

SASM

**Sites and Areas of
Significance to
Māori**

DRAFT
WAITAKI DISTRICT PLAN



Waitaki

DISTRICT COUNCIL
TE KAUNIHERA Ā ROHE O WAITAKI

Sites and Areas of Significance to Māori

Introduction

It is a matter of national importance, under the Resource Management Act, to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka.

Kāi Tahu whānui have travelled, lived and used resources in the Waitaki District for many generations and have historical and cultural connections with land, waterbodies and resources across the District. Their whakapapa and traditions are embedded in the landscape. They have enduring rakatirataka rights in regard to ancestral lands and resources and kaitiakitaka responsibilities to protect and sustain the values associated with these areas and resources.

Mana whenua regard the whole of the Waitaki District as ancestral landscape, but they have identified a number of areas as having particular significance due to the concentration of wāhi tapu or taoka values, or the importance of the area to cultural traditions, history or identity. These areas are referred to as wāhi tūpuna. The provisions of this Chapter are designed to recognise and provide for the relationship of mana whenua with identified wāhi tūpuna.

Wāhi tūpuna encompass multiple related sites with connections to cultural beliefs, values and uses. These may include:

- Waterbodies and other natural areas that are valued for their critical role in maintaining ecosystems and sustaining life;
- Places associated with permanent or seasonal occupation and use;
- Traditional travel routes (ara tawhito) and canoe landing sites (tauraka waka);
- Landmarks with traditional or cultural significance;
- Wāhi tapu, which include urupā (burial grounds), wāhi pakaka (battle sites) and tuhituhi nehera (rock art sites).

Identification of wāhi tūpuna recognises that these sites are not discrete, but are integrally connected to each other.

The values of wāhi tūpuna can be adversely affected by a range of activities, including:

- Loss of wāhi tūpuna associations through modification of the landscape and natural processes;
- Disturbance of wāhi tapu and archaeological sites;
- Establishment of inappropriate activities (for example, construction of a wastewater treatment plant) in close proximity;
- Loss of integrity of the limestone features that support rock art;
- Effects of vegetation clearance, earthworks, and runoff on the health of waterbodies and the extent and quality of mahika kai;
- Loss of access to mahika kai for customary activities.

The relationship of mana whenua with these areas is provided for in this Chapter by:

1. identifying and mapping wāhi tūpuna; and
2. enabling mana whenua to carry out customary activities in wāhi tūpuna; and
3. requiring resource consent for activities that may have adverse effects on the values of wāhi tūpuna to mana whenua, to ensure these values are protected and maintained; and
4. providing the opportunity for mana whenua input into decision-making through consultation and notification of proposals.

Activities in the wider District may also affect mana whenua values, and this is recognised in policies and matters of discretion in other chapters of this District Plan.

Objectives

SASM-O1 Co-governance and kaitiakitaka

The co-governance of mana whenua over their significant sites and areas is recognised and they are able to exercise kaitiakitaka over these areas.

SASM-O2 Protection of wāhi tūpuna values

The relationship of mana whenua with wāhi tūpuna is sustained and:

1. the values of wāhi tūpuna are protected from inappropriate subdivision, land use and development; and
2. there is increased community awareness of the values of wāhi tūpuna to mana whenua.

SASM-O3 Preservation of tuhituhi neherā

The integrity of tuhituhi neherā sites is preserved.

SASM-O4 Enhancement of mahika kai

Mahika kai values are enhanced to support customary use.

SASM-O5 Access and use for customary purposes

Mana whenua are able to access wāhi tūpuna for customary purposes and are able to use mahika kai resources in accordance with tikaka.

Policies

SASM-P1 Identification of wāhi tūpuna

Working with mana whenua, identify, on District Plan maps and in SCHED5 – Sites and Areas of Significance to Māori, wāhi tūpuna that are of significance to mana whenua because of their cultural, spiritual, historic and contemporary relationship to the area.

SASM-P2 Mana whenua involvement in resource management processes

1. Provide for the involvement of mana whenua in resource management processes affecting identified wāhi tūpuna; and
2. encourage consultation and engagement with mana whenua prior to undertaking activities or applying for resource consent within or adjacent to identified wāhi tūpuna.

SASM-P3 Management of wāhi tūpuna

Only allow or provide for land use and development in identified wāhi tūpuna where it avoids significant adverse effects, and avoids, remedies or mitigates other adverse effects, on the values associated with these areas, having particular regard to:

1. protecting landforms, waterbodies and vegetation that provide visible reminders of whakapapa, history and cultural tradition; and
2. avoiding adverse effects on the mauri of wāhi tūpuna resulting from reduction in environmental quality and amenity; and
3. avoiding the effects of land and vegetation disturbance on the integrity of wāhi tūpuna; and
4. sustaining and enhancing ecosystems that support taoka species and mahika kai.

