

Part 1 – Introduction and General Provisions

Section: Introduction

Chapter: Mihi

Ka titiro atu au ki te korero nui o Te Manahuna i te whenua. Ki te Tiriti o te Moana e whakaruruhau.
Ki nga awa ka rere ki uta ki tai. Ki nga roto. Ki te Ara a Rehua.

Hei korero o nga tupuna hei korero o te oranga

Hei korero i muri.

Hei korero a Mua

Tihei mauri ora

I look to the great story of Te Manahuna/Mackenzie Country

To to the story of the Southern Alps that shelter

To the rivers that flow from the mountains to the sea

To the lakes

To the Dark Highway of Re hua

It is a story of ancestors

A story of the living

A story for the future

Behold there is life.

Chapter: Purpose

The purpose of this District Plan is to assist the Mackenzie District Council to carry out its functions under the RMA, in order to achieve the purpose of the Act – being to promote the sustainable management of natural and physical resources.

The District Plan is a community document that provides a framework to guide the use, development and protection of the District's resources, for current and future generations. Under the RMA, the Council must have a District Plan and is required to review any un-changed, un-reviewed provision every 10 years. However, changes can be made to the District Plan prior to this, to address any resource management issues that may arise.

Chapter: Description of the District

The District Plan applies to the Mackenzie District's territorial boundary area. The District covers nearly 734,000ha and extends from the Hopkins and Ohau rivers in the south, up to the Two Thumb Range and Ōpihi River Catchment in the North. It has boundaries with Westland District to the north-west, Waitaki District to the south-west, Waimate District to the south, and Timaru District to the north-east and east. It sits within the middle of the South Island, within the Canterbury region.

The District sits within the takiwā (territory) of Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki.

The majority of the land in the District is rural (60.5%) and a large portion is also conservation land (34.9%), with more than 95% of the District made up of these two land types. The District's three main townships are Fairlie, Tekapo/Takapō and Twizel, with smaller settlements at Albury, Burkes Pass/Te Kopi-o-Ōpihi, Kimbell and Mt Cook Village.

The District contains many natural resources of significance, including mahika kai resources, night sky darkness, outstanding natural features and landscapes, significant indigenous biodiversity and a range of water bodies.

Section: How the District Plan Works

Chapter: Statutory Context

Resource Management Act 1991 (RMA)

The District Plan is part of a group of interrelated statutory documents that together seek to achieve integrated and sustainable management of natural and physical resources under the RMA.

The District Council must have a district plan at all times (section 73 of the RMA). The key provisions of the RMA are contained in Part 2 (sections 5, 6, 7 and 8) and sections 31, 72, 73, 74 and 75. The following table briefly summarises these:

Section 5	Sets out the overriding purpose of the RMA, which is to promote the sustainable management of natural and physical resources. The purpose of this district plan is to assist MDC to carry out its functions in order to achieve the RMA's purpose.
Section 6	Identifies the matters of national importance that MDC must recognise and provide for when exercising its functions and powers under the RMA, in relation to managing the use, development, and protection of natural and physical resources.
Section 7	Identifies other matters that MDC must have particular regard to when exercising its functions and powers under the RMA, in relation to managing the use, development, and protection of natural and physical resources.
Section 8	Requires MDC to take into account the principles of the Treaty of Waitangi when exercising functions and powers under the RMA, in relation to managing the use, development, and protection of natural and physical resources.
Section 31	Sets out MDC's functions under the RMA, which include achieving integrated management of the effects of the use, development, or protection of land and associated natural and physical resources; ensuring there is sufficient development capacity in respect of housing and business land to meeting the demands of the district; controlling the effects of the use, development, or protection of land; controlling the emission of noise and the mitigation of the effects of noise; and controlling any actual or potential effects of activities in relation to the surface of water in rivers and lakes.
Sections 74 & 75	Lists matters which the District Council must consider in preparing a district plan. This includes a requirement to: give effect to any national policy statement, a national planning standard and any regional policy statement; not be inconsistent with a water conservation order or regional plan; and have regard to management plans and strategies prepared under other Acts.

Relationship with Other Plans and Documents

The following sets out documents that are of particular relevance to the development of the District Plan:

Document	Description
National Policy Statement for Freshwater Management 2020	Sets out the objectives and policies for freshwater management. While the majority of provisions are directed to the regional council, the District Plan must give effect to those provisions that are relevant to a district plan.
National Policy Statement for Renewable Electricity Generation 2011	Requires district plans to recognise the national significance of, and provide for, renewable electricity generation. The District Plan must give effect to this policy statement.
National Policy Statement for Electricity Transmission 2008	Requires district plans to recognise the national significance of, and facilitate the electricity transmission network. The District Plan must give effect to this policy statement.

Canterbury Regional Policy Statement	Includes a range of provisions of relevance to the District Plan, including specific direction on what territorial authorities are required to include in their plan. The District Plan must give effect to the Canterbury Regional Policy Statement.
Canterbury Regional Plans	Contains provisions relating to the regional council's functions under the RMA. The District Plan must not be inconsistent with any regional plan.
Ngai Tahu Claims Settlement Act 1998	The Settlement Act provides for Statutory Acknowledgements. Mackenzie District Council's legal obligations are to: <ul style="list-style-type: none"> • identify all Statutory Acknowledgement Areas in the District. • send Te Runanga o Ngai Tahu summaries of all new applications for resource consents that affect statutory areas as soon as practicable, before any determinations are made under section 95. • have regard to Statutory Acknowledgements when determining whether Te Runanga o Ngai Tahu is adversely affected by applications. • obtain Te Runanga o Ngai Tahu's written approval when processing any non-notified resource consent applications affecting statutory areas once the Council has decided they are a directly affected party. • attach information relating to Statutory Acknowledgements to the district plan.
Te Whakatau Kaupapa Ngai Tahu Resource Management Strategy for the Canterbury Region 1990	Provides Ngai Tahu views on resource management in Canterbury. The Council must take into account this Management Plan when preparing or changing the District Plan, to the extent its content has a bearing on resource management issues of the District.
Iwi Management Plan of Kati Huirapa 1992	Describes the values of Kati Huirapa (hapū) and issues relating to environmental matters of concern. The Council must take into account this Management Plan when preparing or changing the District Plan, to the extent its content has a bearing on resource management issues of the District.
Resource Management Plan of Kati Huirapa 2022	Describes the values of Kati Huirapa, issues relating to these, the expectations of Kati Huirapa in remedying the issues, and the outcomes required to address the issues in order to meet resource management values. This plan has been prepared by Kati Huirapa (hapū), whom include Te Rūnanga o Arowhenua (primary Rūnanga), Te Rūnanga o Waihao and Te Rūnanga o Moeraki. This plan covers the area from the Rakaia River in the north to the Waitaki River in the south, and from the coast to the main divide. The Council must take into account this Management Plan when preparing or changing the District Plan, to the extent its content has a bearing on resource management issues of the District.
Waitaki Iwi Management Plan 2019	Describes the values of the Te Papatipu Rūnaka (Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki) in relation to the Waitaki River and the wider catchment that provides a life source to the river (Aoraki/Mount Cook to the sea). The plan outlines the issues relating to the area, and direction for how these are addressed and how their relationship with the identified resource can be provided for. The Council must take into account this Management Plan when preparing or changing the District Plan, to the extent its content has a bearing on resource management issues of the District.
New Zealand Heritage List/Rārangī Kōrero	Lists nationally significant historic heritage. The Council must have regard to relevant entries on the list when preparing or changing the District Plan.
Long Term Plan	The Long Term Plan is a 10 year strategic planning document that identifies the activities Council intends to carry out over the next ten years, their cost, and how they will be funded.

