

Mahaanui Kurataiao Ltd

Greater  
Christchurch  
Spatial Plan  
Ngā Kaupapa

February 2022

This report has been prepared by Mahaanui Kurataiao Ltd for the Greater Christchurch Partnership Spatial Plan project.

It provides an overview of Ngāi Tahu's historical occupation of the Greater Christchurch area along with a description of cultural values and policies applicable to spatial planning. It been prepared in accordance with a specific brief from the Greater Christchurch Partnership.

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## Section 1 Executive Summary

The Greater Christchurch Partnership (GCP) and central government are working in partnership to develop a new spatial plan for Greater Christchurch.

As part of its work programme the GCP has engaged Mahaanui Kurataiao Ltd (Mahaanui) to provide a report which identifies and describes:

- the cultural values within the boundary of Greater Christchurch;
- relevant cultural principles; and
- an assessment of relevant Iwi Management Plan policies and other strategy documents to inform and guide the development of the spatial plan.

The report also sets out the relevant legislative framework within which territorial authorities and the Crown must work with mana whenua. The Supreme Court has determined that tikanga is an integral strand of New Zealand's common law, and Councils must take tikanga into account when making decisions.

The area that comprises Greater Christchurch has been inhabited and utilised by Ngāi Tahu whānui and their predecessors for settlement, resource gathering and exercising of cultural practices for over 1200 years.

The assessment of Iwi Management Plan policies identifies the matters that are to be reflected in the spatial plan. These are further emphasised in other policy and strategy documents prepared by or in partnership with Ngāi Tahu whānui:

Elevation of the importance of protecting the cultural health of waterways and groundwater in Greater Christchurch is a key outcome. The spatial plan needs to incorporate significantly wider corridors along all water bodies and create opportunity for biodiversity enhancement across the plains, between and within urban areas.

Urban intensification is supported, but not at the expense of achieving density without equal weight being given to the capacity and quality of the environment. Intensification of urban areas and urban expansion needs to be managed holistically having regard to the condition of surface and ground water bodies, biodiversity, retention of trees, retention of springs and

natural landforms all of which contribute to the quality of the environment and the distinctive character and values of specific locations.

Sites and area of cultural significance are to be protected and enhanced. Wāhi tapu and wāhi taonga include rivers, wetlands, lagoons, estuaries and springs, many of which have not historically been afforded protection status in spatial planning.

National policy direction requires spatial planning to anticipate and provide for kāinga nohoanga and papakāinga within urban areas.

This report **does not** identify any priorities or specific outcomes sought by Papatipu Rūnanga. These will be the subject of further reports and engagement.

## Section 2 Scope and Structure

The Greater Christchurch Partnership (GCP) and central government are working in partnership to develop a new spatial plan for Greater Christchurch. This spatial plan will set the long-term direction for how Greater Christchurch will grow and change over the next 30 plus years.

As part of its work programme the GCP has engaged Mahaanui Kurataiao Ltd (Mahaanui) to provide a report which identifies and describes the cultural values within the boundary of Greater Christchurch along with an assessment of relevant Iwi Management Plan policies and other policy and strategy documents prepared by Ngāi Tahu whānui of relevance to the Greater Christchurch spatial plan project.

For the purposes of this report:

- the boundaries of Greater Christchurch are those defined in the map attached as Appendix A; and
- references to Partners, means any of the Partner agencies in the GCP who has a statutory responsibility for delivery and operation of infrastructure and/or the statutory management of land and water resources.

The report is to be at a high level, providing guidance on the nature and significance of cultural values. The report **does not** identify any priorities or specific outcomes sought by Papatipu Rūnanga. These will be the subject of further reports and engagement.

The report has been prepared as a desk-top study and is informed by existing publicly available sources of information such as the Mahaanui Iwi Management Plan, published histories, statutory planning documents and reports. It provides an overview of the cultural values and interests across Greater Christchurch and in particular, those to which a spatial plan process should integrate into its development.

This report has been structured as follows:

- a. An overview of the legal framework that provides the foundation for the relationship between the Greater Christchurch Partnership and Papatipu Rūnanga

- b. A cultural narrative of the traditional history and occupation of Greater Christchurch by manawhenua and the association held with the landscape, land, water and ecology of this locality;
- c. Identification of the respective takiwā which overlay the spatial extent of Greater Christchurch
- d. Identification of specific kāinga nohoanga and papakāinga located within the spatial extent of Greater Christchurch
- e. Description of those values and interests that extend across the full extent of Greater Christchurch, including:
  - i. The Māori world view of environmental management;
  - ii. A summary of relevant policy considerations from the Mahaanui Iwi Management Plan in relation to land use, water and urban development and their application to spatial planning;
  - iii. The presence of taonga species and location across the extent of Greater Christchurch;
- f. Identification of sites or areas identified as Statutory Acknowledgements in the Ngāi Tahu Claims Settlement Act 1996
- g. Identification of wāhi tapu, wāhi taonga, ngā wai and ngā turanga tupuna as identified in the Christchurch District Plan, the Proposed Selwyn District Plan, the Proposed Waimakariri District Plan and the Canterbury Regional Land and Water Plan.
- h. A summary of any relevant strategies or policies that have been developed by, or in partnership with Papatipu Rūnanga;
- i. A summary of any relevant policies developed by Te Rūnanga o Ngāi Tahu;
- j. An overview of the policy direction in relation to kāinga nohoanga/papakāinga.

## Section 3 Legal Framework

The following legal framework informs the basis of the relationship between Ngāi Tahu whānui and the Greater Christchurch Partnership, and the way in which the Partners are expected to engage and work with Papatipu Rūnanga on the Greater Christchurch Spatial Plan.

### 3.1 Te Tiriti o Waitangi & the Ngāi Tahu Claims Settlement Act 1996

The contemporary relationship between the Crown and Ngāi Tahu whānui is defined by three core documents; Te Tiriti o Waitangi, the Ngāi Tahu Deed of Settlement 1997 and the Ngāi Tahu Claims Settlement Act 1998 (“NTCSA”). These documents form an important legal basis for the relationship between the Crown, its agencies and Papatipu Rūnanga, entrenching the principles of Treaty partnership and imposing obligations on local authorities.

Papatipu Rūnanga expect the Crown and its agencies will honour Te Tiriti o Waitangi and the principles upon which it is founded, including principles of Partnership and recognition of the rangatiratanga status of Ngāi Tahu whānui

The Ngāi Tahu Settlement marked a turning point, and the beginning for a “new age of co-operation” between the Crown and Ngāi Tahu. In making its apology (attached as Appendix B), the Crown acknowledged that Ngāi Tahu holds rangatiratanga within the Ngāi Tahu takiwā. This apology acts as a guide for the post-Settlement relationship with the Crown and all of its agencies, and should therefore inform the nature and manner of engagement and collaboration.

Tau (2017) states that “..Tino rangatiratanga means that the chief and the hapū have full authority over the resource...”, therefore rangatiratanga can be equated with authority and control.

Further, the Te Rūnanga o Ngāi Tahu Declaration of Membership Order 2001 establishes individual Papatipu Rūnanga as the entities with responsibility for resources and protection of tribal interests within their respective takiwā. This includes rangatiratanga of their taonga as well as lands, waters, habitats and species.

## 3.2 The Local Government Act 2002

Section 4 of the Local Government Act 2002 states:

“In order to recognise and respect the Crown’s responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.”

These principles and requirements are intended to facilitate participation by Māori in local authority decision-making processes in order to give effect to the Crown's obligations under Te Tiriti.

The Local Government and Environment Select Committee in its report to Parliament on the Act clarified that:

“The ... clause makes clear that Treaty responsibilities lie with the Crown, which is the Treaty partner. When powers are delegated to local authorities, requirements need to be put in place to ensure that the Treaty is observed. The clause 12 principles and a set of mechanisms in Part 2 and Part 5 have been included in the bill in order to give effect to the Crown's obligations.”<sup>1</sup>

This approach accords with the principle that the Crown cannot evade its obligations under the Treaty by conferring authority on some other body that is inconsistent with the Crown's Treaty obligations.<sup>2</sup>

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<sup>1</sup> Local Government Bill (191-2) (Select Committee report) at 18.

<sup>2</sup> Waitangi Tribunal, “Rangahau Whanui Overview Report”, Vol. II, p 485 BS “Ngawha Geothermal Resource Report”, Wai 304, Waitangi Tribunal.

