



# **Mackenzie** DISTRICT PLAN REVIEW

TOMORROW'S MACKENZIE  
KA AWATEA HŌU

## **Section 32 Report:**

### **Plan Change 24 – Sites and Areas of Significance to Māori (SASM)**

**Final for Notification**

**4 November 2023**

## CONTENTS

1.	Introduction .....	3
	Purpose of this Report .....	3
	Topic .....	3
	District Plan Review Process .....	3
	Provisions .....	4
	Relationship with Other Stages .....	6
	Relationship with Other District Plan Chapters .....	7
2.	Statutory Context .....	7
	Functions Under s31 of the Act .....	8
	Part 2 of the Act – Sections 5, 6, 7 & 8 .....	8
	National Planning Standards .....	9
	Planning Documents .....	9
3.	Strategic Directions .....	16
4.	Current Approach .....	17
	Operative District Plan .....	17
5.	Issues .....	17
	Investment Logic Map .....	17
	Lack of Recognition of Sites of Significance .....	19
6.	Technical Input and Consultation .....	20
	Technical Input into Identifying SASM and Protections .....	20
	Iwi Authority Advice .....	20
	Consultation .....	20
7.	Scale and Significance .....	26
8.	Evaluation of Objectives .....	26
	Introduction .....	26
	Summary .....	31
9.	Evaluation of Proposed Policies, Rules and Other Methods .....	31
	Introduction .....	31
	Identification of SASM .....	31
	Risk of Acting or Not Acting .....	34
	Overall Evaluation of Appropriateness .....	34
	Providing for the Relationship of Mana Whenua within SASM .....	34
	Risk of Acting or Not Acting .....	38
	Overall Evaluation of Appropriateness .....	38

Managing Risks to the Values of SASM .....	39
Risk of Acting or Not Acting .....	44
Overall Evaluation of Appropriateness .....	44
10. Conclusion / Reasons .....	45

## Tables

Table 1: Assessment of Relevant Legislation and Planning Documents.....	9
Table 2: Feedback Received from Key Stakeholders and Community Regarding SASM Chapter and Reasons for Adopting or Not Adopting Suggestions.....	21
Table 3: Evaluation of Objectives .....	27
Table 4: Identification of SASM Provisions .....	31
Table 5: Assessment Against Relevant Objectives.....	32
Table 6: Providing for the Relationship of Mana Whenua with SASM .....	34
Table 7: Assessment Against Relevant Objectives.....	35
Table 8: Managing Risks to the Values of SASM.....	39
Table 9: Assessment Against Relevant Objectives.....	40

## 1. Introduction

### Purpose of this Report

- 1.1. Section 32 ('s32') of the Resource Management Act 1991 ('the RMA', 'the Act') requires an evaluation to be undertaken of the changes proposed to the Mackenzie District Plan ('District Plan') through Plan Change 24 ('PC24'). The evaluation must be provided in a report which examines whether the objectives are the most appropriate in achieving the purpose of the RMA, and whether the policies and methods, taking into account their costs, benefits, efficiency and effectiveness, are the most appropriate way to achieve the objectives. The report must also assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. The analysis set out in this report is to fulfil the obligations of the Council under s32 of the RMA.

### Topic

- 1.2. This s32 report relates to the identification (through mapping) of Sites and Areas of Significance to Māori ('SASM') and the provisions (objectives, policies and rules) contained in the proposed SASM Chapter. It is noted that in order to achieve the objectives and implement the policies in the SASM Chapter, provisions in other chapters in the Plan are also proposed in Plan Changes 23, 25, 26 and 27, which collectively with the existing Strategic Direction chapters and those proposed in the SASM chapter seek to reflect the relationship Te Rūnanga o Ngāi Tahu have with Te Manahuna / the Mackenzie District.

### District Plan Review Process

- 1.3. The introduction of the SASM chapter through Plan Change 24 is part of Stage 3 of the overall review of the District Plan.
- 1.4. Prior to the District Plan Review, the Council undertook a survey of the community to ascertain what residents valued about their district and what values they wished to see protected. The results of the survey saw the environment as having the highest value with residents' recognising the need to protect the environment and unique landscape for social, cultural and economic purposes.
- 1.5. The National Planning Standards ('NPS'), which direct the structure of district plans, provides the ability to include an SASM chapter in the District Plan. The Operative District Plan ('Operative Plan') does not identify, nor include provisions to protect sites and areas of significance to Māori; consequently, a need was identified to work with Ngā Rūnaka to develop new provisions with the aim of identifying and managing SASM.
- 1.6. The background technical work undertaken to inform this s32 has involved:
  - A review of the Operative Plan provisions relating to Takata Whenua;
  - A review of relevant national and district planning documents;
  - A review of the approach taken in other district plans;

- Input from Te Rūnanga o Ngāi Tahu and Ngā Rūnaka to identify five key cultural values (wāhi tupuna, wāhi taoka, wāhi tapu, wai taoka and wai tapu) that reflect the significance of Te Manahuna / Mackenzie District;
- Input from Te Rūnanga o Ngāi Tahu and Ngā Rūnaka to identify landscape features and sites, which reflect the uniqueness of Te Manahuna / the Mackenzie District to be included in the SASM mapping overlay.
- Identification of potential threats on mahika kai, rock art, nohoaka sites and the cultural landscape across Te Manahuna / Mackenzie and ascertaining where District Plan interventions may be necessary to manage those threats;
- Working with the drafters of Plan Changes 23, 25, 26 and 27 to confirm whether the identified threats are sufficiently managed in the controls introduced through the provisions in those plan changes, and where additional bespoke provisions are required in the SASM chapter to achieve the outcomes sought.

1.7. Engagement with the community was undertaken during March 2023 to introduce the five key cultural values and the intended approach to the SASM chapter. The issues identified from the background report directed the discussion with key stakeholders, as well as potential options to address those issues. The feedback received was then used to inform a ‘Preferred Approach’ to the SASM overlay within the District Plan maps and the integration of SASM values throughout other chapters in the District Plan. The Preferred Approach was then used to draft the proposed provisions, which are evaluated in this report.

## Provisions

1.8. This s32 report relates to the following chapter proposed within Part 2 – District Wide Matters of the District Plan:

- Historical and Cultural Values:
  - SASM – Sites and Areas of Significance to Māori

1.9. PC24 also proposed to introduce the following definitions in Part 1 – Introduction and General Provisions – Interpretation:

- commercial forest or commercial forestry
- discharge
- earthworks
- exotic continuous-cover forest or exotic continuous-cover forestry
- exotic forest
- functional need
- greywater
- industrial and trade waste
- irrigation
- landfill
- mahika kai activities
- midden
- Ngā Rūnaka

- plantation forest or plantation forestry
- quarrying activities
- silent file
- subdivision
- wastewater
- wetland

1.10. PC24 proposes to adopt the definition of terms introduced through Plan Changes 20 and/or 21, where those terms are used in the SASM Chapter.

1.11. PC24 also proposes to add the following terms to the glossary in Part 1 – Introduction and General Provisions – Interpretation:

- arai-te-uru
- āruhe
- awa
- Kā Tiritiri-o-te-moana
- kaitahutanga
- kaumatua
- kauru
- kōareare
- mana
- maunga/mauka
- mokopuna (moko)
- Papatūānuku
- Rakinui
- rangatira
- tuna
- wāhi ikoia
- wai tapu
- whenua

1.12. PC24 proposes to delete the following terms from the Operative Plan (Section 3) as the terms have already been included in the Glossary section or have been proposed as part of PC24. The purpose for deleting the terms from the Operative Plan is to prevent duplication and confusion.

- Earthworks
- Hapu
- Iwi
- Kai Tahu (Ngāi Tahu)
- Kaitiaki

- Kaitiakitoka (kaitiakitanga)
- Kati Huirapa
- Kaumatua
- Koiwi Takata
- Mahika (Mahinga) Kai
- Mana Whenua
- Takata Whenua (tangata whenua)
- Taoka (taonga)
- Te Waipounamu
- Tikaka Māori
- Tino rākitirataka (rangitiratanga)
- Wāhi tapu

1.13. PC24 proposes to delete the definition of ‘Taoka’ from Section 3 of the Operative District Plan and amend the meaning of ‘Taoka’ which was included within the Glossary through Plan Change 20 (‘PC20’). The glossary term is currently defined as “*Treasure*”; however, the meaning of taoka has a much wider context in terms of SASM. To avoid duplication and inconsistency, it is proposed to replace the glossary term ‘taoka’ with the definition currently contained in Section 3 - “*treasured possessions, both tangible and intangible*”.

1.14. PC24 also proposes to amend the meaning of ‘Te Manahuna’ (introduced within the Glossary through PC20). This currently refers only to the Mackenzie Basin, but is proposed to be amended to refer to District as a whole. This reflects that while the historic relationship mana whenua have with areas does not line up neatly with contemporary local authority boundaries, there are areas throughout the district which are of importance, and Te Manahuna better encompasses the contemporary relationship and reflects the area to which the District Plan applies.

1.15. PC24 also proposes to amend the planning maps to introduce an SASM Overlay, applying to those sites identified in the Schedules to the SASM Chapter.

## **Relationship with Other Stages**

1.16. PC24 builds on the Mana Whenua chapter and the Strategic Direction chapters introduced through PC20 (Stage One of the District Plan Review), which are now operative. PC24 must assist in achieving the strategic objectives.

1.17. PC24 does not include activities and provisions associated with Historic Heritage. This chapter is to be considered as part of Stage Four of the District Plan Review. PC24 therefore does not propose to amend the relevant parts of the Heritage Chapter in the Operative Plan that relate to sites and areas of significance to Māori.

1.18. PC24 does not seek to delete, amend or introduce new provisions into Section 19 - Ecosystem and Indigenous Biodiversity. Section 19 has been introduced through Plan Change 18 (‘PC18’) and is currently before the Environment Court. However, PC24 proposes to include provisions in the SASM Chapter that enable Ngā Rūnaka to clear/harvest indigenous vegetation in

accordance with tikaka in specific circumstances, which will prevail over the rules in Section 19.

1.19. Aoraki / Mount Cook National Park is proposed to be included within the SASM Overlay. Currently, this area is unzoned in the Operative District Plan and not subject to any overlays. The zoning of Aoraki / Mount Cook National Park and application of any additional overlays will be considered as part of Stage Four of the District Plan Review. However, given its significance to mana whenua, it is considered appropriate to include it within the SASM Overlay as part of PC24, and therefore the provisions within the SASM chapter will apply to this area, regardless of any zone or additional overlay provisions that may be introduced in Stage Four.

## **Relationship with Other District Plan Chapters**

1.20. There is currently a gap within the District Plan of the representation of Mackenzie's heritage, particularly the visibility of SASM. The inclusion of a SASM chapter, as well as integration of SASM values within other provisions across the District Plan, seeks to significantly improve how the District Plan provides for the heritage of Ngā Rūnaka, from the current approach, where there are very few rules that protect the values of mana whenua. PC24 inherently relates to and expands on the themes set out in the Mana Whenua Chapter of the District Plan, which sets out mana whenua's identity and relationship with the district, the broad concepts of how they see resources managed and introduces key concepts and terms like kaitiakitaka, rakatirataka and ki uta ki tai.

1.21. The proposed SASM chapter should not be seen as a 'stand-alone' chapter of the Plan, as there are provisions in the proposed Renewable Electricity Generation, Infrastructure, General Rural Zone, Natural Features and Landscapes, Public Access, Subdivision, Natural Character and Earthworks chapters of the Plan (proposed through plan changes 23, 26 and 27) that are intended to appropriately provide for the protection of the values associated with the SASM. Where necessary the proposed rules in the SASM chapter override the provisions of the other chapters. The SASM objectives and policies will apply to activities managed across all chapters within the District Plan. This approach recognises that the mechanisms that provide for SASM can be addressed through rules that are already within the District Plan or proposed through other chapters that form part of Stage 3 and the future Stage 4.

