

## Queenstown Lakes District Proposed District Plan – Stage 1

### Section 42A Hearing Report For Hearing commencing: 07 March 2016

Report dated: 19 February 2016

Report on submissions and further submissions  
**Chapter 5 Tangata Whenua**

File Reference: Chp. 5 S42A

#### Contents:

1. Executive Summary
2. Introduction
3. Scope
4. Background
5. Section 32
6. Submissions
7. Analysis
8. Conclusion

Appendix 1. Recommended Revised Chapter

Appendix 2. List of Submitters – recording recommendation to accept/accept in part/reject.

Appendix 3. Section 32 Report

Appendix 4 Map sheet 40

## **1. Executive Summary**

1.1. Generally, it is considered that the overall thrust of the provisions in the Tangata Whenua chapter should be retained as outlined and supported in the Section 32 assessment, to continue to support Council's Strategic Direction. The key reasons for this are:

- Integration of Tangata Whenua Values into the Proposed District Plan (PDP).
- Involvement of Tangata Whenua in the decision making process.
- Importance of recognising Statutory Areas

1.2. However, I consider that several changes are appropriate and have recommended that these be made, as shown in the Revised Chapter in Appendix 1. A number of these relate to minor changes, or wording changes that provide better expression but do not amount to substantive policy shifts.

## **2. Introduction**

2.1. My full name is Anthony Pickard. I hold the qualification of Bachelor of Science (Hons), Estate Management from Reading University, England. I have been employed in planning and development roles in private practice, local authorities and other government bodies since 2003, both in the UK initially and NZ since 2006. These roles have included 5 years employed by the NZ Historic Places Trust as a Regional Planning Advisor and Project Manager. My role prior to QLDC was as Manager of the Heritage Team (Planning and Urban Design) at Wellington City Council. Since January 2014 I was a Senior Planner (Policy) at QLDC and from 15 February 2016 my title is Principal Planner, Infrastructure, also at QLDC.

2.2. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

2.3. I am authorised to give this evidence on behalf of QLDC.

## **3. Scope**

3.1. The submissions received relating to this chapter and whether the submission is recommended to be Rejected, Accepted or Accepted in Part are attached at Appendix 2. I have read and considered all submissions and further submissions.

3.2. I have also considered whether any related submission points are deferred to a more suitable chapter, and have addressed any submission that have been referred to this one.

3.3. Submissions are considered by issue. Where applicable they are further considered by provision. Appendix 2 contains a summary of the submission points and recommendations. Where the submission is considered minor, the recommendation and reason is contained within the table in Appendix 2. Where the issue is more substantial it is discussed in section 7 below.

- 3.4. Where substantive changes to provisions are recommended, I have outlined and assessed these in terms of Section 32AA of the RMA.
- 3.5. The section 32 report is attached in Appendix 3. The report contains further Appendices and these, along with Monitoring reports can be found on the Council's website at [www.QLDC.govt.nz](http://www.QLDC.govt.nz)

#### 4. Background

- 4.1. This chapter replaces the Statutory Acknowledgement section and part of Section 4 District Wide Matters (Takata Whenua) of the Operative District Plan (ODP).
- 4.2. The chapter has also been included in the strategic part of the PDP to express the Council's acknowledgement of the duty to act in accordance with the principles of the Treaty of Waitangi, especially the principles of partnership and active protection. The purpose of the Chapter is also to reflect the importance of the special relationship that exists between QLDC and Tangata Whenua through the Resource Management Act, 1991 (RMA), Local Government Act 2002 (LGA) and Ngai Tahu Claims Settlement Act 1998 (NTCSA).
- 4.3. Information within this chapter and the associated map sheet (# 40 – in Appendix 4)<sup>1</sup> also assists users of the Plan to make and assess resource consents in compliance with the requirements of the recently amended Schedule 4 of the RMA, which are abridged below, with my emphasis added in bold type, and are especially relevant to considering any effects on Tangata Whenua values, mainly through the need to assess all applications against Part 2.

#### 2 Information required in all applications

*(1) An application for a resource consent for an activity (the activity) must include the following:*

*(f) an assessment of the activity against the matters set out in **Part 2**:*

#### 7 Matters that must be addressed by assessment of environmental effects

*(1) An assessment of the activity's effects on the environment must address the following matters:*

*(a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, **or cultural effects**:*

*(b) any physical effect on the locality, including any landscape and visual effects:*

*(c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:*

*(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, **or cultural value, or other special value, for present or future generations**: [my emphasis]*

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<sup>1</sup> Map sheet 40 is provided for reference only and will be considered along with the remainder of the mapping sheets at a later hearing.

## **Part 2 (also abridged)**

### **6 Matters of national importance**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:**
- (f) the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) the protection of protected customary rights.*

### **7 Other matters**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*

- (a) kaitiakitanga:**
- (aa) the ethic of stewardship:**

4.4. The crossover between "the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga" with the provision for these matters under Historic Heritage is further addressed under Chapter 26 Historic Heritage of the PDP. In that Chapter and following identification by Ngai Tahu, of sites in addition to those contained in the NTCSA, statements of significance and threats associated with types of development will be recorded. The rules that are already included in that Chapter will allow further specific protection for Sites of Significance to Maori. I note that through the definition of historic heritage in section 2 of the RMA (repeated below) such sites, and also their surroundings, are to be protected from inappropriate development. This accords with the need for Tangata Whenua to assist Council, and all users of the Plan, to identify the effects from different types of development that would impact non-tangible values.

## **2 Interpretation<sup>2</sup>.**

*historic heritage—*

*(a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:*

- (i) archaeological:*
- (ii) architectural:*
- (iii) cultural:*
- (iv) historic:*
- (v) scientific:*
- (vi) technological; and*

*(b) includes—*

- (i) historic sites, structures, places, and areas; and*
- (ii) archaeological sites; and*
- (iii) **sites of significance to Māori, including wāhi tapu;** and*
- (iv) surroundings associated with the natural and physical resources [my emphasis]*

4.5. To avoid duplication, Iwi Management Plans have been incorporated by reference under clause 30 of Schedule 1 of the RMA at notification. It is acknowledged that such plans have not undergone statutory process and do not necessarily become established through a public consultative process. Reliance on these documents however, forms part of the relationship that Council are obligated to achieve. Aligned with this is part of Council's approach to meet the requirements of clause 3B, Schedule 1, RMA.

### **3B Consultation with iwi authorities**

*For the purposes of clause 3(1)(d), a local authority is to be treated as having consulted with iwi authorities in relation to those whose details are entered in the record kept under section 35A, if the local authority—*

- (a) considers ways in which it may foster the development of their capacity to respond to an invitation to consult; and*
- (b) establishes and maintains processes to provide opportunities for those iwi authorities to consult it; and*
- (c) consults with those iwi authorities; and*
- (d) enables those iwi authorities to identify resource management issues of concern to them; and*
- (e) indicates how those issues have been or are to be addressed.*

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<sup>2</sup> Section 2, RMA.

- 4.6. Council are also obliged under the NTCSA to consult Tangata Whenua where development may affect certain identified sites or other values. These requirements have also been included to increase understanding and awareness of this piece of legislation.
- 4.7. This Chapter is an expansion of Goal 7 of the Strategic Direction Chapter (Chapter 3). That chapter sits over the other three strategic chapters (including Chapter 5), and all four sit over the other parts of the PDP.

**3.2.7 Goal - Council will act in accordance with the principles of the Treaty of Waitangi and in partnership with Ngai Tahu.**

*Objective 3.2.7.1 Protect Ngai Tahu values, rights and interests, including taonga species and habitats, and wahi tupuna.*

*Objective 3.2.7.2 Enable the expression of kaitiakitanga by providing for meaningful collaboration with Ngai Tahu in resource management decision making and implementation.*

- 4.8. In response to submissions on the Strategic Directions Chapter however, Objective 3.2.7.1 is being recommended for an amendment and in my opinion is also appropriately addressed in this Hearing within Issue 1 below.

**5. Section 32**

- 5.1. A section 32 report was prepared for this chapter to assist in and provide a record of the analysis and decision making undertaken. The section 32 report is attached at Appendix 3.

- 5.2. The key issues identified and addressed within the section 32 report were:

- The importance of Statutory Acknowledgement areas not really being understood by QLDC staff and consequently appropriate consultation may have been missed.
- Ensuring that ongoing engagement with Tangata Whenua occurs.
- Correct identification of Tangata Whenua to ensure consultation is accurate on consent matters.
- Integration of Tangata Whenua values throughout the District Plan.
- Involvement of Tangata Whenua in resource management decision making.

**6. Submissions**

- 6.1. The PDP was notified on 26 August 2015. The submission period closed on 23 October 2015. A summary of submissions was notified on 3 December. The further submission period closed on 16 December 2015.

- 6.2. 15 submissions with 51 points of submission were received directly on Chapter 5. Six further submissions with 11 further submission points have been received in relation to principal submissions.

6.3. Additional submission points from other chapters and those points that are deferred to other chapters are incorporated into Appendix 2.

## 7. Analysis

7.1. The RMA, as amended in December 2013 no longer requires this report or the Council decision to address each submission point but, instead, requires a summary of the issues raised in the submissions.

7.2. Some submissions contain more than one issue, and will be addressed where they are most relevant within this report.

7.3. The following key issues have been raised in the submissions.

- Issue 1 – Strategic Direction Goal 7 (3.2.7)
- Issue 2 – Consultation / mapping of cultural sites
- Issue 3 – "Manawhenua"
- Issue 4 – Involvement of Tangata Whenua / status of Iwi Management Plans

### 7.4. Issue 1 – Strategic Direction Goal 7 (3.2.7)

Relevant submissions

*519 (NZ Tungsten Mining)*  
*806 (Queenstown Park Limited)*

Discussion

In the analysis of the submissions on the Strategic Directions Chapter, submissions were made on this Goal and associated objectives and policies. Amendments were sought, including of Objective 3.2.7.1. This would see a "softening" of the stance from firmly requiring protection of Ngai Tahu values to recognising and providing for those values. Mr Paetz has accepted this change in his evidence, which is further examined below.

As Chapter five is an expansion of this Goal, further evaluation (under S32AA RMA) is required due to the possible causal effect of the change.

#### **Recommended amended Objective 3.2.7.1 and appropriateness**

*Objective 3.2.7.1 ~~Protect~~ Recognise and Provide for Ngai Tahu values, rights and interests, including taonga species and habitats, and wahi tupuna.*

#### Appropriateness:

This amended objective is considered to be the most appropriate way of achieving the purpose of the Act as:

- The deletion of the word "Protect" steps away from the absolute stance of protecting against the effects of all development, use and subdivision.
- The substitution of the wording "Recognise and Provide for" is more closely suited to the intention of the Chapter which is to assist in firstly identifying Tangata Whenua values and then secondly protecting them from different types of development. It is acknowledged that generally there are three measures to achieve protection, i.e., avoidance, remediation and mitigation that are employed in stating objectives. It is also noted that in some instances all three can be utilised. Coincidentally Objective 5.4.3 – requires "protection" of taonga species and habitats whilst allowing alternatives to be considered. This demonstrates that the preference is for the protection in the first instance.
- The other four Objectives within this chapter (Tangata Whenua) as proposed have a softer approach and utilise "promote", "provide for", "enable" and "appropriately managed and protected". I do not consider than any of the Objectives or Policies within this chapter need to be subsequently amended to accommodate this change and as they are to be considered as a group they remain efficient.
- The amendment to the Strategic Direction Objective only, will align with the wording of s6 , RMA , i.e., "shall recognise and provide for matters of national importance" of which 6(e) (and 6(f)) are directly relevant.

| <b>Costs</b>  | <b>Benefits</b>  | <b>Effectiveness &amp; Efficiency</b>   |
|---|--|---|
| There is a slight risk that the softening of the "higher" objective will be perceived as a weakening of the importance of the Tangata Whenua chapter. | <p>The "lower" objectives and policies are better aligned to the amended Objective which demonstrates an intention that errs on the side of partnership and active protection, without being heavy handed.</p> <p>The Tangata Whenua suite of objectives and policies do not contradict the Strategic Goal. The aim partly, is to demonstrate partnership, where absolute protection of Tangata Whenua values, above all other effects of development would represent an unequitable bias.</p> | The recommended amended policy is considered more effective in achieving the objective. |

**These submission points are Accepted in respect to this issue.**

7.5. Issue 2 – Consultation / mapping of cultural sites

*Relevant submissions*

- 806 (Queenstown Park Limited)
- 806.49
- 806.50 FS 1341.21 (Real Journeys Limited)
- 806.53 FS 1341.20
- 807 (Remarkables Park Limited)
- 807.7
- 807.73

817(*Te Ao Marama Incorporated*)  
817.3

Discussion:

Submitters request deletion of the entire chapter or a series of amendments, to allow for further consultation with iwi to identify specific areas of features of significance to iwi. Consultation prior to notification has already occurred and input from Tangata Whenua has been instrumental in forming the chapter. I consider that there is ample information available to formulate and justify this Chapter.