### 3.3 Partnership with local authorities

Parts 2 and 6 of the Local Government Act 2002 are intended to facilitate participation of Māori in local government. Local government has therefore been charged with the responsibility to provide opportunities for Māori to contribute as partners to decision-making processes.

While there are general requirements for consultation contained in the Local Government Act 2002, the requirement to consult with iwi in accordance with the principles of Te Tiriti is relevant to the duty to be informed and the principle of good faith, but is not an end to itself.<sup>3</sup>

Partnership requires an equitable relationship, where the partners act reasonably, honourably, and in good faith.

### 3.4 The Resource Management Act 1987

The duties in the Resource Management Act (RMA) in respect of the relationship of Māori, kaitiakitanga, and the principles of the Treaty, are strong directions to be borne in mind at every stage of the planning process.<sup>4</sup>

Section 6 Matters of national importance, requires Partners who are exercising functions and powers under the Resource Management Act (RMA) to recognise and provide for, as a matter of national importance, “the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga”. Customary rights are to be protected.

Section 7, Other matters, similarly requires Partners have “regard to” kaitiakitanga. It is noted however that values such as kaitiakitanga are now the subject of caselaw arising from the Supreme Court of New Zealand which directs the Partners to adjust their approach to consideration of matters such as kaitiakitanga. See section 3.4.1 below.

Section 8 Te Tiriti has both procedural and substantive implications for decision-making under this Act<sup>5</sup>.

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<sup>3</sup> New Zealand Māori Council v Attorney-General [1987] 1 NZLR 641

<sup>4</sup> *Living Earth Ltd v Auckland Regional Council* NZEnvC Auckland A 126/06, 4 October 2006 at [273].

<sup>5</sup> *Environmental Defence Society Inc v New Zealand King Salmon Co Ltd* [2014] NZSC 38 at [88].

### 3.4.1 Caselaw

The Supreme Court has determined that tikanga is an integral strand of New Zealand's common law.<sup>6</sup>, and Councils must take tikanga into account when making decisions. The Court of Appeal has provided some direction on how decision-makers should apply tikanga.

A decision-maker should engage with elements of tikanga (such as kaitiakitanga) as understood and applied by the iwi with manawhenua status. This requires the decision-maker to identify and address the relevant aspects of tikanga, analyse how those concepts are understood and applied by Māori (as that is the only perspective from which a tikanga concept can be described and understood), identify the extent to which the activity will be consistent or otherwise with tikanga and give reasons for a decision that adversely affects tikanga.

## 3.5 Resource Management Reform

It is acknowledged that the RMA is subject to reform within the coming two years of preparation of this report. Whilst the content of the proposed new legislation is not known, the Exposure bill signals that the statutory requirements to recognise and give effect to the principles of Te Tiriti o Waitangi and joint decision-making with Māori will not be diminished to a level less than what already exists, and is more likely to be strengthened.

With this strengthened statutory direction combined with caselaw emerging from the Supreme Court, it is recommended that the Spatial Plan project is highly cognisant of, and responsive to, the cultural values and interests expressed in this report.

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<sup>6</sup> *Trans-Tasman Resources Limited (TTR) v Taranaki Whanganui Conservation Board* [2021] NZSC 127

## Section 4 Traditional History

The area that comprises Greater Christchurch has been inhabited and utilised by Ngāi Tahu and their predecessors for settlement, resource gathering and exercising of cultural practices for over 1200 years.

Greater Christchurch is part of a wider cultural landscape that holds considerable cultural and spiritual significance to Ngāi Tahu whānui. This is reflected in the pūrākau (legend) that describes the creation of Te Wai Pounamu through the fall of Aoraki's waka from the heavens. The landscape was subsequently shaped by Atua headed by Tūterakiwhanoa for occupation by humans, animals and vegetation.

Māori of three main tribal phases occupied Te Wai Pounamu. The Waitaha are recognised as the earliest phase, followed by Ngāti Māmoe and later by those hapū who came to be known collectively as Ngāi Tahu. These tribal entities were assimilated through conflict, marriage and political alliances.

The earliest phase within cultural memory describes the travels and arrival of the Waitaha people led by Rākaihautū on the waka Uruao. Uruao then became one of the stars in the tail of the Scorpio constellation used for navigation. Rākaihautū is attributed with the creation of the lakes of the South Island, digging and shaping the whenua with his enchanted kō, Tūwhakaroria.

Ngāti Mamoe migrated in the early 17<sup>th</sup> century from the east coast of Te Ika a Maui/the North Island and were followed by Ngāi Tahu. Hapū of various groups moved back and forth between the motu in several stages. One stream of Ngāi Tahu migration was initiated by the hapū of Ngāi Tūhaitara and led by Tūāhuriri's second son, Tūrākautahi.

Tūrākautahi founded Kaiapoi Pā as their principle kāinga and settled the surrounding district. The positioning of the pā near to overland trails made it ideal as a trading post, while the proximity to the Waimakariri ensured ample provision of kai. Kaiapoi also became central to the Ngāi Tahu economy in Canterbury through the working and trade of pounamu.

All hapū and rūnanga from Canterbury descend from the ancestress Tūhaitara through Tūāhuriri and his sons, Tāne Tiki, Tūrākautahi and Moki. The chiefs Moki, Te Ake, Te

Rakitaurewa, Mako, Te Ruahikihiki and others each claimed portions of Te Pātaka o Rākaihautū/Banks Peninsula.

Each hapū had a defined territory, determined by natural boundaries and marked with posts or stones. Within each area, whānau groups had exclusive rights to resources within demarcated areas known as wakawaka. Land was clearly delineated and allocated to specific whānau for their use. Continued occupation was both a condition of and confirmation of resource rights. The trade of these resources between other hapū was known as kai-hau-kai.

Ngā Pākihi Whakatekateka o Waitaha/The Canterbury Plains would have provided a wealth of resources of food and fibre from the swamps, grasslands and podocarp forests that were important mahinga kai for manawhenua and their kāinga. The area now covered by central Christchurch was utilised during the warmer months for harvesting of food by Te Ngāi Tūāhuriri before whānau would overwinter at Kaiapoi Pā.

The natural resources available meant that life for southern Māori generally revolved around mahinga kai, trade and kinship. The seasonal gathering, cultivation and exchange of food was a means of reinforcing familial links and traditional values, as well as maintaining connections with the past.

This relationship of the people with the land was expressed through tikanga (customs and traditions), kaitiakitanga (guardianship), whakapapa (genealogy), manawhenua (territorial rights) and wāhi ingoa (naming). The history and identity of the iwi is tied to the landscape through whakapapa. Whakapapa refers to the layering of generations and determines who has rights to land and resources while emphasising the interconnectedness of spirits, humans and nature. Māori trace their connection to the environment through their whakapapa.

The naming of natural features venerating important tupuna further reinforced the relationship of the hapū with that environment and solidified their claim as manawhenua. This connection to land established personal identity and conferred dignity and rank.

The distribution of Pā was generally organised around waterways and bays. Pā were also located within the area now covered by Christchurch Central Business District (CBD). Puāri and Tautahi were two such significant kāinga nohoanga (villages) with Puāri believed to have been established by the Waitaha more than 700 years ago. The name Ōtautahi originally referred to the specific site of Tautahi kāinga. The kāinga was established by Tautahi, son of Huikai of Koukourarata and was used seasonally for kai gathering.

Water, its sources and tributaries are hugely important to Māori and bodies such as Ōtākaro/the Avon River, Ōpāwaho/Heathcote River and Ihutai/the Avon-Heathcote Estuary are still highly valued areas of cultural significance, both for their ancestral associations, as well as their natural and cultural values.

The coastal environment was famous for its abundance of fish and shellfish. Manawhenua have utilised Te Ihutai for the gathering of mahinga kai for over fifty generations. The estuary served as a place for gathering and a trading ground between whānau.

Throughout Māori occupation, the coastline has formed and changed. Te Ihutai would have been an open bay at the time of arrival. A change in position of the Waimakariri between 1250 and 1500 AD shaped Te Karoro Karoro/New Brighton Spit. Although no physical evidence remains today, radiocarbon dating shows evidence of occupation of the spit in the 11<sup>th</sup> and 12<sup>th</sup> centuries. Te Karoro also acted as an important travel route between Kaiapoi Pā and the settlements of Whakaraupō and Te Pātaka a Rākaihautū.

