

14. Manawhenua

14.1 Introduction

14.1.1 Kāi Tahu

The Kāi Tahu¹ tribal area occupies most of the South Island. The area ranges from Rakiura (Stewart Island) in the south to Te Parinuiowhiti (White Cliffs, Blenheim) in the north and Kahurangi Point on the West Coast/Te Tai o Poutini. Te Rūnanga o Ngāi Tahu, the tribal iwi authority, is made up of 18 papatipu rūnaka. Located predominantly in traditional coastal settlements, papatipu rūnaka are a focus for whānau and hapū (extended family groups) who have Manawhenua status within their area. Manawhenua hold traditional customary authority and maintain contemporary relationships within an area determined by whakapapa (genealogical ties), resource use and ahi-kā-roa (the long burning fires of occupation).

¹ In the south of the South Island, the local Māori dialect can use a 'k' in place of the 'ng' so southern Māori are known as Kāi Tahu, as well as Ngāi Tahu. The 'ng' and 'k' are used interchangeably. In this Plan, 'k' is generally used.

14.1.2 Relationship of Kāi Tahu Whānui with Dunedin

The first people of the South Island, Te Waipounamu, were the Waitaha people. The first place name applied to any site in the Dunedin area is believed to be Kaikarae, the Kaikorai estuary, where the Waitaha rakatira Rakaihautu and his people made camp and ate a meal of karae (seabird). Successive waves of iwi followed, at a later time: **{MW cl.16}** first the Kāti Mamoe, and later Kāi Tahu, who both migrated from the North Island. Over time the three iwi merged through conquest, marriage and peace alliances. Kāi Tahu are therefore a fusion of Waitaha, Kāti Mamoe and Kāi Tahu whakapapa, referred to collectively as Kāi Tahu whānui.

At the time of first European contact the greatest concentration of Kāi Tahu population south of the Waitaki was settled within the East Otago bight from Karitāne to the Otago Peninsula. Sealer John Boulton recorded in 1820 that Ōtākou was the "oldest and largest" Ngāi Tahu settlement south of the Waitaki. Seasonally, trips would be made to inland Otago to visit relations, harvest various species and gather plants and stone resources. Journeys were also made south to the Titi (Mutton Bird) Islands. Trails along the Otago coast and inland became well established. Waterways and the coastal waters also provided transport routes.

14.1.3 Manawhenua

The Dunedin City Council (DCC) has an established relationship with the two Kāi Tahu papatipu rūnaka within the Dunedin City boundary: Te Rūnanga o Ōtākou, based on the Otago Peninsula, and Kāti Huirapa Rūnaka ki Puketeraki, based at Puketeraki Marae near Karitāne. In this Plan Te Rūnanga o Ōtākou and Kāti Huirapa Rūnaka ki Puketeraki are recognised as having Manawhenua status within specific areas of the city.

The DCC acknowledges that Dunedin is also home to Māori from other iwi and hapū (mātāwaka). The Araiteuru marae in Shetland Street in Dunedin is an important pan-tribal cultural centre for mātāwaka and sits within the manaakitaka of Manawhenua.

14.1.4 Papatipu Rūnaka

14.1.4.1 Te Rūnanga o Ōtākou

The takiwā of Te Rūnanga o Ōtākou centres on Muaupoko/Otago Peninsula, and extends from Purehurehu (Heyward Point) to Mata-Au (Clutha River) and inland, sharing an interest in the lakes and mountains to the western coast with rūnaka to the north and south. The Otago Harbour has a pivotal role in the well-being of Ōtākou people. The harbour is a source of identity and a bountiful provider of kaimoana, and it is the pathway to the fishing grounds beyond. Traditionally it was the mode for other hapū to visit, and in today's world it is the lifeline to the international trade that benefits the region. The ebb and flow of the harbour tides is a valued certainty in a world of change, a taoka to be

treasured and protected for the benefit of current and future generations.