	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.
Council Strategies and Policies	The Council has developed a large number of strategies and policies to which regard must be had in preparing the Plan. These can be viewed on the Council's website.

Legal Effect of Provisions

Under the RMA, all objectives and policies are relevant from the time they are publicly notified.

A rule in a proposed plan generally has legal effect once a decision on submissions relating to the rule is made by the council and publicly notified. There are however a number of exceptions:

1. A rule is treated as operative where:
 - a. no submissions in opposition have been made or no appeals have been lodged; or
 - b. all submissions in opposition and appeals have been determined; or
 - c. all submissions in opposition have been withdrawn and all appeals withdrawn or dismissed;
2. A rule in a proposed plan has immediate legal effect if the rule:
 - a. protects or relates to water, air, or soil (for soil conservation); or
 - b. protects areas of significant indigenous vegetation, significant habitats of indigenous fauna, or historic heritage; or
 - c. provides for or relates to aquaculture activities;
3. The Environment Court can order that a rule will have legal effect from a different date;
4. A local authority can resolve that a rule has legal effect only once the plan becomes operative.

Rules which have immediate legal effect from when a proposed plan is publicly notified must be clearly identified in the proposed plan. A rule which has "immediate legal effect" must be complied with from the date the proposed plan or proposed plan change is publicly notified. Council has endeavoured to identify all such rules using a [XX] icon.

Obligation to Comply

No person may use land in a manner that contravenes a rule in the District Plan, unless they have existing use rights or a resource consent granted by the Council (Sections 9, 10, 10A, and 10B). In the context of the RMA such use includes the use of the surface of lakes and rivers (Section 10A and 10B).

No person may subdivide land unless expressly allowed by a rule in the District Plan, a National Environmental Standard or a resource consent (Section 11).

Sections 10 and 10A of the Act specify the circumstances when existing and continued use of land and the surface of water in a manner which contravenes a rule in the District Plan are permitted to continue. This provides for:

1. land to be used in a manner that contravenes a rule in a district plan or proposed district plan if either:

- a. the use was lawfully established before the rule became operative or the proposed plan was notified; and
- b. the effects of the use are the same or similar in character, intensity, and scale to those which existed before the rule became operative or the proposed plan was notified; or
- c. the use was lawfully established by way of a designation; and
- d. the effects of the use are the same or similar in character, intensity, and scale to those which existed before the designation was removed.

But existing use rights do not apply if:

1. the use of land has been discontinued for a continuous period of more than 12 months after the rule in the District Plan the use contravenes took legal effect, unless the Council has granted an extension by way of application; or
2. reconstruction, alteration, or extension of any building that contravenes a rule in the District Plan increases its degree of non-compliance.

Enforcement

The Council may use its powers under Part 12 of the RMA in requiring persons to cease or not commence activity which is or is likely to:

1. contravene the Act, any regulations, a rule in the District Plan, or any resource consent; or
2. be noxious, dangerous, offensive, or objectionable to such an extent that it has or is likely to have an adverse effect on the environment.

Under the RMA, the Council can use several enforcement tools, including enforcement orders, abatement notices, prosecutions for offences, and the power to enter and inspect land in respect of ascertaining compliance, seizing and obtaining evidence, and carrying out emergency works.

Additionally, any person may apply to the Environment Court for a declaration or enforcement order to, among other things, obtain compliance with District Plan provisions or resource consent conditions, or require adverse effects on the environment to be remedied or mitigated.

Monitoring

The Council is responsible for gathering information, monitoring and maintaining records on resource management matters. This includes gathering information on the state of the environment within the District, the efficiency and effectiveness of District Plan provisions, and the exercise of resource consents granted by Council that have effect in the District. This monitoring allows Council to consider changes to the District Plan and enable the community to be informed about how the provisions are performing.

Chapter: General Approach

Structure

As per the requirements of the National Planning Standards the proposed Plan consists of four parts, which are summarised in the table below:

Part 1 - Introduction and General Provisions	These chapters explain the District Plan's context and how it works, and provide definitions that assist to interpret the District Plan. They also provide context and process-related information in relation to tangata whenua.
Part 2 - District-Wide Matters	The provisions in this part relate to: <ol style="list-style-type: none"> 1. strategic direction matters, which address key strategic and/or significant issues for the district and provide district-wide strategic considerations to guide decision making at a strategic level in relation to these matters. 2. management of activities in specific areas, including overlays (for example, outstanding natural landscapes, areas subject to a natural hazard, and areas of significance to Māori), or relating to specific items or features (for example, historical heritage and notable trees). A number of these relate to matters of national importance under the RMA; and 3. specific activities that occur across the district (for example, infrastructure and earthworks).
Part 3 - Area Specific Matters	The provisions in this part primarily relate to zones. The zoning of different areas are identified on the planning maps and linked to objectives, policies, and rules, which are relevant to each zone and apply to activities undertaken within that zone. Designations are also included in this part.
Part 4 - Appendices	The appendices contain technical information and data that are referred to in the other parts of the Plan.
Planning Maps	Electronic planning maps spatially define zones, areas, overlays, and features referred to within the District Plan chapters. Although most rules apply spatially, there are some that do not. More information on the zones, areas, overlays and features of the District Plan is located in the Relationship between Spatial Layers chapter.

