnanga o Arowhenua).

MW1 Identity of Kāi Tahu and Kāti Huirapa in Timaru District

Timaru District lies within the traditional boundaries of Kāi Tahu. Kāi Tahu is the largest iwi in Te Wai Pounamu (the South Island) and comprises people who descend from the tribe's five primary hapū (Ngāti Kurī, Ngāti Irakehu, Kāti Huirapa, Ngāi Tūāhuriri and Ngāi Te Ruahikihiki) as well as earlier Rapuwai, Hawea, Waitaha and Kāti Mamoe ancestors. The collective of all of these genealogies is known today as Kāi Tahu whānui.

Te Rūnanga o Ngāi Tahu is the mandated iwi authority for Kāi Tahu whānui, and was established by the Te Rūnanga o Ngāi Tahu Act 1996. Within Kāi Tahu whānui, Papatipu Rūnaka are representative bodies of the whānau and hapū of traditional marae-based communities. While Te Rūnanga o Ngāi Tahu accepts its statutory responsibilities as the representative voice of Kāi Tahu whānui "for all purposes" it also respects the rights of local Kāi Tahu whānau and hapū to represent and express their own respective rights, values and interests as mana whenua through their local Papatipu Rūnaka.

The hapū who hold mana whenua in ~~the Timaru~~ District are Kāti Huirapa. The rohe of Kāti Huirapa extends over the area from the Rakaia River in the north to the Waitaki River in the south and the Papatipu Rūnaka that represents Kāti Huirapa is Te Rūnanga o Arowhenua. Arowhenua is the site of the tīpuna marae of Kāti Huirapa.

Kāti Huirapa history with the land goes back more than 70 generations, when, according to tradition, Rākaihautu came to Te Wai Pounamu from Hawaiki in the canoe *Uruao*. The canoe landed at the boulder bank at Whakatū ~~(Nelson)~~. While his son Te Rakihouia took some of the party down the east coast, Rākaihautū led the remainder through the interior to Te Ara a Kiwa ~~(Foveaux Strait)~~. With his ko (digging stick) Rākaihautū dug Te Kari Kari O Rākaihautū ~~(the southern lakes)~~.

Te Rakihouia proceeded south in Uruao down the Canterbury ~~Coast~~ where he placed eel weirs at the mouths of the rivers. The posts he left behind became known as Ngā Pou Pou o Rakihouia. The two parties met up at Waihao, then proceeded up the coast, making their headquarters at Akaroa. Rākaihautū was buried at Wai Kakahi (near Wairewa/ Lake Forsyth). Te Uruao lies as part of the Waitaki River bed near Wai Kakahi (near Glenavy).

It was the natural resources that attracted ~~Māori people~~ Kāi Tahu¹ to Te Wai Pounamu, and the enjoyment of these is what kept them there. The distinctive flavours of birds, eel, shellfish, fish and other wildlife bound the people to the land and to the waters, and strengthened their will to hold on to them. Each district had its specialties. In Arowhenua, the specialties were ti -kauru (a fructose rich cake made from the pith of the stems and roots of tī kōuka (cabbage trees)) and aruhe (made from the root of the bracken fern). Ti -kāuru and aruhe were cooked in large earth ovens known as umu-ti. Some umu-ti still exist and are today regarded as wāhi tapu.

For Kāti Huirapa people, a way of life developed which was closely related to the natural environment. Natural resources were used to feed, clothe and equip people. Physical landmarks were often associated with atua and with the births, lives and deaths of tīpuna. The stories of the ancestor's journeys of exploration and creation and the shaping of the land also acted as "oral maps", with place names' meanings woven carefully into them. Within ~~Timaru~~ the District every mountain, hill, river and stream

¹ Te Rūnanga o Ngāi Tahu [185.24]

was owned and named. Natural resources were managed by strict kawa (resource management protocols and practices) and observance to atua. Today knowledge of these traditional resource management techniques is maintained by kaumatua and whānau of Kāti Huirapa hapū.

The gathering and preparation of food and other bounties of nature in Te Wai Pounamu were based around kāika nohoaka. These were permanent or seasonal settlements situated near a particular resource to be worked.