## **2. Statutory Context**

2.1. Sections 74 and 75 of the Act sets out legal obligations when changing a District Plan. Consideration needs to be given to matters including whether the plan accords with the Council's functions under Section 31 of the RMA and the provisions of Part 2 of the RMA. They also direct how the plan is to be drafted/considered in relation to a range of other statutory documents. The following section sets out those matters addressed in sections 74 and 75 that are relevant to the development of the SASM chapter.

## Functions Under s31 of the Act

2.2. Section 31 sets out the functions given to territorial authorities for the purpose of giving effect to the Act in their district. Of relevance to this topic, territorial authorities have the function of establishing, implementing and reviewing objectives, policies and methods to:

- achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources in the district (s31(1)(a)); and
- control the actual and potential effects of use, development or protection of land (s31(1)(b)).

## Part 2 of the Act – Sections 5, 6, 7 & 8

2.3. Section 5 sets out the purpose of the Act, which is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. In achieving this purpose, authorities need to also recognise and provide for the matters of national importance identified in s6, have particular regard to other matters referred to in s7 and take into account the principles of the Treaty of Waitangi referred to in s8.

2.4. The provisions included in the Sites and Areas of Significance to Māori Chapter respond to the following requirements in Part 2:

- s6(e) concerning recognition and provision for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, wāhi tupuna and other taoka;
- s6(f) concerning the protection of historic heritage from inappropriate subdivision, use, and development;
- s7(a), relating to having particular regard to kaitiakitanga;
- s7(f) the maintenance and enhancement of the quality of the environment; and
- Section 8 of the Act requires the Council to take into account the principles of Te Tiriti o Waitangi / the Treaty of Waitangi

2.5. The PC24 provisions respond to the above matters because they are explicitly about recognising (through mapping) and providing for (through related provisions) the relationship of Ngā Rūnaka with those sites and areas within Te Manahuna / the Mackenzie District which have particular significance. Historic heritage, by definition, also includes sites of significance to Māori, and as such, the mapping of these areas and related provisions seek to prevent inappropriate subdivision, use and development in these areas. The provisions also relate to maintaining and enhancing the quality of the environment, noting the importance to mana whenua of the quality of the District's natural environment such as wai (water) within the lakes and rivers, indigenous flora and fauna, rock art and nohoaka sites unique to Te Manahuna / the Mackenzie District.

## National Planning Standards

2.6. Section 75(3)(ba) of the Act requires the District Plan to give effect to any national planning standard. The National Planning Standards 2019 contain the following aspects of relevance to this topic:

1. District Plan Structure Standard – requires that a chapter on Sites and areas of significance to Māori is included in a District Plan if relevant. The *Sites and areas of significance to Māori* chapter sits within the Historical and Cultural Values section.
2. District Wide Matters Standard – If the following matters are addressed, they must be located in the *Sites and areas of significance to Māori* chapter:
  - a. Descriptions of the sites and areas (e.g., wāhi tapu, wāhi tūpuna, statutory acknowledgement, customary rights, historic site, cultural landscapes, taoka and other culturally important sites and areas) when there is agreement by Māori to include this information;
  - b. Provisions to manage sites and areas of significance to Māori;
  - c. A description of agreed process of identification of sites and areas including an explanation of how takata whenua or mana whenua are engaged;
  - d. A description of any regulatory processes for identification.

## Planning Documents

2.7. Table 1 below provides a summary of any legislation and statutory documents relevant to the SASM Chapter.

**Table 1: Assessment of Relevant Legislation and Planning Documents**

<b>National Policy Statements</b>		
<b>Relevance: District Plan must give effect to (Section 75(3)(a))</b>		
<b>Document</b>	<b>Summary</b>	<b>Relevance</b>
<b>National Policy Statement for Freshwater Management 2020</b>	The National Policy Statement for Freshwater Management 2020 ('NPSFM') has the purpose of ensuring that prioritises the health and wellbeing of water bodies and freshwater ecosystems, followed by the health needs of people, followed by the ability of people and communities to provide for their social, economic and cultural well-being, now and in the future.	While many of the objectives and policies relate to the functions of regional councils, those covering integrated management, and takata whenua roles and interests are of relevance to the Council.
<b>National Policy Statement for Indigenous Biodiversity 2023</b>	The National Policy Statement for Indigenous Biodiversity 2023 ('NPSIB') is an essential part of the Government's response to biodiversity decline in New Zealand. The NPSIB provides direction to Councils to protect, maintain and restore indigenous	Provisions relating to ecosystems and indigenous biodiversity are contained in Section 19 of the District Plan, which was introduced through PC18. PC18 is currently before the Environment Court. PC18 was promulgated before the NPSIB was released, and future amendments

	<p>biodiversity requiring at least no further reduction nationally.</p> <p>The NPSIB is limited to land (terrestrial) ecosystems and some aspects of wetlands and will apply across all land types/tenures in New Zealand, both public and private.</p>	<p>will be made if and where necessary to give effect to the NPSIB. However the NPSIB is relevant to those provisions proposed in PC24 relating to indigenous biodiversity.</p> <p>The NPSIB requires every Council to maintain indigenous biodiversity so that there is at least no overall loss in indigenous biodiversity. To achieve this, Objective 1 states there is a need to recognise the mana of takata whenua as kaitiaki of indigenous biodiversity.</p> <p>The policies require every local authority to involve takata whenua as partners in the management of indigenous biodiversity by including local Ngā Rūnaka in decision making processes. In addition to this, when involving Ngā Rūnaka in the creation or change of objectives, policies and methods in plans and policies, there is a need to incorporate tikaka Māori.</p> <p>Under the NPSIB, the incorporation of tikaka values requires plans and policies to provide specific opportunities for Ngā Rūnaka to exercise kaitiakitaka and allow for the sustainable customary use of indigenous biodiversity in accordance with tikaka.</p>
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#### Regional Policy Statement

##### Relevance: District Plan must give effect to (Section 75(3)(c))

Document	Summary	Relevance
<b>Canterbury Regional Policy Statement</b>	<p>Chapter 2 of the Canterbury Regional Policy Statement ('CRPS') sets out resource management issues of significance to Ngāi Tahu and their desired outcomes in addressing those issues. This includes the desire that cultural landscapes are recognised, processes are enabled to facilitate their identification and these sites are protected and enhanced.</p> <p>Chapter 4 includes provisions during the development of their district plans,</p>	<p>The CRPS clearly anticipates that District Councils work with mana whenua to identify and protect areas of significance to them in District Plans and anticipates that these may be in the form of waterways and cultural landscape areas. District Plans should encourage the protection of areas of significance to Ngā Rūnaka so that tikaka Māori can be observed on wai tapu, wai taoka, wāhi tapu, wāhi taoka and wāhi tupuna sites.</p>

	<p>Territorial Authorities will take into account Iwi Management Plans and that those district plans will include provisions for the relationship between Ngāi Tahu, their culture and traditions, and their ancestral lands, water, sites, wāhi tapu and other taoka within district plans.</p> <p>Chapter 7 relates to freshwater issues and further anticipates that sites and areas of significance cultural value are identified and protected.</p> <p>Chapter 9 relates to ecosystems and indigenous biodiversity and recognises the need to promote ecological enhancement and restoration.</p> <p>Chapter 10 provides for the maintenance and enhancement of public and Ngāi Tahu access to and along rivers and lakes.</p> <p>Chapter 12 of the CRPS requires the identification (using specified criteria) and protection of areas of Outstanding Natural Features and Landscapes ('ONFL') and enables the identification and management of areas identified as having other important characteristics (Visual Amenity Landscapes).</p> <p>Chapter 13 of the CRPS concerns Historic Heritage and recognises that these are often expressed in a landscape setting and provision is to be made for the protection of such landscapes from inappropriate subdivision, use and development.</p>	
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#### National Environmental Standards

**Relevance: District Plan must not duplicate or conflict unless specified in NES (Sections 43B and 44A of the Act))**

Document	Summary	Relevance
<b>National Environmental Standard for Plantation Forestry 2018</b>	The National Environmental Standard for Plantation Forestry ('NESPF') contains rules relating to plantation forestry. Section 12 states that afforestation must not take place within a significant natural area or outstanding natural feature.	District plans have the ability to map and identify outstanding natural features and therefore require a resource consent to undertake afforestation within these areas. Māori Rock Art and Silent File sites have not

		been classified as outstanding natural landscapes or features under the District Plan; therefore, provisions are required within PC24 to protect these wāhi taoka and wāhi tapu sites.
<b>National Environmental Standard for Freshwater 2020</b>	The National Environmental Standard for Freshwater 2020 ('NESF') came into effect on 3 September 2020 and set standards for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. This includes the need to support the presence, survival and recovery of freshwater systems and the species that inhabit them, ensure connectivity of fish habitat (fish passage), and ensure that mahika kai species are safe to harvest and eat.	<p>The NES is most relevant to Regional Councils and the protection of freshwater; however, District Councils are still required to have strategies and plans that protect wetlands, streams and fish habitats from land-based activities and Council infrastructure.</p> <p>Given the number of culturally significant freshwater lakes, waterways, rivers and wetlands within the Mackenzie District and the taoka species that live within these ecosystems, the Freshwater NES is relevant to the MDPR.</p>

#### Regional Plans

**Relevance: District Plan must not be inconsistent with (Section 75(4)(b))**

Document	Summary	Relevance
<b>Canterbury Land and Water Regional Plan</b>	The purpose of the Canterbury Land and Water Regional Plan ('CLWRP') is to identify the resource management outcomes or goals for managing land and water resources in Canterbury to achieve the purpose of the Act.	Not directly relevant aside from affording protection to the lakes and rivers identified as SASM through protecting what happens in terms of water quality and quantity and also disturbance of the bed and riparian areas.

#### Plans or strategies prepared under other legislation.

**Relevance: District Plan must have regard to (Section 74(2)(b)(i))**

Document	Summary	Relevance
<b>Mackenzie Spatial Plans 2021</b>	The Mackenzie Spatial Plans provide a high-level blueprint for how the townships and rural settlements in the district will grow and develop over the next 30 years.	Not relevant, with the exception of Lake Takapō / Tekapo, as the mapped SASM are predominately not located in areas of the district identified in the Spatial Plan for urban growth in the next 30 years.
<b>Upper Waitaki Zone Implementation Programme</b>	The Upper Waitaki Zone Implementation Programme ('UWZIP') is a non-statutory document produced by the Upper Waitaki Zone Committee under the Canterbury Water Management Strategy ('CWMS'). The UWZIP provides guidance on the management of water for the entire	For the waterways identified in the SASM the UWZIP identifies that a 'whole of waterway' approach must be taken to integrate the management of resources from the mountains to the sea and beyond – Ki Uta Ki Tai and that kaitiakitaka is incorporated into each

	catchment of the Waitaki River above the Waitaki dam.	pathway with actions to address water quality and quantity concerns.
<b>Te Manahuna Ki Uta / Destination Mackenzie</b>	The Te Manahuna Ki Uta / Destination Mackenzie - Destination Management Plan develops a long-term strategic Destination Management Plan for tourism and how Ngā Rūnaka and Ngāi Tahu see the Mackenzie District growing and what cultural matters need protection.	This Plan is not a statutory document and the projects generated as a result of the Plan will be required to adhere to the District Plan; however, the partnership formed, and the values expressed within the document also reflect the working collaboration between mana whenua and Council within the District Plan Review process.