Provisions

The following summarises the types of provisions contained in Parts 2 and 3 of this Plan:

Introduction	Brief summary of the matters addressed in the chapter.
Objectives	The outcomes sought through the implementation of the Plan.
Policies	The direction to be taken to achieve the objectives.
Rules	The rules implement the policies. They identify what activities can be done as of right (permitted activities); those activities for which resource consent must be obtained prior to being undertaken; and those activities which cannot in any circumstances be undertaken (prohibited activities).
Standards	Identify thresholds for effects of an activity that must either be achieved, or will require resource consent to be obtained.
Matters for Control or Discretion	The matters which Council can consider when considering a controlled or restricted discretionary activity status consent application.

The numbering of provisions and use of shortcodes within chapters follows the requirements of the National Planning Standards.

Activity Status

The District Plan classifies activities into six categories, known as activity statuses, which determine whether a resource consent is required or not. If resource consent is required, the activity status in some cases limits the matters that can be considered when processing and determining the resource consent application.

Where an activity is permitted, it is allowed to be undertaken as of right, and no resource consent is required. This is provided that it complies with any applicable standards stated in the relevant rule.

For a controlled activity, a resource consent is required but the consent authority must grant consent and may impose conditions on the consent but only in relation to those "matters over which control is reserved" by the District Plan or a national environmental standard. Controlled activities can be subject to standards, and if these standards are not complied with, the activity will have the activity status stated in the rule or standard.

For a restricted discretionary activity, a resource consent is required which may be granted or refused. The matters which the Council can consider are listed in the relevant rule or standard. Restricted discretionary activities can be subject to standards, and if these standards are not complied with, the activity will have the activity status stated in the rule or standard.

For a discretionary activity, a resource consent is required which may be granted or refused. There are no restrictions on the matters which the Council can consider.

For a non-complying activity, a resource consent is required and may only be granted where the adverse effects of the activity on the environment will be minor, or the activity will not be contrary to the objectives and policies. There are no restrictions on the matters which the Council can consider.

A prohibited activity is an activity that is not allowed to occur at all.

The type of resource consent required is generally dependent on the degree of change anticipated and the effects that the proposed change is likely to have on the environment. The steps you can take to work out which activity status applies to your proposal is explained below:

Step 1	Search for your property in the ePlan. Check what Spatial Layers apply (for example, the zone the property is in, whether it is within any overlay or precinct, and whether there are any features on it).
Step 2	Find the relevant district-wide or areas-specific chapters in the ePlan which relate to the Spatial Layers identified.
Step 3	Within each relevant chapter of the ePlan, check the activities (and associated definitions) listed in the Rules section that you are interested in undertaking. This will include both those chapters that relate to the Spatial Layers identified, as well as any activity-specific chapters that may apply (for example, subdivision, earthworks or noise).
Step 4	Check the rules and applicable standards for the activity to see if you need a resource consent.
Step 5	If the activity is permitted, you can proceed without obtaining a resource consent, provided you undertake it in accordance with the permitted activity rules and standards. If the activity is controlled, restricted discretionary, discretionary or non-complying, you need to apply to the Council for a resource consent. If the activity is prohibited, you cannot proceed with the activity.

Except for prohibited activities, resource consent is required for any activity that is not permitted. If more than one rule applies, and the activity status for each rule is different, then the most restrictive activity status will apply.

Regardless of whether the activity is permitted or requires consent under the District Plan, a resource consent or permit may also be required from the Canterbury Regional Council.

Chapter: Cross Boundary Matters

A district plan may identify processes for dealing with issues that cross territorial authority boundaries under the RMA (section 75(2)(f)). Cross boundary matters apply when an activity takes place on, or near, a territorial boundary or where the effects of a particular activity impact on the territory of an adjacent authority, or that of the Regional Council.

Mackenzie District adjoins the Westland, Waitaki, Waimate and Timaru Districts and is located within the Canterbury Region.

The Council will address cross-boundary issues by:

1. Maintaining an ongoing dialogue with the Regional Council and neighbouring territorial authorities to ensure effective and integrated management of resource management issues at a district and regional level; and
2. Ensuring, where appropriate, that there is an appropriate degree of consistency across and integration between this District Plan and the plans of adjoining territorial authorities, as well as the CRPS and regional plans. This will ensure that the region's resources are managed in a coordinated and integrated manner; and
3. Consulting with adjoining authorities, the Regional Council and of Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki on resource management matters, including plan reviews, plan changes and resource consent applications as required under the RMA or as is necessary or appropriate. This may include discussions with relevant staff, submissions on applications for resource consent or plan changes in adjoining authority areas and, where appropriate, holding joint hearings with adjoining territorial authorities and/or the Regional Council.

Chapter: Relationship Between Spatial Layers

The District Plan uses a range of spatial layers that are shown on planning maps and illustrate where the different zones and overlays apply. These include:

Spatial Layer	Function	Location of Relevant Provisions
Zones	A zone spatially identifies and manages an area with common environmental characteristics or where common environmental outcomes are sought, by bundling compatible activities or effects together, and controlling those that are incompatible.	Zone chapters
Overlays	An overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions.	District wide matters chapters
Precincts	A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s).	If it applies to only one zone, it is included in the relevant zone chapter If it applies to multiple zones, it will be included

		in the relevant zone chapters
Specific controls	A specific control spatially identifies where a site or area has provisions that are different from other spatial layers or district wide provisions that apply to that site or area (for example where a different maximum height on a particular site applies).	Relevant chapters
Development Areas	A development area spatially identifies and manages areas where plans such as concept plans, structure plans, outline development plans, master plans or growth area plans apply to determine future land use or development. When the associated development is complete, the development areas spatial layer is generally removed from the plan either through a trigger in the development area provisions or at a later plan change.	Development area chapters
Designations	Spatially identifies where a designation is included under section 168 or section 168A or clause 4 of Schedule 1 of the RMA.	Designations chapter
Heritage orders	Spatially identifies heritage orders enabled under section 189 or section 189A of the RMA.	Historic heritage chapter