The principal Kāi Tahu settlement in South Canterbury was previously at Te Waiateruatī pā, which was situated near the mouth of the Ōpihi River and was home to Te Rehe, the influential Kāti Huirapa raketira. It was a place of marriages to link raketira together and get access to mahika kai. Arowhenua, with its location between the junctions of the Ōpihi and Te Umu Kaha/Te mukā rivers, was traditionally one of the few remaining areas of lowland native forest on Kā Pakihi-Whakatekateka-a-Waitaha/the Canterbury Plains. The richer soils of Arowhenua, combined with the forest shelter, provided one of the few successful cultivations in the area. People began moving to Arowhenua from Te Waiateruatī after Arowhenua Māori Reserve 881 was allocated in 1848 as part of the Canterbury Purchase.

The coast of ~~Timaru~~ the District was part of an important ara tawhito or travel route between lakes Wairewa and Waitarakao/Washdyke Lagoon, connecting the settlements of Te Pātaka-a-Rākohaitū/Banks Peninsula with coastal kāika to the south, including Te Waiateruatī pā. Timaru itself was an integral component of the extensive network of kāika nohoaka, wānaka o tohuka and kāika mahika kai located throughout South Canterbury.

In addition to the route along the coast, other ara tawhito led inland to provide access to mahika kai in Te Manahuna/the Mackenzie Basin and the Rakitata/Rangitata (Rakitata) catchment, and for the purpose of learning and conversing with tīpuna and atua in whare wānaka. Significant rock art sites provide enduring markers of points where a day's travel ended and stories were told.

The natural and physical resources and traditional areas such as mahika kai sites within ~~Timaru~~ the District remain culturally and spiritually important to Kāti Huirapa. Te Rūnanga o Arowhenua maintains its guardianship obligations (takata tiaki duties) to ensure that the health and survival of these resources and areas are maintained for future generations.

MW2 Mana whenua values and interests in resource management

MW2.1 Kāi Tahu resource management framework

MW2.1.1 Overview

Kāi Tahu do not see their existence as separate from te ao tūroa (the natural world), but as an integral part of it. Through whakapapa, all people and life forms descend from a common source. Whakapapa binds Kāi Tahu to the mountains, forests and waters and the life supported by them, and this is reflected in traditional attitudes towards the natural world and resource management. Whanaukataka embraces whakapapa, through the relationship between people, and between people and the environment. The nature of these relationships determines people's rights and responsibilities in relation to the use and management of taoka of the natural world.

All things have the qualities of wairua (spiritual dimension) and mauri (life force), are living, and have a genealogical relationship with each other. Mauri provides the common centre between the natural resources (taoka), the people or guardians who care for the taoka (the kaitiaki), and the management framework (tikaka) of how taoka are to be managed by the kaitiaki. It is through kawa (protocol) that the relationship between taoka, tikaka and kaitiakitaka is realised.

The authority exercised by those holding mana whenua over an area encompasses kaitiakitaka and rakatirataka. Integral to this is the recognition that Kāi Tahu have their own traditional means of managing and maintaining resources and the environment. This system of rights and responsibilities is inherited from previous generations and has evolved over time. The resources in any given area are representative of the people who reside there and are a statement of identity. Traditionally, the abundance or lack of resources directly determines the welfare of whānau and hapū, and so affects their mana.

MW2.1.2 Tikaka

Tikaka-Māori² encompasses the beliefs, values, practices and procedures that guide appropriate codes of conduct, or ways of behaving. It seeks to unify the three planes of reality in a holistic way: te taha tinana (the physical plane), te taha hinekarō (the intellectual plane), and te taha wairua (the spiritual plane). In the context of natural resource management, observing tikaka is part of the ethic and exercise of kaitiakitaka. It is underpinned by a body of mātauraka Māori (Māori knowledge), and based on a general understanding that people belong to the land and have a responsibility to care for and manage the land. It incorporates forms of social control to manage the relationship of people and the environment, including the concepts of tapu, noa and rāhui discussed in MW2.1.4.

Tikaka is based on traditional practices, but is dynamic and continues to evolve in response to different situations. One example of tikaka is the concept of kanohi ki te kanohi, or meeting face-to-face. For consultation on some natural resource management issues, kanohi ki te kanohi may be the appropriate tikaka. Tikaka also limits public access to wāhi tapu sites and requires that certain protocols are observed before entering a site.

MW2.1.3 Ki uta ki tai

Ki uta ki tai is the “mountains to sea” philosophy that Kāi Tahu adopts in respect of natural resource management. The approach sees all elements within an environment, for example a particular catchment, as inevitably related, interconnected and interdependent.