SASM-P4 Obstruction of mauka, tuhituhi nehera and wai māori by structures

Avoid the location of structures in riparian areas, on or near limestone outcrops, on upper slopes and on or near ridgelines unless:

1. they do not obstruct views to and across culturally significant waterbodies, tuhituhi nehera or mauka; and
2. they avoid adverse effects on the mauri of these areas.

SASM-P5 Protection of integrity of tuhituhi nehera

Avoid the following activities on, or in close proximity to, limestone outcrops;

1. agricultural intensification; and
2. plantation forestry,

unless any adverse effects on the integrity of tuhituhi nehera from disturbance of land and vegetation and changes in the water table, soil water environment and air moisture are avoided.

SASM-P6 Culturally incompatible activities

Avoid degradation of the mauri of wāhi tūpuna by the following activities:

1. cemeteries and crematoria;
2. landfills;
3. wastewater treatment plants; and
4. mining and quarrying activities.

SASM-P7 Habitat restoration and enhancement

Encourage restoration and enhancement of indigenous habitat that supports mahika kai.

SASM-P8 Mahika kai activities

Enable mana whenua to undertake mahika kai activities in identified wāhi tūpuna, in accordance with tikaka.

SASM-P9 Access for customary purposes

Maintain existing access opportunities and encourage enhancement of access for mana whenua to identified wāhi tūpuna for customary purposes.

SASM-P10 Wilding conifer species

Protect wāhi tūpuna from modification by wilding conifer spread through prohibiting planting of wilding conifer species in wāhi tūpuna.

Rules

Note: For certain activities, a resource consent may be required by rules in more than one chapter in the District Plan. Unless expressly stated otherwise by a rule, resource consent is required under each of those rules. The steps to determine the status of an activity are set out in the General Approach Chapter.

PERMITTED ACTIVITIES

SASM-R1 Mahika kai activities within a wāhi tūpuna identified in SCHED5 – Sites and Areas of Significance to Māori, including removal of vegetation, earthworks and erection of temporary structures		
All zones	Activity status: Permitted	Activity status when compliance is not achieved: Not Applicable
SASM-R2 Buildings and structures within a wāhi tūpuna identified in SCHED5 - Sites and Areas of Significance to Māori (excluding natural hazard mitigation structures and mahika kai activities)		
General Rural Zone	Activity status: Permitted	Activity status when compliance is not achieved: Restricted Discretionary
Rural Lifestyle Zone	<p>Where:</p> <p>PER-1 The building or structure has a maximum building footprint of 200m²; and</p> <p>PER-2 The building or structure has a maximum height of 6m; and</p> <p>PER-3 The building or structure is not located within 20m of a waterbody or 50m of a wetland; and</p> <p>PER-4 The building or structure is not located on, or within, 100m of a limestone escarpment; and</p> <p>PER-5 The building or structure is not located on or within 20m vertical distance of a ridgeline; and</p>	<p>Where:</p> <p>RDIS-1 Compliance is not achieved with PER-1 or PER-2</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. whether the relevant rūnaka has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and 2. the potential adverse effects on the values of the wāhi tūpuna, and the relationship of mana whenua with the area, as identified by engagement with mana whenua, including: <ol style="list-style-type: none"> a) loss of wāhi tūpuna associations through modification of the landscape and natural processes; and