Section: Interpretation

Chapter: Definitions

amenity values	<p>has the same meaning as in section 218 of the RMA (as set out below)</p> <p><i>those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.</i></p> <p>(National Planning Standard definition)</p>
bed	<p>has the same meaning as in section 2 of the RMA (as set out below)</p> <p><i>means –</i></p> <p><i>(a) in relation to any river –</i></p> <p><i>(i) for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks:</i></p> <p><i>(ii) in all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks; and</i></p> <p><i>(b) in relation to any lake, except a lake controlled by artificial means, –</i></p> <p><i>(i) for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the lake cover at its annual highest level without exceeding its margin:</i></p> <p><i>(ii) in all other cases, the space of land which the waters of the lake cover at its highest level without exceeding its margin; and</i></p> <p><i>(c) in relation to any lake controlled by artificial means, the space of land which the waters of the lake cover at its maximum permitted operating level; and</i></p> <p><i>(d) in relation to the sea, the submarine areas covered by the internal waters and the territorial sea.</i></p> <p>(National Planning Standard definition)</p>
effect	<p>has the same meaning as in section 3 of the RMA (as set out below)</p> <p><i>includes –</i></p> <p><i>(a) any positive or adverse effect; and</i></p> <p><i>(b) any temporary or permanent effect; and</i></p> <p><i>(c) any past, present, or future effect; and</i></p> <p><i>(d) any cumulative effect which arises over time or in combination with other effects –</i></p> <p><i>regardless of the scale, intensity, duration, or frequency of the effect, and also includes –</i></p> <p><i>(e) any potential effect of high probability; and</i></p> <p><i>(f) any potential effect of low probability that has a high potential impact.</i></p> <p>(National Planning Standard definition)</p>
fresh water	<p>has the same meaning as in section 2 of the RMA (as set out below)</p> <p><i>means all water except coastal water and geothermal water.</i></p> <p>(National Planning Standard definition)</p>
infrastructure	<p>has the same meaning as in section 2 of the RMA (as set out below)</p> <p><i>means –</i></p> <p><i>(a) pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy:</i></p> <p><i>(b) a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001:</i></p>

	<p>(c) a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989:</p> <p>(d) facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—</p> <p style="padding-left: 40px;">(a) uses them in connection with the generation of electricity for the person's use; and</p> <p style="padding-left: 40px;">(b) does not use them to generate any electricity for supply to any other person:</p> <p>(e) a water supply distribution system, including a system for irrigation:</p> <p>(f) a drainage or sewerage system:</p> <p>(g) structures for transport on land by cycleways, rail, roads, walkways, or any other means:</p> <p>(h) facilities for the loading or unloading of cargo or passengers transported on land by any means:</p> <p>(i) an airport as defined in section 2 of the Airport Authorities Act 1966:</p> <p>(j) a navigation installation as defined in section 2 of the Civil Aviation Act 1990:</p> <p>(k) facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988:</p> <p>(l) anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166</p>
lake	<p>has the same meaning as in section 2 of the RMA (as set out below)</p> <p><i>means a body of fresh water which is entirely or nearly surrounded by land.</i></p> <p>(National Planning Standard definition)</p>
land	<p>has the same meaning as in section 2 of the RMA (as set out below)</p> <p>(a) includes land covered by water and the airspace above land; and</p> <p>(b) in a national environmental standard dealing with a regional council function under section 30 or a regional rule, does not include the bed of a lake or river; and</p> <p>(c) in a national environmental standard dealing with a territorial authority function under section 31 or a district rule, includes the surface of water in a lake or river.</p> <p>(National Planning Standard definition)</p>
natural and physical resources	<p>has the same meaning as in section 2 of the RMA (as set out below)</p> <p><i>Includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.</i></p> <p>(National Planning Standard definition)</p>
natural hazard	<p>has the same meaning as in section 2 of the RMA (as set out below)</p> <p><i>means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.</i></p> <p>(National Planning Standard definition)</p>
river	<p>has the same meaning as in section 2 of the RMA (as set out below)</p>

	<p><i>means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).</i></p> <p>(National Planning Standard definition)</p>
water	<p>has the same meaning as in section 2 of the RMA (as set out below)</p> <p>(a) <i>means water in all its physical forms whether flowing or not and whether over or under the ground:</i></p> <p>(b) <i>includes fresh water, coastal water, and geothermal water:</i></p> <p>(c) <i>does not include water in any form while in any pipe, tank, or cistern.</i></p> <p>(National Planning Standard definition)</p>
waterbody	<p>has the same meaning as in section 2 of the RMA (as set out below)</p> <p><i>means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.</i></p> <p>(National Planning Standard definition)</p>

Chapter: Abbreviations

CRC	Canterbury Regional Council
District	Mackenzie District
District Plan	Mackenzie District Plan
MDC	Mackenzie District Council
NES	National Environmental Standard
NPS	National Policy Statement
RMA	Resource Management Act 1991
CRPS	Canterbury Regional Policy Statement

Chapter: Glossary

ara tawhito	Ancient trails.
atua	God, supernatural being.
hapū	Sub-tribe, extended whānau.
iwi	Tribe.
Kāi Tahu	The collective of the individuals who descend from one or more of the of the five primary hapū of Kāi Tahu, Kāti Māmoe and Waitaha.
kāika	Settlement.
kāika nohoaka	Place of residence or shelter.
kaitiaki	Guardian.
kaitiakitaka	The exercise of customary custodianship, in a manner that incorporates spiritual matters, by takata whenua who hold Manawhenua status for a particular area or resource.
Kāti Huirapa	The hapū that holds rights of mana whenua for the lands, waters, coastal and marine environments between the Rakaia River in the north, Waitaki River in the south and between the East Coast and the Southern Alps.
kawa	Rules, protocols or procedures.
ki uta ki tai	'From the mountains to the sea'.