Ki uta ki tai is the Kāi Tahu way of understanding the natural environment, including how it functions, how people relate to it and how it can be looked after appropriately. It involves not only a planning and policy framework, but also the development of monitoring, reporting, information databases and tools for natural resource management.

MW2.1.4 Mauri

For Kāi Tahu, mauri is the life force that comes from wairua — the spirit, or source of existence and all life. Mauri is the life force in the physical world.

As a life principle, mauri implies health and spirit and can be a measure or an expression of the health and vitality of a place or being. Mauri can be harmed by the actions of humans but is unaffected by natural processes such as natural disasters.

The overall purpose of resource management for Kāi Tahu is the maintenance of the mauri of natural and physical resources, and to enhance mauri where it has been degraded by the actions of humans. The preservation of the mauri of natural resources is paramount to Kāi Tahu to ensure that resources may be used sustainably by present and future generations.

Traditionally, rules were established to govern the use of natural and physical resources, and to ensure that the mauri was protected from human actions. These rules form part of kawa and tikaka (Māori

² Te Rūnanga o Ngāi Tahu [185.24]

protocol means Māori customary values and practices³) and have been passed on through the generations.

Every resource has both a tapu (spiritual) and a noa (physical) aspect. When the health of the resource is affected, its mauri is diminished. A rāhui or restriction may be imposed to replenish the noa and the mauri. When the mauri has been restored, the rāhui will be lifted.

There are indicators within the environment, both physical and spiritual, that Kāi Tahu uses to reflect the status of mauri. Physical indicators of the health of mauri include, but are not limited to, the presence of healthy mahika kai and other indigenous flora and fauna, the presence of resources fit for cultural use, and the aesthetic qualities of resources such as the visibility of important landmarks. Spiritual indicators are those from the atua, which can take many forms and are recalled in the kōrero pūrākau telling the whakapapa of whānau and hapū.

MW2.1.5 Kaitiakitaka/ takata tiakitaka

Traditionally, kaitiaki were taniwha – birds or animals who were guardians of the environment - who signalled the relative health and vitality of their respective environments to the local tohuka- and rangatira who were responsible for interpreting the 'signs' and making decisions accordingly.⁴ Today, with the absence of many indigenous habitats and species, the term kaitiaki is used in reference to mana whenua, who have taken on the role of takata tiaki. Kaitiakitaka entails the active protection and responsibility for natural and physical resources by mana whenua.

Kaitiakitaka is fundamental to the relationship between Kāi Tahu and the environment. The responsibility of kaitiakitaka is twofold: first, there is the ultimate aim of protecting mauri and, secondly, there is the duty to pass the environment to future generations in a state which is as good as, or better than, the current state. To Kāi Tahu, kaitiakitaka is not a passive custodianship, nor is it simply the exercise of traditional property rights, but entails an active exercise of responsibility in a manner beneficial to the resource.

To give effect to kaitiakitaka (in accordance with section 7(a) of the RMA)⁵ it is important for resource users and decision-makers to engage meaningfully with those holding mana whenua over an area.

MW2.1.6 Rakatirataka

Rakatirataka is the mana or authority to exercise the relationship between Kāi Tahu and their culture and traditions with the natural world. Traditionally, rakatirataka incorporates the right to make, alter and enforce decisions pertaining to how a resource is to be used and managed and by whom (in accordance with kawa and tikaka).

The Crown apology to Kāi Tahu recorded in the Ngāi Tahu Claims Settlement Act 1998 explicitly recognises the rakatirataka of Kāi Tahu within its takiwā. Consistent with this recognition, Kāi Tahu aspire to developing a true partnership with local government in regard to resource management, rather than merely a stakeholder relationship.

In the context of the RMA, rakatirataka includes the active involvement of mana whenua in resource management decision-making processes, including the appointment of commissioners on hearing panels and having a voice in resource management decision making.⁶ Rakatirataka is also recognised through a planning framework that enables Kāi Tahu to maintain customary practices and to use their

³ Te Rūnanga o Ngāi Tahu [185.24]

⁴ Te Rūnanga o Ngāi Tahu [185.27]

⁵ Te Rūnanga o Ngāi Tahu [185.27]

⁶ Te Rūnanga o Ngāi Tahu [185.28]

ancestral⁷ land in a way that supports their identity and wellbeing. This would include enabling development of papakāika and practices related to mara kai (food gardens), rokoa (medicinal plants) and toi Māori⁸ (crafts and creative arts).

