

## DISTRICT PLAN TEXT AMENDMENTS

Key:

For the purposes of this plan change, any unchanged text is shown as normal text or in **bold**, any text proposed to be added by the plan change is shown as **bold underlined** and text to be deleted as ~~bold strikethrough~~.

Text in **green** font identifies existing terms in Chapter 2 – Definitions.

Text in **blue** font indicates links to other provisions in the district Plan and/or external documents. These will have pop-ups and links, respectively, in the on-line Christchurch District Plan.

## Chapter 1 Introduction

### 1.1 Introduction

#### 1.1.1 What is a District Plan?

- a. A district plan is a document prepared under the Resource Management Act 1991 in conjunction with the community. It sets a framework for development and the management of resources in the district in a manner that meets the goal of sustainable management of those resources. It includes objectives, policies and rules to manage the environmental effects of land use activities. It defines the various zones and the rules for what activities are permitted to occur in each zone. In this way a district plan has a very strong influence over all activities that occur in the district.
- b. This Operative Christchurch District Plan ('the District Plan/ 'Replacement District Plan') applies to all areas above the line of mean high water springs within the territorial boundaries of Christchurch district and to all users of land and the surface of water bodies within the district.
- c. The relationship between district plans and other Resource Management Planning Documents is set out in [Sections 1.4](#) and [1.5](#) of this chapter.
- d. The Plan replaces the district's two previous operative plans, namely the Christchurch City Plan and the Banks Peninsula District Plan.

#### 1.1.2 Background

- a. In 2010 and 2011 a series of seismic events devastated Christchurch, resulting in the death of 185 people. Widespread damage and destruction was caused to thousands of homes and businesses, most of the central business district, and much of the city's infrastructure.
- b. The District Plan responds to the recovery needs following those seismic events. It also provides a focus for longer term development that will help rebuild Christchurch and make it a great place to live and work in the years ahead. [Section 3.2 \(Strategic Directions\)](#) provides additional description of the context within which:
  - i. The Proposed Christchurch Replacement District Plan was prepared; and

- ii. Decisions on the provisions of the District Plan were made.
- c. The Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 ("the Order") modified the Act by providing a process for the review of the previous district plans and preparation of a comprehensive replacement district plan for the Christchurch district. The Order includes a Statement of Expectations (Schedule 4) that sets out the expectations that both the Minister for Canterbury Earthquake Recovery and Minister for the Environment seek within the Replacement District Plan. In summary, the Ministers' expectations are that the District Plan will:
  - i. reduce significantly the reliance on the resource consent process, along with reduction in development controls, design standards and notification/written approvals;
  - ii. clearly state the intended outcomes in objectives and policies;
  - iii. provide for the effective functioning of the urban environment;
  - iv. facilitate an increase in the supply of housing;
  - v. ensure sufficient and suitable land is provided for commercial, industrial and residential activities;
  - vi. provide for a range of temporary and construction activities;
  - vii. set out transitional provisions for temporary activities;
  - viii. avoid or mitigate natural hazards; and
  - ix. use clear, concise language and be easy to use.
- d. Because of the need to facilitate the recovery, the Council, in consultation with its key statutory partners, decided to prepare the District Plan in three stages. The first stage dealt with all or part of those chapters most directly related to earthquake recovery. These are:
  - i. Strategic Directions
  - ii. Residential
  - iii. Commercial
  - iv. Industrial
  - v. Transport
  - vi. Contaminated Land
  - vii. Subdivision, Development and Earthworks
  - viii. Natural Hazards
- e. The second and third stages of notification dealt with the remaining proposals for the Replacement District Plan.
- f. Many of the wide range of issues identified in the District Plan are also managed and influenced to some degree by other organisations, including through their planning documents. A collaborative partnership approach was taken to the drafting of the Plan. This included the Council, Canterbury Regional Council, Canterbury Earthquake Recovery Authority, New Zealand Transport Agency, Te Rūnanga o Ngāi Tahu, and the adjoining Selwyn and Waimakariri District Councils. This process ensured that the Plan is consistent with and

gives effect to the relevant statutory plans and documents, and integrates with the responsibilities of other affected organisations.

## **1.2 Ngāi Tahu mana whenua**

### **1.2.1 Explanation of Ngāi Tahu Values and Terms**

- a. The Ngāi Tahu framework for managing natural resources originated from a distinct Polynesian world view which acknowledges that people are part of the world around them and not masters of it. It then evolved and developed through more than 40 generations of collective experience in Te Waipounamu (South Island). The following description of terms when considered as a whole, outlines the core tenets of that framework for Ngāi Tahu. Some of the terms are used in the District Plan and their description will assist in understanding and administering the District Plan provisions.

### **1.2.2 Customary purposes or uses**

- a. The expression of many of the concepts and values described in other terms occurs through customary uses of freshwater, land and associated natural resources, and maintaining a physical and spiritual connection to that land, water body or other resource. Mahinga kai is a common customary use, but other uses include access to waipuna (springs) or water bodies for rituals such as baptism, to exercise customary authority and to maintain ahi kā roa (continuous occupation) and mana whenua status.

### **1.2.3 Customary access**

- a. Customary access is a term used in some of the provisions of this [District Plan](#). It describes the provision for access of mana whenua to or along water bodies and other sites of cultural significance for customary purposes or to carry out customary uses.

### **1.2.4 Kaitiaki**

- a. Traditionally, kaitiaki were the non-human guardians of the environment (e.g. birds, animals, fish and reptiles) which, in effect, communicated the relative health and vitality of their respective environments to local tohunga (experts) and rangatira (leaders) who were responsible for interpreting the 'signs' and making decisions accordingly. In essence, there is no real difference to scientific practices of today, which continue to use specific indicator species and observe their behaviours to measure the state of the environment.

### 1.2.5 Kaitiakitanga

- a. Kaitiakitanga is the inherited responsibility of mana whenua to manage the environment and natural resources within their takiwā (area of customary authority), in accordance with Ngāi Tahu resource management traditions. The responsibility of those exercising kaitiakitanga is twofold:
  - i. first, the aim of protecting the mauri of the resource; and
  - ii. second, there is a duty to leave the environment and natural resources for successive generations in as good or a better state than currently.

### 1.2.6 Ki Uta Ki Tai

- a. The principle of Ki Uta Ki Tai (from mountains to sea) reflects the holistic nature of traditional resource management, particularly the inter-dependent nature and function of the various elements of the environment within a catchment.

Mauri ora ana te wai, kirimaia ai te kai, ki uta ki tai  
Quality water flowing, abundant foods growing, mountains to sea.

### 1.2.7 Mahinga Kai

- a. The Ngāi Tahu Claims Settlement Act 1998 describes mahinga kai as “the customary gathering of food and natural materials and the places where those resources are gathered.” Mahinga kai is central to Ngāi Tahu culture, identity and relationship with the landscapes and waterways of Christchurch and all of Te Waipounamu.

### 1.2.8 Mana whenua

- a. The term mana whenua describes the customary authority given to whānau or hapū within a takiwā to make decisions concerning the resources and people in that takiwā in accordance with Ngāi Tahu resource management traditions. Mana whenua can also be used as a term to describe those who hold that authority. Mana (respect, standing, authority) is derived from and passed on via whakapapa and is protected and secured through continued occupation of ancestral lands (ahi kā roa), the continued use of resources (eg mahinga kai) and the protection of the mauri of resources and the environment — Mō tātou, ā, mō kā uri ā murī ake nei.