	<p>PER-6 The building or structure is located at an elevation less than 900m above sea level.</p> <p><i>Note: Limited notification of Te Rūnanga o Moeraki is likely when this rule is not met.</i></p>	<ul style="list-style-type: none"> b) damage to the integrity of wāhi tūpuna through disturbance of land or indigenous vegetation; and c) disturbance of wāhi tapu and archaeological sites; and d) adverse effects on the integrity of tuhituhi neherā through disruption of the landform or water balance in the area; and e) adverse effects on the mauri of waterbodies; and f) reduction in the extent and quality of mahika kai; and g) loss of access to mahika kai for customary activities; and <p>3. effects on sites where there is the potential for kōiwi or artefacts to be found, including consideration of the need to impose an accidental discovery protocol or have a cultural monitor present; and</p> <p>4. whether there are alternative methods, locations or designs that would avoid or reduce the impact on the values associated with wāhi tūpuna; and</p> <p>5. the appropriateness of any mitigation measures, including monitoring, planting or improved access for customary use; and</p> <p>6. whether the proposal provides an opportunity to recognise mana whenua culture, history and identity associated with the wāhi tūpuna, and any potential to:</p> <ul style="list-style-type: none"> a) affirm the connection between mana whenua and the wāhi tūpuna; or b) enhance the cultural values of the wāhi tūpuna; and <p>7. in respect of utilities and renewable electricity generation infrastructure, the extent to which the proposed infrastructure has technical or operational needs for its location.</p>
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		<p>Activity status when compliance is not achieved: Non-Complying</p> <p>Where: NC-1 Compliance is not achieved with PER-3, PER-4, PER-5 or PER-6</p>
<p>Residential Zone</p> <p>Settlement Zone</p> <p>Open Space Zone</p>	<p>Activity status: Permitted</p> <p>Where: PER-7 The building or structure is for an activity that is permitted or lawfully established in the zone; and</p> <p>PER-8 The building or structure complies with the standards that apply in the zone for that activity.</p> <p><i>Note: Limited notification of Te Rūnanga o Moeraki is likely when this rule is not met.</i></p>	<p>Activity status when compliance is not achieved: Restricted Discretionary</p> <p>Where: RDIS-2 Compliance is not achieved with PER-7 or PER-8</p> <p>Matters of discretion are restricted to: Refer to SASM-R2 RDIS-1.</p>

<p>SASM-R3 Indigenous vegetation clearance within a wāhi tupuna, identified in SCHED5 - Sites and Areas of Significance to Māori (excluding mahika kai activities)</p>		
<p>All zones</p>	<p>Activity status: Permitted</p> <p>Where: PER-1 1. the indigenous vegetation clearance is necessary for maintaining or operating a firebreak, or an existing lawfully established:</p> <ul style="list-style-type: none"> a) road; b) track; c) drain; d) accessway; e) network utility; f) foundation of a building or structure; g) stockyard; 	<p>Activity status when compliance is not achieved: Restricted Discretionary</p> <p>Where: RDIS-1 Compliance is not achieved with PER-1</p> <p>Matters of discretion are restricted to: Refer to SASM-R2 RDIS-1.</p>

<p>h) reticulated stock water system;</p> <p>i) airstrip; or</p> <p>j) fence line; and</p> <p>2. the indigenous vegetation clearance is limited to within 1.5m of the items listed in PER-1 (1).</p> <p><i>Note: Limited notification of Te Rūnanga o Moeraki is likely when this rule is not met.</i></p>	
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SASM-R4 Earthworks within a wāhi tupuna, identified in SCHED5 - Sites and Areas of Significance to Māori (excluding mahika kai activities)		
<p>General Rural Zone</p> <p>Rural Lifestyle Zone</p> <p>Open Space Zone</p>	<p>Activity status: Permitted</p> <p>Where: PER-1 The earthworks activity is for the repair and maintenance of existing and lawfully established:</p> <ol style="list-style-type: none"> 1. farm tracks; 2. yards; 3. non-system irrigation infrastructure; 4. fences; 5. dams; 6. private walking tracks; 7. private cycling tracks; 8. driveways and access, <p>where the width, length and materials used are the same as that which existed prior to the repair and maintenance being required; or</p> <p>PER-2 The earthworks activity is for conservation activities and does not exceed 25m² over any 3 year period; and</p> <p>PER-3 EW-S2, EW-S3, EW-S4 and EW-S5 are complied with; and</p>	<p>Activity status when compliance is not achieved: Restricted Discretionary</p> <p>Where: RDIS-1 Compliance is not achieved with PER-1, PER-2 or PER-3</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. refer to SASM-R2 RDIS-1; and 2. any matters of any infringed EW standard and/or activity rule. <p>Activity status when compliance is not achieved: Discretionary</p> <p>Where: DIS-1 Compliance is not achieved with PER-4</p>

	<p>PER-4 The earthworks activity is not undertaken on, or within 100m of, a limestone escarpment; and</p> <p>PER-5 The permitted activity standards of EW-R5 Earthworks within a riparian margin; and EW-R6 Earthworks and vertical holes within the National Grid Yard are met (if applicable).</p> <p><i>Note: Limited notification of Te Rūnanga o Moeraki is likely when this rule is not met.</i></p>	
<p>Residential Zone</p> <p>Settlement Zone</p>	<p>Activity status: Permitted</p> <p>Where: PER-5 EW-S1, EW-S2, EW-S3, EW-S4 and EW-S5 are complied with; and</p> <p>PER-6 The permitted activity standards of EW-R5 Earthworks within a riparian margin; and EW-R6 Earthworks and vertical holes within the National Grid Yard are met (if applicable).</p> <p><i>Note: Limited notification of Te Rūnanga o Moeraki is likely when this rule is not met.</i></p>	<p>Activity status when compliance is not achieved: Restricted Discretionary</p> <p>Where: RDIS-2 Compliance is not achieved with PER-5 or PER-6</p> <p>Matters of discretion are restricted to: Refer to SASM-R2 RDIS-1.</p>