MW2.1.7 Taoka/ wāhi taoka and wai taoka⁹

All natural resources — water, air, land and indigenous biodiversity — are part of te ao tūroa and are treated as taoka. Taoka are treasures, things highly prized and important to Kāi Tahu, derived from the atua (gods or deities) and left by the tīpuna to provide and sustain life. All taoka are part of the cultural and tribal identity of an iwi.

Wāhi taoka/wai taoka¹⁰ are places that are treasured due to their high intrinsic values and the critical role they have in maintaining a balanced and robust ecosystem (such as wetlands, freshwater springs and nesting sites for birds) and/or their capacity to shape and sustain the quality of life and provide for the needs of present and future generations. Wāhi taoka/wai taoka¹¹ include sites and resources such as mahika mātaimai and other sites for gathering food and cultural resources.

To ensure taoka are available for future generations, resource management decision-making processes need to recognise tikaka and have the conservation and sustainability of resources as their focus.

“ Mō tātou, a, mō kā uri a muri ake nei - For us and our children after us.

MW2.1.8 Mahika kai

The maintenance of the diversity, quality and quantity of resources valued for mahika kai, is crucial to Kāi Tahu.

Mahika kai is the customary gathering of food and natural materials and the places where those resources are gathered. The term mahika kai refers to the whole resource chain, from mountain top to the ocean floor. It encompasses social and educational elements (e.g. intergenerational transfer of knowledge) as well as the process of food gathering. It includes the way it is gathered, the place where it is gathered, and the actual resource itself. The practices and associated knowledge systems that protect and sustain mahika kai are central to Kāi Tahu culture and identity. Manaakitaka, which is the custom of being aware of and caring for the needs of your guests, is a fundamental part of this identity, and the ability to provide food for guests is crucial to the mana of Kāti Huirapa and marae.

The importance of mahika kai to Kāi Tahu is reflected in the Ngāi Tahu Claims Settlement Act 1998, which contains a range of mahika kai-related elements, including statutory acknowledgements, nohoaka (temporary campsites), fishing easements, taoka species and customary fisheries management. There are many other significant mahika kai sites, such as Waitarakao/Washdyke Lagoon, that are not included in the legislation which also need to be considered through consultation with mana whenua.

MW2.1.9 Wāhi tapu, wai tapu¹² and wāhi tūpuna

Wāhi tapu/wai tapu¹³ are sacred sites or areas held in reverence according to whakapapa. Wāhi tapu/wai tapu may be associated with creation stories of mana whenua, particular events, such as battles or

⁷ Te Rūnanga o Ngāi Tahu [185.28]

⁸ Te Rūnanga o Ngāi Tahu [185.24]

⁹ Clause 16(2)

¹⁰ Clause 16(2)

¹¹ Clause 16(2)

¹² Clause 16(2)

¹³ Clause 16(2)

ceremonies, sacred locations such as where whenua or placenta is buried, or sites where a particular valued resource is found.

Wāhi tapu/wai tapu include:

- ~~K~~kōiwi tākata (human remains), urupā (burial sites), and waiwhakaheke tūpāpaku (water burial sites);
- ~~H~~historic pā such as Te Waiateruatī;
- ~~B~~uried whakairo (carvings) and Kā tuhituhi o neherā (archaeological and rock art sites) such as the sites at Hanging Rock; and
- ~~T~~auraka waka (canoe landing sites) associated with pā sites near the coast and water_bodies.

Both the RMA's and the Heritage New Zealand Pouhere Taonga Act 2014 have requirements relating to the protection of historic heritage, including archaeological sites. Sites do not have to be registered or listed to warrant this protection. Usually if there is one site, there is a high probability of others in the vicinity. Tikaka Māori¹⁴ provides the framework to ensure appropriate respect for, and treatment, of wāhi tapu/wai tapu.

It is important to mana whenua that wāhi tapu/wai tapu sites are protected from inappropriate activity and that there is continued access to such sites for Kāi Tahu. Where sites are of special significance, mana whenua may wish to protect them by restricting certain activities, access and information about their location. Wāhi tapu/wai tapu are often not confined to specific sites and management of the wider cultural landscape may be needed to protect their values, consistent with the ki uta ki tai philosophy.