#### **Relevant Entries on New Zealand Heritage List / Rārangi Kōrero**

##### **Relevance: District Plan must have regard to (Section 74(2)(b)(iia))**

<b>Document</b>	<b>Summary</b>	<b>Relevance</b>
<b>New Zealand Heritage List / Rārangi Kōrero</b>	Māori heritage is recognised on the New Zealand Heritage List / Rārangi Kōrero (Rārangi Kōrero) through wāhi tapu, wāhi tapu areas and wāhi tupuna / tupuna.	<p>The proposed SASM Chapter and overlay introduces into the District Plan maps identifies wāhi tupuna in an attempt to protect the cultural and traditional values associated with the landscape.</p> <p>Specific wāhi tapu/heritage sites defined and protected under the Heritage New Zealand Pouhere Taonga Act (2014) will be addressed in the Historic Heritage Chapter undertaken within Stage 4 of the District Plan Review process.</p>

#### **Iwi Claims Settlement**

##### **Relevance: District Plan must take into account (Section 74(2A))**

<b>Document</b>	<b>Summary</b>	<b>Relevance</b>
<b>Ngāi Tahu Claims Settlement Act 1998</b>	<p>The Ngāi Tahu Claims Settlement Act 1998 ('NTCSA') recognises the following Statutory Acknowledgement Areas as having significant cultural, spiritual, historic and traditional associations for Ngāi Tahu:</p> <ul style="list-style-type: none"> <li>• Aoraki / Mount Cook (Schedule 14)</li> <li>• Hakatamea River (Schedule 16)</li> <li>• Lake Ōhau (Schedule 32)</li> <li>• Lake Pūkaki (Schedule 34)</li> <li>• Lake Takapō / Tekapo (Schedule 57)</li> <li>• Lake Benmore (Schedule 59); and</li> <li>• Whakarukumoana / Lake McGregor (Schedule 77).</li> </ul> <p>The NTCSA also identifies six nohoaka adjacent to Lakes McGregor Pūkaki and</p>	<p>Section 208 of the NTCSA and Section 95B of the Act recognise the interests of Ngāi Tahu in statutory acknowledgement areas in regard to notification of resource consent applications and identification of affected parties in regard to activities that may affect land in these areas.</p> <p>Ngāi Tahu whānui have rights to access and occupy nohoaka sites to undertake mahika kai activities.</p>

	Benmore and the Ōhau River just inside the Mackenzie District boundary.	
<b>Iwi Management Plans</b>		
<b>Relevance: District Plan must take into account (Section 74(2A))</b>		
Document	Summary	Relevance
<b>Te Whakatau Kaupapa Ngāi Tahu Resource Management Strategy for the Canterbury Region 1990</b>	<p>Te Whakatau Kaupapa ('TWK') is a resource management strategy for the Canterbury region and is a statement of Ngāi Tahu beliefs and values which should be taken into account in preparation and change of resource management plans.</p>	<p>Although TWK pre-dates enactment of the RMA and the NTCSA, the policies remain relevant in that they seek:</p> <ul style="list-style-type: none"> <li>• Consultation with Rūnanga on management practices that will impact on waterways in which they have beneficial rights (TWK p. 4-21, Policy 12);</li> <li>• Recognition of the importance of wetlands and other areas as mahika kai, maintenance and enhancement of remaining productive mahika kai areas, and consultation with Rūnanga on the management of mahika kai resources (TWK p. 4-24, Policies 3, 4 and 6);</li> <li>• Protection of all Ngāi Tahu archaeological sites, with authority reserved to mana whenua as to whether and how a site may be excavated, and recognition that an archaeological site may be affected by work nearby as well as on the site itself (TWK pp. 4-31 to 4-32, Policies 1-10);</li> <li>• Protection from disturbance of rock art sites (TWK p. 4-32, Policy 1);</li> <li>• A requirement for approval of mana whenua for any development that physically impacts significant mauka (mountains and ranges) (TWK, p. 4-37, Policy 2).</li> </ul> <p>In respect to the policies that seek a right of approval by mana whenua, rūnanga recognise that such "third party" approvals cannot be required through a district plan. However, it would be appropriate to interpret these policies as seeking, as a minimum, a right to provide input to decision-making by way of affected</p>

		party status and notification requirements.
<b>Waitaki Iwi Management Plan 2019</b>	<p>The Waitaki Iwi Management Plan was developed in collaboration by Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki (Ngā Rūnaka) as an expression of rākātiratāka and in fulfilment of their kaitiaki responsibilities within the Waitaki Catchment.</p> <p>The Waitaki Iwi Management Plan is guided by the strategic directions:</p> <ol style="list-style-type: none"> <li><i>1. Ka Rūnaka can undertake their kaitiaki role in the Waitaki and this role is recognised and supported.</i></li> <li><i>2. Management of the Waitaki and its resources is undertaken ki uta ki tai – from the mountains to the sea.</i></li> </ol> <p>The strategic objectives are captured in four categories – Aoraki, Wai (water), Mahika Kai and Wāhi Tupuna. The objectives are as follows:</p> <p><u>Aoraki</u></p> <ul style="list-style-type: none"> <li>• Mana whenua have a co-governance and co-management role over Aoraki.</li> <li>• The quality and quantity of ka roimata o Aoraki is protected and enhanced and the mana of Aoraki is upheld.</li> <li>• Mana whenua can sustainably gather and use mahika kai resources within the national park using customary permit or self-authorisation system.</li> </ul> <p><u>Wai</u></p> <ul style="list-style-type: none"> <li>• The mauri of water is protected, restored, and enhanced through-out the Waitaki catchment.</li> </ul> <p><u>Mahika kai</u></p> <ul style="list-style-type: none"> <li>• Abundant mahika kai species are available and accessible for mana whenua to gather.</li> <li>• Mahika kai species and their habitats are protected, restored, and enhanced.</li> <li>• Mana whenua can exercise rangatiratāka and kaitiakitaka over significant mahika kai areas and species.</li> </ul> <p><u>Wāhi Tūpuna</u></p>	<p>The Act requires Regional Councils and Local Authorities, in developing or changing their plans, to take into account iwi management plans recognised by an iwi authority. The Iwi Management Plan of Kati Huirapa and Waitaki iwi Management Plan express Ngā Rūnaka values, knowledge and perspectives on natural resources and environmental management issues. The two relevant iwi management plans are an expression of kaitiakitaka.</p>

	<ul style="list-style-type: none"> <li>• Wāhi tūpuna are protected and the relationship mana whenua have with these landscapes is enhanced.</li> </ul>	
<b>Iwi Management Plan of Kati Huirapa For the area Rakaia to Waitaki 1992</b>	<p>The Iwi Management Plan of Kati Huirapa For the area Rakaia to Waitaki ('IMPKH') advocates for the following matters that are relevant to management of significant sites and areas in the district plan including:</p> <ul style="list-style-type: none"> <li>• not disturbing breeding areas for fish, birds and other species in waterways;</li> <li>• Maintaining corridors of undisturbed vegetation along and around surface waterbodies and on land.</li> <li>• Restoring wetlands.</li> <li>• Protecting and restoring of natural habitats;</li> <li>• High altitude slopes and peaks are kept free of grazing animals and not scarred by tracks and roads;</li> <li>• Access to mahika kai adjacent to Māori Reserves should be maintained;</li> <li>• Any proposal to disturb ground where there was or is traditional and customary use of ancestral lands should be referred to mana whenua first.</li> </ul>	While the IMPKH is relevant, for those parts of the District that are within the Waitaki Catchment the Waitaki IMP applies. The IMPKH also highlights the expectation that areas of significance to Rūnanga are protected.

### 3. Strategic Directions

3.1. The following Strategic Directions are relevant to this topic:

#### **ATC-01 Live, Work, Play and Visit**

*The Mackenzie District is a desirable place to live, work, play and visit, where:*

1. *there are a range of living options, businesses, and recreation activities to meet community needs;*
2. *activities that are important to the community's social, economic and cultural well-being, including appropriate economic development opportunities, are provided for; and*
3. *the anticipated amenity values and character of different areas are maintained or enhanced.*

#### **ATC-02 Rural Areas**

*The significant contribution of rural areas to the social, economic, and cultural well-being of the District is recognised and provided for.*

#### **MW-01 Mana Whenua Values**

*The role of mana whenua is recognised and their historic and contemporary relationship with the District's land, water bodies, indigenous species and other sites and areas of significance are recognised and provided for.*

#### ***MW-02 Mana Whenua Involvement***

*Mana whenua are able to:*

1. *be actively involved in decision making that affects their values and interests;*
2. *exercise their kaitiakitaka responsibilities; and*
3. *carry out customary activities in accordance with tikanga.*

#### ***NE-01 Natural Environment***

*The values of the natural environment, including those that make the District unique, contribute to its character, identity and well-being, or have significant or outstanding intrinsic values, are recognised and provided for, and where appropriate, protected and enhanced. This includes, but is not limited to, the values associated with the following important natural resources:*

1. *mahika kai resources;*
2. *night sky darkness;*
3. *outstanding natural features and landscapes;*
4. *significant indigenous biodiversity; and*
5. *water bodies and their margins.*

## **4. Current Approach**

### **Operative District Plan**

- 4.1. The Operative District Plan does not include a SASM chapter. Prior to the adoption of PC20, the Operative Plan had a "Takata Whenua" section located within the Introductory chapters, but this did not identify culturally significant sites and it did not contain direction on how culturally significant sites or areas should be managed.
- 4.2. Under PC20, the Takata Whenua section was deleted and replaced by a new Mana Whenua chapter. In addition to this, two mana whenua Strategic Direction objectives (MW-01 and MW-02) were adopted to recognise and provide for the role mana whenua have within the district and the desire of mana whenua to be actively involved in decision making where activities affect their values, interests and ability to exercise rangatirataka and kaitiakitaka. However, the Strategic Direction chapters themselves do not include policies or rules to achieve these objectives.

## **5. Issues**

### **Investment Logic Map**

- 5.1. The Investment Logic Map ('ILM') development for the District Plan review identified four key issues which the Plan Review should address. Of the four key issues, three are of relevance to SASM:

- *Failure to protect our natural landscapes, water & indigenous biodiversity, erodes Mackenzie's unique environment.*
- *Mana whenua values & footprint are missing, reducing the strength of the plan & inhibiting the ability of our tangata and mokopuna to thrive.*
- *The outdated and permissive nature of the plan, results in inconsistent and ad hoc decision making, creating perverse & undesirable outcomes.*

5.2. The lack of strong policy direction and guidance in the Operative Plan has resulted in Council being unable to protect the district's natural landscapes, water and indigenous biodiversity, and the unique environment of the district from inappropriate land development and ad hoc decision making. A result of an inability to protect the environment due to a permissive and out of date plan has meant mana whenua values and their footprint have been lost from the district.

5.3. To illustrate how sites and areas of significance to Ngā Rūnanga have been impacted due to a permissive and out of date plan, the three key problems identified above are discussed in further detail below.

5.4. *Failure to protect our natural landscapes, water & indigenous biodiversity, erodes Mackenzie's unique environment.*

The inability to protect natural landscapes and water and indigenous biodiversity values has resulted in the significant landscapes and landforms having been heavily modified through earthworks, the construction of large structures and the reclamation and infilling of waterbodies and wetlands. This change in landscape has resulted in a loss of site integrity which in turn has created fragmentation of whakapapa and cultural traditions. From an environmental perspective, heavily modified landscapes results in a loss of connection between ecosystems, poor water quality and contamination entering land and water resources. For rūnaka, this has meant ecosystems supporting taoka species and mahika kai resources have been extensively degraded or lost entirely. Consequently, the mauri is lost.

5.5. *Mana whenua values and footprint are missing, reducing the strength of the plan & inhibiting the ability of our tangata and mokopuna to thrive.*

The Operative Plan does not have a strong mana whenua focus in which sites and areas of significance to Rūnanga have been recognised and provided for. A lack of acknowledgement of cultural values has resulted in the loss of visible wāhi tupuna, cultural landmarks, the modification of waterbodies and the establishment of hard boundaries between land and water. These impacts have in turn resulted in connections to whakapapa and cultural traditions being lost as rūnaka have been prevented, for example, from accessing key mahika kai areas to partake in customary gathering activities. In addition to this, the sustainability of ecosystems supporting taoka species has been significantly degraded further restricting the footprint of rūnaka within the district.

5.6. *The outdated and permissive nature of the plan, results in inconsistent and ad hoc decision making, creating perverse & undesirable outcomes.*

The Operative District Plan is outdated and lacks strong policy direction resulting in inconsistent and ad hoc decision making during the resource consent process. As a consequence of previous processes, undesirable outcomes for rūnanga within the Mackenzie District have occurred over the last few decades. The inability of rūnaka to connect with their historical lands has prevented rūnaka from connecting with their whakapapa and cultural traditions. This has had flow on effects to more recent generations as kaitiaki have not had the opportunity to pass on narratives and teachings to their mokopuna. The multi-generational disconnection has resulted in a loss of site integrity.