The Waimakariri was part of a network of ara tawhito (ancestral trailways) which linked the coasts of Te Waipounamu and allowed for access to pounamu. Travel routes and nohoanga (settlements) were often sited near water due to the abundance and variety of mahinga kai available. Archaeological sites are therefore generally concentrated beside river and stream corridors.

Kōiwi tangata (human remains) and taonga have been found in several places around Christchurch city and the outer reaches. Middens and umu recorded across Greater Christchurch also illustrate the seasonal harvesting of resources even where there may be no apparent physical evidence of settlement remaining.

Identified middens have illustrated the variety of mahinga kai species available to tangata whenua with evidence of cockles, mussels, pāua, kekeno, and fish species such as patiki, kahawai and aua (mullet). Pūtangitangi and parera were taken from the surrounding swamps while the surrounding catchment would have provided moa, aruhe (fern root) and ti kouka.

Te Rakiwhakaputa of Ngāti Kuri defeated the resident Ngāti Mamoe at Whakaraupō and established Pā at Rāpaki and Governors Bay/Te Pā Whakataka to harvest kai such as pioke (sand shark) and tuangi (cockles). Rāpaki became a central mahinga kai due to the variety and abundance of resources within the harbour and availability of taonga species such as mikimiki (coprosma) and tutu (*Coriaria arborea*).

By the time of Ngāi Tahu arrival the landscape of the plains was already largely altered. Lowland podocarp forests were replaced by remnant patches among grasslands. When the first Europeans arrived, they found a district primarily covered with areas of swamp, raupō and flax. The landscape and coastal boundaries have since been heavily modified through urbanisation, farming, drainage of wetlands and clearance of indigenous species.

Ngāi Tahu tribal authority was devastated by the signing of the Canterbury Purchase (Kemp's Deed) in 1848. The rangatira believed that their mahinga kai would be set aside as promised in the Māori text, but the narrow definition of mahinga kai applied in the English translation meant that only cultivations were included. Mahinga kai was not taken to mean the places where resources are obtained, and the philosophies and practices that surround them.

Areas such as Pūtaringamotu (Dean's Bush) were not reserved despite being a highly valued mahinga kai and kāinga nohoanga, while Puāri, Tautahi and their associated mahinga kai were simply ignored. These omissions were also at odds with the guarantees laid out in the purchase agreement as well as the Treaty of Waitangi. The arrival of settlers further alienated Māori from their lands through prevention of participation in run holding. Claims put to the Native Land Court were again dismissed in 1968 on account of the lands having been sold by the Crown. Another unsuccessful claim was part of the wider Ngāi Tahu claim (Wai 27) of 1986.

## Section 5 Takiwā

Takiwā denotes an area or locality over which a particular manawhenua grouping of various whānau have rangatiratanga or authority. The takiwā of Ngāi Tahu whānui has been legally recognised in the Te Rūnanga o Ngāi Tahu Act 1996 with the takiwā of respective Papatipu Rūnanga described in the Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001.

Local authority boundaries and takiwā are not consistent, and there are multiple takiwā, parts of which traverse Greater Christchurch to varying extent. The following table identifies those takiwā relevant to Greater Christchurch, noting that the majority of Greater Christchurch falls within the takiwā of Te Ngāi Tūāhuriri Rūnanga.

Te Ngāi Tūāhuriri Rūnanga	The takiwā of Te Ngāi Tūāhuriri Rūnanga centres on Tuahiwi and extends from the Hurunui to Hakatere, sharing an interest with Arowhenua Rūnanga northwards to Rakaia and with Taumutu Rūnanga inland to the Main Divide.
Te Hapū o Ngāti Wheke (Rāpaki) Rūnanga	The takiwā of Rāpaki Rūnanga centres on Rāpaki and includes the catchment of Whakaraupō and Te Kaituna.
Taumutu Rūnanga	The takiwā of Taumutu Rūnanga centres on Taumutu and the waters of Te Waihora and adjoining lands, including Kaitōrete and shares a common interest with Te Ngāi Tūāhuriri Rūnanga and Te Rūnanga o Arowhenua in the area south to Hakatere and inland to the Southern Alps.

## Section 6 Kāinga Nohoanga/Papakāinga

In 1848 the Crown acquired some 20,000,000 acres of land from Ngāi Tahu for £2000. This is known as the 1848 Canterbury Deed of Purchase and is also often referred to as Kemp's Deed. This land purchase encompasses the greater part of what is now known as modern Canterbury and extends towards Otago.

These Deeds specified in detail the terms agreed as part of each land purchase. These terms included:

- the setting aside of kāinga nohoanga (translated as places of residence) as reserves;
- rights to mahinga kai;
- the right to develop land, including subdivision, communal facilities, and other community activities;
- the right to develop a sustainable and growing economic base within the community to sustain future generations; and
- an enduring timeframe i.e., the reserves would belong to the people and their descendants without impediment for all of the future.

The wording of the Canterbury Purchase and its translation is set out as follows:

Ko o matou kainga nohoanga kai, me waiho marie mo matou, mo a matou e tamariki, mo muri iho ia matou; a ma ta Kawana whakrite mai hoki tetahi wahi mo matou a mua ake nei a tew ahi e ata ruruitia ai te whenua ngā Kai Ruri.

Our places of residence and our food gathering places are to be left to us without impediment for our children, and for those after us. We leave to the Government the power and discretion of making us additional Reserves of land.

Evidence presented by TM Tau at the Christchurch Replacement District Plan hearings describes how the concept of kāinga nohoanga was first applied to the Kaiapoi Māori Reserve and how this became the blueprint for other Māori reserves throughout Canterbury<sup>7</sup>.

The Crown had anticipated that the Reserve would be similar to a rural English village and land was required to be set aside for a school, church, cemetery and hospital. This was complemented in the 1860s by the Crown contemplating that the reserves would be self-governing with similar powers to provincial councils. The evidence of TM Tau traverses the history of negotiation between Ngāi Tahu and the Crown, and the formation of Rūnanga as an entity with responsibility for the management, governance and enforcement of order upon their land<sup>8</sup>.

It is noted that the term kāinga nohoanga is used interchangeably with papakāinga by some entities and persons.

The location and status of Māori Reserve land, and its potential for broad land uses is a matter of significance in the Greater Christchurch spatial plan.

Within Greater Christchurch, Māori Reserve land is located at:

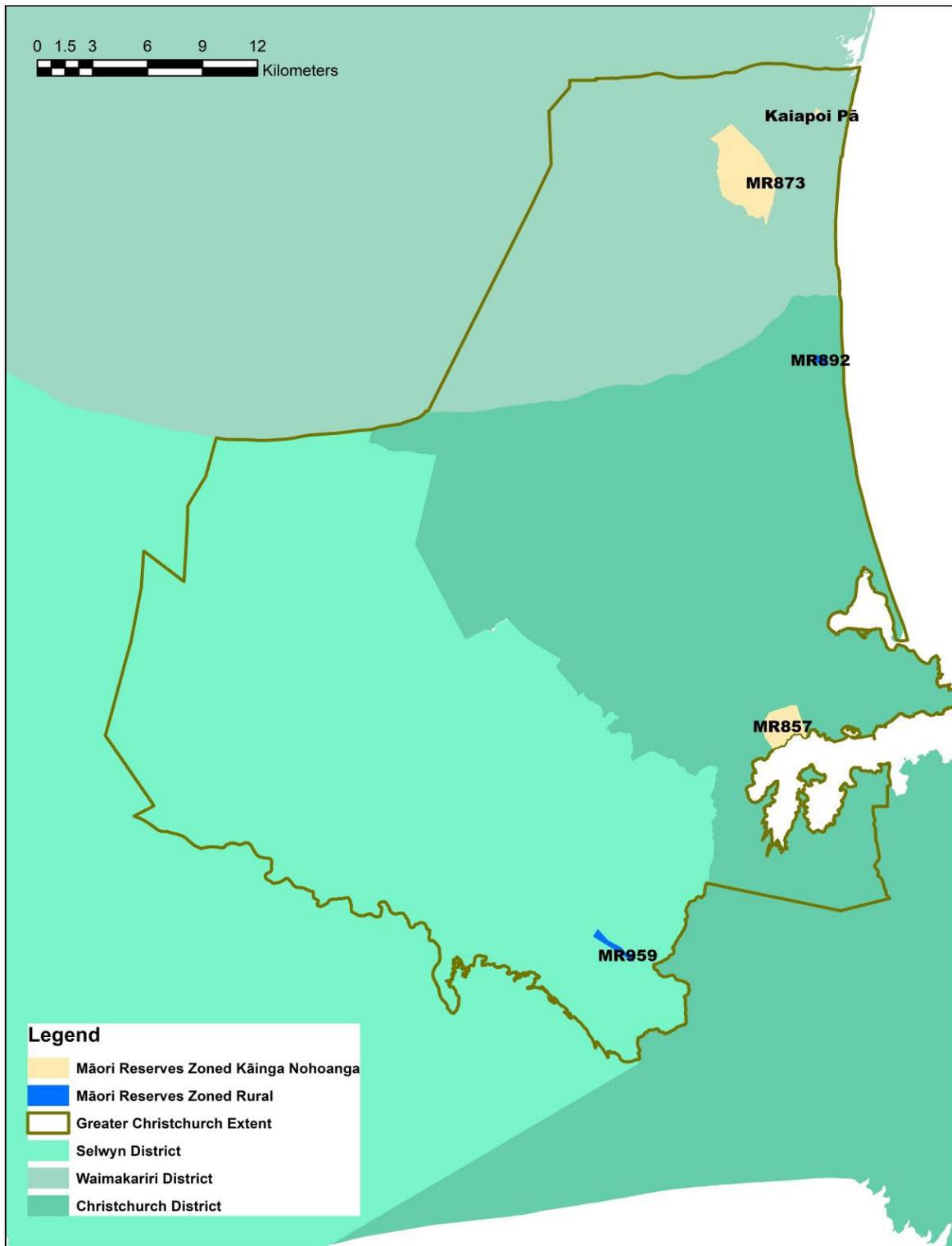
- MR875, Rāpaki (zoned Papakāinga/Kāinga Nohoanga)
- Tuahiwi MR873, (zoned Special Purpose Kāinga Nohoanga)
- Kaiapoi Pā (zoned Special Purpose Kāinga Nohoanga)
- Pūharakekehenui MR892 (zoned Rural)
- MR959 east side of Te Waihora (zoned Rural)