### 1.2.9 Mātaitai and Taiapure

- a. Since settlement, Ngāi Tahu have also established a number of customary fisheries protection areas (i.e. mātaitai and taiapure) under the Fisheries Act 1996 and the Fisheries (South Island Customary Fishing)

Regulations 1999. The intent of these legislative mechanisms is to give effect to the obligations stated in the Treaty of Waitangi Fisheries Claims Settlement Act 1992 and enable Tangata Tiaki (i.e. local Ngāi Tahu fisheries managers) to exercise greater rangatiratanga over customary fishing grounds.

### **1.2.10 Mauri**

- a. Mauri is often described as the 'life force' or 'life principle' of any given place or being. It can also be understood as a measure or an expression of the health and vitality of that place or being. The notion embodies Ngāi Tahu's understanding that there are both physical and metaphysical elements to life and that both are essential to our overall wellbeing.
- b. It also associates the human condition with the state of the world around it. Mauri, therefore, is central to kaitiakitanga; that is, the processes and practices of active protection and responsibility by mana whenua for the natural and physical resources of the takiwā.
- c. Mauri can change either naturally or through intervention and Ngāi Tahu use both physical and spiritual indicators to assess its relative strength. Physical indicators include, but are not limited to, the presence and abundance of mahinga kai fit for consumption or cultural purpose (e.g. disease free bull-kelp that can be used for the long-term storage of preserved foods). Spiritual indicators are the kaitiaki referred to in the explanation of this term.
- d. They are often recalled in kōrero pūrākau (oral traditions) to explain the intrinsic connection between the physical and metaphysical realms of our world.

### **1.2.11 Nohoanga**

- a. Traditional nohoanga (seasonal 'camp' sites) were found throughout Te Waipounamu, giving Ngāi Tahu access to mahinga kai from season to season. Their value was recognised in the Canterbury Purchase Agreement (Kemp's Deed) 1848 which reserved and protected both nohoanga and mahinga kai for the present and future needs of Ngāi Tahu whānau in Canterbury. The Ngāi Tahu Claims Settlement Act 1998 identifies 72 traditional nohoanga sites throughout the Ngāi Tahu takiwā, providing tribal members with temporary rights to occupy.

### **1.2.12 Rāhui**

- a. A rāhui is a temporary prohibition placed on an area or resource as either:
  - i. a conservation measure; or
  - ii. a means of social and political control.
- b. With respect to the former, a rāhui will effectively separate people from any 'polluted' area of land or water, preventing the ability to harvest potentially contaminated products from these areas. Rāhui are initiated by someone of rank and were placed and lifted with appropriate karakia (ceremony) by a tohunga (expert).

### 1.2.13 Sites of Ngāi Tahu Cultural Significance

- a. For Ngāi Tahu whānau all of the greater Christchurch Area is regarded as ancestral land and Ngāi Tahu has interests in the management of all natural resources in the takiwā. Within this area there are sites and places which were used more prominently for settlement and mahinga kai. Some of these areas are classified, scheduled and mapped in this District Plan as Wāhi Tapu / Wāhi Taonga; Ngā Tūranga Tūpuna; or Ngā Wai. The list is not comprehensive (sometimes Nga Rūnanga prefer not to disclose sites), but reflects where Ngāi Tahu whanau consider that the interests of protecting areas, outweigh potential risks from their identification. Wāhi Tapu/Wāhi Taonga, Nga Tūranga Tupuna, and Ngā Wai, are all sites of Ngāi Tahu cultural significance.
- b. Of the sites that are classified, scheduled and mapped in this plan:
  - i. Wāhi Tapu/Wāhi Taonga - includes places that are considered by Ngāi Tahu to be wāhi tapu and/or wāhi taonga. In some instances the precise location of sacred places may not be disclosed by whanau (silent files), and in other instances the site is drawn around a specific archaeological survey.
  - ii. Mahaanui Iwi Management Plan Silent Files and Kaitōrete Spit - includes places that are considered by Ngāi Tahu to be wāhi tapu and/or wāhi taonga. In some instances the precise location of sacred places may not be disclosed by whanau (silent files). Kaitōrete Spit is known to contain a high number of **archaeological sites**.
  - iii. Ngā Tūranga Tūpuna - places of settlement or occupation in the past. These are areas or landscapes of Ngāi Tahu cultural significance. There is not usually known physical features on the sites to be protected, (however, there may be **archaeological sites**) but there is an opportunity to incorporate Ngāi Tahu history and values into the development or redevelopment of these areas.
  - iv. Ngā Wai - selected **water bodies** and their margins, including **wetlands**, waipuna (**springs**) and coastal waters which are significant areas of mahinga kai or other customary use for Ngāi Tahu. Ngā Wai sites include Te Tai o Mahaanui – the coastal marine area of Te Pātaka o Rākaihautū/Banks Peninsula and Wairewa/Lake Forsyth – both areas listed as areas of statutory acknowledgement in the Ngai Tahu Claims Settlement Act 1998.
- c. Some areas may be shown as Ngā Tūranga Tūpuna and include Wāhi Tapu / Wāhi Taonga or Ngā Wai sites within them. In that instance, the values of both classifications need to be considered.

### 1.2.14 Wāhi Tapu and Wāhi Taonga

- a. 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 (e.g. death). Wāhi tapu sites are treated according to local customs (tikanga and kawa) that seek to ensure that the tapu nature of those sites is respected. Of all wāhi tapu, urupā (burial sites) are considered to be the most significant.
- b. 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 fresh water

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.

### 1.2.15 Whakapapa

- a. Whakapapa (genealogy) is the central pillar of the mana whenua framework, setting out and effectively explaining the relationships between the various elements of the world around us, including human beings.

### 1.2.16 Wakawaka

- a. Access to mahinga kai was managed through the division of natural resources (lakes, rivers, islands, etc) into wakawaka, defined areas within which a particular whānau had exclusive rights to “work the food” (mahi ngā kai) and responsibilities to uphold the associated cultural values.

### 1.2.17 Te Tiriti o Waitangi/ Treaty of Waitangi

- a. The Crown first recognised and provided for Ngāi Tahu mana whenua in 1840 with the signing of Te Tiriti o Waitangi ("Te Tiriti"). With respect to the right to exercise authority over natural resources, Article II of Te Tiriti states:
- b. English Text:

“Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof *the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties* which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession...” (emphasis added in italics).
- c. Māori Text:

“Ko te Kuini o Ingarani ka wakarite ka wakaae ki Ngā Rangitira ki Ngā hapu – ki Ngā tangata katoa o Nu Tirani *te tino rangatiratanga o ratou wenua o ratou kainga me o ratou taonga katoa...*” (same emphasis added in italics).
- d. Translation:

“The Queen of England agrees to protect the chiefs, the sub-tribes and all the people of New Zealand in *the unqualified exercise of their chieftainship over their lands, villages and all their treasures...*” (same emphasis added in italics).
- e. The legitimacy of Ngāi Tahu mana whenua in the South Island was reiterated through the contracts for sale and purchase of traditional Ngāi Tahu lands to the Crown from 1844 to 1864, including (within the Canterbury region):
  - i. The Canterbury Purchase 1848