- 5.7. In addition to the loss of connection to land for rūnaka, the inability to exercise rangatirataka and kaitiakitaka has meant rūnaka have had to watch the sustainability of ecosystems supporting taoka species and mahika kai resources degrade over time due to inappropriate earthworks, clearance of indigenous vegetation, weed and pest encroachment and the proximity of offensive activities close to environmentally significant ecosystems.

### **Lack of Recognition of Sites of Significance**

- 5.8. As noted in the 'Current Approach' section above, the Operative District Plan does not include a SASM chapter, and direction on how culturally significant areas should be managed is limited to those Strategic Objectives introduced through PC20. There is no identification (by mapping or otherwise) of sites which have significance to mana whenua, beyond those limited archaeological sites (sites pre-dating 1900) identified in the Heritage Items Schedule and protected by Heritage New Zealand Pouhere Taonga.
- 5.9. The Operative District Plan has poorly crafted provisions protecting and managing effects on cultural values, with limited guidance on what those cultural values are. This Operative District Plan overlooks the historical occupation and relationship that mana whenua has with the district. The Mackenzie District context is regarded as ancestral land by Ngā Rūnaka, and mana whenua traditionally occupied and used the resources of all the district. Accordingly, the Ngā Rūnaka hold interests in the management of all natural resources within the district.
- 5.10. Whilst the Operative District Plan identified different cultural values within the previous Takata Whenua Chapter, it relied on a very limited objective, policy and rule base to manage only very limited types of effects, principally the management of earthworks. The protection of cultural values associated with rock art, nohoaka sites, water and water bodies (recognised as culturally significant in the Plan's objectives and policies) is only achieved by default, where the Plan imposes large setbacks for earthworks and structures from waterways and esplanade reserves at the time of subdivision development. The Plan does not identify any cultural basis or contribution as a reason for these waterway setbacks, nor does it include any culturally focused assessment matters for activities where a resource consent is triggered. Accordingly, while the setbacks may contribute to achievement of cultural objectives for maintenance and enhancement of riparian corridors, this is not explicitly sought within the Plan.
- 5.11. As noted above, while PC20 deleted the Takata Whenua section and replaced it with a new Mana Whenua chapter, as well as providing two Strategic Direction objectives specific to mana whenua (MW-O1 and MW-O2), the creation of a SASM chapter, including identification of specific sites, is needed in order to establish key objectives, policies and rules along with

assessment matters to appropriately recognise and provide for sites and areas of significance to Ngā Rūnaka and assist in achieving MW-O1 and MW-O2.

## **6. Technical Input and Consultation**

### **Technical Input into Identifying SASM and Protections**

- 6.1. The Council received technical advice from Ngā Rūnaka, Te Rūnanga o Ngāi Tahu and the Ngāi Tahu Rock Art Trust to identify SASM, the issues that affect them and how these might be protected.
- 6.2. Te Rūnanga o Ngāi Tahu hold information and mapping of culturally significant sites across the Te Rūnanga o Ngāi Tahu takiwā. This information has been fully referenced from whānau manuscripts, published books, 19th century maps, newspaper articles, and a vast array of unpublished material.
- 6.3. The GIS data from the cultural mapping tool was able to be transferred across to the Council's GIS mapping system to ensure the location of such significant sites and nohoaka could be accurately identified within the Planning Maps. The accuracy of such data reassures Council and the public that the mapping of SASM is correct and precise.
- 6.4. The Ngāi Tahu Rock Art Trust have identified rock art sites with GPS coordinates. The GPS data was then integrated into the Council's mapping system, to ensure the rock art sites were accurately recorded within the Planning Maps.

### **Iwi Authority Advice**

- 6.5. Clause 4A of Schedule 1 of the Act sets out the requirements for local authorities to consult with iwi authorities before notifying a proposed plan and to have particular regard to any advice received from those iwi authorities.
- 6.6. As outlined above, Council have received input directly into the drafting of the proposed District Plan chapters from Ngā Rūnaka and Te Rūnanga o Ngāi Tahu via Aoraki Environmental Consultancy Limited ('AEC') staff who are contracted to Council as part of the District Plan Review Team. Involvement of AEC has enabled Ngā Rūnaka to provide guidance and assert direction into each Plan Change within the District Plan review (not just PC24), and the creation of a SASM overlay within the Planning Maps. Incorporating the planning and cultural expertise of AEC staff has enabled Council to work alongside Ngā Rūnaka during the public consultation phase with AEC staff assisting Council staff at scheduled community events.
- 6.7. Te Rūnanga o Ngāi Tahu and Ngā Rūnaka have all indicated that they were satisfied with the input into draft provisions and planning maps by AEC.

### **Consultation**

- 6.8. In accordance with Schedule 1, clause 3(1), consultation was undertaken with the Minister for the Environment, other Ministers of the Crown who may be affected by PC24, adjoining local authorities who may be affected, the regional council, and takata whenua.

6.9. During the development of the plan changes that are part of Stage 3 of the District Plan Review, community engagement was undertaken. A summary of key information was provided through the Council's online engagement platform, allowing for interested parties to provide comment by email. An online survey was also developed and promoted through a number of channels. Community open days were held in Fairlie, Takapō / Lake Tekapo, Twizel, Albury and Kimbell during the first and third week of March 2023. The summary material was promoted to the community using a range of Council channels, including mailouts, newsletters, emails and social media posts. The feedback obtained from the first round of consultation assisted with the drafting of the preferred approach report.

6.10. A second phase of drop-in days (evenings), online surveys, and targeted stakeholder meetings were held on the first week of August 2023 to assist with the drafting of the SASM provisions. Additionally, the draft provisions were sent to stakeholders located and associated with Te Manahuna / Mackenzie District.

6.11. This provided the community and key stakeholders with the opportunity to comment on matters addressed in this stage of the Plan Review. During the consultation phase no concerns were raised regarding the formulation of the five key cultural values that were used to provide direction and no concerns were raised regarding the location and scale of the SASM mapping including nohoaka sites, Silent File Areas, and Māori Rock Art Protection Areas.

6.12. The following feedback, in broad terms, was received on the drafted SASM provisions following the second round of public consultation:

***Table 2: Feedback Received from Key Stakeholders and Community Regarding SASM Chapter and Reasons for Adopting or Not Adopting Suggestions.***

Key Stakeholder / Community Member	Suggested Amendment / Deletion to Objective, Policy or Rule	Council Response
<b><i>Key Stakeholders</i></b>		
Federated Farmers	<u>Rule SASM-R3</u> Earthworks within a silent file of 10m <sup>3</sup> and 600mm depth over 12 months is overly restrictive on silent file areas. FFNZ would expect this rule for Rock Art. Federated Farmers New Zealand ('FFNZ') seeks that with the ability of silent files to have a better understanding of accuracy and have the rules reflect that. FFNZ is happy to work with Council, affected landowners and rūnaka to find a setback that works for that property.	Council do not believe it is necessary to amend Rule SASM-R3. The wording of SASM-R3 references EW-R1 and EW-R2, which set out exemptions from which a resource consent is required. EW-R1 permits day to day farming maintenance and repair activities. The silent file locations have been accurately identified by the GIS Department at Te Rūnanga o Ngāi Tahu who hold digital maps identifying key sites. A 100m diameter buffer around each site has been created to protect the values associated with the silent file. Due to the small number of

		<p>silent files and their discrete location, increasing the earthworks volume for activities not otherwise permitted under EW-R1 or EW-R2 is not appropriate.</p> <p>The volume and depth of earthworks is consistent with other District Council Plans who have similar levels of cultural significance.</p>
Environment Canterbury	<p><u>Policy SASM-P2</u></p> <p>Suggest replace “where” with “when” so policy SASM-P2 would read “<i>Ensure consultation with the relevant mana whenua is undertaken <u>where when</u> activities have the potential to adversely affect SASM and their values</i>” otherwise it sounds like the consultation has to take place at the place.</p>	<p>Council considered the suggestion to replace ‘where’ with ‘when’; however, it was determined that it was not necessary. The suggested change would suggest that consultation was only undertaken when there was a determined or actual effect on SASM. The use of the word ‘where’ suggests a much broader perspective and encourages consultation to be captured throughout a process rather than at a set time or place.</p>
	<p><u>Policy SASM-P6</u></p> <p>Suggest obtaining a legal opinion as to whether SASM can be protected from the effects of plantation forestry under the NESPF.</p>	<p>It is Council’s opinion that the NESPF does not provide for the protection of culturally significant sites and areas.</p> <p>SASM are not categorised as an outstanding natural landscape or feature under PC23; therefore, a separate suite of provisions is required to protect SASM. Council did not consider it necessary to obtain a legal opinion.</p>
	<p><u>General</u></p> <p>Is there scope to also consider effects of activities close to but not within the SASM?</p> <p>What about permitted activities? Do they need to take SASM into account?</p>	<p>Plan Change 20 incorporated a mana whenua chapter as well as two mana whenua strategic direction objectives (MW-O1 and MW-O2) that require activities to be assessed against during a consenting process.</p> <p>Council have utilised an integrative approach in the</p>

		review of the District Plan, which allows SASM values to be incorporated throughout the drafting of the Plan Changes that make up the District Plan Review.
Opua Water Limited	<u>SASM-R1</u>  Opua Water are questioning why this activity is a permitted activity and what the activity status is if there is a non-compliance.	Rule SASM-R1 has been introduced to allow Ngā Rūnaka to undertake small scale indigenous vegetation practices in accordance with tikaka because an equivalent rule is missing from PC18, which otherwise restricts the clearance of indigenous vegetation.  Council have utilised an integrated approach in the review of the District Plan, which allows SASM values to be incorporated throughout the Plan Review process of plan changes. A non-compliance with SASM-R1 would require the provisions of PC18 to be assessed to ascertain an activity status.
	<u>SASM-R2</u>  Opua Water are questioning why this activity is a permitted activity and what the activity status is if there is a non-compliance.	The use of nohoaka sites is strictly managed by Te Rūnanga o Ngāi Tahu through a permit process, similar to that of Department of Conservation permits.  The permits are issued to Ngā Rūnaka members have strict requirements to be met.  The inclusion of SASM-R2 is to allow the activity to take place rather than control the activity as it is managed through an external process.
Port Blakely	<u>Policy SASM-P6</u>  How is 'close proximity to' defined? Ambiguous and subjective language	Council considered this suggestion and chose to retain the existing wording. Defining 'in close proximity' at a policy level has the potential to alter the purpose of the policy from that of a policy to a rule. The

		purpose of the broad nature of the policy is to enable the relevant provisions to provide the specific detail and location.
	<u>Policy SASM-P6</u> NESPF stringency parameters – Regulation 6	It is Council's opinion that the NESPF does not provide for the protection of culturally significant sites and areas. SASM are not categorised as an outstanding natural landscape or feature under PC23; therefore, a separate suite of provisions is required to protect SASM.
	<u>Rule SASM-R5</u> Does this include pastoral intensification?	The purpose of SASM-R5 is to protect Māori rock art sites from irrigation and water spray, which can alter the chemical balance of limestone and destroy rock art. A definition of irrigation that is consistent with the NESFW has been incorporated into PC24 to provide clarity to plan users. Pastoral intensification is separately defined but is not used in the SASM chapter.
<b><i>Community Members</i></b>		
Anonymous	It may be helpful to clarify in the final consultation whether indigenous clearance include the spraying of herbicides or only includes traditional indigenous vegetation (burning, cutting).	Indigenous vegetation clearance is already defined. Council do not propose to amend this definition through PC24.
Anonymous	Does the SASM allow for following activities: 1) Commercial / tourist activities on the lakes and in and along rivers? 2) Construction of Back Country huts on DOC administered land with own sewerage system? 3) Construction of public walk – cycle ways along rivers and lakes? (Setback of 100m from the lake levels prior to rising levels for power generation – or from present high water levels)? In all of the above situations would it be necessary to get the permission of	The following comments can be provided to this response: 1) Out of scope for PC24. Activities on the surface of waterbodies was addressed in Plan Change 19. 2) The construction of huts on DOC land is administered by DOC. 3) The SASM Chapter does not include rules which manage construction of walkways. Where