Figure 14.1A: Ōtākou Marae, Otago Peninsula



14.1.4.2 Kāti Huirapa Rūnaka ki Puketeraki

The takiwā of Kāti Huirapa Rūnaka ki Puketeraki centres on Karitāne and extends from the Waihemo (Shag) River to Purehurehu (Heyward Point) and includes an interest in Ōtepoti and the greater harbour of Ōtākou. The takiwā extends inland to the Main Divide sharing an interest in the lakes and mountains to Wakatipu Waitai with rūnaka to the south. The kaimoana resources of the coast from Karitāne to Okahau/Blueskin Bay and Pūrākaunui, and the kai awa of the Waikouaiti River are treasured and well-utilised mahika kai to Kāti Huirapa Rūnaka ki Puketeraki. The people that lived in this area chose to do so because of the strategic position close to European traders and the abundance of kaimoana and mahika kai. In the early 1800s Whareakeake became a central focus of Kāi Tahu commerce with European traders, based on the manufacture of pounamu trade items. In the late 1830s the shore whaling stations at Karitāne and Pūrākaunui attracted whānau involvement and later in 1840 the Reverend James Watkin established the first Wesleyan Mission Station in the south. At Karitāne, then called Old Waikouaiti, the young chiefs of southern Kāi Tahu learnt to read and write and heard about the karakia bora, the new Christian religion.

Figure 14.1B: Puketeraki Marae, Puketeraki



14.1.5 Kāi Tahu Values

14.1.5.1 Introduction

Kāi Tahu do not see their existence as separate from Te Ao Tūroa (the natural world), but as an integral part of it. Through whakapapa (genealogy), all people and life forms descend from a common source. Whakapapa binds Kāi 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.

Whakawhanaukataka (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 taoka 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 the common centre between the natural resources (taoka), the people or guardians who care for the taoka (the kaitiaki), and the management framework (tikaka) of how taoka are to be managed by the kaitiaki. It is through kawa (protocol) that the relationship between taoka, tikaka and kaitiakitaka is realised. As noted above, each papatipu rūnaka has its own takiwā, determined by natural boundaries such as headlands, mountain ranges and rivers, with areas of shared interest, particularly inland. This political and operational authority over an area is undertaken by Manawhenua and encompasses kaitiakitaka and rakatirataka.

An integral element of the concepts of kaitiakitaka and rakatirataka is the recognition that Kāi Tahu have their own traditional means of managing and maintaining resources and the environment. This system of rights and responsibilities is inherited from previous generations and has evolved over time.

The resources in any given area are a point of prestige for the people who reside there and are a statement of identity. Traditionally, the abundance or lack of resources directly determines the welfare of every tribal group, and so affects their mana.

14.1.5.2 Tikaka

Tikaka Māori encompasses the beliefs, values, practices and procedures that guide appropriate codes of conduct, or ways of behaving. It seeks to unify the three planes of reality in a holistic way: te taha tinana (the physical plane), te taha hinengaro (the intellectual plane), and te taha wairua (the spiritual plane).

In the context of natural resource management, observing tikaka is part of the ethic and exercise of kaitiakitaka. It is underpinned by a body of Mātauraka Māori (Māori knowledge), and is based on a general understanding that people belong to the land and have a responsibility to care for and manage the land. It incorporates forms of social control to manage the relationship of people and the environment, including concepts such as tapu, noa and rāhui.

Tikaka is based on traditional practices, but is dynamic and continues to evolve in response to different situations. One example of tikaka is the concept of kanohi ki te kanohi, or meeting face-to-face. For consultation on natural resource management issues, kanohi ki te kanohi may be the appropriate tikaka. Tikaka may also limit public access to wāhi tapu sites or require that certain protocols are observed before entering a site.

14.1.5.3 Ki Uta Ki Tai

Ki Uta ki Tai is a Kāi Tahu term that has become synonymous with the way Kāi Tahu think about natural resource management. Ki Uta ki Tai is the concept used to describe the overall approach to integrated natural resource management by Kāi Tahu - from the mountains to the sea.