- ii. The Port Cooper Purchase 1849
  - iii. The Port Levy Purchase 1849
  - iv. The Akaroa Purchase 1856
  - v. The North Canterbury Purchase 1857
  - vi. The Kaikōura Purchase 1859
- f. In total, the Crown purchased around 34.5 million acres of Ngāi Tahu land (80% of the South Island and more than half of the land mass of NZ) for just over £14,750. While this amounted to less than a penny per acre, it was encumbered with a number of commitments that included setting aside ‘adequate’ reserves for the present and future needs of Ngāi Tahu.
- g. When considering Te Kerēme (the Ngāi Tahu Treaty Claim), the Waitangi Tribunal found that in acquiring this land the Crown had repeatedly breached its Treaty obligations and its actions left Ngāi Tahu with insufficient land to maintain its way of life and for the tribe to fully participate in subsequent economic development.
- h. Article II of Te Tiriti records the Crown’s recognition and protection of rangatiratanga. For Ngāi Tahu, rangatiratanga includes the ability to exercise kaitiakitanga – an inherited obligation to manage and protect the natural resources within a tribal area, including land, waterways and springs, natural features, flora and fauna and wāhi tapu and taonga.
- i. The Resource Management Act 1991 requires the principles of the Treaty (s8) to be taken into account and particular regard be had to kaitiakitanga (s7(a)) and to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga under 6(e), in achieving the purpose of the Act. Council recognises the significance of the principles of Te Tiriti and the importance of its relationship with ngā rūnunga and Te Rūnanga o Ngāi Tahu.

### 1.2.18 Mandated Representatives

- a. The entire area of Christchurch District lies within the traditional boundaries of Ngāi Tahu<sup>1</sup> which run south from Te Parinui-o-Whiti (White Bluffs) on the East Coast of the South Island, around the southern coastline and off-shore islands and then back up the West Coast to Kahurangi Point (between Karamea and Farewell Spit).
- b. Ngāi Tahu is the largest iwi (tribe) in the South Island, comprising of hundreds of hapū (sub-tribes) and whānau (extended families). They continue to express their mana whenua within their respective areas (takiwā) through the following key actions:
- i. Protection and perpetuation of their whakapapa (genealogy);
  - ii. Continued occupation of their ancestral lands (ahi-kā-roa);
  - iii. Continued use of traditional and contemporary natural resources (customary use and mahinga kai);

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<sup>1</sup> The term ‘Ngāi Tahu’ literally means “the descendants of Tahu” and refers to the collective of families (whānau) who descend from the 5 primary hapū (sub-tribes) of Ngāi Tahu as described in Section 2 of the Te Rūnanga o Ngāi Tahu Act (1996), namely: Ngāti Kuri, Ngāi Tūāhuriri, Ngāti Irakehu, Ngāi Te Ruahikihiki & Ngāti Huirapa.



- iv. Taking responsibility to protect and maintain the mauri of their environment for the benefit and enjoyment of future generations.
- c. Following the confinement of Ngāi Tahu property rights to native reserves, local Ngāi Tahu communities began to establish 'rūnanga' (i.e. an assembly or council) to facilitate the representation of their rights and interests in the evolving new system of local governance and resource management.
- d. Pāpatipu rūnanga are the organisations who represent those who hold mana whenua over particular areas within the takiwā of Ngāi Tahu. Mana whenua represents the ability to influence and exercise control over a particular area or region and to act as kaitiaki. Inevitably, with mana comes responsibility.
- e. Six pāpatipu rūnanga hold mana whenua within Ōtautahi (Christchurch City), Nga Pakihi Whakatekata o Waitaha (Canterbury Plains) and Te Pātaka o Rākaihautū (Banks Peninsula), being:
  - i. Ngāi Tūāhuriri Rūnanga;
  - ii. Te Hapū o Ngāti Wheke Rūnanga (Rāpaki);
  - iii. Te Rūnanga o Koukourārata;
  - iv. Ōnuku Rūnanga;
  - v. Wairewa Rūnanga; and
  - vi. Te Taumutu Rūnanga.
- f. The takiwā or areas over which mana whenua is held overlap geographically within, and in some cases extend beyond, the territorial boundary of Christchurch District. The figure below shows the names and locations of pāpatipu marae within the Canterbury region.