	Mana Whenua? Or would the legal requirements be only subject to ONL regulations?	resource consent is triggered under a rule in another chapter, consideration of effects on the values of the SASM would however be considered.
Anonymous	<p>In general, I agree with wanting to protect SASMs but you need to ensure the rules around SASMs actually lead to a higher level of protection rather than just a higher level of regulation. The rules also need to ensure they are practical and for that reason I really encourage you to engage with a group of landowners (not just policy people from farming bodies like Federated Farmers, DairyNZ and HortNZ) prior to developing the proposed plan change. For example, regulating earthworks has wide ranging implications for farmers as earthworks are often required for remedial works of underground infrastructure eg pipes and cables, maintenance of tracks and lanes, new shed foundations, riparian and native planting etc. Often these earthworks are required for urgent repairs (eg leaking pipes) and obtaining a consent prior is not possible or practical. Similar with a need to file a Accidental Discovery Protocol form prior to completing earthworks (some councils require two weeks). Often it is not practical to do so and you should be considering how this could be incorporated into Farm Environmental Plans instead.</p>	<p>It is unclear what changes are sought to the SASM chapter. Council staff and representatives from Ngā Rūnaka have been involved in extensive consultation, which has included evening and weekend community meetings at Albury, Kimbell, Takapō / Tekapo, Twizel and Fairlie. A large number of the public attended these meetings. In addition to the in-person community meetings, information and surveys have been uploaded to the Mackenzie District Council website, which has enabled landowners who do not reside in the district to also take part in the consultation phase. The earthworks provisions within the SASM and Earthworks Chapters allow for maintenance and repair of structures associated with farming activities. In addition to this, the SASM provisions do not require a landowner to file an Accidental Discovery Protocol form prior to completing earthworks. Lastly, the Regional Council is responsible for regulating Farm Environment Plans, not District Councils. Therefore, it is not possible to incorporate District Plan provisions within a Farm Environment Plan.</p>

6.13. The approach proposed in PC24 takes into account this feedback.

## 7. Scale and Significance

- 7.1. Section 32(1)(c) of the Act requires that the s32 evaluation report contains a level of detail that corresponds with the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
- 7.2. The following have been considered in determining the scale and significance of the effects anticipated from the implementation of the PC24 provisions:
  - The geographic area of the district impacted by PC24 is extensive and incorporates a significant portion of rural zoned land, Outstanding Natural Landscape ('ONL') land, lakeside protection areas, marginal strips adjoining rivers, and lakes and rivers, some of which are recognised as Statutory Acknowledgement Areas.
  - The biggest change proposed by PC24 is to introduce a new SASM overlay. However, a limited number of additional rules or controls are proposed within these areas, with a number of existing provisions within the Earthworks, Natural Character, Public Access and Rural Zone proposed to be carried forward (in some cases in an amended form) through other plan changes. As such, the additional mapping proposed does not in itself result in a large degree of change from the current controls within the identified areas (or those proposed through other plan changes).
  - PC24 does propose additional controls on some activities within a 300m buffer of rock art sites, and within the 100m buffer of silent file sites, which places restrictions on the owners of land within these buffers. These are limited to the discharge of wastewater on sites not connected to a reticulated network and the use of irrigation due to the impact of water and water spray on limestone and Māori rock art. In terms of Silent File Areas, the significant control relates to the discharge of wastewater and earthworks within the buffer protection area. Of the 11 proposed Silent File sites within Te Manahuna / Mackenzie District, nine are located on farmland. The sites are not located on highly productive soils/land, which would conflict with intensive farming practices, the location of farm-based areas or the location of significant infrastructure. They are also not considered to impose significant costs on landowners.
  - A more stringent activity status also applies to some specific activities within all SASM, but these are activities which would require consent under the underlying zone provisions in any case.
  - The proposed approach to managing SASM is not inconsistent with the approaches taken in other district plans and the CRPS and Regional Plan.
  - PC24 responds directly to a matter of national importance under s6(e) of the Act.
- 7.3. Having considered the above, the level of detail of analysis in this report is moderate-high.

## 8. Evaluation of Objectives

### Introduction

8.1. Section 32(1)(a) requires an evaluation of the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act. PC20 (which is operative) determined that the Strategic Directions are the most appropriate way to achieve the purpose of the RMA. This section of the report therefore considers whether the objectives proposed in the SASM chapter are the most appropriate way to achieve the Strategic Directions and the purpose of the Act.

**Table 3: Evaluation of Objectives**

Proposed Objective SASM-O1
<b>SASM-O1 Rangatirataka</b> <i>Rangatirataka is recognised by supporting mana whenua to exercise kaitiakitaka over SASM.</i>
<b>Relevant Strategic Directions</b>
<p><b>MW-01 Mana whenua Values</b> <i>The role of mana whenua is recognised and their historic and contemporary relationship with the District's land, water bodies, indigenous species and other sites and areas of significance are recognised and provided for.</i></p> <p><b>MW-02 Mana whenua Involvement</b> <i>Mana whenua are able to:</i></p> <ol style="list-style-type: none"> <li><i>1. be actively involved in decision making that affects their values and interests;</i></li> <li><i>2. exercise their kaitiakitaka responsibilities; and</i></li> <li><i>3. carry out customary activities in accordance with tikanga.</i></li> </ol>
<b>Assessment</b> <p>The objective is considered the most appropriate way to achieve the purpose of the Act because it:</p> <ol style="list-style-type: none"> <li>Provides for the relationship of mana whenua and their culture and traditions by recognising and enabling the relationship of mana whenua with the land and water in the district that are identified as significant to them.</li> <li>Recognises that mana whenua seek to fulfil their role as kaitiaki of the areas of significance to them.</li> <li>Recognises the principles of partnership and active protection of sites and areas of significance requires mana whenua to have an active role in what happens to these sites.</li> <li>Aligns with the strategic directions by providing for active involvement in decision making and the exercising of kaitiaki responsibilities.</li> <li>Aligns with the strategic directions by recognising that mana whenua have a relationship with the District and that the SASM sites are an important part of this relationship.</li> <li>Aligns with chapters 2, 4 and 13 of the CRPS being a higher order document.</li> <li>Meets the purpose of s4 the Local Government Act 2002 which requires Councils take appropriate account of the principles of Te Tiriti o Waitangi / the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes.</li> <li>Ensures mana whenua are engaged on development within SASM or that will affect SASM.</li> <li>Aligns with Objective 1 and Policies 1, 2, 5, 8, 10, and 13 as well as Subpart 1(3.3) of the NPSIB.</li> </ol> <p>The other option considered was not including an objective providing for the relationship of mana whenua with the district. This was not considered appropriate as it would not meet the purpose of the Act, particularly in terms of s6(e) and the requirement to recognise and provide for relationship</p>

of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga. It would also provide no further detail beyond the Strategic Direction objectives.

#### **Proposed Objective SASM-O2**

##### ***SASM-O2 Sustaining relationship with SASM***

*The relationship of mana whenua with their values within SASM is sustained and community awareness of the values of SASM is encouraged.*

##### **Relevant Strategic Directions**

###### ***ATC-02 Rural Areas***

*The significant contribution of rural areas to the social, economic and cultural well-being of the District is recognised and provided for.*

###### ***MW-01 Mana whenua Values***

*The role of mana whenua is recognised and their historic and contemporary relationship with the District's land, water bodies, indigenous species and other sites and areas of significance are recognised and provided for.*

###### ***MW-02 Mana whenua Involvement***

*Mana whenua are able to:*

1. *be actively involved in decision making that affects their values and interests;*
2. *exercise their kaitiakitaka responsibilities; and*
3. *carry out customary activities in accordance with tikanga.*

###### ***NE-01 Natural Environment***

*The values of the natural environment, including those that make the District unique, contribute to its character, identity and well-being, or have significant or outstanding intrinsic values, are recognised and provided for, and where appropriate protected and enhanced. This includes, but is not limited to, values associated with the following important natural resources:*

1. *mahika kai resources;*
2. *night sky darkness;*
3. *outstanding natural features and landscapes;*
4. *significant indigenous biodiversity; and*
5. *water bodies and their margins.*

##### **Assessment**

The objective is considered the most appropriate way to achieve the purpose of the Act because it:

1. Responds to the identified resource management issues by providing explicit recognition of sites and areas of significance to Māori.
2. Provides for the relationship of mana whenua and their culture and traditions by recognising the values of SASM to that relationship and the need to sustain those values to maintain that relationship.
3. Recognises the principles of partnership and active protection of sites and areas of significance requires mana whenua to have an active role in what happens to these sites and also recognises the role the wider community can have in ensuring that these sites are protected.
4. Aligns with the strategic directions by recognising that mana whenua have a relationship with the District and that the SASM sites are an important part of this relationship.
5. Aligns with chapters 2, 4, 10 and 13 of the CRPS, being a higher order document.

6. Aligns with Objective 1 and Policies 1, 2, 5, 8, 10, and 13 as well as Subpart 1(3.3) of the NPSIB.

The other option considered was not including an objective providing for the relationship of mana whenua with the district. This was not considered appropriate as it would not meet the purpose of the Act, particularly in terms of s6(e) and the requirement to recognise and provide for relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga. It would also provide no further detail beyond the Strategic Direction objectives.

#### **Proposed Objective SASM-O3**

##### ***SASM-O3 Use and development in SASM***

*Inappropriate subdivision, use and development within SASM is avoided.*

#### **Relevant Strategic Directions**

##### ***MW-01 Mana whenua Involvement***

*The role of mana whenua is recognised and their historic and contemporary relationship with the District's land, water bodies, indigenous species and other sites and areas of significance are recognised and provided for.*

##### ***MW-02 Mana whenua Involvement***

*Mana whenua are able to:*

1. *be actively involved in decision making that affects their values and interests;*
2. *exercise their kaitiakitaka responsibilities; and*
3. *carry out customary activities in accordance with tikanga.*

##### ***NE-01 Natural Environment***

*The values of the natural environment, including those that make the District unique, contribute to its character, identity and well-being, or have significant or outstanding intrinsic values, are recognised and provided for, and where appropriate protected and enhanced. This includes, but is not limited to, values associated with the following important natural resources:*

1. *mahika kai resources;*
2. *night sky darkness;*
3. *outstanding natural features and landscapes;*
4. *significant indigenous biodiversity; and*
5. *water bodies and their margins.*

#### **Assessment**

The objective is considered the most appropriate way to achieve the purpose of the Act because it:

1. Provides for the relationship of mana whenua and their culture and traditions by recognising that development and land use can adversely affect sites and areas of significance to mana whenua.
2. Recognises the Treaty of Waitangi principles of active protection of sites and areas of significance.
3. Recognises the strategic intent of recognising and providing for the historic and contemporary relationship mana whenua have with the district.
4. Aligns with the strategic directions by recognising that mana whenua have a relationship with the District and that the SASM sites are an important part of this relationship.
5. Aligns with chapters 2, 4, 10, 12 and 13 of the Canterbury RPS, being a higher order document.

<p>6. Aligns with Objective 1 and Policies 1, 2, 5, 8, 10, and 13 as well as Subpart 1(3.3) of the NPSIB.</p>
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The other option considered was not including an objective avoiding inappropriate subdivision, use and development. This was not considered appropriate as it would not meet the purpose of the Act or the strategic directions of the District Plan.