Ki Uta ki Tai is a Kāi Tahu paradigm and ethic that has at its heart a holistic view of natural resources **{PO cl.16}** management - it is the Kāi Tahu way of understanding the natural environment, including how it functions, how people relate to it and how it can be looked after appropriately. It involves not only a planning and policy framework, but also

the development of monitoring, reporting, geographical information system analysis, information databases, area management and succession tools for natural resource management.

14.1.5.4 Kaitiakitaka

Kaitiakitaka entails the active protection and responsibility for natural and physical resources by tākata whenua. To give effect to kaitiakitaka it is important to engage meaningfully with the appropriate papatipu rūnaka. Kaitiakitaka means "the exercise of guardianship by the tākata whenua of an area in accordance with tikaka Māori in relation to natural and physical resources; and includes the ethic of stewardship." This Resource Management Act 1991 (RMA) definition of kaitiakitaka is, however, only a starting point for Kāi Tahu, as kaitiakitaka is a much wider cultural concept than pure guardianship.

Kaitiakitaka is fundamental to the relationship between Kāi Tahu and the environment. The responsibility of kaitiakitaka 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 Kāi Tahu, kaitiakitaka 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 kaitiakitaka.

14.1.5.5 Rakatirataka

Rakatirataka is about having the mana or authority to give effect to Kāi Tahu culture and traditions in the management of the natural world. Recognition of the relationship of Kāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka are embedded in the RMA and the Treaty of Waitangi.

Traditionally, rakatirataka incorporates the right to make, alter and enforce decisions pertaining to how a resource is to be used and managed, and by whom (in accordance with kawa (Māori customs) and tikaka). Kāi Tahu ki Otago Natural Resources **{PO cl.16}** Management Plan 2005 is an expression of rakatirataka. A practical expression of rakatirataka is the active involvement of Kāi Tahu in resource management decision-making processes.

14.1.5.6 Taoka

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

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

The protection of the relationship of tākata whenua and their taoka 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 taoka are available for future generations, resource management decision-making processes need to recognise tikaka (Māori protocol and customs) and have the conservation and sustainability of resources as their focus.

14.1.5.7 Mahika Kai

Mahika kai is one of the cornerstones of Kāi Tahu cultural identity. Mahika kai is a term that literally means "food workings" and refers to the customary gathering of food and natural materials and the places where those resources are gathered or produced. The term also embodies the traditions, customs and collection methods, and the gathering of natural resources for cultural use², including raraka (weaving) and rokoā (traditional medicines). Maintaining mahika kai sites, gathering resources, and continuing to practice the tikaka that governs each resource, is an important means of passing on cultural values and mātauraka Māori (traditional knowledge) to the next generation.

² Ngāi Tahu Claims Settlement Act 1998, s.167

14.1.5.8 Wāhi tapu or Wāhi taoka sites

Wāhi tapu or wāhi taoka sites hold special historical, spiritual, or cultural associations for Kāi Tahu. The term refers to places that hold the respect of the people in accordance with tikaka.

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

14.1.5.9 Wāhi Tūpuna

Kāi Tahu use the term 'wāhi tūpuna' to describe landscapes that embody the ancestral, spiritual and religious traditions of all the generations prior to European settlement. Waitaha, Kāti Mamoe and Kāi Tahu whakapapa is closely interwoven in Te Wai Pounamu. The use of the term wāhi tūpuna is intended to encompass and respect these separate strands of whakapapa and tradition. It is important to understand this concept in the context of the distinctive seasonal lifestyle that Kāi Tahu evolved in the south.

These sites used by Kāi Tahu are spread throughout the wider Dunedin area. These places did not function in isolation from one another but were part of a wider cultural setting and pattern of seasonal resource use. The values and potential threats to wāhi tūpuna are described in Appendix A4. The table below lists the types of wāhi tūpuna.