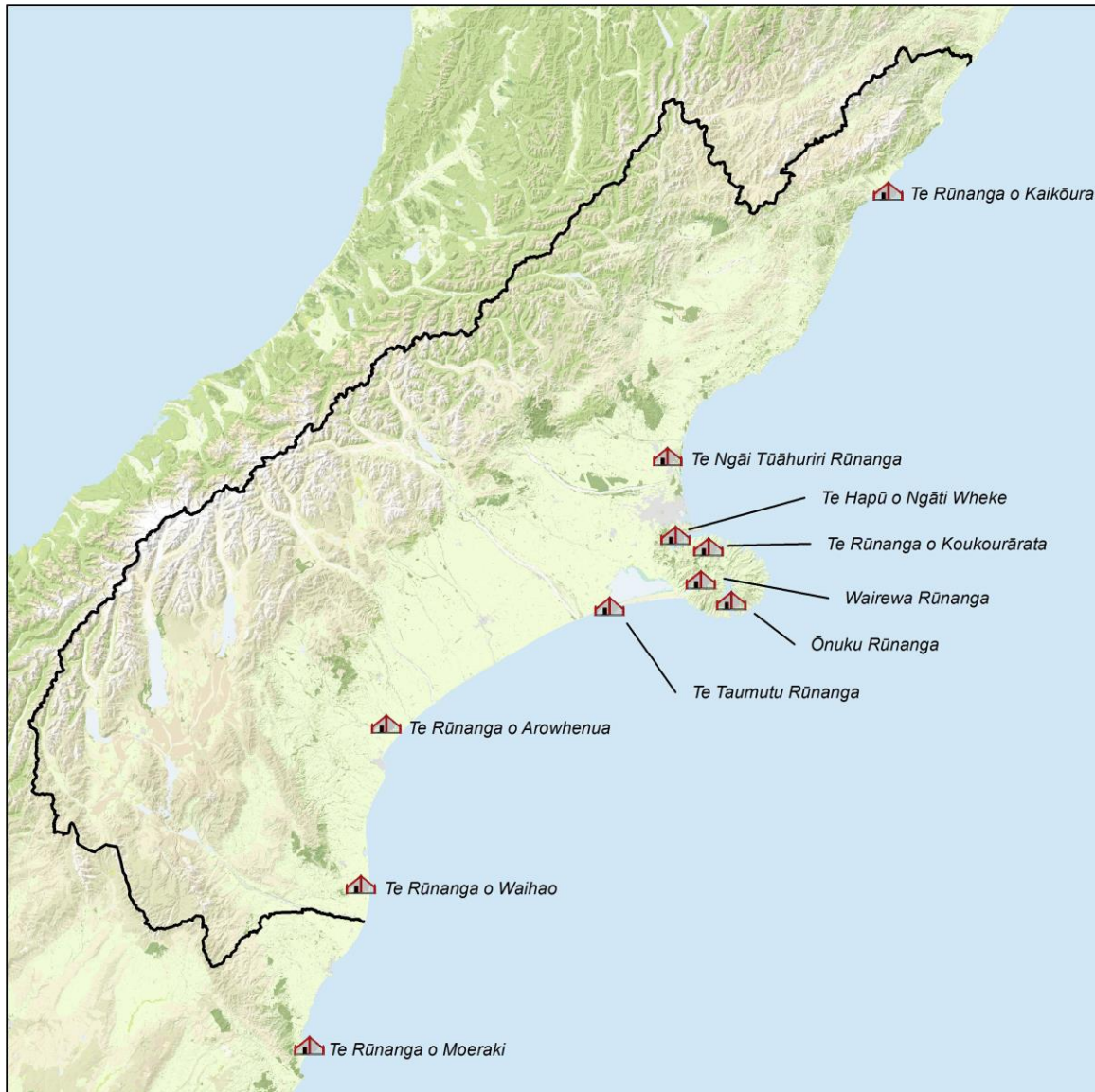


Figure 1 - Pāpatipu marae names and locations within the Canterbury region

- g. Christchurch City Council recognises the mana whenua of Ngāi Tahu through its relationship and consultation with Ngā Rūnanga of the Canterbury Region and Te Rūnanga o Ngāi Tahu.
- h. Refer also to Chapter 3, section [3.2.3 "Ngai Tahu mana whenua"](#) for additional information.

### 1.2.19 Consultation with Ngāi Tahu mana whenua

- a. In matters of consultation under the Resource Management Act 1991, Te Rūnanga o Ngāi Tahu is the iwi authority established under the Te Rūnanga o Ngāi Tahu Act 1996. Under that Act, Te Rūnanga is required to consult with pāpatipu rūnanga in relation to district plan (and other) matters. Te Rūnanga encourages councils to consult directly with pāpatipu rūnanga on planning matters and considers the views of pāpatipu rūnanga when taking a position on such matters as the iwi authority.

- b. For Ngāi Tahu, consultation between the Crown and Ngāi Tahu is a cornerstone of the principles of Te Tiriti. The [Act](#) requires the principles of Te Tiriti and any iwi management plan to be taken into account when developing the district plan. In addition the Council must consult with the iwi authority in preparing a district plan or plan change under the [Act](#) (Schedule 1) and the Order. The Council recognises the significance of the principles of Te Tiriti and the importance of its relationship with Ngāi Tahu.

## 1.2.20 Iwi Management Plans

- a. Sections 74 and 75 of the [Act](#) list matters which the Council must consider in preparing a district plan and these are set out at Section 5 of this chapter.
- b. The preparation of district plans must take into account relevant iwi documents. For the Christchurch District, Ngāi Tahu has set out its resource management values, issues, objectives and policies in a number of documents. These documents have been prepared in order to facilitate the exercise of Ngāi Tahu rangatiratanga over their lands, villages and all their treasures as per Article II of Te Tiriti, including the exercise of their kaitiaki responsibilities as mana whenua. The relevant documents include the following:
  - i. [Te Whakatau Kaupapa – Ngāi Tahu Resource Management Strategy](#);
  - ii. [Ngāi Tahu Freshwater Policy](#); and
  - iii. [Mahaanui Iwi Management Plan](#).
- c. [Mahaanui Iwi Management Plan](#) identifies objectives, issues and policies for natural resource and environmental management for the six pāpatipu rūnanga and seeks to ensure that the taonga and resources of Ngāi Tahu mana whenua are recognised and protected in the decision-making of statutory agencies. Accordingly, the [Mahaanui Iwi Management Plan](#) is a particularly relevant document to the preparation of the District Plan.

## 1.2.21 Statutory Acknowledgements

### 1.2.21.1 Introduction

- a. Areas of statutory acknowledgement are areas formally recognised by the Crown as being of cultural significance to iwi and can include an area of land, a landscape feature, a lake, a river or wetland, or a specified part of the coastal marine area. The association of an iwi with a statutory area is outlined in the schedules to a claims settlement Act.
- b. The Ngāi Tahu Claims Settlement Act 1998 records the apology given by the Crown to Ngāi Tahu in a deed of settlement executed on 21 November 1997 and gives effect to the provisions of that deed. It includes areas of statutory acknowledgement within the takiwā of Ngāi Tahu as well as the vesting of some land areas as tribal property and other forms of statutory recognition.
- c. The Council is legally obliged to have regard to statutory acknowledgements and to record them on statutory plans. The

Council must have regard to an area of statutory acknowledgement in forming an opinion as to whether Te Rūnanga o Ngāi Tahu is an affected party in relation to resource consent applications for activities within, adjacent to or impacting directly on an area of statutory acknowledgement.

### **1.2.21.2 Statutory Acknowledgements within Christchurch District**

- a. There are two statutory acknowledgements within Christchurch District being:
  - i. Wairewa (Lake Forsyth); and
  - ii. Te Tai o Mahaanui (Selwyn-Banks Peninsula Coastal Marine Area).
- b. Descriptions of the two areas of statutory acknowledgement are included as [Appendices 1.6.1](#) and [1.6.2](#) respectively for public information only.
- c. The Ngāi Tahu Claims Settlement Act 1998 (s208) requires that where Council is forming an opinion on a resource consent application as to whether Te Rūnanga o Ngāi Tahu may be adversely affected by the granting of the resource consent, it must consider activities within, adjacent to or impacting directly on a statutory area.

### **1.2.21.3 Other Relevant Forms of Recognition**

- a. Ripapa Island is within Christchurch District. It is recognized as a 'tōpuni' under the Ngāi Tahu Claims Settlement Act 1998. Tōpuni status imposes obligations on Conservation Authorities, Conservation Boards and the Minister of Conservation (refer s239 - 252 of the Ngāi Tahu Claims Settlement Act 1998).
- b. In addition much of the bed of Te Waihora (Lake Ellesmere) is now vested in Te Rūnanga o Ngāi Tahu as an estate in fee simple.

Mo tātou, a, mo ka uri a muri ake nei  
(For us and our children after us)

## **1.3 Statutory Context**

### **1.3.1 The Resource Management Act 1991**

- a. The [Act](#) sets out those matters which must be addressed by councils in the preparation of district plans, to meet their obligations and functions under the [Act](#). The key provisions are contained in Part 2 (Sections 5, 6, 7 and 8) and Sections 31, 72, 74 and 75 of the [Act](#). In summary, the Council's functions under the [Act](#) are:
  - i. To achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources;
  - ii. Control effects of the use, development or protection of land, including for the purpose of:
    - A. Avoiding or mitigating natural hazards;

- B. Managing **hazardous substances** and the use of **contaminated land**; and
  - C. Recognising and providing for a range of matters of national importance;
- iii. Control the emission and effects of noise; and
  - iv. Control effects of activities on the surface of lakes and rivers.
- b. As part of preparing a district plan, Council is also required under section 32 and 32AA of the Act to examine all objectives, policies and rules in its district plan to ensure they are necessary, efficient, effective and do not impose costs on the community that exceed their benefits. The Plan has been prepared in accordance with this requirement and the costs and benefits of each provision have been assessed. The evaluations prepared under section 32 and 32AA<sup>2</sup> are not part of the Plan itself, but are available on the Council’s website at: <http://proposeddistrictplan1.ccc.govt.nz/background/section-32reports/>
- c. There are other sections of the Act which are important in plan preparation; readers of this document are referred to the Act itself for the details of these provisions.