<b>Proposed Objective SASM-O4</b>
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<b>SASM-O4 Mahika kai and nohoaka sites</b>
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*The ability of mana whenua to access, maintain and use mahika kai and nohoaka sites of cultural value is enhanced.*

<b>Relevant Strategic Directions</b>
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<b>MW-01 Mana whenua Values</b>
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*The role of mana whenua is recognised and their historic and contemporary relationship with the District's land, water bodies, indigenous species and other sites and areas of significance are recognised and provided for.*

<b>MW-02 Mana whenua Involvement</b>
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*Mana whenua are able to:*

1. *be actively involved in decision making that affects their values and interests;*
2. *exercise their kaitiakitaka responsibilities; and*
3. *carry out customary activities in accordance with tikanga.*

<b>NE-01 Natural Environment</b>
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*The values of the natural environment, including those that make the District unique, contribute to its character, identity and well-being, or have significant or outstanding intrinsic values, are recognised and provided for, and where appropriate protected and enhanced. This includes, but is not limited to, values associated with the following important natural resources:*

1. *mahika kai resources;*
2. *night sky darkness;*
3. *outstanding natural features and landscapes;*
4. *significant indigenous biodiversity; and*
5. *water bodies and their margins.*

<b>Assessment</b>
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The objective is considered the most appropriate way to achieve the purpose of the Act because it:

1. Provides for the relationship of mana whenua and their culture and traditions by recognising and enabling the relationship of mana whenua with the land and water in the district.
2. Recognises that mana whenua seek to fulfil their role as kaitiaki of the areas of significance to them.
3. Recognises the Treaty of Waitangi principles of partnership and active protection of sites and areas of significance requires mana whenua to have an active role in what happens to these sites.
4. Provides for the NTSA by allowing access to nohoanga and mahika kai.
5. Helps achieve the strategic direction that mana whenua are able to carry out customary activities in accordance with tikaka.
6. Aligns with the strategic directions by recognising that mana whenua have a relationship with the District and that the SASM sites are an important part of this relationship.
7. Aligns with chapters 2, 4, 7, 9 and 10 of the Canterbury RPS, being a higher order document.

8. Aligns with Objective 1 and Policies 1, 2, 5, 8, 10, and 13 as well as Subpart 1(3.3) of the NPSIB.

The other option considered was not including an objective providing access to mahika kai and nohoaka sites. This was not considered appropriate as it would not meet the purpose of the Act or the NTCSA.

## Summary

8.2. Overall, the proposed objectives for the SASM Chapter will provide clearer direction about the outcomes sought in the District Plan in relation to areas of identified significance to mana whenua. In doing so, they are considered to more appropriately articulate how the relationship of mana whenua with each of the identified sites and areas is to be recognised and provided throughout the District Plan. They align with, and provide greater specificity to, the Strategic Direction objectives, and will give effect to the relevant direction in the CRPS. They are therefore considered the most appropriate way to achieve the purpose of the Act.

## 9. Evaluation of Proposed Policies, Rules and Other Methods

### Introduction

9.1. Section 32(1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

9.2. The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must, if practicable, quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

9.3. The proposed provisions relating to the SASM Chapter, have been grouped, for the purposes of this assessment, as follows:

- Identification of SASM;
- Providing for the relationship of mana whenua within SASM; and
- Managing risks to the values of SASM.

### Identification of SASM

9.4. The provisions assessed in this section are:

*Table 4: Identification of SASM Provisions*

<b>Policies</b>	<b>SASM-P1 Identification of SASM</b> Enable mana whenua to identify areas of significance and their values.
<b>Schedules</b>	<b>SASM-SCHED1 – Wai taoka, Wai tapu, Wāhi taoka, Wāhi tapu and Wāhi tūpuna</b> <b>SASM-SCHED2 – Silent File Areas</b>

	<b>SASM-SCHED3 – Māori Rock Art Sites and Associated Māori Rock Art Protection Area</b> <b>SASM-SCHED4 – Nohoaka Sites</b>
<b>Planning Maps</b>	SASM Overlay
<b>Glossary</b>	Ārai-te-uru, āruhe, awa, Kā Tiritiri-o-te-moana, kaitahutanga, kaumatau, kauru, kōareare, mana, maunga/mauka, mokopuna (moko), Papatūānuku, Rakinui, rangitira, tuna, wāhi ikoia, wai tapu, whenua

**Table 5: Assessment Against Relevant Objectives**

<b>Relevant Strategic Directions</b>											
<b>MW-01 Mana whenua Involvement</b> <i>The role of mana whenua is recognised and their historic and contemporary relationship with the District's land, water bodies, indigenous species and other sites and areas of significance are recognised and provided for.</i>											
<b>MW-02 Mana whenua Involvement</b> <i>Mana whenua are able to:</i>											
<ol style="list-style-type: none"> <li>1. be actively involved in decision making that affects their values and interests;</li> <li>2. exercise their kaitiakitaka responsibilities; and</li> <li>3. carry out customary activities in accordance with tikanga.</li> </ol>											
<b>NE-01 Natural Environment</b> <i>The values of the natural environment, including those that make the District unique, contribute to its character, identity and well-being, or have significant or outstanding intrinsic values, are recognised and provided for, and where appropriate protected and enhanced. This includes, but is not limited to, values associated with the following important natural resources:</i>											
<ol style="list-style-type: none"> <li>1. mahika kai resources;</li> <li>2. night sky darkness;</li> <li>3. outstanding natural features and landscapes;</li> <li>4. significant indigenous biodiversity; and</li> <li>5. water bodies and their margins.</li> </ol>											
<b>Relevant Objectives</b>											
<b>SASM-O1 Rangatirataka</b> <i>Rangatirataka is recognised by supporting mana whenua to exercise kaitiakitaka over SASM.</i>											
<b>SASM-O2 Sustaining relationship with SASM</b> <i>The relationship of mana whenua with their values within SASM is sustained and community awareness of the values of SASM is encouraged.</i>											
<b>SASM-O3 Use and development in SASM</b> <i>Inappropriate subdivision, use and development within SASM is avoided.</i>											
<b>SASM-O4 Mahika kai and nohoaka sites</b> <i>The ability of mana whenua to access, maintain and use mahika kai and nohoaka sites of cultural value is enhanced.</i>											
<table border="1"> <thead> <tr> <th></th> <th><b>Benefits</b></th> <th><b>Costs</b></th> </tr> </thead> <tbody> <tr> <td><b>Environmental</b></td> <td>No benefits identified</td> <td>No costs identified</td> </tr> <tr> <td><b>Social</b></td> <td>The identification of SASM within the Mackenzie District, including the descriptions of these, will help</td> <td>The identification of SASM within Te Manahuna / the Mackenzie District is new, and as these encompass large</td> </tr> </tbody> </table>				<b>Benefits</b>	<b>Costs</b>	<b>Environmental</b>	No benefits identified	No costs identified	<b>Social</b>	The identification of SASM within the Mackenzie District, including the descriptions of these, will help	The identification of SASM within Te Manahuna / the Mackenzie District is new, and as these encompass large
	<b>Benefits</b>	<b>Costs</b>									
<b>Environmental</b>	No benefits identified	No costs identified									
<b>Social</b>	The identification of SASM within the Mackenzie District, including the descriptions of these, will help	The identification of SASM within Te Manahuna / the Mackenzie District is new, and as these encompass large									

	raise awareness of cultural values and areas of significance.	areas, there may be concern about the additional layer of regulation that may come with the identification of these areas, particularly in terms of impacts on continued farming practises.
<b>Economic</b>	No benefits identified	There are costs associated with the mapping and preparation of the related schedule, which has been undertaken as part of the District Plan review process.
<b>Cultural</b>	There are cultural benefits in enabling mana whenua to identify those sites and areas of most significance within the Mackenzie District and including them within the District Plan. The benefit is increased by the current absence of any recognition of these sites within the Operative Plan, and the increased 'visibility' of these areas and the values associated with them, to the wider public.	No costs identified.
<b>Efficiency</b>		
<p>The main costs associated with the identification of SASM, are those associated with the preparation of maps and schedules of these areas. However, these have been undertaken as part of the District Plan review process, and therefore the costs are similar to those incurred with other mapping and scheduling processes that have been undertaken as part of the review. It is also acknowledged that there are also some potential social costs arising from mapping additional areas, particularly where these are within privately owned land. These are sought to be minimised through the consultation process that has been undertaken to communicate the identification of these areas, as well as the values associated with them, prior to the notification of PC24 and the targeted rule framework minimising duplication of rules within these areas (which is considered in the following sections of this report).</p> <p>The benefits of identification of these areas are that it provides clear identification of areas that have significant value to mana whenua and what those values are. Mapping is therefore an efficient way to enable rangatiratako and support mana whenua exercising kaitiakitaka over these areas, rather than trying to undertake this on a consent-by-consent basis.</p> <p>Overall, the proposed approach to identification of SASM is considered to be an efficient way to achieve the outcomes sought.</p>		
<b>Effectiveness</b>		
<p>The identification of SASM through mapping and schedules which identify values associated with these is considered to be an effective way to achieve the objectives. Clear identification enables rangatiratako and supports mana whenua exercising kaitiakitaka over these areas (SASM-O1) and will assist in sustaining the relationship of mana whenua with these areas and their values, as well as raising community awareness of these (SASM-O2). Mapping of these areas is also a more effective tool to assist with managing activities with may be inappropriate in these areas (SASM-O3) and identifying mahika kai and nohoaka sites (SASM-O4).</p>		
<b>Alternative Approach</b>		

Retaining the status quo (no mapping or scheduling of sites).
<b>Appropriateness Assessment</b>
Retaining the status quo would not be appropriate as it would not achieve the strategic objectives or the proposed SASM objectives, particularly as they relate to the identification and protection of SASM.
Without identifying these areas, the plan provisions would be far more inefficient and ineffective at achieving the outcomes sought. For example, to ensure inappropriate activities are avoided in areas of significance, it is likely that resource consent would need to be required in a range of circumstances in order to allow for a case-by-case assessment of potential effects on cultural values, which would be far less efficient.
As noted earlier, while some activities controlled in the Operative District Plan indirectly protect cultural values, the lack of acknowledgement of these cultural values has resulted in the loss of visible wāhi tupuna, cultural landmarks, the modification of waterbodies and the establishment of hard boundaries between land and water. These impacts have in turn resulted in connections to whakapapa and cultural traditions being lost, and the sustainability of ecosystems supporting taoka species has been significantly degraded. Therefore, retaining the status quo is not considered to be sufficient to achieve the outcomes sought in the proposed SASM chapter, or through the Strategic Direction chapters.

## Risk of Acting or Not Acting

- 9.5. Section 32(2)(c) of the Act requires that the efficiency and effectiveness assessment also assesses the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- 9.6. There is considered to be sufficient information on which to identify sites and areas of significance to mana whenua. The SASM are recorded sites known to mana whenua and which recognise their relationship with the district. The risks associated with their identification largely relate to the framework applying within these areas, which is assessed in the next sections of this report. However, given the information on which the mapping is based is considered to be sound, the risks of identifying these areas in the manner proposed is considered to be low.

## Overall Evaluation of Appropriateness

- 9.7. The proposed identification of sites and areas of significance to Māori through mapping and related schedules is considered to be the most appropriate way to achieve the proposed SASM objectives as well as the Strategic Directions. The clear identification of areas is an efficient way to assist in the management of these areas and ensure that any corresponding regulation is appropriately targeted. Mapping is also the most effective way to assist in achieving the outcomes sought, through the clear delineation of areas where the outcomes are sought.

## Providing for the Relationship of Mana Whenua within SASM

- 9.8. The provisions assessed in this section are:

*Table 6: Providing for the Relationship of Mana Whenua with SASM*

<b>Policies</b>	<b>SASM-P3 Mahika kai activities</b>
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	<p><i>Enable mana whenua to undertake mahika kai within SASM in accordance with tikaka.</i></p> <p><b>SASM-P4 Access to SASM</b></p> <p><i>Maintain existing access to SASM for mana whenua and encourage landowners to explore opportunities and methods to provide new access to SASM, where requested by mana whenua.</i></p> <p><b>SASM-P5 Restoration and Enhancement of Mahika Kai</b></p> <p><i>Encourage restoration and enhancement of indigenous vegetation that supports mahika kai.</i></p> <p><b>SASM-P7 Traditional Placenames use</b></p> <p><i>Recognise and encourage the use of traditional place names throughout Te Manahuna / Mackenzie District.</i></p>
<b>Rules</b>	<p><b>SASM-R1</b> - Permits indigenous vegetation clearance by Ngā Rūnaka and in accordance with tikaka, where it is for the enhancement of mahika kai or has been planted and managed specifically for the purpose of harvesting.</p> <p><b>SASM-R2</b> - Permits the use of nohoaka sites identified in the SASM schedules by Ngāi Tahu rūnaka to allow them to exercise mahika kai and kaitiaki practices</p>
<b>Definitions</b>	<i>mahika kai activities, midden, Ngā Rūnaka, silent file</i>

9.9. The following table identifies the strategic directions and objectives that are relevant to the assessment of the group of provisions set out above and provides an assessment of the effectiveness and efficiency of the proposed provisions in achieving those objectives. The assessment includes identification and assessment of the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions.