The whakapapa and traditions of Kāi Tahu are embedded in the landscape. A cultural landscape or wāhi tūpuna is a geographical area that holds significant value to Kāi Tahu due to the concentration of wāhi tapu/wai tapu or taoka values, or the importance of the area to cultural traditions, history or identity. Wāhi tūpuna provide current and future generations of Kāi Tahu the opportunity to experience and engage with the landscape as their tūpuna once did. It is important that the history and tradition are recognised and the associated values maintained, but cultural landscapes are not areas that are locked up to preserve the past. The relationship of Kāi Tahu with the place will continue and develop over time.

Indicators of wāhi tūpuna include pā and kāika, ara tawhito, mahika kai, wāhi tapu/wai tapu, tohu (markers such as prominent features, mountain ranges and some trees), and ana (caves). Wāhi ikoa (place names) are also important for their association with wāhi tūpuna.

MW2.2 Resources of significance and specific interests in resource management

MW2.2.1 Overview

The ~~Timaru~~ District is part of the tūrakawaewae of Kāti Huirapa, who have spiritual and historic association with and customary rights to the land and resources of the ~~D~~District and the broader rohe. Historically many coastal areas or places near the District's waterbodies were rich in mahika kai resources and attracted substantial settlement, contributing to a rich cultural history. The values of many of these areas have been degraded as a result of land use and development, and it is of paramount importance to the wellbeing and cultural identity of Kāti Huirapa that remaining mahika kai resources are restored, sustained and enhanced, and that sites and areas with connections to history and cultural traditions are protected from the effects of further development.

Significant resources and resource management interests in the ~~D~~District include, but are not limited to the following matters.

MW2.2.2 Coastal and inland waterbodies and areas of indigenous vegetation.

¹⁴ Te Rūnanga o Ngāi Tahu [185.24]

Waitarakao/Washdyke Lagoon, the Te Ahi Tarakihi Mātaitai Reserve and the wider coastal environment in the Washdyke area, and other coastal wetlands at Waipopo and Ōrakipaoa, are of great significance to mana whenua due to long relationship with the area, presence of wāhi tapu and wāhi taoka and particularly the important mahika kai values. Development of land along this coast has had adverse impacts on cultural and ecological values over time, and good management of future activities is crucial to avoid further degradation and to enable restoration of degraded values.

All remaining wetlands, other waterbodies and areas of indigenous vegetation also have significant values as mahika kai and wāhi taoka. They are treasured for their critical role in sustaining ecosystems, cultural identity and practices and the needs of present and future generations. Kāti Huirapa are concerned about the degradation of these resources that has occurred as a result of prioritisation of economic activities over the sustenance of the environment.

Matters of concern include:

- The effects of vegetation clearance, earthworks, stormwater runoff and waste generation, particularly from industrial activities, on the quality of water and aquatic life in streams, the lagoon and coastal waters;
- The effects of land use near streams and the lagoon on riparian habitats and maintenance of fish passage to and from the sea;
- Maintenance of the ability for whānau to obtain access for fishing and other activities associated with mahika kai. This can be hindered, for example, by the stopping of “paper roads” that may be associated with land development;
- The effects of regulatory restrictions on the ability of whānau to undertake customary harvest of natural resources;
- The effects of vegetation clearance, land disturbance, noise and light pollution on habitats of indigenous species;
- The degradation and loss of wetlands through land development;
- The effects of land use intensification on the health of mahika kai; and
- Maintenance of the integrity of natural systems. For example, coastal lagoon environments are adversely affected by accelerated coastal erosion arising from both land use changes and climate change processes.

MW2.2.3 Culturally significant sites and wāhi tūpuna

Due to the long history of occupation along the coast and the extensive travel to other areas undertaken by Kāti Huirapa tūpuna, wāhi tapu and other culturally significant sites are found throughout ~~Timaru~~ the District. Archaeological sites associated with past activity include pā sites, cultivation areas, umu-ti, middens and rock art sites. Kāti Huirapa consider all archaeological sites related to the occupation and activity of their tūpuna to be culturally significant. However, not all culturally significant sites are associated with archaeological evidence. Wāhi tapu and wāhi tūpuna need to be respected regardless of whether or not they contain archaeological artefacts.