Type of wāhi tūpuna	Explanation
Ara tawhito	Ancient trails. 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.
Kāika	Permanent settlements or occupation sites. These occurred throughout wider Dunedin, particularly in coastal areas.
Kāika Nohoaka	A network of seasonal settlements. Kāi Tahu were based largely on the coast in permanent settlements, and ranged 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.
Kai moana	Food obtained from the sea. Seafood occupies a key role in Kāi Tahu culture; it plays a part in many tribal histories and forms a part of cultural identity. The ability to provide kai moana as a part of manaakitaka (hospitality) responsibilities reflects on a tribe's mana.
Mahika kai	The customary gathering of food or natural materials and the places where those resources are gathered. Mahika kai remains one of the cornerstones of Kāi Tahu culture.
Mauka	Important mountains. Mountains are of great cultural importance to Kāi Tahu. Many are places of spiritual presence, and prominent peaks in the district are linked to Kāi Tahu creation stories, identity and mana.
Papatipu marae	The marae atea and the buildings around it, including the wharenui, wharekai, church and urupā. The sheltering havens of Kāi Tahu cultural expression, a place to gather, kōrero and to welcome visitors. Expressions of Kāi Tahu past and present.
Repo raupo	Wetlands or swamps. These provide valuable habitat for taoka species and mahika kai resources.
Tauraka waka	Canoe mooring site. These were important for transport and gathering kai, and included such places such as present day Wellers Rock and Koputai (Port Chalmers).

Type of wāhi tūpuna	Explanation
Tūāhu	Places of importance to Māori identity. These are generally sacred ground and marked by an object, or a place used for purposes of divination.
Taumanu	Fishing sites. These are traditional fishing easements which have been gazetted by the South Island Māori Land Court. There are taumanu at Hawksbury Lagoon and on the south bank of the Waikouaiti River at the confluence of the mainstem of the Waikouaiti with the south branch (Hakariki).
Umu, Umu-tī	Earth ovens. Used for cooking tī-kōuka (cabbage tree), these are found in a diversity of areas, including old stream banks and ancient river terraces, on low spurs or ridges, and in association with other features, such as kāika nohoaka.
Urupā	Human burial sites. These include historic burial sites associated with kāika, and contemporary sites, such as the urupā at Ōtākou and Puketeraki marae.
Wāhi kohātu	Rock outcrops. Rocky outcrops provided excellent shelters and were intensively occupied by Māori from the moa-hunter period into early European settlement during seasonal hikoī. Tuhituhi neherā (rock art) may be present due to the occupation of such places by the tūpuna.
Wāhi pakaka	Battle sites. Historic battle sites occur throughout Dunedin, such as that at Ohinepouwera (Waikouaiti sandspit) where Taoka's warriors camped for six months while they laid siege on Te Wera on the Huriawa Peninsula.
Wāhi paripari	Cliff areas.
Wāhi taoka	Resources, places and sites treasured by Manawhenua. These valued places reflect the long history and association of Kāi Tahu with the Dunedin district.
Wāhi tapu	Places sacred to the takata whenua. These occur throughout the Dunedin district and include urupā (human burial sites).
Wāhi tohu	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.
Wai māori	Freshwater areas important to Māori. These include wai puna (springs), roto (lakes) and awa (rivers).

14.2 Objectives and Policies

Objective 14.2.1	
<p>The relationship between Manawhenua and the natural environment is maintained or enhanced, including the cultural values and traditions associated with:</p> <p>a. wāhi tūpuna;</p> <p>b. mahika kai; and</p> <p>c. occupation of <u>original</u> {MW 248.10} native reserve land through papakāika</p>	
Policy 14.2.1.1	Only allow activities in or adjacent to wetlands and coastal and riparian areas that are wāhi tūpuna and are identified as having mahika kai values in Appendix A4, where adverse effects on mahika kai are avoided, or if avoidance is not <u>practicable</u> possible {PO 908.3 and others} , are no more than minor.
Policy 14.2.1.2	Require buildings, structures, earthworks and network utilities to be set back an adequate distance from the coast and water bodies that are wāhi tūpuna and are identified as having mahika kai values in Appendix A4, to maintain or enable access to the coast and riparian margins for the purpose of gathering mahika kai.
Policy 14.2.1.3	Only allow subdivision of land adjacent to water bodies and the coast that are wāhi tūpuna and are identified as having mahika kai values in Appendix A4, where the subdivision is designed to maintain or enable access to the coast and riparian margins for the purpose of gathering mahika kai.
Policy 14.2.1.4	Only allow activities that are identified as a threat to wāhi tūpuna in Appendix A4, where adverse effects on the relationship between Manawhenua and the wāhi tūpuna are avoided, or if avoidance is not <u>practicable</u> possible {PO 908.3 and others} , are no more than minor.
Policy 14.2.1.5	Only allow cemeteries, crematoriums and landfills where any adverse effects on Manawhenua values, including the relationship between Manawhenua and sites of cultural importance to them, are avoided or, if avoidance is not <u>practicable</u> possible {PO 908.3 and others} , are no more than minor.
Policy 14.2.1.6	Enable Manawhenua to live in <u>original</u> {MW 248.10} native reserve areas where any adverse effects can <u>will</u> {PO cl.16} be adequately managed in line with the objectives and policies of the relevant zone.
Policy 14.2.1.7	Require residential buildings used for papakāika to be removed from a site when they are no longer used for that purpose.