**Table 7: Assessment Against Relevant Objectives**

Relevant Strategic Direction(s)
<p><b>ATC-O1 Live, Work, Play and Visit</b></p> <p><i>The Mackenzie District is a desirable place to live, work, play and visit, where:</i></p> <ol style="list-style-type: none"> <li><i>there are a range of living options, businesses, and recreation activities to meet community needs;</i></li> <li><i>activities that are important to the community's social, economic and cultural well-being, including appropriate economic development opportunities, are provided for;</i></li> <li><i>the anticipated amenity values and character of different areas are maintained or enhanced.</i></li> </ol> <p><b>MW-O1 Mana whenua Involvement</b></p> <p><i>The role of mana whenua is recognised and their historic and contemporary relationship with the District's land, water bodies, indigenous species and other sites and areas of significance are recognised and provided for.</i></p> <p><b>MW-O2 Mana whenua Involvement</b></p> <p><i>Mana whenua are able to:</i></p> <ol style="list-style-type: none"> <li><i>be actively involved in decision making that affects their values and interests;</i></li> <li><i>exercise their kaitiakitaka responsibilities; and</i></li> <li><i>carry out customary activities in accordance with tikanga.</i></li> </ol> <p><b>NE-O1 Natural Environment</b></p>

<p><i>The values of the natural environment, including those that make the District unique, contribute to its character, identity and well-being, or have significant or outstanding intrinsic values, are recognised and provided for, and where appropriate protected and enhanced. This includes, but is not limited to, values associated with:</i></p> <ol style="list-style-type: none"> <li>1. <i>mahika kai resources;</i></li> <li>2. <i>night sky darkness;</i></li> <li>3. <i>outstanding natural features and landscapes;</i></li> <li>4. <i>significant indigenous biodiversity; and</i></li> <li>5. <i>water bodies and their margins.</i></li> </ol>
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#### **Relevant Objective(s)**

##### **SASM-O1 Rangatirataka**

*Rangatirataka is recognised by supporting mana whenua to exercise kaitiakitaka over SASM.*

##### **SASM-O2 Sustaining relationship with SASM**

*The relationship of mana whenua with their values within SASM is sustained and community awareness of the values of SASM is encouraged.*

##### **SASM-O3 Use and development in SASM**

*Inappropriate subdivision, use and development within SASM is avoided.*

	<b>Benefits</b>	<b>Costs</b>
<b>Environmental</b>	Encouraging restoration and enhancement of indigenous vegetation that supports mahika kai will benefit the wider environment. Managing mahika kai species can provide wider ecological benefits.	There may be some environmental cost as it allows for indigenous vegetation removal, but only in limited circumstances.
<b>Social</b>	The provisions provide for the ability of mana whenua to connect with their whakapapa and practices in the district. Allows mana whenua to return to the district and access areas where mahika kai was traditionally gathered. Provides the ability for mana whenua to determine how they use the land which includes camping on the sites.	May be a perception of imbalance in the rules by those who are not mana whenua. However, the rules reflect the particular relationship mana whenua have with these resources, as is recognised in s6(e) of the RMA. Provision of access can cause concern for landowners. However, this is reduced by the relevant policy encouraging opportunities for provisions of access, but not requiring it. It is noted that the District Plan provisions in any case do not override ownership laws.
<b>Economic</b>	There are economic benefits to mana whenua through allowing for the harvesting of mahika kai species and providing for the use of nohoaka sites.	There will be some costs associated with introducing rules which require monitoring and implementation by Council. However, this does not arise in relation to nohoaka sites, as Ngāi Tahu manages these sites, including how they are used and when. With respect to access to SASM, it is noted that the provisions do not require access to be provided, and

		therefore there are no costs arising from this.
<b>Cultural</b>	<p>These provisions allow mana whenua to reconnect to the land and removes barriers to undertaking traditional practises. This will be enhanced through the maintenance of improvement of access to significant areas.</p> <p>Restoration and enhancement of indigenous vegetation that supports mahika kai will also have cultural benefits through the improvements it will make to mahika kai.</p> <p>Recognition of traditional place names also helps to improve connections to the whenua.</p>	No costs identified.
<b>Efficiency</b>		
<p>Section 19 of the District Plan manages indigenous vegetation clearance but does not specifically provide for the type of clearance proposed in SASM-R1. The proposed new rules would allow mana whenua to undertake indigenous vegetation clearance in certain limited circumstances. Given the circumstances are limited, the rule is still expected to achieve the outcomes sought in Section 19, as well as those in the SASM-O4, and therefore the permitted activity rule is considered to be a more efficient way of achieving all the outcomes sought.</p> <p>With respect to nohoaka sites, the rule is efficient because it ensures that the District Plan rules do not impede on the management of these sites which are provided under the Ngāi Tahu Claims Settlement Act 1998. These specific areas of Crown owned land are managed by the 2018 Nohoanga Management Plan.</p> <p>With respect to access, restoration and enhancement and recognition of traditional placenames, these provisions are considered to be efficient because they do not require any particular action to be undertaken that would incur a cost but provide direction on matters that are to be encouraged, and which would assist in achieving the outcomes sought.</p>		
<b>Effectiveness</b>		
<p>As noted above, Section 19 of the District Plan manages indigenous vegetation clearance but does not specifically provide for clearance proposed in SASM-R1. Given the limited circumstances in which the proposed rule enables indigenous vegetation clearance, the rule is still expected to achieve the outcomes sought in Section 19, while better achieving SASM-O4. Therefore, the permitted activity rule is considered to be effective at achieving all the outcomes sought.</p> <p>With respect to access, restoration and enhancement and recognition of traditional placenames, as these provisions do not require any particular action to be undertaken, they may be limited in effectiveness. However, they are considered to provide policy support for activities which will assist in achieving the outcomes sought, and which are not considered to require more specific further regulatory intervention.</p>		
<b>Alternative Approach – Indigenous Vegetation</b>		
Status quo – rely on rules in Plan Change 18.		
<b>Appropriateness Assessment</b>		

<p>Not including a rule for indigenous vegetation clearance means that mana whenua will be limited in how they practice mahika kai. This would be a less efficient way to manage this activity, and less effective at achieving the Strategic Directions or proposed SASM objectives.</p>
<b>Alternative Approach – Nohoaka Sites</b>
Manage sites using council provisions for temporary activities.
<b>Appropriateness Assessment</b>
<p>Nohoaka sites are managed by Ngāi Tahu which has a permitting system relating to a set period of time and numbers that can use the site. The rules which relate to temporary activities could further restrict how these sites are managed, which would result in unnecessary duplication and be inefficient.</p>
<b>Alternative Approach – More directive policies</b>
<p>This option would involve having more directive policies in the Plan in relation to provision of access to SASM, restoration and enhancement of indigenous vegetation and use of traditional placenames.</p>
<b>Appropriateness Assessment</b>
<p>These matters are generally those that can be encouraged or facilitated through the District Plan, but not required. As such, more directive provisions would be ineffective at achieving any greater outcome than the policies wording as proposed. For example:</p> <ul style="list-style-type: none"> <li>- access is a matter that is subject to property laws and therefore directing that such access must be provided in the district plan would cut across such laws. However, encouraging landowners to explore opportunities where identified by mana whenua can assist in constructive discussion between parties.</li> <li>- restoration and enhancement of indigenous vegetation cannot be required through rules in a District Plan, but the policy provides support for where such activities are proposed to be undertaken.</li> <li>- the use of place names is a matter that sits outside the District Plan, but its use in the SASM chapter supports the use of traditional place names within the District Plan itself.</li> </ul>

## Risk of Acting or Not Acting

9.10. Section 32(2)(c) of the Act requires that the efficiency and effectiveness assessment also assesses the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

9.11. These provisions seek to provide for a limited number of activities. It is considered that the potential effects of enabling indigenous vegetation clearance in the limited circumstances proposed are sufficiently well known that acting in the manner proposed is low risk. The effects of use of nohoaka sites are also controlled through other legislation and therefore there is not considered to be a risk of enabling this within the District Plan. There is considered to be a low risk of acting in the manner proposed in relation to the provision of access, restoration and enhancement of indigenous vegetation and use of traditional placenames, as these provisions seek to encourage positive actions undertaken to assist in the achievement of the outcomes sought.

## Overall Evaluation of Appropriateness

9.12. The provisions related to providing for the relationship of mana whenua within SASM are considered to be the most effective and efficient way of achieving the outcomes sought. The

introduction of a new indigenous vegetation clearance rule is limited circumstances provides greater opportunities for mana whenua to practice mahika kai, while still achieving the outcomes sought in Section 19. Enabling use of nohoaka sites will avoid additional regulation within the District Plan given these are managed under other plans and legislation. The policies relating to the provision of access, restoration and enhancement of indigenous vegetation and use of traditional placenames, are considered to provide appropriate policy support to actions that would assist in the achievement of the outcomes sought, while recognising that these are not matters that can be “required” through the District Plan rules.

## Managing Risks to the Values of SASM

9.13. The provisions assessed in this section are:

**Table 8: Managing Risks to the Values of SASM**

<b>Policies</b>	<p><b>SASM-P2 Consultation with mana whenua</b>  <i>Ensure consultation with the relevant mana whenua is undertaken where activities have the potential to adversely affect SASM and their values.</i></p> <p><b>SASM-P6 Activities within SASM</b>  <i>Manage the adverse effects of activities within SASM so that the values associated with that SASM identified in SASM-SCHED1, SASM-SCHED2, SASM-SCHED3 and SASM-SCHED4 are not compromised, by:</i></p> <ol style="list-style-type: none"> <li><i>1. Considering the effects of activities located within a SASM on the identified values when resource consent is required under other chapters of this District Plan;</i></li> <li><i>2. Avoiding new cemeteries and crematoria, landfills, wastewater treatment plants, hazardous facilities and mining and quarrying activities within SASM unless they will not adversely affect the values in SASM;</i></li> <li><i>3. Controlling activities including earthworks, irrigation, buildings requiring wastewater discharges, commercial forestry and tourism on, in, or in close proximity to, limestone outcrops, Māori rock art and silent file areas to avoid damage to the integrity of these SASM; and</i></li> <li><i>4. Requiring subdivision to be designed, including the identification of building platforms, so that adverse effects of earthworks and activities facilitated by the subdivision on the values of Māori rock art and silent file areas are avoided.</i></li> </ol>
<b>Rules</b>	<p><b>SASM-R3</b> - Limits permitted earthworks within a Silent File Area to a limited range of small-scale activities specified in the earthworks chapter. Other earthworks require resource consent.</p> <p>Limits permitted earthworks within a Māori Rock Art Protection Area to a limited range of small-scale activities specified in the earthworks chapter; or where volume and depth criteria are met. Beyond this, resource consent for earthworks is required.</p> <p><b>SASM-R4</b> - Requires restricted discretionary consent for any residential unit or building that requires a wastewater discharge consent, within a Silent File Area or Māori Rock Art Protection Area.</p> <p><b>SASM-R5</b> - Requires restricted discretionary consent for irrigation within a Māori Rock Art Protection Area.</p>

	<p><b>SASM-R6</b> - Applies a non-complying activity status to new or expanded Landfills, Waste Disposal Facilities, Wastewater Treatment Plants, Crematoria, Cemeteries, Hazardous Facilities, Quarrying and Mining, within any SASM.</p> <p><b>SASM-R7</b> - Applies a non-complying activity status to excavation, destruction, removal or alteration of Māori Rock Art.</p> <p><b>SASM-R8</b> - Applies a non-complying activity status to commercial forestry within the Māori Rock Art Protection Area.</p>
<b>Matters of Discretion</b>	SASM-MD1
<b>Definitions</b>	<i>commercial forest or commercial forestry, discharge, earthworks, exotic continuous-cover forest or exotic continuous-cover forestry, exotic forest, functional need, greywater, industrial and trade waste, irrigation, landfill, plantation forest or plantation forestry, quarrying activities, subdivision, wastewater, wetland</i>

9.1. The following table identifies the strategic directions and objectives that are relevant to the assessment of the group of provisions set out above and provides an assessment of the effectiveness and efficiency of the proposed provisions in achieving those objectives. The assessment includes identification and assessment of the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions.