Map sheet 40 contains a number of sites to aid users with recognition. Council officers have been instructed by iwi in how to interpret the likely effects of different types of development on values associated with such sites. This is invaluable for council staff, and builds on the use of Iwi Management Plans (IMPs), which are available to all and are identified (at 5.3 in Chapter 5) as a primary tool to assist in identifying and addressing the issues referred to in this chapter. PDP mapping will be the subject of a later Hearing.

Additionally, the location and presence of sites shown on the mapping are not new requirements, as they have been identified through the Ngai Tahu Claims Settlement Act 1998 (NTCSA) although previously only the Statutory Areas were identified in the Operative District Plan. The PDP now shows Topuni and Nohoanga sites. Council consent planners have been briefed on the importance of these sites and the need to consider effects from development on iwi values that are either within these or in a location where the effects from development may affect them.

**These submission points are Rejected on this issue.**

#### 7.6. Issue 3 – Manawhenua

Relevant submissions

810 (*Kai Tahu Ki Otago*)  
810.2  
810.12  
810.14 *FS 1097(Queenstown Park Limited)*  
810.16  
810.20  
810.21  
810.22  
810.23  
810.24  
810.25  
810.27  
810.28

Discussion

One strand of Kai Tahu ki Otago's submission is that there should be a fundamental change to the Chapter, which should be followed through in all parts of the PDP. They request that all references to "Tangata Whenua", and in some instances to "Ngai Tahu", be amended to "Manawhenua".

The chapter as proposed is the result of joint working approach by Kai Tahu ki Otago (KTKO), Te Ao Marama Incorporated (TAMI) and QLDC. Altering the title and all the references to

Tangata Whenua to Manawhenua in this chapter, and also consequentially throughout the PDP would need to have the approval of these three parties. TAMI make no reference to the matter in their general support of the chapter and wider proposed plan.

I prefer the precedent set in the RMA and NTCSA by using a generic reference to "Tangata Whenua". Whilst there is acknowledgement that there are differences between the two phrases which may have some connotations for Maori, in my opinion most users of the Plan would recognise Tangata Whenua more readily than Manawhenua and this provides consistency with that legislation. The definitions of both phrases are included in the glossary (as repeated directly below), which along with the bulk of the chapter, stems from joint working of KTKO and TAMI, on behalf of the runanga that they represent.

Manawhenua – those who exercise customary authority.

Tangata Whenua – the iwi or hapu that holds Manawhenua in a particular district.

In my opinion, the change would not be noticeable to non-Maori, however I look forward to more detailed discussion through evidence at the Hearing.

**These submission points are Rejected on this issue at this time.**

#### 7.7. Issue 4 – Involvement of Tangata Whenua / status of Iwi Management Plans

Relevant submissions

621 (*Real Journeys Limited*)

621.22

621.23

806 (*Queenstown Park Limited*)

806.50 FS 1341.21 (*Real Journeys Limited*)

Submitters request that the ODP provisions are retained in preference to those proposed. Retention of the ODP provisions in my opinion would not be efficient as the s32 evaluation shows that these have been inefficient and that there are definite areas for improvement, particularly as they are often overlooked according to anecdotal evidence. A significant amount of work has gone into identifying a new approach, that is more in-tune with the wider ambit of simplifying and streamlining, and is subsequently preferred.

Submitter 806 (*Queenstown Park Limited*) has reasoned that "*It is not appropriate to ensure that Ngai Tahu are engaged in decision making. Decision making is the role of the local authority*".

Whilst I agree that decision making is the responsibility of the Council, I note that Council has not delegated that responsibility to Ngai Tahu, but does seek to actively engage Tangata Whenua in some aspects of the process so that decisions are better informed.

Submitters have also questioned the relationship between the PDP and IMPs.

I consider that in order to take into account the principles of the Treaty of Waitangi under s 8 RMA, especially the principle of partnership, along with Schedule 1, 3b, Local Authorities are obligated under the LGA<sup>3</sup> and RMA to actively practice this engagement.

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<sup>3</sup> Local Government Act 2002, section 4.

Engagement in the process has several possible inputs. I consider that Tangata Whenua, mainly, but not exhaustively, through KTKO and TAMI, are involved in plan changes to the district plan, are consulted in resource consent matters, are engaged at elected member level through regular hui, and specifically are represented as panel members on relevant hearings. They are statutory Schedule 1 consultees in the District Plan process.

The legislation directs that council **take into account** iwi management plans. This is a higher onus than **having regard to** the same documents. I consider that having regard to the IMP's means that having read them, there is no obligation to incorporate all or part of them into the District Plan, only that they have been materially considered.

Iwi management plans have been taken into account as follows:

- The information given on identifying values that are affected by development is fairly unique amongst the other effects of development, which is generally physical effects or loss of amenity. The additional dimension of effects on cultural or spiritual matters is complex. Understanding that Maori believe in life forces and have relationships with the elements of the environment is extremely difficult to quantify. IMPs are therefore used as a source of initial reference, but should be used in conjunction with direct consultation.
- They explain the different interests (acknowledged this extends only so far) of iwi over the district.
- They expand on issues required to be addressed under the NTCSA.

**Recommendation – these submission points are Rejected.**

## 8 Conclusion

8.1 Generally, it is considered that the overall thrust of the provisions should be maintained as outlined and supported in the Section 32 assessment, to continue to support Council's Strategic Direction. The key reasons for this are:

- Integration of Tangata Whenua Values into the PDP.
- Involvement of Tangata Whenua in the decision making process.
- Importance or recognising Statutory Areas.
- In working up the chapter it was identified that there are many overlaps in provisions for the effects of development on the environment, with the need to recognise and provide for Tangata Whenua values - in that protection for landscapes, vegetation, habitats and water are common ground, albeit for possibly different reasons. These values however, are very difficult to quantify and duplicating more detailed reference sources, such as Iwi Management Plans is not efficient. Combined with the changes to Schedule 4 RMA, which places more emphasis on information to be provided by the applicant, I consider that the chapter (and the wider Plan) reach a balance in identifying the need to address Tangata Whenua values, without unnecessary repetition, or bias towards Tangata Whenua. This allows the integration of values throughout.
- The process to arrive at the currently proposed chapter, including working with the Resource Management Units (TAMI and KTKO), hui, discussing written protocols and

receiving education on how to understand the effects of different types of development on non-tangible matters is ongoing. Having this input in the formulation of the chapter, along with a Ngai Tahu presence on the Panel, demonstrates Council's commitment to involving Tangata Whenua in decision making. This does not mean that Council's powers or duties are delegated (as referred to in submission responses) but does mean that decision makers are better informed.

- The requirements of the NTCSA are pre-existing and no new requirements are proposed. The positive change is that these requirements are being made much clearer within the PDP. This has been achieved by incorporating information within the dedicated chapter, and improving mapping information.

8.2 Overall, I consider that provision for Tangata Whenua is improved in the PDP from the ODP. It is generally collated into one chapter, combines reference to other more detailed sources, but still contains an appropriate amount of direction. It is acknowledged that there is further work to be done to ensure that both consultation and engagement with Tangata Whenua are provided for. Information on Sites of Significance to Maori is to be provided to Council as part of Ngai Tahu's Cultural Mapping projects (by September 2016). This will identify further sites and interests, and will include statements of significance, and threats from different types of development. This will be proposed for inclusion during Stage 2 of the District Plan Review.

8.3 It is further acknowledged that when dealing with tripartite inputs, achieving 100% satisfaction to all parties, may not be realistic. The proposed chapter, along with the ongoing engagement and consultation is a consensus.

8.4 On the basis of my analysis within this report, I recommend that the changes within the Revised Chapter in Appendix 1 are accepted.

8.5 The changes will improve the clarity and administration of the Plan; contribute towards achieving the objectives of the Plan and Strategic Direction goals in an effective and efficient manner and give effect to the purpose and principles of the RMA.



Anthony Pickard  
Principal Planner Infrastructure  
Queenstown Lakes District Council  
19 February 2016

## **Appendix 1. Recommended Revised Chapter**

Key: Recommend changes to notified chapter are shown in underlined text for additions and ~~strike-through text~~ for deletions. Dated 19 February 2016.

## 5 Tangata Whenua

### 5.1 Purpose

Queenstown Lakes District Council will recognise and provide for Ngāi Tahu as a partner in the management of the District's natural and physical resources through the implementation of this District Plan. The Council will actively foster this partnership through meaningful collaboration, seeking formal and informal advice, providing for Ngāi Tahu's role as kaitiaki, and protecting its values, rights and interests.

### 5.2 Ngāi Tahu <sup>1</sup> / Kāi Tahu

#### Introduction

Ngāi Tahu are ~~the~~ Manawhenua of the Queenstown Lakes District. Although Waitaha were the first people of Te Wai Pounamu (the South Island), Kāti Māmoe and then Ngāi Tahu followed<sup>2</sup>. Through warfare, intermarriage and political alliances a common allegiance to Ngāi Tahu was forged. Ngāi Tahu means the 'people of Tahu', linking them by name to their common ancestor Tahu Pōtiki. The Ngāi Tahu tribal area extends from the sub Antarctic islands in the south to Te Parinuiowhiti (White Cliffs, Blenheim) in the north and to Kahurangi Point on Te Tai o Poutini (the West Coast).

#### Manawhenua

Waitaha, Kāti Mamoe and Ngāi Tahu, nowadays collectively referred to as Ngāi Tahu, are a network of peoples closely connected by whakapapa, trade and their shared history who constantly traversed Te Wai Pounamu. Tūpuna had considerable knowledge of traditional trails, places for gathering food and other taonga, ways in which to use the resources of the land, the relationship of people with the land and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

Ngāi Tahu have centuries' long customary associations and rights and interest in the Queenstown Lakes District and its resources. These associations are both historical and contemporary and include whakapapa, place names, mahinga kai, tribal economic development and landholdings. Ngāi Tahu has the customary authority to make decisions concerning the resources and places in their takiwā in accordance with Ngāi Tahu resource management traditions.

Ngāi Tahu has maintained its associations with the Queenstown Lakes District and continues to develop its economy through investment in tourism, landholdings and mahinga kai initiatives. Artworks, interpretation, stories and place names continue to reflect Ngāi Tahu's contemporary identity in the built and natural environment.

Manawhenua hold traditional customary rights and maintain contemporary relationships within an area determined by whakapapa (genealogical ties), resource use and ahikāroa (the long burning fires of occupation). These rights are traceable and defined by tradition, whakapapa and practice. Papatipu Rūnanga are the focus for whānau and hapū (extended family groups) who have ~~the~~ Manawhenua status within their area.

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<sup>1</sup> In the south of the South Island, the local Māori dialect uses a 'k' interchangeably with 'ng'.

<sup>2</sup> The term Ngāi Tahu whānui encompasses Waitaha, Kāti Māmoe and Ngāi Tahu

# TANGATA WHENUA 5

Queenstown Lakes District Council acknowledges the special relationship Ngāi Tahu has with the District through the Treaty partnership.

## Association with the Queenstown Lakes District

Traditionally the Lakes region of Otago has been important to Ngāi Tahu whānui. Hapū would travel to pre-determined sites throughout the region to gather mahinga kai resources for their own use, as well as for trade. The hunting of birds, eels, the digging of fern root and ti root, and the gathering of taramea, and precious stone resources such as pounamu and silcrete, were the main focus of activity.

Ngāi Tahu had permanent and seasonal kāinga (villages and campsites) around the interior lakes Whakatipu Wai Māori, Wānaka and Hāwea. A number of Māori ara tawhito (trails) traversed the inland area of what is now the Queenstown Lakes District.

The routes went inland from the coastal settlements of Otago and Southland up the valleys and passes, and returned following the waterways.