Rules

Rule 14.3 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)

Rule 14.3.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rule 14.3.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. ~~If a restricted discretionary activity also does not meet one or more relevant performance standards, discretion is expanded to include the areas of non-compliance and the assessment will include the matters outlined in Section 15.9. {MW cl.16'}~~
4. ~~For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects. {MW cl.16'}~~

¹ **MW cl.16:** As a clause 16 amendment, these rules have been removed as they are only relevant in sections with activity status tables.

14.3.2 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. All performance standard contraventions including performance standards listed below		<p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> a. The degree of non-compliance with the performance standard is minor. b. Topography or other site specific factors make the standard irrelevant as the adverse effects that the standard is trying to manage will not occur. c. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan. <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> d. Where more than one standard is contravened, the combined effects of the contraventions should be considered. e. Council will consider the findings of any cultural impact assessment provided with a resource consent application, where required (see Special Information Requirements - Rule 14.7). f. In assessing the effects on Manawhenua and their relationship with a wāhi tūpuna mapped area, Council will consider the values in Appendix A4.
2. Density (papakāika - residential zones)	a. Effects on cultural values of Manawhenua	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 14.2.1 ii. Manawhenua are able to live in <u>original</u> {MW 248.10} native reserve areas where any adverse effects can <u>will</u> {PO cl.16} be adequately managed in line with the <u>objectives and</u> {MW cl.16} policies of the relevant zone (Policy 14.2.1.6). iii. Residential buildings used for papakāika are removed when no longer used for that purpose (Policy 14.2.1.7).
3. Esplanade reserves and strips	a. Where in a wāhi tūpuna mapped area , effects on cultural values of Manawhenua	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 14.2.1 ii. In a wāhi tūpuna mapped area identified as having mahika kai values in Appendix A4, the subdivision is designed to maintain or enable access to the coast and riparian margins for the purpose of gathering mahika kai (Policy 14.2.1.3).

14.3.2 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. Maximum height	<p>a. In the Huriawa height restriction mapped area, effects on cultural values of Manawhenua</p> <p>b. In the Dunedin International Airport Zone, effects on cultural values of Manawhenua (in relation to Maukaatua wāhi tūpuna mapped area)</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> Objective 14.2.1 Adverse effects on the relationship between Manawhenua and wāhi tūpuna are avoided, or if avoidance is not <u>practicable possible</u> {PO 908.3 and others}, are no more than minor (Policy 14.2.1.4).
<p>5. <u>Vegetation clearance standards</u>: {NatEnv cl.16}</p> <ul style="list-style-type: none"> Maximum area of indigenous vegetation clearance (UBMA) {NatEnv cl.16} Protected areas (vegetation clearance) Protected species (indigenous vegetation clearance) {NatEnv cl.16} 	<p>a. Where in a wāhi tūpuna mapped area, effects on cultural values of Manawhenua</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> Objective 14.2.1 In a wāhi tūpuna mapped area identified as having mahika kai values in Appendix A4, vegetation clearance has no significant effects <u>avoids adverse effects</u> on mahika kai, or if avoidance is not <u>practicable</u>, effects are no more than minor {PO 908.3 and others and MW cl.16} (Policy 14.2.1.1). In a wāhi tūpuna mapped area where indigenous vegetation clearance is identified as a threat in Appendix A4, adverse effects on the relationship between Manawhenua and the wāhi tūpuna are avoided, or if avoidance is not <u>practicable possible</u> {PO 908.3 and others}, are no more than minor (Policy 14.2.1.4). <p><i>Potential circumstances or mitigation measures {MW cl.16} that may support a consent application include:</i></p> <ol style="list-style-type: none"> Where the wāhi tūpuna mapped area has mahika kai values: <ol style="list-style-type: none"> The area of vegetation to be cleared is not a source of mahika kai, nor will its removal affect adjoining areas of mahika kai. Sufficient vegetation will remain to ensure mahika kai can continue to be gathered to the extent it is currently gathered.