<p>SASM-R5 Urupā within a wāhi tupuna, identified in SCHED5 - Sites and Areas of Significance to Māori</p>		
<p>All zones</p>	<p>Activity status: Permitted</p>	<p>Activity status when compliance is not achieved: Not Applicable</p>

RESTRICTED DISCRETIONARY ACTIVITIES

SASM-R6 Natural hazard mitigation structures within a wāhi tupuna, identified in SCHED5 - Sites and Areas of Significance to Māori		
All zones	<p>Activity status: Restricted Discretionary</p> <p>Where: RDIS-1 The structures are erected by, or on behalf of, Waitaki District Council, Otago Regional Council, or Canterbury Regional Council.</p> <p>Matters of discretion are restricted to: Refer to SASM-R2 RDIS-1.</p> <p><i>Note: Limited notification of Te Rūnanga o Moeraki is likely when this rule is not met.</i></p>	Activity status when compliance is not achieved: Non-Complying
SASM-R7 Plantation forestry activities within a wāhi tupuna, identified in SCHED5 - Sites and Areas of Significance to Māori		
General Rural Zone	<p>Activity status: Restricted Discretionary</p> <p>Where: The plantation forestry activity is not located on or within 100m of a limestone escarpment.</p> <p>Matters of discretion are restricted to: Refer to SASM-R2 RDIS-1.</p> <p><i>Note: Limited notification of Te Rūnanga o Moeraki is likely when this rule is not met.</i></p>	Activity status when compliance is not achieved: Non-Complying
Rural Lifestyle Zone		
SASM-R8 Agricultural intensification within a wāhi tupuna, identified in SCHED5 - Sites and Areas of Significance to Māori		
General Rural Zone	<p>Activity status: Restricted Discretionary</p>	Activity status when compliance is not achieved: Non-Complying

Rural Lifestyle Zone	<p>Where: It is not located on or within 100m of a limestone escarpment.</p> <p>Matters of discretion are restricted to: Refer to SASM-R2 RDIS-1.</p> <p><i>Note: Limited notification of Te Rūnanga o Moeraki is likely when this rule is not met.</i></p>	
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SASM-R9 Commercial outdoor recreation		
All zones	<p>Activity status: Restricted Discretionary</p> <p>Matters of discretion are restricted to: Refer to SASM-R2 RDIS-1.</p> <p><i>Note: Limited notification of Te Rūnanga o Moeraki is likely when this rule is not met.</i></p>	Activity status when compliance is not achieved: Not Applicable

DISCRETIONARY ACTIVITIES

SASM-R10 Any activity not provided for as a permitted, restricted discretionary or non-complying activity.		
All zones	Activity status: Discretionary	Activity status when compliance is not achieved: Not Applicable

NON-COMPLYING ACTIVITIES

SASM-R11 Cemeteries or crematoria within a wāhi tupuna, identified in SCHED5 - Sites and Areas of Significance to Māori (excluding urupā)		
All zones	Activity status: Non-Complying	Activity status when compliance is not achieved: Not Applicable

SASM-R12 Landfills within a wāhi tupuna, identified in SCHED5 - Sites and Areas of Significance to Māori		
All zones	Activity status: Non-Complying	Activity status when compliance is not achieved: Not Applicable

SASM-R13 Wastewater treatment plants within a wāhi tupuna, identified in SCHED5 - Sites and Areas of Significance to Māori		
All zones	Activity status: Non-Complying	Activity status when compliance is not achieved: Not Applicable

SASM-R14 Mining activities or quarrying activities within a wāhi tupuna, identified in SCHED5 - Sites and Areas of Significance to Māori		
All zones	Activity status: Non-Complying	Activity status when compliance is not achieved: Not Applicable

PROHIBITED ACTIVITIES

SASM-R15 Planting wilding conifer species within a wāhi tupuna, identified in SCHED5 - Sites and Areas of Significance to Māori		
All zones	Activity status: Prohibited	Activity status when compliance is not achieved: Not Applicable