**Table 9: Assessment Against Relevant Objectives**

Relevant Strategic Direction(s)
<b>MW-01 Mana whenua Involvement</b> <i>The role of mana whenua is recognised and their historic and contemporary relationship with the District's land, water bodies, indigenous species and other sites and areas of significance are recognised and provided for.</i>
<b>MW-02 Mana whenua Involvement</b> <i>Mana whenua are able to:</i> <ol style="list-style-type: none"> <li>1. be actively involved in decision making that affects their values and interests;</li> <li>2. exercise their kaitiakitaka responsibilities; and</li> <li>3. carry out customary activities in accordance with tikanga.</li> </ol>
<b>NE-01 Natural Environment</b> <i>The values of the natural environment, including those that make the District unique, contribute to its character, identity and well-being, or have significant or outstanding intrinsic values, are recognised and provided for, and where appropriate protected and enhanced. This includes, but is not limited to, values associated with:</i> <ol style="list-style-type: none"> <li>1. mahika kai resources;</li> <li>2. night sky darkness;</li> <li>3. outstanding natural features and landscapes;</li> <li>4. significant indigenous biodiversity; and</li> <li>5. water bodies and their margins.</li> </ol>
Relevant Objective(s)
<b>SASM-01 Rangatirataka</b> <i>Rangatirataka is recognised by supporting mana whenua to exercise kaitiakitaka over SASM.</i>

**SASM-O2 Sustaining relationship with SASM**

*The relationship of mana whenua with their values within SASM is sustained and community awareness of the values of SASM is encouraged.*

**SASM-O3 Use and development in SASM**

*Inappropriate subdivision, use and development within SASM is avoided.*

	<b>Benefits</b>	<b>Costs</b>
<b>Environmental</b>	Controls relating to Māori Rock Art sites will assist in the protection of the limestone outcrops in which rock art is located and the indigenous species that are located there.	No costs identified.
<b>Social</b>	Retains rock art for future generations and may also reduce the visual impact of forestry on limestone outcrops which are a prominent landscape feature. The proposed provisions will assist in raising awareness of cultural values and areas of significance. The proposed approach may additionally provide benefits to recreation and amenity values which are valued by the community in some of these areas.	The increased regulation in some instances may be of concern to some landowners. However, this is sought to be minimised by targeting the rules in the SASM chapter to only those necessary to achieve the outcomes sought, without duplicating controls in other chapters of the Plan.
<b>Economic</b>	No benefits identified	There are costs to landowners associated with restrictions on particular land uses, particularly within Silent File and Māori Rock Art Protection areas, including lost opportunity costs, and costs associated with resource consent applications including commissioning of cultural impact assessments and consultation with mana whenua. There will be some economic cost in introducing new rules which require monitoring and implementation by Council and working with iwi and landowners to achieve the required outcomes
<b>Cultural</b>	Provides for mana whenua input into resource consents for activities that may adversely affect SASM and their values. Reduces the risk to rock art, which is significant to Kāi Tahu from changes to the water table that can	No costs identified.

	<p>be caused by subdivision and/or land development that result in the discharge of wastewater from dwellings and accessory buildings with toilet facilities that are not connected to the Council reticulated network. The provisions reduce the risk to rock art from land use activities such as forestry and irrigation, and from damage or destruction of the rock art itself.</p> <p>The need to protect Māori rock art from forestry plantation via the District Plan is necessary due to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 not protecting limestone outcrops under Regulation 6 as these landscape features have not been recognised as an outstanding natural feature within the District Plan. The proposed provisions will assist in protecting a wāhi taoka of significance to Ngāi Tahu and nationally significant heritage sites.</p> <p>The proposed provision will protect silent file sites, which are known to have significant cultural and historical value to Ngā Rūnaka.</p> <p>Avoids the potential for the establishment of activities within areas significance to Rūnaka that would be offensive to mana whenua.</p>	
<b>Efficiency</b>		
<p>The approach is considered to be efficient, because it targets the rules in the SASM chapter to only those activities where the district-wide provisions, or General Rural Zone rules are not considered to be sufficient to ensure that inappropriate land use and development is avoided in SASM, and that the relationship of mana whenua with the values associated with SASM are sustained. As such, the approach avoids duplication with other controls within the Plan which also provide a level of protection to these sites. The direction in SASM-P2, SASM-P6 and related matters of discretion will still allow for appropriate consideration of the effects of activities within SASM that require consent under the district-wide provisions, or General Rural Zone rules, on the values of SASM, but provides a more efficient plan framework by not duplicating rules. While the proposed provisions will impose some costs on landowners of identified sites and areas of cultural significance, the benefits of ensuring appropriate protection of the values of these areas is considered to outweigh the costs.</p>		

It is acknowledged that destruction, damage or modification of Māori Rock Art sites themselves are also protected under the Historic Places Act. While there are some inefficiencies associated with also including a rule in the District Plan, the inclusion of this rule in the District Plan helps to highlight the significance of these areas to landowners and the community.

While some activities that may affect Māori Rock Art sites are managed under the regional plan, the proposed rules in PC24 relate only to land use activities that may affect the values associated with the rock art, which are not already adequately managed through regional plan controls, National Environmental Standards, or (and in relation to Silent File Areas as well) where integration is required (e.g. buildings which require discharge consents).

#### **Effectiveness**

The proposed provisions are expected to be effective at achieving the outcomes sought, because the rules are limited to those activities that are not considered to be sufficiently controlled through other rules in the District Plan (including those proposed through PC23 or P27) or through the Regional Plan. This is particularly the case within the Māori Rock Art Protection Area and Silent File areas. A more stringent activity status for activities which are culturally offensive within significant areas is also considered to be more effective at avoiding inappropriate activities. Providing policy guidance and matters of discretion for activities managed in other chapters within the Plan, will also be effective in ensuring that consideration of resource consent triggered by rules in other chapters of the Plan includes effects on the values of SASM.

#### **Alternative Approach**

Not including additional rules in the SASM chapter, e.g. relying on the District-wide provisions and General Rural Zone rules.

#### **Appropriateness Assessment**

Through the drafting of the SASM chapter, careful consideration was given as to whether the rules in other chapters of the Plan would be sufficient to achieve the outcomes sought in the SASM Chapter. The activities proposed to be managed in the SASM chapter are limited to those which are not considered to be adequately controlled through other rules, and therefore not including these rules could compromise the achievement of the outcomes sought.

A lack of policy guidance on consultation with mana whenua, as well as how adverse effects on the values of SASM are to be managed, even where resource consent is triggered through other rules in the Plan, would also not assist in ensuring that inappropriate activities within significance areas are avoided, nor the relationship of mana whenua with the values of SASM are sustained.

#### **Alternative Approach**

Applying a prohibited activity status for the excavation, destruction, removal or alteration of Māori rock art.

#### **Appropriateness Assessment**

The activity status for this was carefully considered by both Ngā Rūnaka and Council. Council initially considered a prohibited activity status for activities that would result in the excavation, destruction, removal or alteration of Māori rock art as the status would act as a deterrent. After consulting with Ngā Rūnaka it was ascertained that during the construction of the Waitaki Hydro Scheme, a number of māori rock art sites were destroyed and/or flooded. However, Te Rūnanga o Ngāi Tahu were provided with the opportunity to cut the rock art from the limestone outcrop and relocate the art for safe keeping. A prohibited activity status would prevent Te Rūnanga o Ngāi Tahu from removing or modifying rock art for preservation purposes in the future if activities are proposed within the vicinity to Māori rock art sites. A strong planning framework with appropriate objectives, policies and a non-complying activity status is considered sufficient to protect Māori Rock Art from unique and likely one-off activities that require resource consent.

## **Risk of Acting or Not Acting**

- 9.2. Section 32(2)(c) of the Act requires that the efficiency and effectiveness assessment also assesses the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- 9.3. The majority of the management of activities within SASM relies on provisions that are already in place, or are proposed through PC23 and PC27, to protect or manage other values within the District, for example outstanding natural areas, indigenous vegetation, earthworks and activities on the surface of waterbodies. The SASM Chapter only includes specific rules for activities which have adverse effects that are not considered to be sufficiently managed through other chapters of the plan to achieve the outcomes sought in relation to SASM. The potential effects of these activities have been identified by rūnaka as a risk to the values of these sites. It is therefore considered that the Council has sufficient information on which to base the provisions. The risk of not acting in the manner proposed is that the values of these sites may be compromised.

## **Overall Evaluation of Appropriateness**

- 9.4. While SASM cover relatively large and extensive areas of the district, they also include smaller more discrete sites and areas that contain rock art and silent files. These discrete areas are highly significant and valued by mana whenua due to the concentration of various values, or due to the significance of the area relating to historical events, associations or connections to whakapapa/identity. However, much of the land affected by these areas or sites is privately owned or leased, with many areas actively farmed. It is acknowledged that the provisions within these areas also need to appropriately provide for landowners to manage and develop their land. However, some activities in these areas can adversely impact on their values and generally need to be managed or limited in nature and extent to protect identified values. This means that resource consents are required for a broader range of activities than in other areas of the district, with subsequent costs. However, the cost to the environment and to mana whenua from not appropriately managing effects on SASM has the potential to be very high and this is reflected in these matters being recognised as a matter of national importance under the RMA.
- 9.5. The proposed approach to managing risks to the values of SASM is considered to provide a targeted framework that is integrated with other chapters of the Plan. The approach proposed is to target the rules in the SASM chapter to only those necessary to achieve the outcomes sought, beyond the controls in other chapters of the Plan. The rules in other chapters of the Plan are therefore relied on to manage the majority of effects within SASM, with additional policy guidance and matters of discretion within the SASM providing guidance for consideration of resource consents within SASM, where resource consents are triggered under those rules. As such, the proposed approach is considered to be an efficient and effective way in which to achieve the objectives proposed in the SASM Chapter, as well as those in the Strategic Direction chapters.

## **10. Conclusion / Reasons**

- 10.1. This evaluation has been undertaken in accordance with Section 32 of the Act. It has provided an assessment of the appropriateness of the provisions within proposed Plan Change 24, which relates to the proposed SASM Chapter and related mapping, at achieving the purpose of the Act. This has included considering their efficiency and effectiveness, their alignment with relevant direction in other statutory documents, and their contribution towards achieving the Strategic Directions.
- 10.2. Overall, the provisions proposed in the SASM Chapter provide appropriate guidance for what is sought in relation to these areas, which have been identified by mana whenua as being significant. The rules in the chapter are then targeted to enabling activities that allow mana whenua to reconnect to the land and undertake traditional practises, as well as managing activities in SASM that are not provided for in other chapters of the Plan. Collectively, the provisions proposed within the SASM chapter recognise the historic and provide for the contemporary relationship of mana whenua with the district. It is acknowledged that there are costs associated for landowners these are specific to activities that may affect rock art and silent file areas, or activities that are considered offensive operating within or near to an SASM. However, they are considered necessary to address the issues identified and overall are necessary to achieve the objectives. Overall, the proposed targeted approach is considered to provide a framework that is both efficient and effective at achieving the Plan's objectives.