14.3.2 Assessment of performance standard contraventions

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
6. Setback from coast and water bodies	a. Where in a wāhi tūpuna mapped area , effects on cultural values of Manawhenua	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 14.2.1 ii. In a wāhi tūpuna mapped area where activities affecting access to a water body are identified as a threat in Appendix A4, adverse effects on the relationship between Manawhenua and the wāhi tūpuna are avoided, or if avoidance is not <u>practicable possible</u> {PO 908.3 and others}, are no more than minor (Policy 14.2.1.4). iii. In a wāhi tūpuna mapped area identified as having mahika kai values in Appendix A4, buildings and structures, earthworks and network utilities are set back an adequate distance from the coast and water bodies to ensure access to the coast and riparian margins for the purpose of gathering mahika kai is maintained or enabled (Policy 14.2.1.2).
7. Setback from ridgeline <u>Maximum height (rural and rural residential zones)</u> {MW 874.41}	a. Where in a wāhi tūpuna mapped area , effects on cultural values of Manawhenua	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 14.2.1 ii. In a wāhi tūpuna mapped area where buildings, structures and network utility structures <u>that affect the peaks, upper slopes or skyline</u> {MW 874.41} are identified as a threat in Appendix A4, adverse effects on the relationship between Manawhenua and the wāhi tūpuna are avoided, or if avoidance is not <u>practicable possible</u> {PO 908.3 and others}, are no more than minor (Policy 14.2.1.4).
8. <u>Sediment control</u> {MW 1071.107}	a. Where in a wāhi tūpuna mapped area , effects on cultural values of Manawhenua {MW 1071.107}	<p><i>Relevant objectives and policies: {MW 1071.107}</i></p> <ul style="list-style-type: none"> i. <u>Objective 14.2.1</u> {MW 1071.107} ii. In a wāhi tūpuna mapped area where impacts on water quality from earthworks or sediment discharge are identified as a threat in Appendix A4, adverse effects on the relationship between Manawhenua and the wāhi tūpuna are avoided, or if <u>avoidance is not practicable</u>, are no more than minor (Policy 14.2.1.4). {MW 1071.107}

Rule 14.4 Assessment of Restricted Discretionary Activities

Rule 14.4.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rule 14.4.2:
 - a. lists the matters Council will restrict its discretion to; and
 - b. provides guidance on how a consent application will be assessed, including:
 - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
 - ii. potential circumstances that may support a consent application;
 - iii. general assessment guidance; and
 - iv. conditions that may be imposed.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in the Plan. Conditions on development activities may be used to ~~minimize~~ minimise **{MW cl.16}** any adverse effects from the land use activity or create mitigating positive effects.