In addition Ihutai MR900 existed within Greater Christchurch and the taking of this land by the Christchurch City Council for public works remains an outstanding grievance to be resolved.

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<sup>7</sup> Paragraph 31, Brief of Evidence of TM Tau before the Independent Hearings Panel

<sup>8</sup> Paragraphs 45 to 61, Brief of Evidence of TM Tau before the Independent Hearings Panel



Full extent of Māori Reserves - Greater CHCH

There are marae located at both Tuahiwi MR873 and at Rāpaki at MR875.

The marae is at the heart of cultural identity. They are a focus for cultural practices and customs as well as housing and education, the administrative requirements of Papatipu Rūnanga and facilitating services that support hapū wellbeing.

The presence, role and function of marae should be explicitly recognised in the Greater Christchurch Spatial Plan and be supported in terms of accessibility to infrastructure and transport. The website of Te Rūnanga o Ngāi Tahu states that “The vitality of our marae communities is often reliant on there being sufficient opportunities and infrastructure for whānau to be able to live close to the marae.”

The provision of infrastructure to marae and Māori land is a fundamental issue for the Greater Christchurch spatial plan to respond to and provide for.

## Section 7 Te Ao Māori

The key values and principles of Ngāi Tahu whānui relevant to the Greater Christchurch spatial planning project are described in this section.

### Kaitiakitanga

Kaitiakitanga is fundamental to the relationship of Ngāi Tahu and the environment. The responsibility of kaitiakitanga is twofold: first, there is the ultimate aim of protecting mauri and, second, there is the duty to pass the environment to future generations in a state which is as good as, or better than, the current state. Having regard to the Greater Christchurch Spatial Plan, mauri can be understood as a measure or an expression of the health and vitality of a place. Priority should therefore be placed on the regeneration of indigenous ecosystems and waterways throughout Greater Christchurch to enhance the wellbeing of the environment and people.

To Ngāi Tahu, kaitiakitanga is not a passive custodianship, nor is it simply the exercise of traditional property rights but entails an active exercise of responsibility in a manner beneficial to the resource.

The Mahaanui Iwi Management Plan provides a policy framework for effective recognition of kaitiakitanga that should be reflected in the process of developing the Greater Christchurch spatial plan.

This policy refers to the institutional capability of Partner agencies to recognise and provide for the principle of kaitiakitanga<sup>9</sup>; along with leadership and support for engagement with Papatipu Rūnanga<sup>10</sup>. More particularly, Policy K3.3 requires local authorities to engage with Papatipu Rūnanga in the spirit of Te Tiriti at operational and political levels, increase kaitiaki control, partnership or influence over taonga, including through joint or co-management, or through the transfer of powers, duties and/or functions.

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<sup>9</sup> Policy K3.1, Chapter 5.1, page 64, Mahaanui Iwi Management Plan

<sup>10</sup> Policy K3.2, Chapter 5.1, page 64, Mahaanui Iwi Management Plan

## Wāhi tapu and wāhi taonga

Wāhi tapu are places of particular significance that have been imbued with an element of sacredness or restriction (tapu) following a certain event or circumstance. Wāhi tapu sites are treated according to tikanga and kawa that seek to ensure that the tapu nature of those sites is respected. Of all wāhi tapu, urupā are considered to be the most significant.

Wāhi taonga are “places treasured” due to their high intrinsic values and critical role they have in maintaining a balanced and robust ecosystem (e.g., spawning grounds for fish, nesting areas for birds and freshwater springs). They are prized because of their capacity to shape and sustain the quality-of-life experience and provide for the needs of present and future generations, and as places that connect and bind current generations to their ancestral land and practices.

See Section 10 in this report for more information on wāhi tapu and wāhi taonga in the context of Greater Christchurch. These are areas and sites that must be recognised and protected under s6 of the Resource Management Act.

## Ki Uta Ki Tai

The principle of Ki Uta Ki Tai reflects the holistic nature of traditional resource management, particularly the interdependent nature and function of the various elements of the environment within a catchment.

Ki uta ki tai therefore requires a ‘whole of system’ view of the environment acknowledging the interdependencies between the various elements of the natural world and the function of natural processes.

In a spatial plan context, particular consideration should be given to waterways as the corridors connecting terrestrial and marine environments. Their condition reflects the state of activities on the terrestrial plain and will adversely impact on the ecosystems found in the coastal environment.

Similarly, the achievement of density should not be at the expense of the condition of surface and ground water bodies, biodiversity, retention of trees, retention of springs and the retention of natural landforms, all of which contribute to environmental quality and preserve the physical distinctiveness of specific locations. Recent experience with urban expansion within Greater

Christchurch has demonstrated little priority from territorial authorities to protect springs, frequently viewed as inconvenient wet areas that reduce residential density.

## Mahinga Kai

Generally, mahinga kai refers to the rights and interests of Ngāi Tahu whānui in traditional food and other natural resources, and the places where those resources are obtained. Additionally, mahinga kai is defined in the Ngāi Tahu Claims Settlement Act 1998 (NTCSA) as “the customary gathering of food and natural materials, and the places where those resources are gathered”.

Historically, it has not been uncommon for the definition or interpretation of mahinga kai to be limited by agencies and persons to cultivations only. A more appropriate definition, preceding that defined in the NTCSA, was given by Natanahira Waruwarutū in the 1879 Royal Commission:

“Mahinga kai is not confined to land cultivated, but it refers to the places from which we obtain the natural products of the soil without cultivating. You know the plants that grow without being cultivated by man. The whole of this country was covered with Ti or cabbage trees in former times. There was also fernroot which is not usually cultivated; there is no cultivation necessary; it only requires to be dug up. Fernroot grew all the way between Kaiapoi and Purehurehu, and the people used to get fernroot between those two places. There were also woodhens all the way between Kaiapoi and Purehurehu and people used to catch them between these places. There were also all different berries the natives use to get from the forest trees. Those were the “Mahinga kai” the natives meant”.

The continuation of mahinga kai is of great significance to Papatipu Rūnanga, as it is intrinsically linked to the continuation, understanding, and passing down of whānau traditions. Mahinga kai was, and is, central to the manawhenua way of life as an important social and economic activity. Many sites and environs are associated with mahinga kai. Freshwater and coastal waters are of immense significance as they represent some of the last remaining intact habitats and species occurrence where manawhenua can exercise food gathering rights and authority.