The naming of the land and linking of the tribal whakapapa to the land and resources is the essence of the tino rangatiratanga Ngāi Tahu enjoys over the whenua.

## Te Rūnanga o Ngāi Tahu and the Papatipu Rūnanga

Te Rūnanga o Ngāi Tahu (the iwi authority) is made up of 18 papatipu rūnanga.<sup>3</sup> Located predominantly in traditional coastal settlements, papatipu rūnanga are a focus for whānau and hapū (extended family groups) who have ~~an~~ Manawhenua status within the Queenstown Lakes District. The papatipu rūnanga that have a shared interest in the Queenstown Lakes District are:

- Te Rūnanga o Moeraki
- Kāti Huirapa Rūnaka ki Puketeraki
- Te Rūnanga o Ōtākou
- Hokonui Rūnaka
- Te Rūnanga o Oraka-Aparima
- Te Rūnanga o Awarua
- Waihopai Rūnaka

## Ngāi Tahu Environmental Management

Ngāi Tahu do not see their existence as separate from Te Ao Tūroa (the natural world), but as an integral part of it. Through whakapapa (genealogy), all people and life forms descend from a common source. Whakapapa binds Ngāi Tahu to the mountains, forests and waters and the life supported by them, and this is reflected in traditional attitudes towards the natural world and resource management.

Whakawhanaungkatanga (the process of establishing relationships) embraces whakapapa, through the relationship between people, and between people and the environment. The nature of these relationships determines people's rights and responsibilities in relation to the use and management of taonga of the natural world.

All things have the qualities of wairua (spiritual dimension) and mauri (essential life force, or life supporting capacity), are living and have a genealogical relationship with each other. Mauri provides

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<sup>3</sup> These papatipu rūnanga were established as a result of the Te Rūnanga o Ngāi Tahu Act 1996, and hold the rights, interests and responsibilities to defined areas of land and waters within the Ngāi Tahu rohe.

# TANGATA WHENUA 5

the common centre between the natural resources (taonga), the people or guardians who care for the taonga (the kaitiaki), and the management framework (tikanga) of how taonga are to be managed by the kaitiaki. It is through kawa (protocol) that the relationship between taonga, tikanga and kaitiakitanga is realised.

This political and operational authority over an area is undertaken by the ~~the~~ Manawhenua and encompasses kaitiakitanga and rangatiratanga.

## Kaitiakitanga

Kaitiakitanga entails the active protection and responsibility for natural and physical resources by tangata whenua. To give effect to kaitiakitanga it is important to engage meaningfully with the appropriate papatipu rūnanga. Kaitiakitanga means "the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship." This RMA definition of kaitiakitanga is, however, only a starting point for Ngāi Tahu, as kaitiakitanga is a much wider cultural concept than pure guardianship.

Kaitiakitanga is fundamental to the relationship between Ngāi Tahu and the environment. The responsibility of kaitiakitanga is twofold: first, there is the ultimate aim of protecting life supporting capacity and, secondly, there is the duty to pass the environment to future generations in a state that is as good as, or better than, the current state. To Ngāi Tahu, kaitiakitanga is not passive custodianship, nor is it simply the exercise of traditional property rights, but it entails an active exercise of rights and responsibilities in a manner beneficial to the resource. In managing the use, development, and protection of natural and physical resources, decision makers must have regard to kaitiakitanga.

## Taonga

In the management of natural resources, it is important that the habitats and wider needs of taonga are protected and sustainably managed and enhanced.

All natural resources - air, land, water, and indigenous biodiversity - are taonga. Taonga are treasures, things highly prized and important to Ngāi Tahu, derived from the atua (gods) and left by the tūpuna (ancestors) to provide and sustain life. Taonga include sites and resources such as wāhi tapu, tauranga waka and kai mataitai, other sites for gathering food and cultural resources, tribally significant landforms, features and cultural landscapes (wāhi tūpuna). Taonga may also be intangible, such as tikanga and te reo (Maori language). All taonga are part of the cultural and tribal identity of an iwi.

The protection of the relationship of tangata whenua and their taonga is included in Article II of the Treaty of Waitangi, Section 6(e) of the RMA, and more recently the Ngāi Tahu Claims Settlement Act 1998.

To ensure taonga are available for future generations, resource management decision-making processes need to recognise tikanga (Maori protocol and customs) and have the conservation and sustainability of resources as their focus.

## Mahinga Kai

Mahinga kai is one of the cornerstones of Ngāi Tahu cultural identity. Mahinga kai is a term that refers to the customary gathering of food and natural materials and the places where those resources are gathered or sourced. The term also embodies the traditions, customs and collection methods, and the gathering of natural resources for cultural use, including raranga (weaving) and rongoā (traditional medicines). Maintaining mahinga kai sites, gathering resources, and continuing to practice the tikanga that governs each resource, is an important means of passing on cultural values and matauranga Maori (traditional knowledge) to the next generation.

## Wāhi tūpuna

Wāhi tūpuna ~~tapuna~~ are landscapes and places that embody the relationship of Ngāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi ~~wahi~~ tapu and other taonga. The term refers to places that hold the respect of the people in accordance with tikanga.

In addition to urupā, physical resources such as landforms, mountains and ranges, remaining areas of indigenous vegetation, springs, and waterways are examples of wāhi tūpuna ~~tapu~~.

## Ngāi Tahu Claims Settlement Act 1998

In 1998, after years of negotiations between Ngāi Tahu and the Crown to mitigate and remedy breaches of the Treaty of Waitangi, the Ngāi Tahu Claims Settlement Act was enacted. The Act includes a number of mechanisms that are to be implemented through the Resource Management Act to recognise and provide for areas and species of particular importance to Ngāi Tahu including Statutory Acknowledgements, tōpuni, nohoanga and taonga species.

The Ngāi Tahu Claims Settlement Act 1998 relates to remedying breaches of the Treaty of Waitangi and does not cover Maori Freehold and South Island Landless Natives Act lands.

Ngāi Tahu's rights and interests in the Queenstown Lakes District extend beyond the areas and resources identified as statutory redress. The effects on Ngāi Tahu values, rights and interests are addressed through the mechanisms below and the related provisions in the District Plan.

### Statutory Acknowledgements

Statutory Acknowledgements recognise the special relationship Ngāi Tahu has with specific areas. The Council must have regard to Statutory Acknowledgements when considering resource consent applications and advise Ngāi Tahu of any application that may affect Statutory Acknowledgement areas.

### Tōpuni

The concept of tōpuni comes from the traditional Ngāi Tahu custom of rangatira extending their mana over areas and people by placing their cloak over them.

Tōpuni are a public symbol of Ngāi Tahu mā Manawhenua and rangatiratanga over some of the most prominent landscape features and conservation areas in Te Wai Pounamu. Tōpuni have been laid over 14 areas of public conservation land of significance to Ngāi Tahu.

### Nohoanga

The term 'nohoanga' traditionally refers to the seasonal occupation sites which were an integral part of the mobile lifestyle of Ngāi Tahu. Contemporary nohoanga are identified seasonal or temporary campsites established adjacent to lakes and rivers to facilitate customary fishing and the gathering of other natural resources. They provide Ngāi Tahu with a means of experiencing the landscape as their tūpuna did, and promoting customary practices associated with mahinga kai.

Ngāi Tahu has the right to erect camping shelters or similar temporary dwellings on nohoanga during the statutory occupation period.

### Taonga species

Ngāi Tahu has many taonga species that are recognised to have a cultural, spiritual, historic and traditional relationship. The species are integral to mahinga kai and nohoanga, and can be also used as tohu (or indicators in this context) of environmental health and Ngāi Tahu values, uses and associations. A list of these taonga species is given later in this chapter. Ngāi Tahu do not see this list of species as exhaustive.

## 5.3 Issues and Outcomes sought by Ngāi Tahu

Key environmental issues for tangata whenua in the Queenstown Lakes District identified in these plans include:

### Issues

- Increasing land use intensification, especially increasing dairying and subdivision.
- Taonga species and related habitats.

### Outcomes Sought

# TANGATA WHENUA 5

- Recognition and implementation of the cultural redress components of the Ngāi Tahu Claims Settlement Act 1998, especially around Statutory Acknowledgements, place names and nohoanga.
- Protection of wāhi tūpuna<sup>4</sup> and all their components including wāhi tapu and mahinga kai.
- Provision for a strong Ngāi Tahu presence in the built environment

Iwi management plans are a primary tool to assist in identifying and addressing the issues of resource management significance to Ngāi Tahu. Ngāi Tahu recognises the following iwi management plans that relate to the Queenstown Lakes District:

- Kāi Tahu ki Otago Natural Resource Management Plans 1995 and 2005.
- *Te Tangi a Tauira: The Cry of the People*, the Ngāi Tahu ki Murihiku Iwi Management Plan for Natural Resources 2008.

## 5.4 Objectives and Policies

### 5.4.1 Promote consultation with tangata whenua through the implementation of the Queenstown Lakes District Plan.

#### Policies

- 5.4.1.1 Ensure that Ngāi Tahu Papatipu Rūnanga are engaged in resource management decision-making and implementation on matters that affect Ngāi Tahu values, rights and interests, in accordance with the principles of the Treaty of Waitangi.
- 5.4.1.2 Actively foster effective partnerships and relationships between the Queenstown Lakes District Council and Ngāi Tahu Papatipu Rūnanga.
- 5.4.1.3 When making resource management decisions, ensure that functions and powers are exercised in a manner that takes into account 5 iwi management plans.
- 5.4.1.4 Recognise that only tangata whenua can identify their relationship and that of their culture and traditions with their ancestral lands, water, sites, wāhi tapu, tōpuni and other taonga.

### 5.4.2 Provide for a Ngāi Tahu presence in the built environment

#### Policies

- 5.4.2.1 Collaborate with Ngāi Tahu in the design of the built environment including planting, public spaces, use of Ngāi Tahu place names and interpretive material.

### 5.4.3 Protect Ngāi Tahu taonga species and related habitats.

#### Policies

- 5.4.3.1 Where adverse effects on taonga species and habitats of significance to Ngāi Tahu cannot be avoided, remedied or mitigated, consider environmental compensation as an alternative.

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<sup>4</sup> Landscapes and places that embody the relationship of Ngāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.

<sup>5</sup> s74 (2A) RMA

## 5.4.4 Enable the sustainable use of Māori land.

### Policies

- 5.4.4.1 Enable Ngāi Tahu to protect, develop and use Māori land in a way consistent with their culture and traditions, and economic, cultural and social aspirations including papakainga housing.

## 5.4.5 Wāhi tūpuna and all their components are appropriately managed and protected.

### Policies

- 5.4.5.1 Identify wāhi tūpuna and all their components on the District Plan maps and protect them from the adverse effects of subdivision, use and development.
- 5.4.5.2 Identify threats to wāhi tūpuna and their components in this District Plan.
- 5.4.5.3 Enable Ngai Tahu to provide for its contemporary uses and associations with wāhi tūpuna.
- 5.4.5.4 Avoid where practicable, adverse effects on the relationship between Ngāi Tahu and the wāhi tūpuna.