14.4.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. All restricted discretionary activities		<p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> a. The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values. {MW cl.16} b. Council will consider the findings of any cultural impact assessment provided with a resource consent application, where required (see Special Information Requirements - Rule 14.7). c. In assessing the effects on Manawhenua and their relationship with a wāhi tūpuna mapped area, Council will consider the values in Appendix A4. <p><i>Potential circumstances that may support a consent application:</i></p> <ol style="list-style-type: none"> d. The development incorporates conservation activity that will have significant positive effects on biodiversity or natural character values. {MW cl.16}
2. <u>Activities where effects on cultural values of Manawhenua is a matter of discretion, including but not limited to:</u> {MW cl.16}	a. Where in a wāhi tūpuna mapped area , effects on cultural values of Manawhenua	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> i. Objective 14.2.1 ii. In a wāhi tūpuna mapped area where the activity is identified as a threat in Appendix A4, adverse effects on the relationship between Manawhenua and wāhi tūpuna are avoided, or if avoidance is not practicable possible {PO 908.3 and others}, are no more than minor (Policy 14.2.1.4).

14.4.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<ul style="list-style-type: none"> Indigenous vegetation clearance – large scale {NatEnv cl.16} Earthworks - large scale New buildings or structures/ additions and alterations up to 60m² {MW cl.16} Network utilities <u>utility</u> {NU cl.16} activities All other structures {MW cl.16} New buildings and additions and alterations 60m² and over {MW cl.16} Forestry Tree planting <u>Shelterbelts and small woodlots</u> {RU cl.16} All other buildings and structures {MW cl.16} <u>Public amenities</u> {MW 1071.3} <u>New buildings, structures, and additions</u> 		

14.4.2 Assessment of restricted discretionary activities

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p><u>and alterations</u> {MW cl.16}</p>		
<p>3. Crematoriums and Cemeteries</p>	<p>a. Effects on cultural values of Manawhenua</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 14.2.1 ii. Adverse effects on cultural values, including the relationship between Manawhenua and sites of cultural importance to them, <u>can be are {PO cl.16} avoided</u>, or if avoidance is not <u>practicable possible {PO 908.3 and others}</u>, are no more than minor (Policy 14.2.1.5).
<p>4. All subdivision activities</p>	<p>a. Where in a wāhi tūpuna mapped area, effects on cultural values of Manawhenua</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 14.2.1 ii. In a wāhi tūpuna mapped area where a subdivision or buildings and structures are <u>is {MW cl.16}</u> identified as a threat <u>in Appendix A4 {MW cl.16}</u>, the subdivision is designed to ensure any future land use or development will avoid or, if avoidance is not <u>practicable possible {PO 908.3 and others}</u>, ensure adverse effects on values of significance to Manawhenua are no more than minor (Policy 14.2.1.4). iii. In a wāhi tūpuna mapped area identified as having mahika kai values, the subdivision is designed to maintain or enable access to the coast and riparian margins for the purpose of gathering mahika kai (Policy 14.2.1.3). <p><i>Design considerations Potential circumstances {MW cl.16} that may support a consent application include:</i></p> <ul style="list-style-type: none"> iv. Subdivisions are designed to maximise the opportunities for protection or enhancement of important Manawhenua values on the site, for example through: <ul style="list-style-type: none"> 1. retaining indigenous vegetation on a single allotment, under single ownership; 2. fencing of indigenous vegetation; or 3. enabling access to, and protection of, sites of significance. <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> v. A building platform registered against the Certificate of Title by way of consent notice.

Rule 14.5 Assessment of Discretionary Activities

Rule 14.5.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 14.5.4-2 - 14.5.4-3 provide guidance on how a consent application for the listed discretionary activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
 - b. potential circumstances that may support a consent application;
 - c. general assessment guidance, including any effects that will be considered as a priority; and
 - d. conditions that may be imposed.

14.5.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities <u>that are linked to section 14.5, including but not limited to the activities listed below {PO cl. 16}</u>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives 2.5.1, 2.5.3, 2.5.4, 14.2.1</p> <p><i>General assessment guidance:</i></p> <p>b. Council will consider the findings of any cultural impact assessment provided with a resource consent application, where required (see Special Information Requirements - Rule 14.7.1).</p> <p>c. <u>In assessing the significance of effects, Council will consider: {MW 1071.3}</u></p> <p>i. <u>Maintaining the relationship between Manawhenua and the natural environment, including the cultural values and traditions associated with: {MW 1071.3}</u></p> <p>1. <u>wāhi tūpuna; and {MW 1071.3}</u></p> <p>2. <u>the customary use of mahika kai (Objective 14.2.1). {MW 1071.3}</u></p>
2. <ul style="list-style-type: none"> • Crematoriums • Cemeteries • Landfills 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Adverse effects on cultural values, including the relationship between Manawhenua and sites of cultural importance to them, are avoided or, if avoidance is not <u>practicable possible</u> {PO 908.3 and others}, are no more than minor (Policy 14.2.1.5).</p>