Mahinga kai activities occur relative to the health and abundance of the surrounding environs and habitats. The careful and meaningful management of activities in relation to these environs and habitats is needed to satisfy tikanga, and the reciprocity of respect. Furthermore,

the health of these habitats is intrinsically linked to the health of manawhenua, with the harvesting of traditional medicinal plants being an expression of mahinga kai practices.

## Summary

These values and principles should be reflected in a spatial plan with the following outcomes:

- Greater protection of waterbodies. This should be achieved with wider corridors/setbacks for all forms of built development from the waterbody concerned with significantly enhanced restoration of indigenous planting within, across and interconnecting all urban areas;
- An emphasis on integrating and enhancing vegetation both across Greater Christchurch and within development sites subject to intensification;
- Intensification should not prioritise density standards as the primary outcome – experience through consenting processes, has demonstrated that achievement of density standards is valued more highly than providing for the features of the natural environment. Intensification of land use needs to be managed holistically in response to the capacity of the natural environment i.e., the achievement of density should not be at the expense of the condition of surface and ground water bodies, biodiversity, retention of trees, retention of springs and natural landforms all of which contribute to the quality of the environment and the distinctive character and values of specific locations.
- Protection of wāhi tapu and wāhi taonga.

## Section 8 Taonga Species

Taonga species are those treasured by manawhenua, acknowledging their importance as mahinga kai sources or their roles in the wider ecosystem; and prized in a contemporary sense as they provide links to traditions and whakapapa. The interpretation of taonga species will differ between and throughout hapū and whānau.

The geophysical features of Greater Christchurch provide for a multitude of ecosystems and habitats. Significant landscapes that define these ecosystems within the Greater Christchurch area are dominated by freshwater and coastal environs: Braided rivers with alpine origins, spring-fed rivers and streams that meander through the urban environment, estuaries and hāpua, the southern extent of Pegasus Bay and the northernmost part of Te Pā o Rakaihautū/Banks Peninsula, including Whakaraupō/Lyttelton Harbour. The Port Hills backdrop Ihutai with the dry grasslands of the Plains connecting Greater Christchurch to wider Canterbury.

Te Waihora is a vast but shallow, brackish coastal lake which represents one of the most ecologically and culturally significant features in Te Waiponamu, and supports many taonga species. The north-eastern shores of Te Waihora are captured in the spatial extent of Greater Christchurch.

Urbanisation and intensive rural land use have resulted in widespread degradation and fragmentation of ecosystems and an overall reduction in the diversity and abundance of taonga species throughout Greater Christchurch. Despite this widespread habitat modification and biodiversity loss, numerous taonga species are supported throughout the terrestrial, freshwater, and coastal ecosystems of the Greater Christchurch area.

Terrestrial ecosystems are poorly represented, due to the clearance of lowland podocarp forests, drainage of wetlands, and engineering of waterways to accommodate Christchurch City and the rural townships of the Selwyn and Waimakariri Districts. Riccarton Bush/Pūtaringamotu is a rare remnant of the podocarp forest that once dominated the Christchurch flood plain. The forest is 7 hectares and the ancient kahikatea, totara, matai and hinau support taonga species including kereru/wood pigeon, korimako/bellbird, and piwakawaka/fantail.

The Ashley/Rakahuri and Waimakariri Rivers develop their distinct braided form as they descend across the plains of North Canterbury. The braiding of shingle refuges, and active channels support, the seasonal feeding and nesting of taonga bird species, including the Kuaka (bar-tailed godwit) and Karoro (black backed gull).

The two rivers form a complex network of wetlands, streams, and hāpua which are populated with diverse vegetation, shellfish, finfish, and birds. The Rakahuri and associated waterways were historically regarded as the food basket for nearby Kaiapoi Pā. Pāteke/flounder and tuna/eels remain in the estuary, though significantly reduced in abundance as evidenced in the accounts of manawhenua.

The Pūharakekenui (Styx River) catchment is a spring fed river network in northern Christchurch of great importance to manawhenua. It was utilised as a travel route, and for a range of cultural practices. The lowland rivers and streams of the Pūharakekenui flow into Te Riu o Te Aika Kawa (Brooklands Lagoon), and the Waimakariri River before joining the coastal waters of Te Tai o Mahaanui (Pegasus Bay). Taonga plant species including harakeke (flax), Whauwhaupaku (Five Finger), and ti kouka (cabbage tree) are found throughout the catchment. Pūtakitaki (Paradise Shellduck), and pūkekō are common taonga bird species associated with the area. Tuna are the most abundant taonga fish species in the catchment, which also houses a small population of waikoura/freshwater crayfish.

The coastal confluence of the Ōtakaro (Avon) and Ōpāwaho (Heathcote) Rivers forms Te Ihutai, a large estuary that is heavily impacted by land use across Christchurch City. Urban infrastructure and development, including the large-scale earthworks accelerated by the post-earthquake rebuild, have contributed to the accumulation of heavy contaminant loads in the estuary. Of particular concern is the fine sediment that smothers ecosystems and reduces clarity, and heavy metals which persist in food chains and result in chronic and acute health effects on species.

Te Ihutai is renowned for taonga bird species, including pied stilt/poaka, white heron/kotuku, little black shag/kawau, tūī and white-faced heron/ matuku moana. The estuary also supports flounder, eel/tuna, yellow eyed mullet, whitebait/inaka and numerous invertebrates that would be regarded as taonga. Between 1840 and 2014, Ihutai has had 144 bird species recorded including a large number of migratory species. A 1996 survey recorded 34 fish species (both marine and freshwater), however only 16 were recorded in 2011.

Whakaraupō (Lyttelton Harbour) is the area of Pātaka-o-Rākaihautū/Banks Peninsula that is included in Greater Christchurch. The iconic harbour environment is associated with taonga species including marine mammals such as kēkeno/fur seals and tutumairekurai/hector's dolphins. The Lyttelton Port operations have contributed to the degradation of the harbour environment through land reclamation, dredging, and hydrocarbon runoff. On-going residential development has also had a substantial impact. The deforested surrounds make the harbour sensitive to sediment losses from land-use, and the previously abundant shellfish that once contributed to the manaakitanga of Ngāti Wheke are now extremely limited.

Te Waihora is one of the most significant natural features of the South Island for Ngāi Tahu, and is highly regarded for mahinga kai. The lake is subject to both urban and rural pressures through the Selwyn/Waikirikiri and Halswell/Hurutini catchments that flow into the lake. The area of the lake margin that is within the Greater Christchurch area includes important bird habitat for a variety of endemic taonga species.

Taonga species represent an important component of cultural identity and practice for manawhenua. Greater Christchurch spatial planning should have particular regard to the effects of land use on taonga species and the ecosystems that support them, ki uta ki tai.

The following summary is not intended to be an exhaustive list of the taonga species, but to offer some description of their presence throughout Greater Christchurch.

Table 1: Rākau/plant species of Greater Christchurch

Ingoa Māori	Common name	Scientific name
Ti kouka	Cabbage tree	<i>Cordyline australis</i>
Mākaka	Saltmarsh ribbonwood	<i>Plagianthus divaricatus</i>
Harakeke	Flax	<i>Phormium tenax</i>
Wī	Silver tussock, tussock	<i>Poa cita. P. laevis</i>
Toetoe	Toetoe	<i>Austroderia sp.</i>
Ngaio	Ngaio	<i>Myoporum laetum</i>
Mikimiki	Mikimiki	<i>Coprosma sp.</i>
Kōwhai	Kowhai	<i>Sophora microphylla</i>
Akeake	Akeake	<i>Dodonaea viscosa</i>
Ti kouka	Cabbage tree	<i>Cordyline australis</i>
Kānuka	Kanuka	<i>Kunzea ericoide</i>

Tōtara	Totara	<i>Podocarpus totara</i>
Horoeka	Lancewood	<i>Pseudopanax crassifolius</i>
Koromiko/Korokio	Hebe	<i>Hebe</i> sp.
Mānuka	Manuka	<i>Leptospermum scoparium</i>
Kahikatea	Kahikatea	<i>Dacrycarpus dacrydioides</i>
Mānatu	Ribbon wood	<i>Plagianthus</i> sp.
Mataī	Black pine	<i>Prumnopitys taxifolia</i>
Raupō	Bullrush	<i>Typha angustifolia</i>
Kiokio	Belchnum fern	<i>Belchum novae-zealandia</i>
Pūkio	Tussock sedges	<i>Carex secta</i>
Whauwhaupaku/ Puahou	Five finger	<i>Pseudopanax arboreus</i>
Matipo/māpou	Red matipo	<i>Myrsine australis</i>
Kawakawa	Kawakawa	<i>Macropiper excelsium</i>
Titoki	Titoki	<i>Alectryon excelsus</i>
Tororaro, Pohuehue	Toroaro, Pohuehue	<i>Muehlenbeckia</i> sp.
Tūmatakuru	Matagouri	<i>Discaria toumatou</i>