### **1.3.2 Integration of the District Plan with Other Plans and Documents**

- a. The District Plan is one tool available to Council to assist in the sustainable management of the natural and physical resources of Christchurch district. There are a range of other plans and documents that are either implemented through the Plan or taken into account during its preparation.

### **1.3.3 Earthquake Recovery Plans and Documents**

#### **1.3.3.1 Canterbury Earthquake Recovery Act 2011**

- a. In addition to those national and regional plans and documents described in [Section 5](#) of this chapter, the preparation of the Plan has been undertaken within the context of strategies, plans and programmes prepared under the Canterbury Earthquake Recovery Act 2011 (CER Act).
- b. The CER Act conferred powers on the executive to achieve the full social, economic, cultural and environmental recovery (in its widest sense) of Greater Christchurch. Recovery is defined in the CER Act as including "restoration and enhancement". Rebuilding is defined to include “extending, repairing, improving, subdividing, or converting any land, infrastructure, or other property; and rebuilding communities.” The scale of the rebuild and recovery required a change to the planning and regulatory environment to address the unique challenges that faced Greater Christchurch. The Plan is one of the documents prepared under the CER Act that sets the foundation that will provide for the long term recovery of Christchurch district from the Canterbury earthquakes.

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<sup>2</sup> Section 32AA evaluations are contained in the Decisions of the Hearing Panel on the notified proposals.

### 1.3.3.2 Recovery Strategy for Greater Christchurch – Mahere Haumanutanga

- a. The Recovery Strategy for Greater Christchurch - Mahere Haumanutanga was prepared under the CER Act to provide a high level approach to recovery, including guiding principles, a vision and goals for recovery. All goals in the Recovery Strategy (including social, economic, cultural, environmental and built) are inextricably linked, and most importantly, focussed on the outcomes for the greater Christchurch community.
- b. The Recovery Strategy is to be read with, and forms part of, plans prepared under the [Act](#), including the Plan. The guiding principles of the Recovery Strategy are:
  - i. work together;
  - ii. take an integrated approach;
  - iii. look to the future;
  - iv. promote efficiency;
  - v. use best available information;
  - vi. care about each other;
  - vii. innovate;
  - viii. aim for balanced decision making; and
  - ix. keep it simple.
- c. The Recovery Strategy states that the recovery of the built environment will leave the greatest legacy. Decisions made during the life of the Plan about urban form, investment in infrastructure, and resource consents for activities and buildings that should have a life extending many decades or more, will all influence the long term sustainability of the city, and the health and wellbeing of residents. The Recovery Strategy for Greater Christchurch can be viewed at:  
<https://ceraarchive.dpmc.govt.nz/documents/recovery-strategy-greater-christchurch>.

### 1.3.3.3 Recovery Plans

- a. Section 24 of the CER Act provides that a Recovery Plan can require a council to amend its district plan in a manner directed by the Recovery Plan. The following Recovery Plans had been approved by the Minister for Canterbury Earthquake Recovery. The Plan has been prepared in a manner that is not inconsistent with these Recovery Plans.

### 1.3.3.4 Christchurch Central Recovery Plan 2012 - Te Mahere 'Maraka Ōtautahi'

- a. In the [Christchurch Central Recovery Plan 2012 - Te Mahere 'Maraka Ōtautahi'](#) ('CCRP'), the vision is for central Christchurch to become the thriving heart of an international city. It will draw on its rich natural and cultural heritage, and the skills and passion of its people to embrace opportunities for innovation and growth. Building on the Christchurch City Council's draft Central City Plan, and on over 106,000 ideas submitted by the community during the public consultation process, the CCRP sets out how that vision can be achieved. The

CCRP defines the form of the central city, sets out the location of key anchor projects and outlines block plans which show what the city could look like in the future. The Plan must also not be inconsistent with the CCRP and any amendments to it. The CCRP includes the following addendums:

- i. An Accessible City Te Taone Wātea - addresses issues with the transport system;
- ii. Noise and Entertainment Provisions He tikanga pūoru, he tikanga whakangahau - contains specific noise provisions that relate to the entertainment and hospitality industry;
- iii. South Frame Pūtahi Whakatetonga - includes specific provisions to enable the development of the Health and Innovation Precincts; and
- iv. A Liveable City He tāone e whai wāhi ai te whānau - includes provisions to enable the centre of Christchurch to be a highly desirable place to live for people who seek an urban lifestyle.

#### **1.3.3.5 Land Use Recovery Plan**

- a. The [Land Use Recovery Plan 2013](#) ('LURP') identifies critical actions required in the short and medium term to coordinate and advance decision making about land use and who is responsible for those actions, and sets a timetable for when they must be completed. The Plan must not be inconsistent with the LURP. The LURP contains 15 specific 'Actions' that have been provided for in the review of the Plan. These relate to provisions for housing, enhancing centres and providing for community facilities, zoning greenfield priority areas, providing for the development of Māori reserves, providing for business (commercial and industrial needs), integrating land use and infrastructure, supporting an integrated transport network, avoiding hazards, establishing a clear planning framework, promoting a quality urban environment and an overall requirement to reduce consenting requirements.

#### **1.3.3.6 Lyttelton Port Recovery Plan**

- a. The [Lyttelton Port Recovery Plan](#) ('LPRP') has been prepared by Environment Canterbury. The relevant provisions of the LPRP have been incorporated into the District Plan within the "[Specific Purpose \(Lyttelton Port\) Zone](#)".

### **1.3.4 The Relationship with Other Plans and Documents**

- a. Section 74 of the Act requires the Council, when developing its Plan, to have regard to management plans and strategies prepared under other Acts. Some of these are summarised below.

#### **1.3.4.1 The Summit Road (Canterbury) Protection Act 2001**

- a. This local Act applies to an area of land in the vicinity of the Summit Road, broadly defined as being the area from the summit to 30 vertical metres below the road. [The Summit Road \(Canterbury\) Protection Act](#) provides for:

- i. the preservation and protection of the scenic amenity associated with the Summit Road and other roads, walkways, paths, and public open spaces within the protected land;
  - ii. the preservation and protection of natural amenities associated with land within the protected area; and
  - iii. the improvement of facilities for the public enjoyment of the scenic amenity and the natural amenities.
- b. Within this area, the development of structures, planting of trees, quarrying and subdivision are subject to the provisions of the Summit Road (Canterbury) Protection Act and consent must be sought from a Summit Road Protection Authority.