14.5.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
3. <ul style="list-style-type: none"> • Mining • Discretionary Network utilities utility {NU cl.16} activities • New roads or additions or alterations to existing roads • Passenger transportation hubs • Heliports • Natural Hazard mitigation earthworks and structures {HazMit cl.16} • <u>Natural hazard mitigation structures</u> {HazMit cl.16} 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. In a wāhi tūpuna mapped area where the activity is identified as a threat in Appendix A4, adverse effects on the relationship between Manawhenua and wāhi tūpuna are avoided, or if avoidance is not practicable possible {PO 908.3 and others}, are no more than minor (Policy 14.2.1.4).</p> <p><i>General assessment guidance:</i></p> <p>b. Council will consider whether the activity is identified as a threat in Appendix A4 in the wāhi tūpuna mapped area. {MW cl.16}</p> <p>c. Where effects on the cultural values of Manawhenua are assessed, the findings of a cultural impact assessment will be considered, where required (see Special Information Requirements - Rule 14.7).</p>

14.5.3 Assessment of discretionary performance standard contraventions

Activity	Guidance on the assessment of resource consents
1. Density (papakāika - rural zones)	<p><i>Relevant objectives and policies (priority considerations):</i></p> <p>a. Objectives 2.5.2, 14.2.1</p> <p>b. Manawhenua are able to live in original {MW 248.10} Native Reserve {MW cl.16} areas where any adverse effects can <u>will</u> {PO cl.16} be adequately managed in line with the policies of the relevant zone (Policy 14.2.1.6).</p> <p>c. Residential buildings used for papakāika are removed from the site when they are no longer used for that purpose (Policy 14.2.1.7).</p>

Rule 14.6 Assessment of Non-complying Activities

Rule 14.6.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 14.6.2 provides guidance on how a consent application for the listed non-complying activities will be assessed, including:
 - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
 - b. general assessment guidance, including any effects that will be considered as a priority.
3. For all land use activities that require consent, all associated development activities will be considered as part of the resource consent even if the development otherwise meets the development performance standards in this Plan. Conditions on development activities may be used to minimise any adverse effects from the land use activity or create mitigating positive effects.

14.6.2 Assessment of non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities <u>that are linked to section 14.6, including but not limited to the activities listed below {PO cl. 16}</u>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objectives 2.5.1, 2.5.3, 2.5.4 <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> b. Council will consider the findings of a cultural impact assessment provided with the application for resource consent, where required (see Special Information Requirements - Rule 14.7.1). c. <u>In assessing the significance of effects, Council will consider: {MW 1071.3}</u> <ol style="list-style-type: none"> i. <u>Maintaining the relationship between Manawhenua and the natural environment, including the cultural values and traditions associated with: {MW 1071.3}</u> <ol style="list-style-type: none"> 1. <u>wāhi tūpuna; and {MW 1071.3}</u> 2. <u>the customary use of mahika kai (Objective 14.2.1). {MW 1071.3}</u>
2. <ul style="list-style-type: none"> • Cemeteries • Crematoriums • Landfills 	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> a. Objective 14.2.1 b. Policy 14.2.1.5 <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> c. The assessment of a resource consent application for crematoriums, cemeteries and landfills will consider the findings of a cultural impact assessment (see Special Information Requirements - Rule 14.7)

Rule 14.7 Special Information Requirements

14.7.1 Cultural Impact Assessment

1. Where Manawhenua are considered an affected person, a cultural impact assessment may be required.

Note: The notification rules within the relevant management zone, major facility or city-wide activities section provide advice on when Manawhenua will be considered an affected person.