Sites associated with traditional occupation along the coast are extremely vulnerable to the effects of coastal erosion, and this has led to degradation or loss of sites associated with Te Waiateruatī pā and other kāika. Further inland, limestone rock art sites are vulnerable to land use activities that affect the groundwater environment, because of the influence of this on the integrity of the limestone and the rock art pigments. Disturbance through land development is a threat to sites through the ~~the~~ District, particularly in the Timaru area, where the presence of multiple sites coincides with the greatest rate of land development.

Information about some sites is culturally sensitive, and it is important to always consult with mana whenua to ensure that wāhi tapu sites and the values of wāhi tūpuna are protected.

Matters of concern include:

- ~~L~~oss of significant sites through exacerbation of coastal erosion, or change in coastal processes, as
- ~~t~~he effects of land disturbance on wāhi tapu and archaeological sites;
- ~~a~~dverse effects on the values of culturally significant sites from establishment of inappropriate activities (for example development or redevelopment of roads or railways, or construction of a wastewater treatment plant) in close proximity;
- ~~t~~he effects of nearby land use activities on the integrity of the limestone features that support rock art;
- ~~L~~oss of wāhi tūpuna associations through inappropriate location of structures or obstruction of connections through the landscape;
- ~~t~~he adverse effects on water-bodies identified in the previous section; and
- ~~u~~se of incorrect te reo Māori¹⁵ place names that do not properly reflect and respect the tūpuna associations with the place; and
- Recognition of Kāi Tahu cultural identity within the District.¹⁶

MW2.2.4 Occupation of ancestral land

In 1848, the Crown purchased 20,000,000 acres of land within the South Island for £2,000 from Kāi Tahu through a series of deeds. As part of the Deed of Sale for the purchase of land in Canterbury, the Crown undertook to set aside adequate reserves for the “present and future wants” of Kāi Tahu whānui. The intention was to allow for Kāi Tahu to live on their ancestral lands and also to carry out activities in these settlements to sustain themselves and support community wellbeing. In the ~~Timaru~~ District, land was set aside for this purpose at Arowhenua and Waipopo. In addition to these areas, there are some further areas of Māori Reserve ~~land~~¹⁷ in the ~~D~~istrict which, while not suitable for settlement, have wāhi tapu and mahika kai values.

Successive restrictions on use over time, including imposition of rural zoning and the effects of local government decisions about flood protection and management of flood hazard, have prevented Kāti Huirapa from fully implementing their aspirations to establish and sustain a settlement on their ancestral land. Practical provision to enable Kāti Huirapa to live and sustain themselves on their land is important to enable them to maintain their relationship with this land and to provide for rakatirataka.

Matters of concern include:

- ~~t~~he effects of ~~past~~¹⁸ zoning restrictions on the ability to establish residential settlements at Arowhenua and Waipopo;
- ~~f~~ailure of flood hazard management decisions to take into account historical knowledge of flooding in these areas and to work with the environment rather than against it; and
- ~~p~~rotection of wāhi tapu and mahika kai values on other Māori Reserve ~~land~~¹⁹.

MW2.2.5 Practical expression of rakatirataka and kaitiakitaka role in resource management

The ~~Treaty of Waitangi~~ / Te Tiriti o Waitangi²⁰ / ~~Treaty of Waitangi~~, in return for granting the right to govern to the Crown, guarantees active protection of the rakatirataka of mana whenua in respect of their natural and physical resources and taoka. The Council is required by the RMA to take into consideration the

¹⁵ Te Rūnanga o Ngāi Tahu [185.24]

¹⁶ Te Rūnanga o Ngāi Tahu [185.30]

¹⁷ Te Rūnanga o Ngāi Tahu [185.24]

¹⁸ Te Rūnanga o Ngāi Tahu [185.31]

¹⁹ Te Rūnanga o Ngāi Tahu [185.24]

²⁰ Te Rūnanga o Ngāi Tahu [185.32]

principles of ~~the Treaty / Te Tiriti~~²¹ / ~~the Treaty~~ and carry out its other statutory functions relating to ~~Maori~~ mana whenua²².

Part 2 of the RMA includes the following obligations that relate to rakatirataka and kaitiakitaka:

- ~~To~~ recognise and provide for the relationship of Kāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka as a matter of national importance (section 6(e));
- ~~p~~Protection of historic heritage from inappropriate subdivision, use, and development (section 6(f));
- ~~To~~ have particular regard to kaitiakitaka (section 7(a)); and
- ~~To~~ take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (section 8).