#### 1.3.4.2 Long Term Plan, the 3 Year Plan and Annual Plan

- a. The Local Government Act 2002 requires councils to consult with their local communities to determine what public goods and services the community wants provided. Through this process a council will adopt community outcomes that form part of the Long Term Plan. The Long Term Plan is a 10 year strategic planning document that covers all council functions and sets out how they will be paid for.
- b. A Long Term Plan does not override a district plan, nor is there any requirement that a district plan must comply with the requirement of a Long Term Plan. However, because the Long Term Plan records outcomes identified by the community and describes how the Council will contribute to these, there is an expectation that the Council will use this process to inform other plans and strategies.
- c. In 2013 the Council and Government agreed to delay Christchurch City Council's Long Term Plan until 2015, so an earthquake recovery cost-sharing method could be worked out together. It was considered that the city needed a more appropriate planning mechanism with more immediate goals than the 10 year framework of a Long Term Plan. The Christchurch City Three Year Plan 2013-2016 was developed after consultation with the public. This plan sets out the community outcomes that the Council aims to achieve, the projects and services the Council will provide over the three financial years, how much they will cost and where the money will come from. The community outcomes describe what the Christchurch City Council aims to achieve.
- d. The Annual Plan sets out what the Council will do over the next year, how much it will cost and where the money will come from.
- e. **The Long Term Plan and the Annual Plan include provision for new, and the upgrading of, infrastructure, including infrastructure for wastewater, storm water, or water supply. In some areas of the City there is limited capacity in that infrastructure for further development. The Council aims to anticipate, and plan for future development, and takes into account the development potential provided for in the District Plan. However, situations may arise where development occurs that has not been anticipated, or occurs at a faster rate than is anticipated, or where viable options for providing increased infrastructure capacity are very limited. In such cases the development enabled in the District Plan may not be able to connect to the Council's reticulated infrastructure. In those cases development may not be able to proceed unless alternative means of servicing the development are available.**



### 1.3.4.3 Christchurch Transport Strategic Plan

- a. This non-statutory plan updates Christchurch's local transport policy, having regard to relevant statutory plans - in particular the Canterbury Regional Land Transport Strategy, the Canterbury Regional Policy Statement, the Greater Christchurch Urban Development Strategy and the Regional Public Transport Plan - placing a strong emphasis on travel choice by establishing strong networks for all transport options during the next 30 years.

### 1.3.4.4 Council Strategies and Policies

- a. The Council has developed a large number of strategies and policies to which regard must be had in preparing the Plan. These strategies can be viewed at:  
<https://www.ccc.govt.nz/the-council/plans-strategies-policies-and-bylaws/>

### 1.3.4.5 Other Strategies

- a. A number of regional and other strategies are relevant to, and have been considered in, the preparation of the District Plan. They include:
  - i. Greater Christchurch Urban Development Strategy 2007, which provides the long term direction for enhancing the economic, social, environmental and cultural conditions of the greater Christchurch area.
  - ii. Canterbury Regional Land Transport Strategy 2012 -2042 which sets the strategic direction for land transport within the Canterbury region over a 30 year period. It identifies the region's transport needs and the roles of all land transport modes. It identifies how planning, engineering, education, encouragement and enforcement methods are to be utilised to provide for the future land transport system of Canterbury.
  - iii. Greater Christchurch Transport Statement 2012 was prepared by key government agencies and councils together with the strategic transport agencies operating within Christchurch. It provides an overarching framework to enable a consistent, integrated approach to planning, prioritising, implementing and managing the transport network and services in the greater Christchurch area.

## 1.4 The relationship between District Plans and other Resource Management Planning Documents

- a. District plans form part of a group of planning and policy documents from all levels of government that together are required to achieve integrated management of natural and physical resources.
- b. At a national level, the **Act** provides for:
  - i. **National Policy Statements**, which set out objectives and policies for resource management matters of national significance that are relevant to achieving the purpose of the Act. Such statements guide subsequent decisionmaking under the **Act** at the national, regional and district levels. The preparation of a **New Zealand Coastal Policy Statement** by the Minister of Conservation is mandatory, but other national policy statements, which must be approved by the Minister for the

Environment, are optional (for example the National Policy Statement for Freshwater Management, the National Policy Statement for Renewable Electricity Generation and the National Policy Statement on Electricity Transmission). The District Plan must give effect to National Policy Statements.

- ii. **National Environmental Standards** which are regulations that apply nationally to the use, development and protection of natural and physical resources and which prescribe technical standards, methods or other requirements for implementing the standards in a consistent manner. National standards generally override existing provisions in plans that have a lower standard. Conversely, if a District Plan has a standard that is stricter than a national standard then that plan standard prevails.
- c. At a regional level, the **Act** provides for:
- i. A **Regional Policy Statement** required to be prepared by each regional council. These statements enable regional councils to provide broad direction and a framework for resource management within their regions. A regional policy statement must give effect to all national policy statements. The District Plan must give effect to the Canterbury Regional Policy Statement.
  - ii. **Regional Plans** to be prepared by a regional council. These plans focus on particular issues or areas and assist regional councils to carry out their functions under the **Act**. A regional council must prepare a regional coastal plan (applying below mean high water springs) but other regional plans are optional (subject to any directions in a national policy statement). Regional plans must give effect to national policy statements and regional policy statements. They must also not be inconsistent with water conservation orders and other regional plans for the region. The District Plan must not be inconsistent with regional plans.

## 1.5 Guide to the District Plan

### 1.5.1 Content of the District Plan

- a. The District Plan has two primary components:
  - i. The written text which contains all of the resource management objectives, policies and rules.
  - ii. The planning maps which indicate in graphic form the area to which certain rules in the written text apply.
- b. The written text should be read as a whole so that the common themes of the District Plan and the relationship between the various chapters can be understood.
- c. The District Plan is presented in chapters. These are summarised and described below.

Chapters	Summary
Plan Overview: Chapters 1 and 2	General introduction and abbreviations and definitions.

Strategic Policy Framework: Chapters 3	District-wide strategic context and direction including direction on implementing activities affecting tangata whenua.
District Wide Provisions: Chapters 4-11	Contains rules that apply across the whole district.
Zone Provisions Chapters: 12-18	Contains rules that apply only within the specified areas shown on the planning maps.
Planning Maps	

### 1.5.1.1 Plan Overview Chapters

- a. These two chapters contain material to assist District Plan users to understand the District Plan. The Introduction Chapter outlines the purpose of the Plan, set outs the statutory context in which it is prepared and provides guidance on how to use it.
- b. A chapter of abbreviations and definitions of words and phrases used in the District Plan is included. Definitions are critical to the interpretation of the Plan. Where deemed necessary, they help the District Plan achieve the purpose of the [Act](#) by enhancing its usability and providing greater certainty to the meaning of objectives, policies and rules. Definitions apply to all rules and in the objectives and policies where words or phrases warrant definition.
- c. Defined words and phrases are shown in the plan as underlined and can be electronically accessed from the text of the District Plan.

### 1.5.1.2 Strategic Policy Framework Chapter

- a. This chapter sets out the strategic context for the Plan and the overarching direction for other chapters, including the strategic direction for implementing activities affecting tangata whenua across the district. They provide information on the impact of the earthquake events in 2010 and 2011, set out the long term vision for the district, describe the key resource management issues and opportunities, summarise the direction provided by Council strategies and other regional and national strategic documents, and set out high level objectives for the future direction of the district.

### 1.5.1.3 District-wide Provisions Chapters

- a. This part of the plan contains general rules and procedures as well as objectives, policies and rules that apply across the district. Chapters cover topics such as transport, **subdivision**, **historic heritage** and natural environment, **utilities**, noise, glare, **hazardous substances**, **signs**, **financial contributions** and designations.

### 1.5.1.4 Zone Provisions Chapters

- a. All land within the district is zoned. Zones are areas where common land uses and activities are anticipated. The chapters in this part of the Plan contain objectives, policies and rules relating to each of the Plan's zones.

### 1.5.1.5 Planning Maps

- a. The planning maps of the district spatially identify the various zones in the Plan and features referred to in the text of the Plan, such as the extent of designated land; protected **buildings**, spaces and trees; the **National Grid transmission lines** and **electricity distribution lines**; the boundaries of airport approach slopes and noise contours; and hazard areas.