## 5.5 Methods

When making resource management decisions, ensure that the following are recognised and provided for:

| Matters of significance to Ngai Tahu  | Implementation method   |
|---|---|
| Ngāi Tahu customary uses and practices relating to natural resources.   | Map areas where customary uses are occurring and list threats to them (including loss of access).   |
| Providing for the role of Ngāi Tahu as kaitiaki of natural resources within their rohe.   | Through District Plan provisions triggering consultation.   |
| Māori environmental health and wellbeing.   | On a case by case basis.  |
| Identify, recognise and protect landscapes and places that embody the relationship of Ngāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga. | Identified in the District Plan through mapping, identification of threats, and through provisions that protect the relationship of Ngāi Tahu with wāhi tūpuna. |
| Preservation of Ngāi Tahu's use of nohoanga sites, and their settings and values, for their intended purpose, including vehicle and pedestrian access onto the sites and to adjacent waterbodies.       | Nohoanga sites mapped in the District Plan.   |
| Activities in or adjacent to water bodies including lakes, rivers, wetlands and tarns, including activities creating sedimentation and the clearance of vegetation.                                     | Consultation with Ngai Tahu where these activities impact on wāhi tūpuna.   |
| Only allow subdivision of land adjacent to waterbodies where it is designed to maintain or enable pedestrian and/or vehicle access.   | Avoid where practicable, subdivision within mapped wāhi tūpuna.   |

## TANGATA WHENUA 5

| Matters of significance to Ngai Tahu   | Implementation method   |
|--|---|
| Only allow locations for cemeteries, urupā, crematoria, landfills and wastewater treatment plants, where any adverse effects on the relationship between Ngāi Tahu and sites of cultural importance to them are avoided or if avoidance is not possible, are no more than minor. | Consultation with Ngāi Tahu is required where cemeteries, urupā, crematoria, landfills and wastewater treatment plants are proposed within the Queenstown Lakes District. |
| Protection and/or restoration of taonga species and their habitats.  | Ngāi Tahu will develop a schedule of taonga species and map related habitats.   |

## 5.6 Glossary

|                                    |  |
|------------------------------------|--|
| <b>Ahi kā</b>                      | Continued occupation according to the customary law of Māori tenure (“keeping the fires burning”).   |
| <b>Ara Tawhito</b>                 | Trails and routes. A network of trails crossed the region linking the permanent villages with seasonal inland campsites and the coast, providing access to a range of mahika kai resources and inland stone resources, including pounamu and silcrete.   |
| <b>Hapū</b>                        | Sub-tribe, extended whanau.  |
| <b>Iwi</b>                         | Tribe.   |
| <b>Ngāi Tahu</b>                   | The collective of individuals who descend from Ngāi Tahu, Kāti Māmoe and Waitaha who are ̄ Manawhenua in the Queenstown Lakes District.  |
| <b>Kaitiaki</b>                    | Guardian   |
| <b>Kaitiakitanga</b>               | The exercise of customary custodianship, in a manner that incorporates spiritual matters, by tangata whenua who hold Manawhenua status for particular area or resource.  |
| <b>Ki Uta Ki Tai</b>               | Mountains to the sea.  |
| <b>Mahinga Kai</b>                 | Mahinga kai refers to the gathering of food and natural materials, the places where those resources are sourced, and the traditions, customs and collection methods. Mahinga kai remains one of the cornerstones of Ngāi Tahu culture.   |
| <b>Manawhenua</b>                  | Those who exercise customary authority or rangatiratanga.  |
| <b>Mauri</b>                       | Life supporting capacity.  |
| <b>Maunga</b>                      | Important mountains. Mountains are of great cultural importance to Ngāi Tahu. Many are places of spiritual presence, and prominent peaks in the District are linked to Ngāi Tahu creation stories, identity and mana.  |
| <b>Mōkihi</b>                      | Raft made of bundles of raupō, flax stalks or rushes. These were used to navigate the inland lakes and rivers.   |
| <b>Nohoaka/<br/>Nohoanga</b>       | A network of seasonal settlements. Ngāi Tahu were based largely on the coast in permanent settlements, and travelled inland on a seasonal basis. Iwi history shows, through place names and whakapapa, continuous occupation of a network of seasonal settlements, which were distributed along the main river systems from the source lakes to the sea. |
| <b>Papakāinga</b>                  | Permanent settlement or settlement on traditional land.  |
| <b>Papatipu<br/>Rūnaka/Rūnanga</b> | Local ̄ Manawhenua representative group or community system of representation.   |
| <b>Pounamu</b>                     | Nephrite, greenstone, jade.  |
| <b>Rāhui</b>                       | Restriction on access to a specific resource for a particular time.  |
| <b>Rangātiratanga</b>              | Chieftainship, decision-making rights.   |
| <b>Repo Raupo</b>                  | Wetlands or swamps. These provide valuable habitat for taonga species and mahinga kai resources.   |

# TANGATA WHENUA 5

|                            |   |
|----------------------------|---|
| <b>Rohe</b>                | Boundary.   |
| <b>Tangata whenua</b>      | The iwi or hapū that holds 𐀀 <u>Manawhenua</u> in a particular area.  |
| <b>Takiwā</b>              | Area, region, district.   |
| <b>Te Ao Tūroa</b>         | The natural environment.  |
| <b>Tikanga</b>             | Lore and custom, customary values and practices.  |
| <b>Tōpuni</b>              | Named for the Tōpuni cloak worn by Ngāi Tahu rangatira.   |
| <b>Tuhituhi neherā</b>     | Rock art.   |
| <b>Tūpuna/tīpuna</b>       | Ancestor.   |
| <b>Umu-tī</b>              | Earth oven used for cooking tī kōuka (cabbage tree). These are found in a diversity of areas, including old stream banks and river terraces, on low spurs or ridges, and in association with other features, such as nohoaka/nohoanga.        |
| <b>Urupā</b>               | Burial place.   |
| <b>Wāhi kōhatu</b>         | Rock outcrops. Rock outcrops provided shelters and were intensely occupied by Māori from the moa-hunter period into early European settlement during seasonal hikoī. Tuhituhi neherā may be present.  |
| <b>Wāhi taonga</b>         | Resources, places and sites treasured by tangata whenua. These valued places reflect the long history and association of Ngāi Tahu with the Queenstown Lakes District.  |
| <b>Wāhi Tapu</b>           | Places sacred to tangata whenua.  |
| <b>Wāhi tohu</b>           | Features used as location markers within the landscape. Prominent landforms formed part of the network of trails along the coast and inland. These acted as fixed point locators in the landscape for travellers and are imbued with history. |
| <b>Wāhi Tūpuna</b>         | Landscapes and places that embody the relationship of 𐀀 <u>Manawhenua</u> and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.   |
| <b>Wāi Māori</b>           | Freshwater areas valued by Ngāi Tahu including wai puna (springs), roto (lakes) and awa (rivers).   |
| <b>Wairua</b>              | Life principle, spirit.   |
| <b>Wānaka/<br/>Wānanga</b> | Customary learning method.  |
| <b>Whakapapa</b>           | Genealogy.  |
| <b>Whānau</b>              | Family.   |

5.7 Ngāi Tahu Taonga Species

Birds

| Name in Māori          | Name in English         | Scientific Name                                |
|------------------------|-------------------------|--|
| Hoiho                  | Yellow-eyed penguin     | <i>Megadyptes antipodes</i>                    |
| Kāhu                   | Australasian harrier    | <i>Circus approximans</i>                      |
| Kākā                   | South Island kākā       | <i>Nestor meridionalis meridionalis</i>        |
| Kākāpō                 | Kākāpō                  | <i>Strigops habroptilus</i>                    |
| Kākāriki               | New Zealand parakeet    | <i>Cyanoramphus spp.</i>                       |
| Kakaruai               | South Island robin      | <i>Petroica australis australis</i>            |
| Kaki                   | Black stilt             | <i>Himantopus novaezealandiae</i>              |
| Kāmana                 | Crested grebe           | <i>Podiceps cristatus</i>                      |
| Kārearea               | New Zealand falcon      | <i>Falco novaeseelandiae</i>                   |
| Karoro                 | Black backed gull       | <i>Larus dominicanus</i>                       |
| Kea                    | Kea                     | <i>Nestor notabilis</i>                        |
| Kōau                   | Black shag              | <i>Phalacrocorax carbo</i>                     |
|                        | Pied shag               | <i>Phalacrocorax varius varius</i>             |
|                        | Little shag             | <i>Phalacrocorax melanoleucos brevirostris</i> |
| Koekoeā                | Long-tailed cuckoo      | <i>Eudynamys taitensis</i>                     |
| Kōparapara or Korimako | Bellbird                | <i>Anthornis melanura melanura</i>             |
| Kororā                 | Blue penguin            | <i>Eudyptula minor</i>                         |
| Kōtare                 | Kingfisher              | <i>Halcyon sancta</i>                          |
| Kōtuku                 | White heron             | <i>Egretta alba</i>                            |
| Kōwhiowhio             | Blue duck               | <i>Hymenolaimus malacorhynchos</i>             |
| Kūaka                  | Bar-tailed godwit       | <i>Limosa lapponica</i>                        |
| Kūkupa/Kererū          | New Zealand wood pigeon | <i>Hemiphaga novaeseelandiae</i>               |
| Kuruwhengu/Kuruwhengi  | New Zealand shoveller   | <i>Anas rhynchos</i>                           |
| Mātātā                 | South Island Fernbird   | <i>Bowdleria punctata punctata</i>             |
|                        | Stewart Island Fernbird | <i>Bowdleria punctata Stewartiana</i>          |
|                        | Codfish Island Fernbird | <i>Bowdleria punctata wilsoni</i>              |
|                        | Snares Fernbird         | <i>Bowdleria punctata caudata</i>              |
| Matuku moana           | Reef heron              | <i>Egretta sacra</i>                           |

# TANGATA WHENUA 5

|                |                                |   |
|----------------|--------------------------------|---|
| Miromiro       | South Island tomtit            | <i>Petroica macrocephala macrocephala</i>     |
| Miromiro       | Snares Island tomtit           | <i>Petroica macrocephala dannefaerdi</i>      |
| Mohua          | Yellowhead                     | <i>Mohoua ochrocephala</i>                    |
| Pākura/Pūkeko  | Swamp hen/Pūkeko               | <i>Porphyrio porphyrio</i>                    |
| Pārera         | Grey duck                      | <i>Anas superciliosa</i>                      |
| Pateke         | Brown teal                     | <i>Anas aucklandica</i>                       |
| Pīhoihoi       | New Zealand pipit              | <i>Anthus novaeseelandiae</i>                 |
| Pīpīwharau     | Shining cuckoo                 | <i>Chrysococcyx lucidus</i>                   |
| Pīwakawaka     | South Island fantail           | <i>Rhipidura fuliginosa fuliginosa</i>        |
| Poaka          | Pied stilt                     | <i>Himantopus himantopus</i>                  |
| Pokotiwaha     | Snares crested penguin         | <i>Eudyptes robustus</i>                      |
| Pūtakitaki     | Paradise shelduck              | <i>Tadorna variegata</i>                      |
| Riroriro       | Grey warbler                   | <i>Gerygone igata</i>                         |
| Roroa          | Great spotted kiwi             | <i>Apteryx haastii</i>                        |
| Rowi           | Ōkārito brown kiwi             | <i>Apteryx mantelli</i>                       |
| Ruru koukou    | Morepork                       | <i>Ninox novaeseelandiae</i>                  |
| Tākāhe         | Tākāhe                         | <i>Porphyrio mantelli</i>                     |
| Tara           | Terns                          | <i>Sterna spp.</i>                            |
| Tawaki         | Fiordland crested penguin      | <i>Eudyptes Pachyrhynchus</i>                 |
| Tete           | Grey teal                      | <i>Anas gracilis</i>                          |
| Tieke          | South Island saddleback        | <i>Philesturnus carunculatus carunculatus</i> |
| Tītī           | Sooty shearwater               | <i>Puffinus griseus and</i>                   |
|                | Muttonbird/Hutton's shearwater | <i>Puffinus huttoni and</i>                   |
|                | Common diving petrel           | <i>Pelecanoides urinatrix and</i>             |
|                | South Georgian diving petrel   | <i>Pelecanoides georgicus and</i>             |
|                | Westland petrel                | <i>Procellaria westlandica and</i>            |
|                | Fairy prion                    | <i>Pachyptila turtur and</i>                  |
|                | Broad billed prion             | <i>Pachyptila vittata and</i>                 |
|                | White-faced storm petrel       | <i>Pelagodroma marina and</i>                 |
|                | Cook's petrel                  | <i>Pterodroma cookii and</i>                  |
| Mottled petrel | <i>Pterodroma inexpectata</i>  |   |

# TANGATA WHENUA 5

|               |                            |   |
|---------------|----------------------------|---|
| Tititipounamu | South Island rifleman      | <i>Acanthisitta chloris chloris</i>     |
| Tokoeka       | South Island brown kiwi    | <i>Apteryx australis</i>                |
| Toroa         | Albatrosses and Mollymawks | <i>Diomedea spp.</i>                    |
| Toutouwai     | Stewart Island robin       | <i>Petroica australis rakiura</i>       |
| Tūī           | Tūī                        | <i>Prothemadera novaeseelandiae</i>     |
| Tutukiwi      | Snares Island snipe        | <i>Coenocorypha aucklandica huegeli</i> |
| Weka          | Western weka               | <i>Gallirallus australis australis</i>  |
| Weka          | Stewart Island weka        | <i>Gallirallus australis scotti</i>     |
| Weka          | Buff weka                  | <i>Gallirallus australis hectori</i>    |