**Table 2: Freshwater species of Greater Christchurch**

<b>Ingoa Māori</b>	<b>Common name</b>	<b>Scientific name</b>
Kanakana	Lamprey	<i>Geotria australis</i>
Tuna heke/Tuna kuwharuwharu	Longfin eel	<i>Anguila dieffenbachii</i>
Tuna	Shortfin eel	<i>Anguila australis</i>
Tīpokopoko/Toitōi	Common bully	<i>Gobiomorphus cotidianus</i>
Tīpokopoko/Toitōi	Upland bully	<i>Gobiomorphus breviceps</i>
Koukoupāra/Tīpokopoko/Toitōi	Bluegill	<i>Gobiomorphus hubbsi</i>
Tīpokopoko/Toitōi	Redfin	<i>Gobiomorphus huttoni</i>
Toitōi	Giant bully	<i>Gobiomorphus gobioides</i>
Kōkopu	Banded kōkopu	<i>Galaxias fasciatus</i>
Kōkopu	Shortjaw kōkopu	<i>Galaxias postvectis</i>
Koaro	Koaro	<i>Galaxias brevipinnis</i>
Īnanga	Inanga	<i>Galaxias maculatus</i>
Kātaka	Yellow-eyed mullet	<i>Aldrichetta forsteri</i>
Paraki/Kehakeha	Common smelt	<i>Retropinna retropinna</i>
Piripiripōhatu/Panoko	Torrentfish	<i>Cheimarrichthys fosteri</i>

Kākahi	Freshwater mussels	<i>Echyridella menziesi</i>
Kēkēwai	Freshwater crayfish	<i>Parenephrops. sp</i>
Kōura	Freshwater shrimp	<i>Paratya curvirostris</i>

**Table 3: Manu/Bird species of Greater Christchurch**

Ingoa Māori	Common name	Scientific name
Hiraka/Tauhō	Silver eye	<i>Zosterops lateralis</i>
Kereru	Wood pigeon	<i>Hemiphaga novaeseelandiae</i>
Koitereke/kotoreke	Marsh crake	<i>Porzana pusilla affinis</i>
Kōtare	Kingfisher	<i>Halcyon sancta</i>
Kōparapara/Korimako	Bellbird	<i>Anthornis melanura</i>
Kuruwhengi	Shoveller	<i>Anas rhynchos variegata</i>
Matuku	Australasian bittern	<i>Botaurus poiciloptilus</i>
Pīpīwharau	Shining cuckoo	<i>Chrysococcyx lucidus</i>
Pīwakawaka/Pīwaiwaka	Fantail	<i>Rhipidura fuliginosa</i>
Pūkeko	Swamp hen	<i>Porphyrio melanotus</i>
Pāera	Grey ducks/Mallards	<i>Anas superciliosa/ A. platyrhynchos</i>
Pūtangitangi/Pūtakitaki	Paradise shelduck	<i>Tadorna variegata</i>
Raipō/Papango	Scaup	<i>Aythya novaeseelandiae</i>
Rirō	Grey warbler	<i>Gerygone igata</i>
Tōrea tai	Variable oystercatcher	<i>Haematopus unicolor</i>
Tōrea	Pied oystercatcher	<i>Haematopus ostralegus</i>
Tūturiwhatu	Banded dotterel	<i>Charadrius obscurus</i>
Ngutu pare	Wrybill	<i>Anarhynchus frontalis</i>
Rīrīwaka	Bar-tailed Godwit	<i>Limosa lapponica</i>
Ruru	Morepork	<i>Ninox novaeseelandiae</i>
Pōūwa	Black swan	<i>Cygnus atratus</i>
Kōau	Black shag	<i>Phalacrocorax carbo</i>
Kawau	Little black shag	<i>Phalacrocorax sulcirostris</i>
Pōaka	Pied stilt	<i>Himantopus himantopus leucocephalus</i>
Tūi	Tui	<i>Ninox novaeseelandiae</i>

**Table 4: Marine species of Greater Christchurch**

Ingoa Māori	Common name	Scientific name
Tutumaerekurai/Ahoaho	Hectors dolphin	<i>Cephalorhynchus hectori</i>
Kekeno	Fur seal	<i>Arctocephalus forsteri</i>
Kōura	Crayfish	<i>Jasus edwardsii</i>

Whai repo	Stingray	<i>Dasyatis thetidis</i>
Kororā	White flippered penguin	<i>Eudyptula minor</i>
Pioke	Rig	<i>Squalus acanthias</i>
Kūtai	Mussels	<i>Perna canaliculus</i>
Hokarari	Ling	<i>Genypterus Blacodes</i>
Pāpaka	Crab	<i>Ovalipes catharus</i>
Kōiro	Conger eel	<i>Conger verreauxi</i>
Tūaki	Cockles	<i>Austrovenus stutchburgi</i>
Tuatua	Tuatua	<i>Paphies subtriangulata</i>
Aua	Mullet	<i>Aldrichetta forsteri</i>
Pātiki/Mohoao	Black flounder	<i>Rhombosolea retiaria</i>

**Table 5: Reptiles/Ngārara species of Greater Christchurch**

Ingoa Māori	Common name	Scientific name
Moko	Common skink/Northern grass skinks	<i>Oligosoma aff. polychroma</i>
Moko	McCanns skink	<i>Oligosoma maccanni</i>
Moko-pāpā	Canterbury gecko	<i>Woodworthia brunnea</i>
Moko	Jewelled gecko	<i>Naultinus gemmeus</i>
Moko	Spotted skink	<i>Oligosoma lineaoocellatum</i>

## Section 9 Statutory Acknowledgements

The NTCSA provides for Statutory Acknowledgements.

These are acknowledgements made by the Crown in respect of statements made by Te Rūnanga o Ngāi Tahu of the particular cultural, spiritual, historic and traditional association of Ngāi Tahu with statutory areas. The statutory areas include rivers, lakes, wetlands and general locations described in schedules to the NTCSA.

The only Statutory Area within Greater Christchurch is Te Tai o Mahaanui. This is the coastline between the Waimakariri River and the Rakaia River, of which the Greater Christchurch coastline is a part.

The presence of a statutory area imposes a duty on Councils to forward resource consents for activities within, adjacent to, or impacting directly on the statutory area.

The full text of Schedule 101 pertaining to Te Tai o Mahaanui in the NCTSA is attached as Appendix C.

## Section 10 Sites and Areas of Cultural Significance

The applicable district plans within the Greater Christchurch area contain schedules of sites and areas of significance. These are intended to inform environmental decision-making when considering the nature and significance of effects from land development on cultural values.

It is important note that the sites and areas in the relevant district plans do not represent all sites and areas of significance to Ngāi Tahu, which may be known or unknown. For example, Ngā Wai are specific waterways which are listed in the schedules. However in Te Ao Māori, *all* waterways are culturally significant. Historical sites and areas of significance continue to be discovered, and Ngāi Tahu have enduring relationships with the Greater Christchurch area in a contemporary sense. However these schedules do provide some representation for those sites that are of a high degree of importance and sensitivity.

A Cultural Landscape/Values Management Area additionally applies to Te Waihora, its margins and wetlands and 20m either side of rivers listed as flowing to the lake in the Canterbury Land and Water Regional Plan<sup>11</sup>. For consenting purposes, the Regional Council otherwise relies on a GIS layer called “Rūnanga Sensitive Areas” which incorporates the District Plan sites and areas of significance, and Statutory Acknowledgement areas.

The operative Christchurch District Plan contains three site classifications: Wāhi Tapu and Wāhi Taonga, Ngā Tūranga Tūpuna, and Ngā Wai. The proposed Selwyn and Waimakariri District Plans have adopted the same approach. A schedule of the sites and areas of significance to Māori within the boundaries of Greater Christchurch is provided in Appendix D.