In relation to the District Plan, the relevant principles of the ~~Treaty of Waitangi / Te Tiriti o Waitangi~~²³ / ~~Treaty of Waitangi~~²⁴ include:

- Rakatirataka - the authority and ability for mana whenua to manage and control their natural resources and taoka in accordance with customs and having regard to cultural preferences;
- Partnership - the duty for all parties to act reasonably, with the utmost good faith, and with the courtesy of real and meaningful consultation. As well as open consultation between Councillors and Council staff and mana whenua, Kāti Huirapa consider that partnership implies being open to the opportunities that are available to share decision-making under the Act, within the limits of the Council's powers and functions; and
- Active ~~p~~Protection - a duty to take an active role in the protection of the ability for Kāti Huirapa to use and manage their traditional resources and taoka to the fullest extent practicable.

As mana whenua in the ~~Timaru~~ District, and consistent with the recognition of rakatirataka in the Ngāi Tahu Claims Settlement Act 1998, Kāti Huirapa maintain an aspiration to be treated as an equal partner with the Council in management of the resources for which they hold kaitiakitaka roles. To achieve this, Kāti Huirapa seek to build on their existing relationship with the Council to improve recognition and provision for the practical expression of rakatirataka and kaitiakitaka on matters relating to resources of importance to mana whenua, including through:

- ~~R~~ecognition of ~~Treaty / Te Tiriti~~²⁵ / ~~Treaty~~²⁶ guarantees in regard to the relationship of Kāti Huirapa with their ancestral land, sites and taoka and removing impediments that limit their ability to use their resources;
- ~~C~~onsultation ~~W~~orking²⁷ with Te Rūnanga o Arowhenua and Te Rūnanga o Ngāi Tahu²⁸ on all matters related to the mana whenua values and interests described in this chapter of the District Plan, especially matters related to the health of mahika kai and water-body environments;
- ~~P~~rovision of opportunities for active involvement in resource management decision-making and monitoring; and
- ~~R~~esourcing of the relationship between Kāti Huirapa and the Council.

MW.2.2.6 Consideration of mana whenua concerns in the District Plan

Kāti Huirapa values, concerns and interests have been considered in preparation of the District Plan through representation on the Technical Working Group throughout the process of plan drafting.

²¹ Te Rūnanga o Ngāi Tahu [185.32]

²² Te Rūnanga o Ngāi Tahu [185.24]

²³ Te Rūnanga o Ngāi Tahu [185.32]

²⁴ Te Rūnanga o Ngāi Tahu [185.32]

²⁵ Te Rūnanga o Ngāi Tahu [185.32]

²⁶ Te Rūnanga o Ngāi Tahu [185.32]

²⁷ Te Rūnanga o Ngāi Tahu [185.32]

²⁸ Te Rūnanga o Ngāi Tahu [185.32]

Research reports and recommendations from mana whenua were commissioned for sections relating to papakāika / kāika nohoaka and protection of culturally significant sites and areas, and these have informed the policy approach for these matters.

In addition, recognition of Kāti Huirapa values and concerns has been integrated into objectives, policies, rules and assessment matters throughout the District Plan.

MW3 Treaty settlement requirements

MW3.1 Introduction

The Ngāi Tahu Claims Settlement Act 1998, in addition to recognising the rakatirataka of Kāi Tahu, includes specific provisions that provide for exercise of rakatirataka and kaitiakitaka of mana whenua in respect to resource management matters. These include rights in relation to the management of specified significant areas (statutory acknowledgement areas and nohoaka).

MW3.2 Statutory acknowledgements

The requirements relating to statutory acknowledgements (sections 205 to 220, Ngāi Tahu Claims Settlement Act 1998) are intended to provide for improved participation of Kāi Tahu in resource management decision-making for areas with significant cultural, spiritual, historic and traditional associations. The particular values and associations are described in schedules to the Act.

Statutory acknowledgements recognised in the ~~Timaru~~ District are:

- Ōrakipaoa Wetland (Schedule 49); and
- Rakitata/Rangitata River (Schedule 55)

Section 208 of the Ngāi Tahu Claims Settlement Act 1998 and section 95B of the RMA recognise the interests of Kāi Tahu in statutory acknowledgement areas in regard to notification of resource consent applications for activities that may affect land in these areas. The Council will forward ~~advice of~~²⁹ all resource consent applications which may affect a statutory acknowledgement to Te Rūnanga o Ngāi Tahu and to ~~Aoraki Environmental Consultancy Limited (AECL)~~, as the resource management agent of Te Rūnanga o Arowhenua. Council will seek advice and it must³⁰ have regard to effects on Kāi Tahu when considering the need for notification of such resource consents and in making decisions on resource consent applications.