## Plants

| Name in Māori     | Name in English           | Scientific Name   |
|-------------------|---------------------------|---|
| Akatorotoro       | White Rata                | <i>Metrosideros perforata</i>                                   |
| Aruhe             | Fernroot (bracken)        | <i>Pteridium aquilinum var. esculentum</i>                      |
| Harakeke          | Flax                      | <i>Phormium tenax</i>   |
| Horoeka           | Lancewood                 | <i>Pseudopanax crassifolius</i>                                 |
| Houhi             | Mountain ribbonwood       | <i>Hoheria lyalli and H glabata</i>                             |
| Kahikatea         | Kahikatea / White pine    | <i>Dacrycarpus dacrydioides</i>                                 |
| Kāmahi            | Kāmahi                    | <i>Weinmannia racemosa</i>                                      |
| Kānuka            | Kānuka                    | <i>Kunzia ericoides</i>   |
| Kāpuka            | Broadleaf                 | <i>Griselinia littoralis</i>                                    |
| Karaeopirita      | Supplejack                | <i>Ripogonum scandens</i>                                       |
| Karaka            | New Zealand laurel/Karaka | <i>Corynocarpus laevigata</i>                                   |
| Karamū            | Coprosma                  | <i>Coprosma robusta, Coprosma lucida, Coprosma foetidissima</i> |
| Kātote            | Tree fern                 | <i>Cyathea smithii</i>  |
| Kiekie            | Kiekie                    | <i>Freycinetia baueriana subsp. banksii</i>                     |
| Kōhia             | NZ Passionfruit           | <i>Passiflora tetrandra</i>                                     |
| Korokio           | Korokio Wirenetting bush  | <i>Corokia cotoneaster</i>                                      |
| Koromiko/Kōkōmuka | Koromiko                  | <i>Hebe salicifolia</i>   |

# TANGATA WHENUA 5

| Name in Māori     | Name in English              | Scientific Name                                |
|-------------------|------------------------------|--|
| Kōtukutuku        | Tree fuchsia                 | <i>Fuchsia excorticata</i>                     |
| Kōwahi Kōhai      | Kōwahi                       | <i>Kowhai Sophora microphylla</i>              |
| Mamaku            | Tree fern                    | <i>Cyathea medullaris</i>                      |
| Mānia             | Sedge                        | <i>Carex flagellifera</i>                      |
| Mānuka Kahikātoa  | Tea-tree                     | <i>Leptospermum scoparium</i>                  |
| Māpou             | Red Matipo                   | <i>Myrsine australis</i>                       |
| Mataī             | Mataī / Black Pine           | <i>Prumnopitys taxifolia</i>                   |
| Miro              | Miro/Brown pine              | <i>Podocarpus ferrugineus</i>                  |
| Ngaio             | Ngaio                        | <i>Myoporum laetum</i>                         |
| Nīkau             | New Zealand palm             | <i>Rhopalostylis sapida</i>                    |
| Pānako            | (Species of fern)            | <i>Asplenium obtusatum</i>                     |
| Pānako            | (Species of fern)            | <i>Botrychium australe and B. biforme</i>      |
| Pātōtara          | Dwarf mingimingi             | <i>Leucopogon fraseri</i>                      |
| Pīngao            | Pīngao                       | <i>Desmoschoenus spiralis</i>                  |
| Pōkākā            | Pōkākā                       | <i>Elaeocarpus hookerianus</i>                 |
| Ponga/Poka        | Tree fern                    | <i>Cyathea dealbata</i>                        |
| Rātā              | Southern rātā                | <i>Metrosideros umbellata</i>                  |
| Raupō             | Bulrush                      | <i>Typha angustifolia</i>                      |
| Rautāwhiri/Kōhūhū | Black matipo/Māpou           | <i>Pittosporum tenuifolium</i>                 |
| Rimu              | Rimu/Red pine                | <i>Dacrydiumcupressinum</i>                    |
| Rimurapa          | Bull kelp                    | <i>Durvillaea antarctica</i>                   |
| Taramea           | Speargrass, spaniard         | <i>Aciphylla spp.</i>                          |
| Tarata            | Lemonwood                    | <i>Pittosporum eugenioides</i>                 |
| Tawai             | Beech                        | <i>Nothofagus spp.</i>                         |
| Tētēaweke         | Muttonbird scrub             | <i>Olearia angustifolia</i>                    |
| Ti rākau/Ti Kōuka | Cabbage tree                 | <i>Cordyline australis</i>                     |
| Tikumu            | Mountain daisy               | <i>Celmisia spectabilis and C. semicordata</i> |
| Titoki            | New Zealand ash              | <i>Alectryon excelsus</i>                      |
| Toatoa            | Mountain Toatoa, Celery pine | <i>Phyllocladus alpinus</i>                    |
| Toetoe            | Toetoe                       | <i>Cortaderia richardii</i>                    |
| Tōtara            | Tōtara                       | <i>Podocarpus totara</i>                       |

## TANGATA WHENUA 5

| Name in Māori | Name in English | Scientific Name   |
|---------------|-----------------|---|
| Tutu          | Tutu            | <i>Coriaria spp.</i>                                      |
| Wharariki     | Mountain flax   | <i>Phormium cookianum</i>                                 |
| Whīnau        | Hīnau           | <i>Elaeocarpus dentatus</i>                               |
| Wī            | Silver tussock  | <i>Poa cita</i>   |
| Wīwī          | Rushes          | <i>Juncus all indigenous Juncus spp. and J. maritimus</i> |

### Taonga Fish Species

| Name in Māori  | Name in English    | Scientific Name                |
|----------------|--------------------|--------------------------------|
| Koeke          | Common shrimp      | <i>Palaemon affinis</i>        |
| Kokopu/Hawai   | Giant bully        | <i>Gobiomorphus gobioides</i>  |
| Kowaro         | Canterbury mudfish | <i>Neochanna burrowsius</i>    |
| Paraki/Ngaiore | Common smelt       | <i>Retropinna retropinna</i>   |
| Piripiripohatu | Torrentfish        | <i>Cheimarrichthys fosteri</i> |
| Taiwharu       | Giant kokopu       | <i>Galaxias argenteus</i>      |

## 5.8 Ngai Tahu Claims Settlement Act 1998 Cultural Redress Provisions

Cultural Redress elements of the Ngai Tahu Claims Settlement Act provided Ngai Tahu with an ability to express its traditional relationships with the natural environment and to exercise its Kaitiaki responsibilities. This ability is given practical effect through Statutory Acknowledgements, Nohoanga and Topuni.

The Statutory Acknowledgements within or adjunct to Queenstown Lakes are:

- Lake Hāwea
- Lake Wanaka
- Whakatipu-wai-māori (Lake Wakatipu)
- Mata-au (Clutha River)
- Pikirakatahi (Mount Earnslaw)
- Tititea (Mount Aspiring)

Nohoanga located in the Queenstown Lakes District are:

- Hawea River – (Albert Town Recreation Reserve)
- Lake Hāwea – (Adjoining Hawea Camping Ground)
- Lake Hāwea – (Western Shore)
- Lake Hāwea – (Timaru Creek)
- Lake Wakatipu – (Wye Creek)
- Lake Wānaka – (Waterfall Creek)
- Lake Wānaka – (Dublin Bay)
- Shotover River, - (Māori Point)
- Shotover River - (Tuckers Beach)

The Tōpuni located in the Queenstown Lakes District are:

- Tititea (Mt Aspiring)
- Pikirakatahi (Mt Earnslaw)
- Te Koroka (Dart/Slipstream)

## **Appendix 2. List of Submitters and Recommended Decisions**

Chapter 5 - Tangata Whenua

| Lowest Clause            | Submitter | Name               | Organisation   | Agent    | Original Point No | Further Submission No | Submitter Position | Planner Recommendation | Issue Reference  | Deferred or Rejected | Retain in existing hearing stream as well? |
|--------------------------|-----------|--------------------|--|----------|-------------------|-----------------------|--------------------|------------------------|--|----------------------|--|
|                          | 21        | Alison Walsh       |  |          | 21.37             |                       | Support            | Accept                 |  |                      |  |
|                          | 300       | Rob Jewell         |  |          | 300.1             |                       | Oppose             | Reject                 |  |                      |  |
|                          | 1117      | Jenny Carter       | Remarkables Park Limited   |          | 300.1             | FS1117.41             | Support            | Reject                 | Submitter 807 requests deletion of the entire chapter. This is rejected.   |                      |  |
|                          | 1097      | Jenny Carter       | Queenstown Park Limited  |          | 300.1             | FS1097.138            | Support            | Reject                 | Submitter 806 requests deletion of the entire chapter. This is rejected.   |                      |  |
|                          | 335       | Nic Blennerhassett |  |          | 335.4             |                       | Support            | Accept                 |  |                      |  |
|                          | 806       | Jenny Carter       | Queenstown Park Limited  |          | 806.49            |                       | Oppose             | Reject                 | The submitter requests deletion of the entire chapter or a series of amendments, to allow for further consultation with iwi to identify specific areas of features of significance to iwi. This is already underway and consultation with iwi has been instrumental in forming the chapter. Map sheet 40 contains a number of sites to aid users with recognition. Council officers are being instructed by iwi in how to interpret the likely effects of different types of development on values associated with such sites.   |                      |  |
|                          | 807       | Jenny Carter       | Remarkables Park Limited   |          | 807.7             |                       | Oppose             | Reject                 | See point 806.49   |                      |  |
|                          | 807       | Jenny Carter       | Remarkables Park Limited   |          | 807.73            |                       | Oppose             | Reject                 | See point 806.49   |                      |  |
|                          | 810       | Tim Vial           | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | KTKO Ltd | 810.1             |                       | Other              | Accept in Part         | The general support is noted.  |                      |  |
|                          | 810       | Tim Vial           | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | KTKO Ltd | 810.12            |                       | Not Stated         | Reject                 | The chapter as proposed is the result of joint approach by KTKO, TAMI and QLDC. Altering the title and all the references to Tangata Whenua to Manawhenua in this chapter and also consequentially throughout the Proposed District Plan would need to have the approval of these three parties. I adopt the precedence set in the RMA and NTCSA by using a generic reference to "Tangata Whenua". Whilst there is acknowledgement that there are differences between the two phrases which may have significant connotations for Maori, in my opinion the general public would recognise Tangata Whenua more readily than Manawhenua. |                      |  |
|                          | 810       | Tim Vial           | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | KTKO Ltd | 810.13            |                       | Not Stated         | Accept                 | This is supported and all references to Manawhenua will be capitalised.  |                      |  |
| 5.1 Purpose              | 380       | Charlotte Mill     | Villa delLago  |          | 380.9             |                       | Support            | Accept                 |  |                      |  |
| 5.1 Purpose              | 380       | Charlotte Mill     | Villa delLago  |          | 380.10            |                       | Support            | Accept                 |  |                      |  |
| 5.1 Purpose              | 600       | David Cooper       | Federated Farmers of New Zealand   |          | 600.40            |                       | Support            | Accept                 | The support is noted.  |                      |  |
| 5.1 Purpose              | 1209      | Richard Burdon     |  |          | 600.40            | FS1209.40             | Support            | Accept                 | The support is noted.  |                      |  |
| 5.1 Purpose              | 810       | Tim Vial           | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | KTKO Ltd | 810.14            |                       | Not Stated         | Reject                 | See discussion on Tangata Whenua to Manawhenua.  |                      |  |
| 5.2 Ngai Tahu / Kai Tahu | 19        | Kain Fround        |  |          | 19.4              |                       | Support            | Accept                 |  |                      |  |
| 5.2 Ngai Tahu / Kai Tahu | 1097      | Jenny Carter       | Queenstown Park Limited  |          | 19.4              | FS1097.7              | Oppose             | Reject                 | Submitter 806 requests deletion of the entire chapter. This is rejected.   |                      |  |
| 5.2 Ngai Tahu / Kai Tahu | 1117      | Jenny Carter       | Remarkables Park Limited   |          | 19.4              | FS1117.3              | Oppose             | Reject                 | Submitter 807 requests deletion of the entire chapter. This is rejected.   |                      |  |