Section 6 of the RMA requires that the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and wāhi taonga are recognised and provided for as a matter of national importance. The Mahaanui Iwi Management Plan also contains policies to recognise cultural landscapes, reflecting the concentration, distribution and nature of wāhi tapu and wāhi taonga, significant associations and relationship to the place (Policy CL1.1). These landscapes also provide the basis for management of significant cultural sites and areas (Policy CL1.2).<sup>12</sup>

<sup>11</sup> Table 11(n), page 277, Canterbury Land and Water Regional Plan

<sup>12</sup> Section 5.8 Ngā Tūtohu Whenua, page 164, Mahaanui Iwi Management Plan

Accordingly, it is anticipated that the Greater Christchurch spatial plan will ensure these cultural landscapes are recognised and provided having regard to the outcomes of engagement with manawhenua.

## Wāhi Tapu and Wāhi Taonga

Wāhi tapu are sites and places that are culturally and spiritually significant to manawhenua history and identity. They may include sites such as urupā, pā, maunga tapu, kāinga, Tūranga waka and places where taonga have been found. The term is generally applied to places of particular significance due to an element of sacredness or some type of restriction as a result of a specific event or action. Wāhi tapu sites are to be protected according to tikanga and kawa to ensure that the sacred nature of those sites is respected.

Wāhi taonga are ‘treasured places’ with high intrinsic values and valued for their capacity to shape and sustain the quality of life and provide for the needs of present and future generations. Access to these areas is important to Ngāi Tahu identity.

Wāhi tapu and wāhi taonga are not confined to the physical boundaries of a site, but are to be viewed in the context of their surroundings and community. They include Silent Files, Maunga Tapu (mountains), Ngā Puna (springs), important Pā and Kāinga as well as mahinga kai sites.

As a site classification for district and regional planning purposes, wāhi tapu and wāhi taonga are intended to denote a particular sensitivity, and therefore a high level of engagement with manawhenua regarding activities that may impact the values associated with these sites such as development and earthworks.

Within the Greater Christchurch area, identified wāhi tapu and wāhi taonga are grouped as one classification for planning purposes. The sites include a number of urupā (burial grounds) and pā (settlement villages where significant events may have occurred). Wāhi tapu/wāhi taonga include silent file areas, which outline the general are of a site, but lack specificity. This lack of specificity is either deliberate (to protect sites from intentional disturbance), or due to a loss of identification markers (such as tī kouka/cabbage tree stands), and therefore a loss of knowledge of the precise location.

Within Greater Christchurch the areas containing silent files include Kaiapoi, Woodend, Pegasus, Belfast, and Whakaraupō/Lyttelton Harbour. Other wāhi tapu and wāhi taonga sites include Tautahi and Puari Pā adjacent to the Ōtākaro/Avon River in the city centre and,

Mānuka Pā at Tai Tapu. The Selwyn/Waikirikiri River is identified as wāhi tapu due to the cultural practices it historically provided for.

Sites identified as wāhi tapu/wāhi taonga typically contain high concentrations of identified Māori Archaeological sites. This indicates that there is often an elevated risk of uncovering taonga during earthworks in undisturbed sites.

Wāhi tapu and wāhi taonga sites are highly sensitive to the effects of a wide range of activities. Noting that such sites are subject to statutory protection, it is important that any possible or potential encroachment of urban development on these areas is either avoided or involves early engagement with manawhenua.

## Ngā Tūranga Tūpuna

Ngā Tūranga Tūpuna is a cultural landscape approach to classifying sites and areas of significance. This classification intends to recognise the historic and contemporary relationship of Ngāi Tahu with these areas. These are generally broad landscapes within which there are concentrations of a range of culturally significant sites. A primary consideration within Ngā Tūranga Tūpuna is the integrity of the environment, but the classification does not represent a requirement for protection equivalent to that associated with sites and areas which are wāhi tapu.

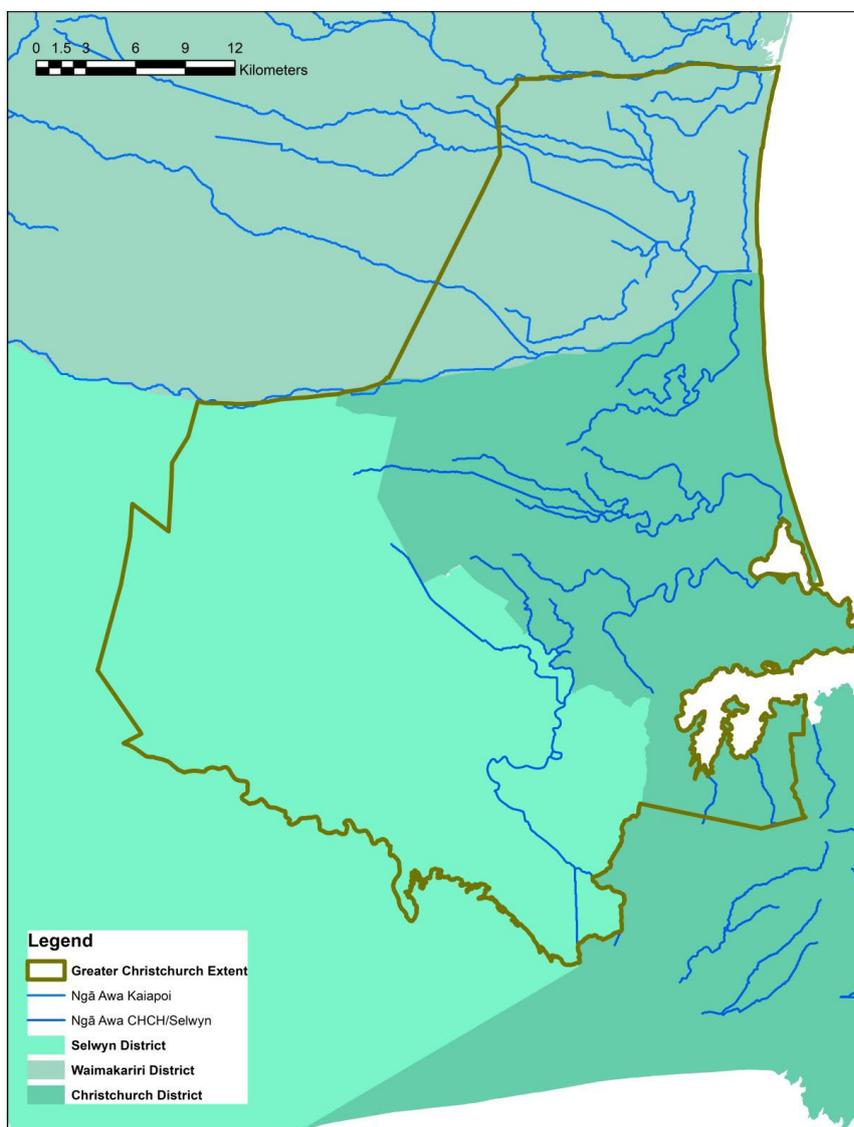
The Ngā Tūranga Tūpuna identified throughout Greater Christchurch primarily relate to areas of historical occupation, and significant landscapes. In Waimakariri, Ngā Tūranga Tūpuna largely cover coastal settlements with significant clusters of recorded archaeology of Māori origin and silent files. The primary Ngā Tūranga Tūpuna in Christchurch City covers the Port Hills from Mt Pleasant to Godley Head, acknowledging the centuries of Māori settlement here. Te Waihora and its margins are identified as Ngā Tūranga Tūpuna in the Selwyn District Plan.

## Ngā Wai

Ngā wai represents the essence of all life and is a source of mahinga kai. It has the highest of cultural values and is associated with significant events, access and travel routes and creation traditions. Ngā wai encompasses selected water bodies and their margins which have been significant areas of mahinga kai or other customary activities for manawhenua. These include Ngā awa/rivers, Ngā roto/lakes, Ngā hāpua/coastal lagoons, Ngā repo/wetlands and Ngā puna/springs. These all have ancestral and customary associations, including being former

trails, places of mahinga kai and nohoanga. Some are retained within cultural memory via ancestral place names.

Within Greater Christchurch, both coastal and fresh waterbodies are identified as Ngā Wai. The entire coastline Te Tai o Mahaanui is Ngā Wai, along with Te Ihutai, and Te Waihora. In Christchurch city, the Ōtākaro/Avon Ōpawaho/Heathcote, and Pūharakekenui Rivers and a number of their tributary streams are identified as Ngā Wai. Throughout Selwyn and Waimakariri, a range of rivers are classified as Ngā Wai, including the Waimakariri and some of its tributaries, Selwyn/Waikirikiri, and Halswell/Hurutini.