The statutory acknowledgements are recognised in this District Plan ~~by theas Sites and Areas of Significance to Māori SASM provisions and the Outstanding Natural Landscape ONL provisions where the Statutory Acknowledgment Area is also recognised as an ONL Outstanding Natural Landscape and their values are protected through the provisions relating to those sites.~~³¹

MW3.3 Nohoaka

Nohoaka entitlements provide a right of seasonal occupation and use for Kāi Tahu whānui of specified areas of Crown-owned land near water=bodies for harvest of natural resources (sections 255 to 268, Ngai Tahu Claims Settlement Act 1998).

There is one nohoaka in the ~~Timaru~~ District, adjacent to the Te Ana a Wai/Tengawai River. There is also another site recognised adjacent to the Pareora/Pureora/Pareora River in the Mackenzie District near the Timaru District boundary. In recognition of the interests held by iwi and hapu in these sites, the

²⁹ Te Rūnanga o Ngāi Tahu [185.33]

³⁰ Te Rūnanga o Ngāi Tahu [185.33]

³¹ Te Rūnanga o Ngāi Tahu [185.33]

Council will have regard to effects on Kāi Tahu when making decisions relating to affected parties, under section 95E of the RMA, for any resource consent application that may affect the values of the identified nohoaka.

MW4 Hapū and iwi planning documents

Under section 74(2A) of the RMA territorial authorities, in preparing or changing a district plan, must take into account planning documents recognised by iwi. These documents are also relevant to consider, under section 104(1)(c), in making decisions on resource consents that could affect the values and interests described in this chapter.

Kāti Huirapa prepared their first iwi management plan in 1992, being the Kāti Huirapa Iwi Management Plan³². A more extensive replacement for this was in preparation while this District Plan was being developed.

Relevant matters in the iwi management plans have been taken into account in this District Plan through participation of Te Rūnanga o Arowhenua representatives in development of the District Plan provisions. These iwi management plans at the time of notification include:

- Te Rūnanga o Ngāi Tahu Freshwater Policy;
- Hazardous Substances New Organisms Policy; and
- Te Whakatau Kaupapa Ngai Tahu Resource Management Strategy for the Canterbury Region.³³

MW5 Participation of mana whenua in RMA processes

MW5.1 Formal agreements

~~Aoraki Environmental Consultancy Limited (AECL)~~ is mandated by Te Rūnanga o Arowhenua to provide professional resource management and environmental services to:

- support the environmental aspirations of the Rūnanga, and its exercise of kaitiakitaka over its rohe; and
- respond to and work with parties that need to, or wish to, work with Te Rūnanga o Arowhenua on environmental issues.

The ~~Timaru District~~ Council has a formal agreement with AECL to provide advice on cultural environmental matters on behalf of the Rūnaka in respect of preparation and change of the District Plan, assessment of resource consent applications and related processes including cultural impact assessments and cultural monitoring.

Kāti Huirapa may also pursue broader agreements in future, such as a Mana Whakahono a Rohe as provided for in sections 58M to 58U of the RMA.

MW5.2 Involvement in decision-making processes

In addition to the agreement described above, Te Rūnanga o Arowhenua is involved in resource management decision-making through representation on the Council's Environmental Services Committee.

In line with its partnership aspirations, Te Rūnanga o Arowhenua will continue to advocate for greater involvement in decision-making to give effect to the Treaty obligations in section 8 of the RMA. In

³² Te Rūnanga o Ngāi Tahu [185.34]

³³ Te Rūnanga o Ngāi Tahu [185.34]

particular, Te Rūnanga seeks opportunities to participate at early stages of development of Council resource consent proposals.

MW5.3 Consultation expectations

The Council will consult Kāti Huirapa, through AECL, on all matters related to the mana whenua values and interests identified in this District Plan, and will maintain regular and open communication with AECL on resource management matters and processes.

Resource consent applicants should also consult early with AECL on any matters where the District Plan identifies that cultural values need to be considered.