Chapter 5 - Tangata Whenua

| Lowest Clause            | Submitter | Name     | Organisation   | Agent    | Original Point No | Further Submission No | Submitter Position | Planner Recommendation | Issue Reference   | Deferred or Rejected | Retain in existing hearing stream as well? |
|--------------------------|-----------|----------|--|----------|-------------------|-----------------------|--------------------|------------------------|---|----------------------|--|
| 5.2 Ngai Tahu / Kai Tahu | 810       | Tim Vial | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | KTKO Ltd | 810.15            |                       | Not Stated         | Reject                 | The submitter requests substantial rewriting of this section which was the product of joint workings with KTKO, TAMI and QLDC. Whilst minor edits may be possible, rewriting this section without the full support of the other parties is not supported. |                      |  |
| 5.2 Ngai Tahu / Kai Tahu | 810       | Tim Vial | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | KTKO Ltd | 810.16            |                       | Not Stated         | Reject                 | Manawhenua  |                      |  |
| 5.2 Ngai Tahu / Kai Tahu | 810       | Tim Vial | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | KTKO Ltd | 810.17            |                       | Not Stated         | Accept                 | Agree to replace Wkakahanaungkatanga with Whakawhaungatanga.  |                      |  |
| 5.2 Ngai Tahu / Kai Tahu | 810       | Tim Vial | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | KTKO Ltd | 810.18            |                       | Not Stated         | Accept                 | Agree to correct typographical errors and the insertion of wahi tapu as an additional item.   |                      |  |
| 5.2 Ngai Tahu / Kai Tahu | 810       | Tim Vial | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | KTKO Ltd | 810.19            |                       | Not Stated         | Accept                 | Agree to amend the typographical error.   |                      |  |

Chapter 5 - Tangata Whenua

| Lowest Clause                               | Submitter | Name           | Organisation   | Agent                         | Original Point No | Further Submission No | Submitter Position | Planner Recommendation | Issue Reference   | Deferred or Rejected | Retain in existing hearing stream as well? |
|---|-----------|----------------|--|-------------------------------|-------------------|-----------------------|--------------------|------------------------|---|----------------------|--|
| 5.3 Issues and Outcomes sought by Ngai Tahu | 600       | David Cooper   | Federated Farmers of New Zealand   |                               | 600.41            |                       | Oppose             | Reject                 | The environmental effects from different types of development are addressed in the specifically referenced iwi management plans and are not repeated within the proposed District Plan. This inclusion by reference is intentional, noting the general aims of the Review being to assist with the simplify and streamline approach which would be marred by the inclusion of large amounts of repeated text. |                      |  |
| 5.3 Issues and Outcomes sought by Ngai Tahu | 1209      | Richard Burdon |  |                               | 600.41            | FS1209.41             | Support            | Reject                 | Reject for the same reason as 600.41  |                      |  |
| 5.3 Issues and Outcomes sought by Ngai Tahu | 810       | Tim Vial       | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | KTKO Ltd                      | 810.20            |                       | Not Stated         | Reject                 | Reject the amendment from Ngai Tahu to Manawhenua. More specifically identifying the types of development and subdivision may be useful, but would need to be supported by all Tangata Whenua representatives.  |                      |  |
| 5.4 Objectives and Policies                 | 621       | James Aoake    | Real Journeys Limited  | John Edmonds + Associates Ltd | 621.22            |                       | Not Stated         | Reject                 | This relates to Policy 5.4.1.3. Iwi management plans are incorporated by reference in the PDP and there is no obvious reason to include the amendment requested as the date of the documents are already included.  |                      |  |
| 5.4 Objectives and Policies                 | 621       | James Aoake    | Real Journeys Limited  | John Edmonds + Associates Ltd | 621.23            |                       | Not Stated         | Reject                 | The reference to relevant planning documents is ambiguous and will not add value to the policy.   |                      |  |
| 5.4 Objectives and Policies                 | 621       | James Aoake    | Real Journeys Limited  | John Edmonds + Associates Ltd | 621.24            |                       | Not Stated         | Reject                 | Stating "inappropriate" and "adverse effects" leads to a duplication in this case and is not supported.   |                      |  |
| 5.4 Objectives and Policies                 | 621       | James Aoake    | Real Journeys Limited  | John Edmonds + Associates Ltd | 621.25            |                       | Not Stated         | Reject                 | This relates to policy 5.4.5.4. The first amendment relating to remedy or mitigation is superfluous and alters the intention of the policy. The reference to 'incompatible' activities is ambiguous and does not add value to the policy.   |                      |  |
| 5.4.1                                       | 380       | Charlotte Mill | Villa delLago  |                               | 380.11            |                       | Support            | Accept                 |   |                      |  |
| 5.4.1                                       | 805       | Aileen Crow    | Transpower New Zealand Limited   | Beca Limited                  | 805.39            |                       | Other              | Reject                 | The intention is to protect these important features from the adverse effects of all development, regardless of whether it is considered appropriate or inappropriate. Appropriate development may still have adverse effects.  |                      |  |
| 5.4.1                                       | 806       | Jenny Carter   | Queenstown Park Limited  |                               | 806.50            |                       | Oppose             | Reject                 | Reversion to the Operative Plan will not add value to this Plan and the first alternative is rejected. In the second alternative, it is noted that the wording closely follows the RMA as referenced (at Section 74(2A)) and I do not consider that the requested change would be useful.   |                      |  |
| 5.4.1                                       | 1341      | Ben Farrell    | Real Journeys Limited  | John Edmonds & Associates Ltd | 806.50            | FS1341.21             | Support            | Reject                 | See 806.50  |                      |  |
| 5.4.1                                       | 810       | Tim Vial       | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | KTKO Ltd                      | 810.21            |                       | Not Stated         | Reject                 | Manawhenua  |                      |  |
| 5.4.1                                       | 810       | Tim Vial       | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | KTKO Ltd                      | 810.22            |                       | Not Stated         | Reject                 | Manawhenua  |                      |  |

Chapter 5 - Tangata Whenua

| Lowest Clause | Submitter | Name           | Organisation   | Agent                         | Original Point No | Further Submission No | Submitter Position | Planner Recommendation | Issue Reference   | Deferred or Rejected | Retain in existing hearing stream as well? |
|---------------|-----------|----------------|--|-------------------------------|-------------------|-----------------------|--------------------|------------------------|---|----------------------|--|
| 5.4.1         | 810       | Tim Vial       | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | KTKO Ltd                      | 810.23            |                       | Not Stated         | Accept in Part         | See earlier discussion on "Manawhenua". The minor typographical amendment is accepted, inserting a comma after 'water'.   |                      |  |
| 5.4.2         | 380       | Charlotte Mill | Villa delLago  |                               | 380.12            |                       | Support            | Accept                 |   |                      |  |
| 5.4.2         | 806       | Jenny Carter   | Queenstown Park Limited  |                               | 806.51            |                       | Oppose             | Reject                 | The submitters claims that the objective and policy (5.4.2 and 5.4.2.1) are beyond the requirements of the RMA. Elsewhere in the plan the use of design guides and assessment matters direct applicants to other design issues. This is specific to Ngai Tahu, but it is considered that recognising the relationship of Tangata Whenua in the built environment, is appropriate. |                      |  |
| 5.4.2         | 810       | Tim Vial       | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | KTKO Ltd                      | 810.24            |                       | Not Stated         | Reject                 | Manawhenua  |                      |  |
| 5.4.3         | 806       | Jenny Carter   | Queenstown Park Limited  |                               | 806.52            |                       | Other              | Accept in Part         | The submitters claims that the objective and policy (5.4.2 and 5.4.2.1) are beyond the requirements of the RMA. Elsewhere in the plan the use of design guides and assessment matters direct applicants to other design issues. This is specific to Ngai Tahu, but it is considered that recognising the relationship of Tangata Whenua in the built environment, is appropriate. |                      |  |
| 5.4.3         | 1341      | Ben Farrell    | Real Journeys Limited  | John Edmonds & Associates Ltd | 806.52            | FS1341.19             | Support            | Accept in Part         | See 806.32  |                      |  |
| 5.4.3         | 810       | Tim Vial       | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | KTKO Ltd                      | 810.25            |                       | Not Stated         | Reject                 | Manawhenua  |                      |  |
| 5.4.4         | 810       | Tim Vial       | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | KTKO Ltd                      | 810.26            |                       | Not Stated         | Reject                 | The likelihood of Papakainga housing in this district is low according to anecdotal evidence. However, the removal of the provision has not been supported by all Tangata Whenua groups and is therefore left as proposed.  |                      |  |
| 5.4.5         | 806       | Jenny Carter   | Queenstown Park Limited  |                               | 806.53            |                       | Oppose             | Reject                 | The mapping of the sites identified through the provisions of the NTCSA has already occurred. Some of these may be considered to be wahi tupuna and as such it is appropriate to have included relevant objectives and policies. Further mapping work will be undertaken by Tangata Whenua and will undergo due RMA process in a separate stage of this review.                   |                      |  |
| 5.4.5         | 1341      | Ben Farrell    | Real Journeys Limited  | John Edmonds & Associates Ltd | 806.53            | FS1341.20             | Support            | Reject                 | Submitter 621 - requests amendments to policies (but does not request deletion of chapter).   |                      |  |
| 5.4.5         | 810       | Tim Vial       | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | KTKO Ltd                      | 810.27            |                       | Not Stated         | Reject                 | Manawhenua  |                      |  |
| 5.5Methods    | 806       | Jenny Carter   | Queenstown Park Limited  |                               | 806.54            |                       | Oppose             | Reject                 | The table provides users of the Plan with an understanding of how matters of significance to Ngai Tahu are being addressed through the Plan and is a valid and appropriate inclusion in my opinion.   |                      |  |
| 5.5Methods    | 810       | Tim Vial       | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | KTKO Ltd                      | 810.28            |                       | Not Stated         | Reject                 | Manawhenua  |                      |  |

Chapter 5 - Tangata Whenua

| Lowest Clause               | Submitter | Name           | Organisation                                 | Agent                         | Original Point No | Further Submission No | Submitter Position | Planner Recommendation | Issue Reference  | Deferred or Rejected                      | Retain in existing hearing stream as well? |
|-----------------------------|-----------|----------------|--|-------------------------------|-------------------|-----------------------|--------------------|------------------------|--|---|--|
| 5.7Ngai Tahu Taonga Species | 380       | Charlotte Mill | Villa delLago                                |                               | 380.13            |                       | Support            | Accept                 |  |   |  |
| 12 Queenstown Town Centre   | 663       | James Aoake    | IHG Queenstown Ltd and Carter Queenstown Ltd | John Edmonds + Associates Ltd | 663.7             |                       | Oppose             | Reject                 | The Policy (12.2.2.7 Acknowledge and celebrate our cultural heritage, including incorporating reference to tangata whenua values, in the design of public spaces, where appropriate.) is included as a useful and pertinent reminder to consider the design of public spaces which, in my opinion should recognise the QLDC partnership with Tangata Whenua. This is qualified as being where appropriate and will be addressed on a case by case basis. | Deferred to Hearing Stream Tangata Whenua | yes  |
| 12 Queenstown Town Centre   | 1191      | Chris Thomsen  | Adam & Kirsten Zaki                          | Fletcher Vautier Moore        | 663.7             | FS1191.7              | Oppose             | Reject                 | This further submission does not relate specifically to this original submission point and is rejected.  | Deferred to Hearing Stream Tangata Whenua | yes  |
| 12 Queenstown Town Centre   | 1139      | Chris Thomsen  | Carl & Lorraine Holt                         | Fletcher Vautier Moore        | 663.7             | FS1139.8              | Oppose             | Reject                 | This further submission does not relate specifically to this original submission point and is rejected.  | Deferred to Hearing Stream Tangata Whenua | yes  |
| General DP Review Comments  | 817       | Ailsa Cain     | Te Ao Marama Inc                             | Kauati Ltd                    | 817.1             |                       | Support            | Accept in Part         | I accept the following parts of the submission that are directly relevant to this chapter, being support for Chapter 5 Tangata Whenua. The support for Chapter 34 Wilding Exotic Trees is noted but deferred to the Hearing of that Chapter.   | Defer to Chapter 34                       | Yes  |