## 1.5.2 Structure of the District Plan

- a. District plans must state the objectives for the district, the policies to implement the objectives and the rules (if any) to implement the policies. They may also contain a number of other matters.
- b. Objectives are quite general and outcome-oriented (what the city is wanting to achieve) while policies are more specific and means oriented (how it is proposed to implement objectives). Together they establish a framework for the direction the **Council** intends to take in relation to its functions and responsibilities under the **Act**, and guide decision making when there is a departure from rules or where the **Council** has retained discretion in its decision-making.
- c. Rules and policies are the methods by which the **Council** achieves its objectives. In this Plan each chapter, other than chapters 1-3 inclusive, contains a set of rules which require consent for activities or prohibit activities. The term "activity" includes the use and **subdivision** of land and activities on the surface of water. Broadly speaking, activities are categorised in order of increasing actual or potential adverse effects.
- d. The **District Plan** is divided spatially into various zones and these are shown on the planning maps. Zoning recognises that different areas of the district have different character, levels of amenity, resources and residents' expectations about environmental outcomes. It also provides opportunities for future development to be in keeping with the character and amenity established in each zone.
- e. The planning maps display features that are referred to in the text of the **District Plan**, such as protected buildings, sites and trees; the extent of designated areas; natural hazard areas; airport noise contours and protection areas; and transmission and transport corridors.

- f. In the **District Plan** activities are classified as being permitted, controlled, restricted discretionary, discretionary, noncomplying or prohibited.
- g. A description of the different activity classes used in this **District Plan** is set out below.

Permitted activities:	are allowed without the need for resource consent providing they comply with the relevant <b>site</b> and zone standards and all general rules.
Controlled activities:	require resource consent and are subject to standards and provisions of the District Plan. The <b>Council</b> must grant consent if standards are met. If consent is granted, the <b>Council</b> may impose conditions.
Restricted discretionary activities:	require resource consent and are subject to standards and provisions specified in the District Plan. The <b>Council</b> will assess only the matters of non-compliance and may grant or refuse consent. If granting consent conditions may be imposed.
Discretionary activities:	require resource consent and are subject to standards and provisions specified in the District Plan. The <b>Council</b> may grant or refuse consent to a discretionary activity and may impose conditions if consent is granted.
Non-complying activities:	require resource consent and are those that cannot comply with a standard in the <b>District Plan</b> or which are specified as non-complying because the <b>District Plan</b> has anticipated that they would normally be inappropriate.  Non-complying proposals require careful justification as to why they should be approved. Resource consent applications are likely to cost more, take longer and have a greater chance of being refused consent.
Prohibited activities:	are those which a rule in the plan expressly prohibits. No application can be made for an activity described as prohibited and resource consent cannot be granted.

- h. Activity tables are used in the **District Plan** to identify activities and the specific standard/s that apply to them. For ease of use activities are grouped by activity class, e.g. permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited.
- i. Each chapter of the **District Plan** has been structured to follow the same layout. The layout is explained in the table below.

Section of Chapter	Purpose
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Objectives	set out the environmental outcomes the Council seeks to achieve.
Policies	identify the ways the objectives will be achieved.
Activity Status Tables	identify specific activities and the specific standards (rules) that apply to them.
Built Form Standards Tables	set out for each zone the bulk and location rules that apply to each activity class.
Matters of Discretion	identify the matters that the Council will assess in considering any resource consent application for activities where the Council has reserved its discretion.

### 1.5.3 How to use the District Plan

- a. To determine if an activity is provided for by the Plan, or is provided for in a certain area, users of the Plan should take the following steps:
  - i. Step 1 - Check the zone that applies
    - A. Check the planning maps to locate the property and determine its zoning.
  - ii. Step 2 - Confirm if any notation, overlay or designation applies
    - A. Use the planning maps to confirm whether the property has any special feature or designation on it.
  - iii. Step 3 - Confirm the activity status
    - A. Go to the relevant chapters for the zone that the property is located in. Check for any special feature or designation that applies and for any general rules that apply. Refer to the abbreviations and definitions in [Chapter 2](#) for assistance to interpret those rules, where linked by **dashed underlined** text.
    - B. Check the Activity Status Table and the Built Form Standards for the activity you wish to undertake. Every activity will be indicated as being either a permitted, controlled, restricted discretionary, discretionary, noncomplying or prohibited activity. Refer to the abbreviations and definitions in [Chapter 2](#) for assistance to interpret those rules, where linked by underlined text.
    - C. Read the Activity Specific Standards and the Built Form Standards that apply to your activity.
    - D. Determine the activity class.
    - E. If your activity is permitted you can proceed without obtaining resource consent.
  - iv. Step 4 - Apply for resource consent
    - A. If your activity is classified as controlled, restricted discretionary, discretionary, or non-complying you will need to apply to the Council for a resource consent.
    - B. If your activity is classified as restricted discretionary or discretionary the District Plan provides guidance on the matters of discretion that the Council will apply in its consideration of the resource consent application. Consideration is also given to the Plan’s objectives and policies.

- C. Applications for resource consents must be made in writing to the Council. Application forms, and information brochures detailing the information that must accompany an application, are available from Council offices or online at the Council's website. Fees are payable.

## 1.6 Appendices

### Appendix 1.6.1 Schedule 71 Statutory Acknowledgement for Wairewa (Lake Forsyth)

#### Statutory area

The statutory area to which this statutory acknowledgement applies is the lake known as Wairewa (Lake Forsyth), the location of which is shown on Allocation Plan MD 45 (SO 19839).

#### Preamble

Under section 206, the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to Wairewa, as set out below.

#### Ngāi Tahu association with Wairewa

Wairewa is one of the lakes referred to in the tradition of “Ngā Puna Wai Karikari o Rākaihautū” which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rākaihautū. Rākaihautū was the captain of the canoe, Uruao, which brought the tribe, Waitaha, to New Zealand. Rākaihautū beached his canoe at Whakatū (Nelson). From Whakatū, Rākaihautū divided the new arrivals in two, with his son taking one party to explore the coastline southwards and Rākaihautū taking another southwards by an inland route. On his inland journey southward, Rākaihautū used his famous kō (a tool similar to a spade) to dig the principal lakes of Te Wai Pounamu, including Wairewa.

There are place names connected with Wairewa which evoke earlier histories. One example is the mountain which Wairewa lies in the lee of, “Te Upoko o Tahu Mataa”. This name refers to the Ngāi Tahu ancestor Tahu Mataa who lived and fought in Hawkes Bay. Like many other lakes, Wairewa was occupied by a taniwha called Tū Te Rakiwhānoa, whose origins stem back to the creation traditions.

For Ngāi Tahu, traditions such as this represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

The local hapū of this region is Ngāti Irakehu. Irakehu was the descendant of Mako, the Ngāi Tuhaitara chief who took Banks Peninsula with his cohort, Moki. Tradition has it that both Moki and Mako are buried near Wairewa. Poutaiki and Ōtūngākau are two principal urupā associated with Wairewa. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations.

Wairewa has been used by the descendants of Rākaihautū ever since it was formed. It is famous for the tuna (eels) that it holds and which migrate out to the sea in the autumn months. Ngāi Tahu gather here annually to take the tuna.

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the lake, the relationship of people with the lake and their



dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

The mauri of Wairewa represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the lake.