Koiwi Takata	Human skeletal remains.
mahika kai	Places where food is produced or procured.
mana whenua	Those who exercise customary authority or Rakatirataka.
manaakitaka	Show kindness to, look after, entertain.
manuhiri noho	Place of shelter for visitors.
mātauraka	Māori knowledge.
mauri	Essential life force or principle; a metaphysical quality inherent in all things both animate and inanimate.
Ngā Rūnanga	Multiple rūnanga.
nohoaka	Seasonal occupation sites where food is gathered.
Pā	Fortification.
papakāika	Traditional settlement or settlement on traditional land.
Papatipu Rūnaka	Traditional Rūnaka.
Pou	A pole, pillar, sign post or totem post used to identify a territory or area of land that is significant to an iwi/tribe/hapu. A pou is also a link to ancestors who lived on the site or in that area.
rakatirataka	Chieftanship; self-determination. In the context of the Resource Management Act, rakatirataka includes the active involvement of mana whenua in resource management decision-making processes.
repo	Wetland.
rohe	Boundary.
rūnaka	Local representative group or community system of representation.
takata tiaki	The people who are responsible for exercising kaitiakitaka.
Takata Whenua	The iwi or hapū that holds mana whenua in a particular area.
takiwā	Area, region, district (synonym for rohe).
taniwha	Legendary serpent-like creature.
taoka	Treasure.
tauraka waka	Canoe mooring site.
te ao tūroa	The natural environment.
Te Manahuna	The Mackenzie Basin.
te reo	The language.
Te Rūnanga o Arowhenua	The whānau who whakapapa to Kāti Huirapa. The takiwā of Te Runanga o Arowhenua centres on Arowhenua (Temuka) and extends from Rakaia to Waitaki, sharing interests with Ngai Tuahuriri ki Kaiapoi between Hakatere and Rakaia, and thence inland to Aoraki and the Main Divide.
Te Rūnanga o Waihao	The papatipu runanga of Waihao whanui and their respective takiwā. The takiwā of Te Runanga o Waihao centres on Wainono, sharing interests with Te Runanga o Arowhenua to Waitaki, and extends inland to Omarama and the Main Divide.
Te Rūnanga o Moeraki	The papatipu runanga of Moeraki whanui and their respective takiwā. The takiwā of Te Runanga o Moeraki centres on Moeraki and extends from Waitaki to Waihemo and inland to the Main Divide.
Te Rūnanga o Ngāi Tahu	Te Rūnanga o Ngāi Tahu Act 1996 described the takiwā of Kā Papatipu Rūnaka, which was revised in the Te Runanga o Ngai Tahu (Declaration of Membership) Order 2001
Te Wai Pounamu	The South Island.
tikaka	Customary values and practices.
tīpuna/ tūpuna	Ancestors.
tuhituhi o neherā	Māori rock art.
tūrakawaewae	Place of belonging through ancestral rights linked to land, place to stand.

Umu-ti	Earth oven used for cooking.
urupā	Burial site.
wāhi taoka	Resources, places and sites treasured by Manawhenua. Wāhi taoka is the term used to refer to such places where they are land-based and wai taoka is used to refer to waterways.
wāhi tapu	Places sacred to takata whenua. Wāhi tapu is the term used to refer to such places where they are land-based and wai tapu is used to refer to waterways.
wāhi tūpuna	Broader geographical areas/ cultural landscapes that hold significant value to Kāi Tahu due to the concentration of wāhi tapu or taoka values, or the importance of the area to cultural traditions, history or identity.
wai puna	Spring.
wai taoka	Resources, places and sites treasured by Manawhenua. Wāhi taoka is the term used to refer to such places where they are land-based and wai taoka is used to refer to waterways.
wai tapu	Places sacred to takata whenua. Wāhi tapu is the term used to refer to such places where they are land-based and wai tapu is used to refer to waterways.
wairua	Life principle, spirit.
wānaa o tohuka	Place of learning or customary learning method.
whakapapa	Genealogy.
Whānau/ whānui	Family.
whanaukataka	The process of establishing relationships and relating well to others.
Whare Tupuna/ Wharenuī	Ancestral meeting house.
whare wānaka	Place of learning.

Section: National Direction Instruments

Chapter: National Policy Statements and New Zealand Coastal Policy Statement

NPSs and the NZCPS form part of the RMA's policy framework and are prepared by central government. NPSs and the NZCPS contain objectives, policies and methods that must be given effect to by policy statements and plans. NPSs and the NZCPS must also be given regard to by consent authorities when making decisions on resource consent applications, alongside other considerations.

The following provides an overview of the relevant review/s of the District Plan that have undertaken in relation to NPSs and the NZCPS.

National Policy Statement for Freshwater Management 2020	The District Plan has been reviewed insofar as the policy statement is relevant to the Strategic Direction chapters (May 2022). Subsequent plan changes will be reviewed against the Policy Statement as relevant.
National Policy Statement on Urban Development 2020	This National Policy Statement does not apply to the Plan.
National Policy Statement on Renewable Electricity Generation 2011	The District Plan has been reviewed insofar as the Policy Statement is relevant to the Strategic Direction chapters (May 2022). Subsequent plan changes will be reviewed against the Policy Statement as relevant.
New Zealand Coastal Policy Statement 2010	This National Policy Statement does not apply to the Plan.
National Policy Statement on Electricity Transmission 2008	The District Plan has been reviewed insofar as the Policy Statement is relevant to the Strategic Direction chapters (May 2022). Subsequent plan changes will be reviewed against the Policy Statement as relevant.

Chapter: National Environmental Standards

National environmental standards (NESs) are prepared by central government and can prescribe technical standards, methods (including rules) and/or other requirements for environmental matters throughout the whole country or specific areas. If an activity doesn't comply with an NES, it is likely to require a resource consent. NESs must be observed and enforced by local authorities. The following NESs are currently in force:

- Resource Management (National Environmental Standard on Plantation Forestry) Regulations 2017
- Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016
- Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
- Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009
- Resource Management (National Environmental Standard for Sources of Drinking Water) Regulations 2007

- Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (amended 2011)
 - Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020
 - Resource Management (National Environmental Standards for Freshwater) Regulations 2020
-

Chapter: Regulations

The regulations included in this chapter come under the Resource Management Act 1991 (excluding the national environmental standards listed above). These regulations are:

- Resource Management (Discount on Administrative Charges) Regulations 2010
 - Resource Management (Exemption) Regulations 1996
 - Resource Management (Exemption) Regulations 2017
 - Resource Management (Forms, Fees, and Procedure) Regulations 2003
 - Resource Management (Infringement Offences) Regulations 1999
 - Resource Management (Marine Pollution) Regulations 1998
 - Resource Management (Measurement and Reporting of Water Takes) Regulations 2010.
 - Resource Management (Network Utility Operations) Regulations 2016
 - Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991
-

Chapter: Water Conservation Orders

Regional policy statements, regional plans and district plans cannot be inconsistent with the provisions of a water conservation order. A water conservation order can prohibit or restrict a regional council issuing new water and discharge permits, although it cannot affect existing permits.