Chapter 5 - Tangata Whenua

| Lowest Clause              | Submitter | Name        | Organisation   | Agent                         | Original Point No | Further Submission No | Submitter Position | Planner Recommendation | Issue Reference   | Deferred or Rejected  | Retain in existing hearing stream as well?                                 |
|----------------------------|-----------|-------------|--|-------------------------------|-------------------|-----------------------|--------------------|------------------------|---|---|--|
| General DP Review Comments | 817       | Ailsa Cain  | Te Ao Marama Inc   | Kauati Ltd                    | 817.2             |                       | Other              | Accept in Part         | The points of the submission are split and responded to as follows: TAMI has the following amendments for the proposed District Plan: Implement Objective D1 Tangata whenua roles and interests, and Policy D1 of the National Policy Statement – Freshwater Management, particularly in Chapter 27 Subdivision and Development, Chapter 30 Energy and Utilities, and other District Plan chapters that have a direct impact on freshwater quality and quantity. I recommend that this is deferred to Chapters 27 and 30. · Ensure that the Ngai Tahu terminology used in Chapter 5 is consistently used throughout the Plan and in the definitions and maps. · This is acceptable and will be a consequential amendment throughout. The list of taonga species in Chapter 5 to be updated to include freshwater fish species and other land based animals. Rejected at this time as the lists have come from mainly from the NTCSA and it is acknowledged that not all items will apply in this District. It is suggested that when the Sites of Significance to Maori are updated (within stage 2) an amended list, specific to the District could be provided by Tangata Whenua. Strategic / Strategy In my opinion the Tangata Whenua Chapter is correctly placed in the Strategic part of the PDP. The strategy is to identify a hierarchy to the chapters, with Strategic Direction being at the apex. The Tangata Whenua chapter is still strategic in that it is to be applied over the "lower chapters". A stronger link is to be made between Chapter 5 and Chapter 33: Indigenous Vegetation and Biodiversity; particularly, the clearance criteria in 33.2.1.9, and taonga species and related habitat, and nohoanga. · Amend the alpine limit from 1070m to 800m. This change is in line with the change in biodiversity at 800m, significant increased risk of erosion and sedimentation, and Landcare Research's Land Use classifications. 33.2.1.4 already provides this link. Similarly 33.2.1.4 provides for cultural values. Deferred to Chapter 33. | Defer the NPS issue to Chapters 27 and 30. Defer the need for consistent use of Ngai Tahu terminology to all Chapters. Defer the linkage issue to Chapter 33. | Yes - to address the Strategy / Strategic issue and Taonga species issues. |
| General DP Review Comments | 817       | Ailsa Cain  | Te Ao Marama Inc   | Kauati Ltd                    | 817.3             |                       | Other              | Accept in Part         | Council have agreed to include further information, but is reliant on Ngai Tahu providing it in the first instance. The agreement was for this additional material to be included in Stage 2 of the PDP.  |   |  |
| 12 Queenstown Town Centre  | 672       | James Aoake | Watertight Investments Ltd   | John Edmonds + Associates Ltd | 672.7             |                       | Oppose             | Reject.                | The Policy (12.2.2.7 Acknowledge and celebrate our cultural heritage, including incorporating reference to tangata whenua values, in the design of public spaces, where appropriate.) is included as a useful and pertinent reminder to consider the design of public spaces which, in my opinion should recognise the QLDC partnership with Tangata Whenua. This is qualified as being where appropriate and will be addressed on a case by case basis.  | Deferred to Hearing Stream Tangata Whenua   | yes  |
| 12 Queenstown Town Centre  | 12.4.7    | Tim Vial    | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | KTKO Ltd                      | 810.34            |                       | Not Stated         | Reject                 | The submitter has requested a further assessment matter to address the values of wahi tupuna, as they consider that surface of water and interface activities may affect those values. Policy 12.2.2.7 as proposed already allows "Acknowledge and celebrate our cultural heritage, including incorporating reference to tangata whenua values, in the design of public spaces, where appropriate." I consider that is already provided for and the amendment would not add to to the Policy.   | Deferred to Hearing Stream Tangata Whenua   | No   |

Chapter 5 - Tangata Whenua

| Lowest Clause       | Submitter | Name                   | Organisation   | Agent          | Original Point No | Further Submission No | Submitter Position | Planner Recommendation | Issue Reference   | Deferred or Rejected                      | Retain in existing hearing stream as well? |
|---------------------|-----------|------------------------|--|----------------|-------------------|-----------------------|--------------------|------------------------|---|---|--|
| 6.3.1.12            | 810       | Tim Vial               | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | KTKO Ltd       | 810.29            |                       | Not Stated         | Reject                 | The submitter opines that Outstanding Natural Features and Landscapes of cultural and spiritual value to Manawhenua are broader than Topuni, and request that " wahi tupuna" are added. As the Policy already covers "matters of cultural and spiritual value to Tangata Whenua (Manawhenua)" I consider that adding this would have little, if any effect and is rejected.                             | Deferred to Hearing Stream Tangata Whenua | No   |
| 3.2.7.1             | 519       | Maree baker - Galloway | NZ Tungsten Mining   | Anderson Lloyd | 519.22            |                       | Other              | Accept                 | See issue #1  | Deferred to Hearing Stream Tangata Whenua | No   |
| 3.2.7.1 and 3.2.7.2 | 806       | Jenny Carter           | Queenstown Park Limited  |                | 806.47            |                       | Oppose             | Reject                 | See issue #1  | Deferred to Hearing Stream Tangata Whenua | No   |
| 1.6.14.             | 810       | Tim Vial               | Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou and Hokonui Runanga collectively Manawhenua | KTKO Ltd       | 810.2             |                       | Not Stated         | Accept in Part         | The change of wording from Tangata Whenua to Manawhenua is more appropriately dealt with through the Tangata Whenua Chapter. As that chapter was co written by the submitter, input from the other co writers will need to be heard. The advice to refer to (iwi) environmental consultancies is an acceptable amendment, but may again be altered by the outcome of the requested 'Manawhenua' change. | Deferred to Hearing Stream Tangata Whenua | No   |

## **Appendix 3. Section 32 Report/link to s32 report**



## Section 32 Evaluation Report

### Tangata Whenua

#### Contents

|   |    |
|---|----|
| Section 32 Evaluation Report: Tangata Whenua Chapter .....  | 2  |
| 1. Strategic Context .....  | 2  |
| 2. Regional Planning Documents .....  | 3  |
| 3. Iwi Management Plans .....   | 5  |
| 4. Ngai Tahu Claims Settlement Act 1998.....  | 6  |
| 5. Resource Management Issues .....   | 6  |
| 6. Purpose and Options .....  | 6  |
| 7. Scale and Significance Evaluation .....  | 8  |
| 8. Evaluation of proposed Objectives S32 (1) (a).....   | 8  |
| 9. Evaluation of the proposed provisions S32 (1) (b)( <i>See also Table of options in Section 1 above.</i> )..... | 9  |
| 10. Efficiency and effectiveness of the provisions. ....  | 10 |
| 11. The risk of not acting.....   | 10 |
| 12. References.....   | 10 |

# Section 32 Evaluation Report: Tangata Whenua Chapter

## 1. Strategic Context

Section 32(1)(a) of the Resource Management Act 1991 requires that a Section 32 evaluation report must examine the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the Act.

The purpose of the Act demands an integrated planning approach and direction:

### 5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
  - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The remaining provisions in Part 2 of the Act, particularly s.6, 7 and 8, provide a framework upon which objectives to achieve the purpose of the Act and provisions (in this case, policies) to achieve the objectives can be built. Sections 6, 7 and 8 (abbreviated below) are particularly relevant to this chapter:

### 6 Matters of national importance

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of protected customary rights.*

### 7 Other matters

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*

- (a) *kaitiakitanga:*
  - (aa) *the ethic of stewardship:*

### 8 Treaty of Waitangi

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the [Treaty of Waitangi](#) (Te Tiriti o Waitangi).*

Section 31 RMA is relevant as it describes the functions of territorial authorities, and states;

- (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
  - (a) *the establishment, implementation, and review of 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 of the district*

Including provisions for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga helps to achieve integrated management through:

- Acknowledging the long term benefits from the preservation of historic heritage features.
- Encouraging the longevity of cultural sites.
- Accepting that Maori values are part of the overall development sphere.

With reference to other Acts, Sections 14 (c), (g) and (h) of the Local Government Act 2002 are also of relevance in terms of policy development and decision making:

- (c) *when making a decision, a local authority should take account of—*
  - (i) *the diversity of the community, and the community's interests, within its district or region; and*
  - (ii) *the interests of future as well as current communities; and*
  - (iii) *the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii):*
- (g) *a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and*
- (h) *in taking a sustainable development approach, a local authority should take into account—*
  - (i) *the social, economic, and cultural interests of people and communities; and*
  - (ii) *the need to maintain and enhance the quality of the environment; and*
  - (iii) *the reasonably foreseeable needs of future generations*

As per Part II of the RMA, the provisions emphasise a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. They demand a future focussed policy approach, balanced with considering current needs and interests. Like the RMA, the provisions also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones.

## 2. Regional Planning Documents

The Regional Policy Statement (RPS) is currently under Review, and has been Notified. The District Plan must **give effect to** the Operative Regional Policy Statement and must **have regard to** a Proposed Regional Policy Statement. District Authorities must also prepare Plans that are not inconsistent with any Regional Plan.

The Operative Regional Policy Statement 1998, contains a very significant number of references to Tangata Whenua in its Objectives and Policies which are directly relevant to this Chapter and are (abridged) below. The prevalence of references to Tangata Whenua elevates the weight apportioned to the subject. The importance of provision for Tangata Whenua is mirrored, if not increased in the Proposed RPS, and if approved, will cascade down into the Regional Plans.

### *Regional Policy Statement*

4.4.1 Waahi Tapu (Sacred places)

4.4.2 Waahi Taoka (Treasured Resources)

4.4.3 Wai (Water)

4.4.4 Mahika Kai (Places where food is produced or procured)

4.4.5 Kaitiakitanga (Guardianship)

4.4.6 Whenua Papakaika (Ancestral Land)

5.5.1 The relationship Kai Tahu have with Otago's land resource

5.5.6 The protection of Otago's outstanding natural features and landscapes

5.5.7 Public access opportunities to natural and physical land features

6.4.4 Maintain and enhance the cultural values of Otago's water resources.

6.5.1 The relationship Kai Tahu have with the water resource in Otago

6.5.2 Water supplies

6.5.4 Flow levels and flow regimes for Otago water bodies.

6.5.5 Contaminant discharges into Otago's water bodies

6.5.6 To protect Otago's remaining significant wetlands

6.5.9 The community's use, development or protection of the beds and banks of Otago's water bodies

6.5.10 Public access to and along the margins of Otago's water bodies

9.5.1 The relationship Kai Tahu have with the built environment of Otago

9.5.4 To minimise the adverse effects of urban development and settlement

10.5.1 The relationship Kai Tahu have with mahika kai in Otago

11.5.1 Kai Tahu values in natural hazard planning and mitigation.

13.5.1 The relationship Kai Tahu have with managing Otago's waste stream

#### *Proposed RPS*

RPS Framework Four inter-related "strategic" outcomes are sought in managing the region's resources, one of which is:

- Kai Tahu values are upheld and kaitiakitaka is expressed

Objective 1.1 The principles of Te Tiriti o Waitangi are given effect in resource management decisions

Policy 1.1.1 Promoting awareness of treaty obligations

Objective 1.2 Takata whenua values and customary resources are sustained

Policy 1.2.1 Managing the natural environment

Policy 1.2.2 Identifying sites of cultural significance

Policy 1.2.3 Protecting important sites and values of cultural significance

Policy 1.2.4 Enabling access to sites of cultural significance

Objective 1.3 Takata whenua develop and use their land in accordance with tikaka

Policy 1.3.1 Sustainable use of Māori land [*Section under development*]

Policy 2.1.3 Integrating land use management with water management

Policy 2.2.1 Managing for freshwater values

Policy 2.2.2 Identifying outstanding water bodies

Policy 2.2.7 Managing for air values

Policy 2.2.12 Managing riparian margins

Policy 2.3.3 Maintaining and enhancing indigenous biodiversity

Policy 2.3.4 Identifying outstanding natural features, landscapes and seascapes

Policy 4.1.2 Maximising resource use benefit for environmental and other values

Policy 4.2.5 Extracting alluvial materials and sand

Policy 4.2.11 Avoiding adverse effects of hazardous substances

Policy 4.4.1 Maintaining and enhancing public access

Policy 4.10.1 Recognising heritage themes

Policy 4.10.2 Identifying historic heritage

Policy 4.10.3 Protecting significant historic heritage

Policy 4.10.5 Enabling takata whenua relationships with wahi tupuna

*Regional Plan Water 2014*

Section 4

*Regional Plan – Air 2003*

Part I – Chapter 3  
Part II – Chapter 4.1  
Part III Chapter 7.1

*Regional Plan Waste - 1997*

Part 3

The proposed new chapter **has regard to** these and other parts of the higher document, by synthesising the objectives and policies, and integrating them throughout the provisions. This integration is not restricted to the Tangata Whenua Chapter.