### **Purposes of statutory acknowledgement**

Pursuant to section 215, and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are —

- a. to require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement); and
- b. to require that consent authorities, the Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Wairewa, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and
- c. to empower the Minister responsible for management of Wairewa or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in section 212 (clause 12.2.6 of the deed of settlement); and
- d. to enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to Wairewa as provided in section 211 (clause 12.2.5 of the deed of settlement).

### **Limitations on effect of statutory acknowledgement**

Except as expressly provided in sections 208 to 211, 213, and 215, —

- a. this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- b. without limiting paragraph a., no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to Wairewa (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of Wairewa.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Wairewa.

## **Appendix 1.6.2 Schedule 71 Statutory Acknowledgement for Te Tai o Mahaanui (Selwyn-Banks Peninsula Coastal Marine Area)**

### **Statutory area**

The statutory area to which this statutory acknowledgement applies is Te Tai o Mahaanui (Selwyn – Banks Peninsula Coastal Marine Area), the Coastal Marine Area of the Selwyn – Banks Peninsula constituency of the Canterbury region, as shown on SO Plan 19407, Canterbury Land District as shown on Allocation Plan NT 505 (SO 19901).

### **Preamble**

Under section 313, the Crown acknowledges Te Rūnanga o Ngāi Tahu’s statement of Ngāi Tahu’s cultural, spiritual, historic, and traditional association to Te Tai o Mahaanui as set out below.

### **Ngāi Tahu association with Te Tai o Mahaanui**

The formation of the coastline of Te Wai Pounamu relates to the tradition of Te Waka o Aoraki, which foundered on a submerged reef, leaving its occupants, Aoraki and his brothers, to turn to stone. They are manifested now in the highest peaks in the Kā Tiritiri o Te Moana (the Southern Alps). The bays, inlets, estuaries and fiords which stud the coast are all the creations of Tū Te Rakiwhānoa, who took on the job of making the island suitable for human habitation.

The naming of various features along the coastline reflects the succession of explorers and iwi (tribes) who travelled around the coastline at various times. The first of these was Māui, who fished up the North Island, and is said to have circumnavigated Te Wai Pounamu. In some accounts the island is called Te Waka a Māui in recognition of his discovery of the new lands, with Rakiura (Stewart Island) being Te Puka a Māui (Māui’s anchor stone). A number of coastal place names are attributed to Māui, particularly on the southern coast.

There are a number of traditions relating to Te Tai o Mahaanui. One of the most famous bays on the Peninsula is Akaroa, the name being a southern variation of the word “Whangaroa”. The name refers to the size of the harbour. As with all other places in the South Island, Akaroa placenames recall the histories and traditions of the three tribes which now make up Ngāi Tahu Whānui: Waitaha, Ngāti Mamoe and Ngāi Tahu.

Waitaha traditions tell that after Rākaihautū had dug the southern lakes with his kō (a tool similar to a spade)—Tūwhakarōria— he and his son, Rokohouia, returned to Canterbury with their people. On the return, Rākaihautū buried his kō (a tool similar to a spade) on a hill overlooking the Akaroa harbour. That hill was called Tuhiraki (Bossu). Rākaihautū remained in this region for the rest of his life.

For Ngāi Tahu, traditions such as these represent the links between the cosmological world of the gods and present generations. These histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

Because of its attractiveness as a place to establish permanent settlements, including pā (fortified settlements), the coastal area was visited and occupied by Waitaha, Ngāti Mamoe and Ngāi Tahu in succession, who through conflict and alliance, have merged in the whakapapa (genealogy) of Ngāi Tahu Whānui. Battle sites, urupā and landscape features bearing the names of tūpuna (ancestors) record this history. Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rangatira and their followers.

Ngāi Tahu connections to Akaroa came after the settling of Kaiapoi Pā in North Canterbury. Akaroa harbour was soon allocated to a number of chiefs by Tūrākautahi of Kaiapoi. One chief, Te Ruahikihiki, settled at Whakamoa near the Akaroa Heads at the south east end of the harbour. Te Ruahikihiki fell in love with the elder sister of his wife, Hikaiti. As it was customary at that time for chiefs to have several wives, Te Ruahikihiki took the elder sister, Te Ao Taurewa, as his wife.

Hikaiti fell into a deep depression and resolved to kill herself. She arose early in the morning, combed her hair and wrapped her cloak tightly around herself. She went to the edge of the cliff where she wept and greeted the land and the people of her tribe. With her acknowledgements made, she cast herself over the cliff where she was killed on the rocks. The body remained inside the cloak she had wrapped around herself. This place became known as Te Tarere a Hikaiti (the place where Hikaiti leapt). After a long period of lamentation, Te Ruahikihiki and his people moved to the south end of Banks Peninsula to Te Waihora (Lake Ellesmere).

Another one of the senior chiefs within the Akaroa harbour was Te Ake whose hapū was Ngāi Tuhaitara. Ōtokotoko was claimed by Te Ake when he staked his tokotoko (staff) at that end of the bay. Te Ake's daughter, Hine Ao, is now represented as a taniwha that dwells with another taniwha, Te Rangiorahina, in a rua (hole) off Opukutahi Reserve in the Akaroa Harbour. Hine Ao now carries the name Te Waahine Marukore. These taniwha act as (kaitiaki) guardians for local fishermen.

The results of the struggles, alliances and marriages arising out of these migrations were the eventual emergence of a stable, organised and united series of hapū located at permanent or semi-permanent settlements along the coast, with an intricate network of mahinga kai (food gathering) rights and networks that relied to a large extent on coastal resources.

The whole of the coastal area offered a bounty of mahinga kai, including a range of kaimoana (sea food); sea fishing; eeling and harvest of other freshwater fish in lagoons and rivers; marine mammals providing whale meat and seal pups; waterfowl, sea bird egg gathering and forest birds; and a variety of plant resources, including harakeke (flax), fern and tī root.

The coast was also a major highway and trade route, particularly in areas where travel by land was difficult. Travel by sea between settlements and hapū was common, with a variety of different forms of waka, including the southern waka hunua (double-hulled canoe) and, post-contact, whale boats plying the waters continuously. Hence tauranga waka occur up and down the coast in their hundreds and wherever a tauranga waka is located there is also likely to be a nohoanga (settlement), fishing ground, kaimoana resource, rimurapa (bull kelp) with the sea trail linked to a land trail or mahinga kai resource. The tūpuna had a huge knowledge of the coastal environment and weather patterns, passed from generation to generation. This knowledge continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the coast.

Numerous urupā are being exposed or eroded at various times along much of the coast. Water burial sites on the coast, known as waiwhakaheketūpāpaku, are also spiritually important and linked with important sites on the land. Places where kaitāngata (the eating of those defeated in battle) occurred are also wāhi tapu. Urupā are the resting

places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected in secret locations.

The mauri of the coastal area represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the coastal area.

### **Purposes of statutory acknowledgement**

Pursuant to section 215 and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- a. to require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement); and
- b. to require that consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Te Tai o Mahaanui, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and
- c. to enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to Te Tai o Mahaanui as provided in section 211 (clause 12.2.5 of the deed of settlement).

### **Limitations on effect of statutory acknowledgement**

Except as expressly provided in sections 208 to 211, 213, and 215,—

- a. this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaws; and
- b. without limiting paragraph a., no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to Te Tai o Mahaanui (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of Te Tai o Mahaanui.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Te Tai o Mahaanui.