There are no water conservation orders within Mackenzie District.

Section: Mana Whenua

Chapter: Mana Whenua

MW1 Identity of Kāi Tahu in the Mackenzie District

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 Mackenzie 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).

The story of Arowhenua begins with Aoraki and the creation of Te Waipounamu (South Island). The Aoraki area is of immense cultural, spiritual and traditional significance to Kāi Tahu Whānui. Aoraki is at the heart of Kāi Tahu creation traditions and is central to their whakapapa and identity. Aoraki is the most sacred of Kāi Tahu tūpuna (ancestors), from whom mana whenua descend. The story of Aoraki and his brothers has been passed down through many generations of our people and has endured across both time and tribe to continue as a creation mythology of high importance to Iwi. This creation story of the landscape surrounding Arowhenua is a central tradition for the Waitaha, Rapuwai, Kāti Hāwea, Kāti Māmoe, and Kāi Tahu tribes from which the local hapū Kāti Huirapa¹ carry descent. It is largely on this basis, and as the principal marae in the region, that the Kāti Huirapa assume responsibility as kaitiaki along with Te Rūnanga o Waihao and Te Rūnanga o Moeraki (Moeraki) - guardians to Aoraki/Mt Cook and the surrounding areas.

The takiwā of Kāti Huirapa extends over the area from the Rakaia Catchment to the Waitaki Catchment, inland to Aoraki and the Main Divide and seaward across the exclusive economic zone. The history of the land goes back to about 850 AD when, according to tradition, Rākaihautū came to Te Waipounamu (South Island) from Hawaiki in the canoe Uruao. The canoe landed at the boulder bank at Nelson. While his son Te Rākihōuia took some of the party down the east coast, Rākaihautū led the remainder through the interior to Foveaux Strait. With his digging stick, Rākaihautū dug Te Kari Kari O Rākaihautū (the southern lakes). Te Rākihōuia proceeded south in Uruoa down the Canterbury Coast where he placed eel weirs at the mouths of rivers. The posts he left behind became known as Nga Pou Pou O Rākihōuia. 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 Riverbed near Wai Kakahi (near Glenavy).

Kāi Tahu traditions link mana whenua to their tūpuna and the cosmological world of the gods. These histories reinforce tribal identity and connection between generations, documenting the events which shaped the environment of Te Wai Pounamu and Kāi Tahu as an iwi. At the centre of these traditions is Aoraki the mauka atua.

Kāti Huirapa have lived on the fertile coastal plains of mid and south Canterbury and the inland basin of Te Manahuna (Mackenzie Basin) for hundreds of years, venturing up the river valleys into the mountains of the takiwā, crossing the passes (ara tawhito) inland to Te Manahuna, or over to Te Tai Poutini (West Coast) to access and process mahinga kai. The waters that flow from Aoraki and Kai Tiritiri-o-te-moana (the Southern Alps) supported the substantial mahika kai of the Te Manahuna, which drew Kai Tahu tūpuna to the area on a seasonal basis. Their travel dictated by the knowledge of where food, water and other resources could be found at particular times of the year. Their ancestors carried little. Kāti Huirapa were entrusted to care for their takiwā and as owners by

¹ Kati Huirapa is the hapu for Te Rūnanga o Arowhenua.

customary right, they were responsible for looking after their lands, waters and the resources they sustained.

It was the natural resources that attracted Māori people to Te Wai Pounamu, and the enjoyment of these is what kept them there. The distinctive flavours of birds, eel, fish and other wildlife bound the people to the land and to the waters and strengthened their will to hold on to them as well as learn and converse with tūpuna and atua in whare wānaka.

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 ti kouka (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. The natural and physical resources and traditional areas such as mahinga kai sites within Mackenzie District remain culturally and spiritually important to Kāti Huirapa. Manawhenua maintains its guardianship obligations (takata tiaki duties) to ensure that the health and survival of these resources and areas are maintained for future generations.

Kāti Huirapa have a strong sense of 'tūrangawaewae' where one belongs and has a right to stand as their ancestors stood before them. Whakapapa bestows Kāti Huirapa with their identity, rights and responsibilities. It defines their relationship with the land and waters – how they should be used, how to move across them safely and how to care for them. In return, the takiwā provided physical and spiritual nourishment for whānau, with plentiful food, medicine, water and natural resources for survival.

MW2 *Mana Whenua Values and Interests in the Management of Resources*

MW2.1 Mana Whenua 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 mana whenua 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. Those Kāi Tahu rūnanga that whakapapa to the Mackenzie District are Kāti Huirapa (Te Rūnanga o Arowhenua), Te Rūnanga o Waihao and Te Rūnanga o Moeraki, with Kāti Huirapa being the lead authority.

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 mana whenua 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 whanau and hapū, and so affects their mana.

MW2.1.2 Tikaka

Tikaka Māori 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 hinekaro (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.

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 wahi tapu sites and requires that certain protocols are observed before entering a site.

MW2.1.3 Mauri

For Kāti Huirapa, Waihao and Moeraki, 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 Kāti Huirapa, Waihao and Moeraki 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 Kāti 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 protocol) 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 mana whenua 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.

MW2.1.4 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. 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 mana whenua 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 Kāti Huirapa, Waihao and Moeraki, 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 it is important for resource users and decision-makers to engage meaningfully with those holding mana whenua over an area.

MW2.1.5 Rakatirataka

Rakatirataka is the mana or authority to exercise the relationship between Kāti Huirapa, Waihao and Moeraki 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, Kāti Huirapa, Waihao and Moeraki 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 Resource Management Act, rakatirataka includes the active involvement of mana whenua in resource management decision-making processes. Rakatirataka is also recognised through a planning framework that enables Kāi Tahu to maintain customary practices and to use their ancestral land in a way that supports their identity and wellbeing.