### **3. Iwi Management Plans**

Two Iwi Management Plans are recognised by QLDC, Kai Tahu Ki Otago's Natural Resource Management Plan 2005 and Te Tangi a Tauira (The Cry of the People) Ngai Tahu ki Murihiku 2008.

These Plans show that the takiwa, or rohe, overlap, although the difficulty in representing their extents on a two dimensional map is acknowledged. QLDC has previously generalised these areas by referring Resource Consents to the two resource management units (Kai Tahu Ki Otago for land north of the Clutha River (Mata-au) and Whakatipu Waitai and Te Ao Marama Incorporated to the south of the same divide.

The two plans predictably have some commonality, in that they contain objectives and policies, explanation of kaitiakitanga, and a breakdown of significant elements or areas / landscapes. In addition to air, water, climate change, flora and fauna, sites of significance (including sacred and treasured sites) are referred to. Reference to the coastal environment and other types of features not present in this District are noted, but not relevant here.

#### **4. Ngai Tahu Claims Settlement Act 1998**

A Statutory Acknowledgement is an acknowledgement by the Crown of the special relationship of Ngai Tahu with identifiable areas. Namely, the particular cultural, spiritual, historical and traditional association of Ngai Tahu with those areas (known as statutory areas).

The resulting Statutory Areas from this legislation are identified within the Plan and shown as the following:

- Lake Hawea
- Lake Wanaka
- Whakatipu-wai-maori (Lake Wakatipu)
- Mata-au (Clutha River)
- Pikirakatahi (Mount Earnslaw)
- Tititea (Mount Aspiring)

Additionally, provision is made for nohoanga entitlements, although these have not all been renewed from their initial ten year period.

#### **5. Resource Management Issues**

The resource management issues set out in this section have been identified from the following sources:

- Heritage Strategy Monitoring Report
- Internal consultation with the Resource Consent Manager
- Consultation with iwi

Consultation has been ongoing since early 2014 with both Resource Management Units. This has involved officer level meetings and communications, a mayoral visit and a QLDC led hui on the 27 February 2015, to discuss the Tangata Whenua chapter and a further hui on Tangata Whenua's wider input into the District Plan Review on 27 / 28 July 2015. Following the last hui, representatives from KTKO and TAMI have had direct input into the content of this chapter.

The Issues are:

- The importance of Statutory Acknowledgement areas not really being understood by QLDC staff and consequently appropriate consultation may have been missed. This is a matter of correctly identifying affected parties.
- Ensuring that ongoing engagement with Tangata Whenua occurs.
- Correct identification of Tangata Whenua to ensure consultation is accurate on consent matters.
- Integration of Tangata Whenua values throughout the District Plan.
- Involvement of Tangata Whenua in resource management decision making.

#### **6. Purpose and Options**

The purpose of the chapter is to set out the importance of the relationship between Tangata Whenua and Council's Resource Management Act (RMA) processes within the Queenstown Lakes District. This includes reference to the Statutory Acknowledgements contained in the Ngai Tahu Claims Settlement Act 1998. This is drawn directly from Part 2 RMA (sections 6, 7 and 8 specifically) and reflects the intent of the proposed Strategic Directions Chapter as follows:

##### *Strategic Directions*

- 3.2.1.4 Objective - Recognise the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to rural amenity, landscape character, healthy ecosystems, and Kai Tahu values, rights and interests.
- 3.2.3 Goal 3 - A quality built environment taking into account the character of individual communities
- 3.2.3.2 Objective - To protect the District's cultural heritage values and ensure development is sympathetic to them.

- 3.2.3.2.1 Policy - Identify heritage items and ensure they are protected from inappropriate development
- 3.2.4.6 Objective - Maintain or enhance the water quality and function of our lakes, rivers and wetlands.
- 3.2.4.6.1 Policy - That subdivision and / or development be designed so as to avoid adverse effects on the water quality of lakes, rivers and wetlands in the District.
- 3.2.7 Goal - Council will act in accordance with the principles of the Treaty of Waitangi and in partnership with Kai Tahu.
- 3.2.7.1 Objective - Protect Kai Tahu values, rights and interests, including taoka species and habitats, and wahi tupuna.
- 3.2.7.2 Objective – Enable the expression of kaitiakitaka by providing for meaningful collaboration with Kai Tahu in resource management decision making and implementation.

The proposed Objectives meet the purpose of the Act by mirroring elements of that purpose and by enabling the recognition and protection of matters of national importance.

With regard to the Objectives being the most appropriate approach, the following alternatives were considered:

**Option 1** is to retain the current provisions - Takata Whenua section in District Wide matters, separate preliminary chapter regarding Statutory Acknowledgements and (Objectives, Policies and Rules) as and where they stand. This will allow for the familiarity of users to remain but would not address the resource management issues that were identified through monitoring and consultation.

**Option 2** combines the information and requirements into a single chapter.

Council recognises the importance of making genuine provision for Tangata Whenua in the Plan but the Operative Plan suffers from a disjointed approach which does not emphasise the importance of the separate references.

Combining the Statutory Acknowledgements, acknowledgement of Iwi Management Plans and Objectives and Policies, combined with elevating the chapter to the strategic section of the new Plan will rectify these issues.

|                 | <b>Option 1:<br/>Status quo/ No change</b>   | <b>Option 2:<br/>Combine and Improve</b>  |
|-----------------|--|---|
| <b>Costs</b>    | Does not address all the identified issues nor address the lack of clarity and relevance of the various elements.<br><br>Continued misunderstanding or underuse of all relevant provisions may occur.<br><br>Failure to acknowledge the current RMA requirements of Council to involve Tangata Whenua. | Removes the existing familiarity with the Plan.   |
| <b>Benefits</b> | Retains the established approach which parties are familiar with.  | Provides clarity for all users of the Plan.<br><br>Places the correct emphasis on the subject matter.<br><br>Simplifies reference to Tangata Whenua by compiling a coherent, strategic chapter. |
| <b>Ranking</b>  | <b>2</b>   | <b>1</b>  |

## 7. Scale and Significance Evaluation

The level of detailed analysis undertaken for the evaluation of the proposed objectives and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions in the parts of the plan that reference Tangata Whenua. In making this assessment, regard has been had to the following, namely whether the objectives and provisions:

- Result in a significant variance from the existing baseline.
- Have effects on matters of national importance.
- Adversely affect those with specific interests.
- Involve effects that have been considered implicitly or explicitly by higher order documents.
- Impose increased costs or restrictions on individuals, communities or businesses.

## 8. Evaluation of proposed Objectives S32 (1) (a)

| Objective  | Appropriateness  |
|--|--|
| Objective  | Aligns with the requirements of Part 2 RMA.  |
| 5.4.1 Promote consultation with tangata whenua through the implementation of the Queenstown Lakes District Plan. | <p>Aligns with the Strategic Direction goal that forms the overarching aims of the new plan approach.</p> <p>Incorporates reference to the Statutory Acknowledgments that were underused in the Operative Plan.</p> <p>Aligns with the Operative and Proposed regional level plans and policies.</p> <p>Acknowledges the need to reference iwi management plans.</p> <p>Recognises the Treaty principle of partnership by providing for consultation and engagement.</p> |
| Objective  |  |
| 5.4.2 Provide for a Nāi Tahu presence in the built environment.  | Recognises the importance of tangata whenua within the community and provides visual references to the ongoing relationship.   |
| Objective  |  |
| 5.4.3 Protect Ngāi Tahu taonga species and related habitats.   | <p>This builds on the more general protection afforded through the Plan to those identified species which have values over and above their flora and fauna values.</p> <p>This also addresses non-tangible Maori values and customary rights of tangata whenua.</p>  |
| Objective  |  |
| 5.4.4 Enable the sustainable use of Māori land.  | <p>Incorporates reference to the Statutory Acknowledgments that were underused in the Operative Plan.</p> <p>Aligns with the requirements of Part 2 RMA.</p>   |
| Objective  |  |
| 5.4.5 Wāhi tūpuna and all their components are appropriately managed and protected.                              | <p>Aligns with the Strategic Direction goal that forms the overarching aims of the new district plan approach.</p> <p>Aligns with the Operative and Proposed regional level plans and policies.</p>  |

Recognises the limitations of Council with respect to identification of sites of significance to Maori.

Addresses the need for protection of physical (tangible) interests of Tangata Whenua.

This addresses non-tangible Maori values and customary rights of Tangata Whenua.

Provides for the Treaty principle of active protection.

**9. Evaluation of the proposed provisions S32 (1) (b)(See also Table of options in Section 1 above.)**

| Provisions                               | Costs   | Benefits   |
|--|---|--|
| <p>Policies</p> <p>5.4.1.1 – 5.4.1.4</p> | <p>Significant resources may be required over the period of the Plan to ensure that an adequate level of involvement is maintained.</p> <p>Applicants for consents will have to bear the burden of additional consultation and involvement.</p> <p>Some users of the Plan may not understand the need for Tangata Whenua involvement.</p> | <p>Tangata Whenua are involved in the decision making process.</p> <p>Council actively involve Tangata Whenua in Resource Management processes.</p> <p>Council's obligations for engagement under RMA and LGA are met.</p> <p>Council and Tangata Whenua can explore ways to create new, or improve existing relationships.</p> <p>Setting out protocols, or updating existing documents will lead to improved efficiency.</p> |
| <p>Policies</p> <p>5.4.2.1</p>           | <p>Some users of the Plan may not understand the need for Tangata Whenua involvement.</p> <p>Additional costs may be incurred through additional consultation and design.</p>   | <p>Council and Tangata Whenua can explore ways to create new, or improve existing relationships.</p> <p>Awareness of the significance of Tangata Whenua can be increased throughout the District.</p>  |
| <p>Policies</p> <p>5.4.3.1</p>           | <p>Applicants for consents will have to bear the burden of additional consultation and involvement.</p> <p>Some users of the Plan may not understand the need for Tangata Whenua involvement.</p>   | <p>Users of the Plan can identify significant issues that must be addressed in assessments of effects on the environment.</p> <p>Specific identification of valued flora and fauna will achieve more sustainable long term outcomes.</p>   |
| <p>Policies</p> <p>5.4.4.1</p>           | <p>The need to include provision for these values may not be understood by users of the Plan.</p> <p>Additional costs may be incurred in consultation.</p>  | <p>Requirements under the RMA and NTCSA can be combined as a unified approach.</p>   |

|                               |   |  |
|-------------------------------|---|--|
| Policies<br>5.4.5.1 – 5.4.5.4 | Difficulty in applying the effects of “values” to more simplistic Plan requirements.<br><br>Difficulties in representing non tangible values to two dimension mapping.<br><br>Costs associated with identifying these resources and in production of Cultural Impact Assessments. | Being able to rely on an informed source through CIA and from Tangata Whenua.<br><br>Efficient input into protection of non-tangible values which are complex. |
|-------------------------------|---|--|

## 10. Efficiency and effectiveness of the provisions.

The above provisions are drafted to specifically align with legislation, address the resource management issues identified with the current provisions, and to enhance those provisions that already function well.

By simplifying the objectives and policies, the subject matter becomes easier to understand for users of the Plan both as applicant and processing planner.

## 11. The risk of not acting.

There are a number of possible risk outcomes if no action is taken to address known issues with this subject. Primarily, these are;

- Statutory Acknowledgements not recognised.
- Tangata Whenua values not reflected throughout the Plan.
- Failure to apply section 8, Treaty of Waitangi.

These three areas are well documented and it is therefore considered that adequate information is available to ensure a robust evaluation. Additionally, Council considers that it has met the requirements of Schedule 1, Clause 3b in consulting with iwi to bolster its understanding of the complex nature of Maori values.

## 12. References

- Ngai Tahu Statutory Acknowledgements: A guide for Local Authorities May 1999
- Maori Values supplement 2010 Ministry for the Environment

## Appendix 4. Map sheet 40