MW2.1.6 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.

MW2.1.7 Taoka/Wāhi Taoka

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 Kāti Huirapa, Waihao and Moeraki, derived from the atua (gods or deities) and left by the tipuna to provide and sustain life. All taoka are part of the cultural and tribal identity of an iwi.

Wāhi taoka 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. 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.

MW2.1.8 Mahika Kai

The maintenance of the diversity, quality and quantity of resources valued for mahika kai, is crucial to Kāti Huirapa, Waihao and Moeraki.

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 Kāi Tahu and marae.

The importance of mahika kai to Kāti Huirapa, Waihao and Moeraki is reflected in the Ngāi Tahu Claims Settlement Act, which contains a range of mahika kai-related elements, including statutory acknowledgements, nohoaka (temporary campsites), taoka species and customary fisheries management.

MW2.1.9 Wāhi Tapu and Wāhi Tūpuna

Wāhi tapu are sacred sites or areas held in reverence according to whakapapa. Wāhi tapu may be associated with creation stories of tākata whenua, particular events, such as battles or ceremonies, sacred locations such as where whenua or placenta is buried, or sites where a particular valued resource is found.

Examples of wāhi tapu and tūpuna include:

- Kōiwi tākata (human remains), urupā (burial sites), and waiwhakaheke tūpāpaku (water burial sites) such as Lake Takapō;
- Buried whakairo (carvings) and tuhituhi o neherā (archaeological and rock art sites) such as the sites between Lake Takapō and Takamana/Lake Alexandrina; and
- Significant wāhi tupuna ancestral site such as Moturariki Island in Lake Takapō.

Both the Resource Management Act 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 Māori provides the framework to ensure appropriate respect for, and treatment, of wāhi tapu.

It is important to mana whenua that wāhi tapu sites are protected from inappropriate activity and that there is continued access to such sites for Kāti Huirapa, Waihao and Moeraki. 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 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 Kāti Huirapa, Waihao and Moeraki 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 or taoka values, or the importance of the area to cultural traditions, history or identity. Wāhi tūpuna provide current and future generations of Kāti Huirapa, Waihao and Moeraki 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 Kāti Huirapa, Waihao and Moeraki with the place will continue and develop over time.

Indicators of wāhi tūpuna include pā and kāika, ara tawhito, mahika kai, wāhi tapu, tohu (markers such as prominent features (landscapes including rivers and lakes), mountain ranges (Southern Alps) and passes (Burkes Pass) 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 Mackenzie 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 district and the broader rohe. Historically many alpine areas or places near the District's waterbodies and lakes were rich in mahika kai resources and attracted 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, Waihao and Moeraki 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 district include, but are not limited to the following matters.

MW2.2.2 Inland Waterbodies and Areas of Indigenous Vegetation.

Kāti Huirapa, Waihao and Moeraki see rivers and waterways as the arteries of the landscape that connect and sustain lakes, freshwater wetlands and inland deltas ki uta ki tai – from the mountains to the sea. Lakes Takapō, Whakarukumoana (McGregor), Takamana (Alexandrina) Pūkaki, Ōhau and Benmore rely on alpine fed rivers and waterways, and the river systems that provide that are a life force that flows down to the coast. The lakes are of great significance to manawhenua due to long relationship with the area, presence of wāhi tapu and wāhi taoka and particularly the important mahika kai values and are also shown by the nohoanga sites found in the Mackenzie district. Development in the Mackenzie district is generally in the areas Rūnanga also used, for example around the lakes. This has meant there has been 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 other waterbodies including wetlands 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. Manawhenua are concerned about the degradation of these resources that has occurred as a result of prioritisation of economic activities and farming practices over the sustenance of the environment.

Matters of concern include:

- The effects of vegetation clearance, earthworks, stormwater runoff and waste generation, particularly from agricultural practices, industrial activities, and quarrying on the quality of water and aquatic life in lakes, rivers, and wetlands;
- The impact on tīpuna, wāhi tapu and other culturally significant lakes and waterways from inappropriate tourism activities such as the operation of motor boating activities on Whakarukumoana (McGregor), Takamana (Alexandrina) Pūkaki and within 200 m of Motuariki Island, the small island in the middle of Takapō (Lake Tekapō);
- The effects of land use near streams and the lakes 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 degradation and loss of wetlands through land development; and

- The effects of land use intensification on the health of mahika kai.

MW2.2.3 Culturally Significant Sites and Wāhi Tūpuna

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

Mahika kai is at the heart of mana whenua culture, identity and practice today. Mahika kai refers to Kāi Tahu interests in traditional food and other natural resources and includes the species, related habitats and conditions required to support mahika kai practices. The locations in which mana whenua participated in mahika kai practices were close to traditional pa sites, the beds of rivers and along the shores of the numerous lakes within the Mackenzie Basin. It is at these locations where archaeological sites have been discovered in more recent times. The ability of mana whenua to continue mahika kai practices in the Mackenzie District has greatly diminished in the last 150 years. Kāti Huirapa, Waihao and Moeraki have restricted access to resources due to changes in land practices, water use, quality and tenure, the introduction of pests and from development. It is often thought that mahika kai practices are limited to a few historical fishing sites, rather than being a contemporary philosophy that takes place throughout the entire catchment and still lies at the heart of Kāi Tahu culture. With the loss of wāhi tapu, wāhi tūpuna and other culturally significant sites as land was settled and altered, townships established and rivers were drained and dammed, mahika kai practices have had to adapt. Where mana whenua can continue the practices of their tūpuna, in the places they used, they treasure this greatly.

Information about some areas and 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:

- Loss of wāhi tūpuna associations through inappropriate location of structures or obstruction of connections through the landscape;
- The effects of land disturbance on wāhi tapu, wāhi tūpuna and archaeological sites;
- Adverse effects on the values of culturally significant sites from establishment of inappropriate activities in close proximity;
- The effects of nearby land use activities on the integrity of the limestone features that support rock art.
- The adverse effects on nohoanga sites and on water bodies from activities identified in the previous section; and
- Use of incorrect te reo Māori place names that do not properly reflect and respect the tūpuna associations with the place.

MW2.2.4 Practical Expression of Rakatirataka and Kaitiakitaka Role in Resource Management

The Treaty of Waitangi, in return for granting sovereignty to the Crown, guarantees active protection of the rakatirataka of takata whenua in respect of their natural and physical resources and taoka. A council's role under the Treaty is to give effect to the Treaty vision in the manner expressed in the Resource Management Act.

In relation to the District Plan, the relevant principles of the Treaty of Waitangi include:

- Rakatirataka - the authority and ability 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 protection - a duty to take an active role in the protection of the ability for mana whenua to use and manage their traditional resources and taoka to the fullest extent practicable.

As mana whenua in the Mackenzie District, and consistent with the recognition of rakatirataka in the Ngāi Tahu Claims Settlement Act 1998, Kāti Tahu 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, Kati Huirapa, Waihao and Moeraki 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:

- Recognition of Treaty 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;
- Consultation with Te Rūnanga o Arowhenua on all matters related to the mana whenua values and interests described in this chapter of the Plan, especially matters related to the health of mahika kai and water body environments;
- Provision of opportunities for active involvement in resource management decision-making and monitoring; and
- Resourcing of the relationship between Kāti Huirapa and the Council.

MW3 Treaty Settlement Requirements

MW3.1 Overview

The Ngāi Tahu Claims Settlement Act 1998, in addition to recognising the rakatirataka of Kāti 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

In recognition of the interests held by iwi and hapu in these sites, the Council will have regard to effects on Kāti Huirapa, Waihao and Moeraki when making decisions relating to affected parties, under section 95E of the Resource Management Act 1991, for any resource consent application that may affect the values of the identified statutory acknowledgements recognised in the Mackenzie District are:

- Aoraki / Mount Cook (Schedule 14);
- Lake Ōhau (Schedule 32);
- Lake Pūkaki (Schedule 34);
- Lake Takapō/Tekapo (Schedule 57);
- Lake Benmore (Schedule 59); and
- Whakarukumoana / Lake McGregor (Schedule 77);

The Council will forward advice of 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. It must have regard to effects on Kāti Huirapa, Waihao and Moeraki 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 Plan as Sites and Areas of Significance to Māori, and their values are protected through the provisions relating to those sites.

MW3.4 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, Ngāi Tahu Claims Settlement Act 1998).

There are six nohoaka in the Mackenzie District. These sites are:

- Two sites are situated on the northern bank of Ōhau River between Lakes Ōhau and Ruataniwha.
- One site on the northern shoreline of Lake Benmore;
- One site on the southern shoreline of Lake Pūkaki
- One on the southern shoreline of Takamana (Lake Alexandrina); and

- One on the southern shoreline of Whakarukumoana (Lake McGregor)

In recognition of the interests held by iwi and hapu in these sites, the Council will have regard to effects on Kāti Huirapa, Waihao and Moeraki when making decisions relating to affected parties, under section 95E of the Resource Management Act 1991, for any resource consent application that may affect the values of the identified nohoaka.

MW4 Mana Whenua

Kāti Huirapa is recognised in the Te Rūnanga o Ngāi Tahu Act 1996 as a Papatipu Rūnanga (Te Rūnanga o Arowhenua). Papatipu Rūnanga are the modern assemblages representing Ngāi Tahu Mana whenua and are principally responsible for managing the collective interests of their members in the areas of cultural, spiritual, economic, moral and social spheres. Membership of Te Rūnanga o Arowhenua is based on whakapapa.

The Te Rūnanga o Ngāi Tahu Act 1996 describes the takiwā of Ngā Papatipu Rūnanga. This description was revised in the Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001. That order describes both the takiwā of Te Rūnanga o Arowhenua and other Papatipu Rūnanga who also whakapapa back to the Mackenzie District. They are:

Te Rūnanga o Waihao	The takiwā of Te Rūnanga o Waihao centres on Wainono, sharing interests with Te Rūnanga o Arowhenua to Waitaki, and extends inland to Ōmārama and the Main Divide.
Te Rūnanga o Moeraki	The takiwā of Te Rūnanga o Moeraki centres on Moeraki and extends from Waitaki to Waihemo and inland to the Main Divide. Te Rūnanga o Moeraki have an interest in the Mackenzie Basin.

Te Rūnanga o Arowhenua work collaboratively with those Papatipu Rūnanga with a shared interest. It is important for agencies and communities to realise that it is not their role to determine how shared interests are to be managed – this can only be done by Papatipu Rūnanga.

MW5 Hapū and Iwi Planning Documents

Under section 74(2A) of the Resource Management Act 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. An extensive replacement for this was prepared in 2022.
- Te Rūnanga o Waihao, Te Rūnanga o Moeraki and Te Rūnanga o Arowhenua prepared the Waitaki Iwi Management Plan in 2019.

Relevant matters in the iwi management plans have been taken into account in this Plan through participation of Te Rūnanga o Arowhenua representatives in development of the Plan provisions.

MW6 Participation of Mana Whenua in Resource Management Act Processes

MW6.1 Formal Agreements

The Mackenzie District is the shared takiwā of three Papatipu Rūnanga, being Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki.

The Rūnanga are supported by two not for profit environmental entities:

- Aoraki Environmental Consultancy Limited (AECL) is mandated to support Te Rūnanga o Arowhenua in its environmental aspirations and enable it to undertake kaitiakitaka over its rohe.
- Aukaha (1997) Limited is mandated to support Te Rūnanga o Waihao and Te Rūnanga o Moeraki to provide environmental services.

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

AECL will work with Aukaha, together as environmental entities to ascertain which Rūnanga will take the lead in regard to providing advice to Mackenzie District Council for consistency purposes.

MW6.2 Involvement in Decision-Making Processes

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 Resource Management Act. In particular, Te Rūnanga o Arowhenua seeks opportunities to participate at early stages of development of Council resource consent proposals, creation and review of policy and strategic documents and joint projects across the Mackenzie District.

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 Resource Management Act.

MW6.3 Consultation Expectations

The Council will consult AECL and Aukaha, on all matters related to the mana whenua values and interests identified in this 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 and Aukaha on any matters where the District Plan identifies that cultural values need to be considered.