Ngā Wai - Greater CHCH

## Section 11 Mahaanui Iwi Management Plan

The Mahaanui Iwi Management Plan (the Plan) is an expression of kaitiakitanga and rangatiratanga from the six Papatipu Rūnanga with manawhenua rights over lands and waters within the takiwā from the Hurunui River to the Hakatere River and inland to Kā Tirititi o Te Moana; of which Greater Christchurch is a part.

The Plan provides a values-based policy framework setting out the policies and priorities for managing the environment and protection of Ngāi Tahu values.

The cultural context that informs the policy framework is derived from:

- A body of knowledge about the land, water and resources that was developed over more than 40 generations of collective experience in Te Waipounamu;
- The relationship between tāngata whenua and the environment, and a worldview that sees people as part of the world around them and not masters-of-it; and
- The desire to protect key cultural values such as mauri and mahinga kai that are critical to identity, sense of place and cultural well-being.

The following is a high level overview of those policies relevant to the Greater Christchurch Spatial Plan that should be applied to its development and implementation. Section 5 of the Plan concerns the elements of the environment eg water, land, forest and coast that apply more generally across Greater Christchurch. Section 6 more particularly refers to specific catchments. Reference should be made to the Plan to understand the policy suite more fully.

The following policies can be referred to when evaluating the extent to which options for a spatial plan have fulfilled obligations under Te Tiriti, and the expectations and priorities of manawhenua.

### 5.2 Ranginui

Air is a taonga derived from Ranginui (the Sky Father), of which the mauri or life supporting capacity must be protected. Policies with particular application to spatial planning include:

- The protection of sites and resources of significance to manawhenua and the protection of cultural amenity values from activities generating adverse air discharges i.e., avoid employment/industrial expansion or other activities with potentially high

levels of air discharges proximate to wāhi tapu and wāhi taonga (Policy R1.1, R1.2, R1.3, R2.2 and R2.3).

- Greater use of indigenous plantings and restoration to offset discharges to air from all activities (Policy R1.4).
- Urban planning that reduces transport emissions (Policy R3.4)

### 5.3 Wai Māori

The cultural health of waterways and groundwater in Greater Christchurch is described as evidence that water management and governance has failed to protect freshwater resources, with water quality degraded by urban and rural land uses. This significantly affects the relationship of manawhenua to water, particularly in regard to mauri, mahinga kai, cultural wellbeing and indigenous biodiversity.

Relevant policies in this section of the Plan that should be applied to the Greater Christchurch spatial plan include:

- To require and recognise water as essential to all life and is respected for its taonga value ahead of all other values (Policy WM2.2). (This means that greater setbacks from waterways is valued more highly than the achievement of household density standards).
- To require decision-making (on the Greater Christchurch spatial plan) is based on inter-generational interests and outcomes (Policy WM2.3).
- That plans and policies (such as the Greater Christchurch spatial plan) demonstrate an integrated catchment approach to urban growth that fulfils the principles of Ki Uta Ki Tai and Kaitiakitanga (Policy WM4.1).
- Recognition of the mana and intent of Statutory Acknowledgements (Policy WM5.1). Within the context of Greater Christchurch this concerns the coast, Te Tai o Mahaanui. Adopting the principles of Ki Uta Ki Tai and Kaitiakitanga, the interconnectedness of the waterways to the coast needs to be considered.
- Recognition, protection and restoration of wetlands, waipuna (springs) and riparian areas as wāhi taonga (Policy WM13.1).
- To require water quality to be of a standard that protects and provides for the relationship of Ngāi Tahu whānui with freshwater (Policy WM6.2) and to restore wetlands and riparian corridors to improve water quality (Policy WM6.19). These

policies will require spatial planning to incorporate extensive space around waterways for stormwater management.

The Plan specifies setbacks for river margins in the built/urban environment (WM12.5). These setbacks are no longer considered to be sufficient to achieve water quality standards that provide for the relationship between manawhenua and freshwater.

## 5.4 Papatūānuku

Section 5.4 of the Plan concerns the protection and maintenance of the mauri of the land. Papatūānuku can only sustain people, economically, socially and culturally, is where land use and development is managed within the capability of the land.

The majority of policies within this section of the Plan apply to more detailed subdivision of land and the management of earthworks, contamination and discharges. Higher level policies that should be applied to the Greater Christchurch spatial plan include:

- Urban land use is consistent with land capability, the assimilative capacity of catchments and the limits and availability of water resources (Objective 4).
- Wāhi tapu and other sites of significance are protected from damage, modification or destruction (Objective 8).
- Protection of sites of significance and waterways from new transport infrastructure and (Policy P16.3(b) and (c) and P16.4).
- Improved transport network infrastructure and services to support Tuahiwi and Rāpaki (P16.7).
- Support sustainable transport measures in urban design and development (Policy P16.8).
- Recognising the sites and places of cultural significance and providing for the specific values of those places; (as described in Section 10 above, Sites and Areas of Cultural Significance) and ensuring outcomes reflect cultural values (as described in Section 7 above, Te Ao Māori) (Policies P1.1 and P3.3).
- Require recognise and provide for traditional marae based communities (Policy P3.3).

## 5.5 Tāne Mahuta

This section of the Plan concerns indigenous biodiversity and mahinga kai.

Relevant objectives and policies in this section of the Plan that should be applied to the Greater Christchurch spatial plan include:

- Indigenous biodiversity within urban environments is enhanced both in rural and urban environments (Objective 3).
- Traditional and contemporary mahinga kai sites and species are protected and restored (Objective 6).
- Existing areas of indigenous vegetation are protected, and degraded areas are restored (Objective 7).
- To apply Ki Uta Ki Tai by managing whole ecosystems and landscapes and establishing, protecting and enhancing biodiversity corridors to connect species and habitats (Policy TM1.4).
- Protect, enhance and extend existing remnant wetlands, waipuna, riparian margins and native forest (Policy TM1.7).
- The integration of biodiversity in urban land use and planning (Policy TM2.8).

## 5.6 Tangaroa

This section of the Plan concerns the coastal environment. -

Relevant objectives and policies in this section of the Plan that should be applied to the Greater Christchurch spatial plan include:

- The wāhi taonga status of coastal wetlands, hāpua and estuaries is recognised and provided for (Objective 7 and Policy TAN3.1 and 3.2).
- The protection of coastal cultural landscapes and seascapes from inappropriate use and development (Objective 8, Policy TAN6.4 and TAN7.1 and 7.2).
- To require coastal water quality is addressed according to the principle of Ki Uta Ki Tai by taking a catchment based approach to coastal water quality issues, recognising and providing for impacts of catchment land and water use on coastal water quality (Policy TAN2.8).

## 6.3 Rakahuri

Only a small part of the Rakahuri catchment falls within the northern extent of Greater Christchurch, but this is an area significantly impacted by urban development and land use intensification.

Policy directives that are significant to the development of the Greater Christchurch spatial plan include:

- Recognition and provision for the area between the Rakahuri and Waimakariri cultural landscape with significant historical, traditional, cultural and contemporary associations (Policy R5.1). This locality includes a number of settlements such as Pegasus, Ravenswood, Woodend, Pines Beach and Kairaki as well as regionally significant infrastructure.
- In this locality there are silent files, wāhi tapu and wāhi taonga. Any growth or intensification of urban development in this locality is highly sensitive. Policy R5.4 requires these wāhi tapu and wāhi taonga to be protected from land use, subdivision and development.

## 6.4 Waimakariri

Greater Christchurch occupies a part of the coastal plains within the Waimakariri catchment. This section of the Plan identifies significant adverse, cumulative effects arising from urban development, lifestyle blocks and farming on water quality in this catchment, and in particular lowland streams, wetlands and lagoons. Any intensification of urban development within this catchment must be managed in a way that avoids any further degradation of water resources.

The following objectives and policies are of importance in the development of the spatial plan:

- As for the Rakahuri, Objective 6 (and Policy WAI5.1) recognises that the coastal lowland from the Waimakariri to the Rakahuri is a cultural landscape of immense importance.
- The restoration and protection of the physical and cultural connectivity between the Waimakariri River and a number of lagoons and waterbodies is specified in Objective 7 (and Policy WAI5.2). The spatial plan needs to identify and accommodate these connections. Similarly, tributaries, springs and wetlands are to be protected and restored (Objective 4 and Policy WAI4.1).

- The wāhi tapu and wāhi taonga within the Waimakariri catchment are the responsibility of Papatipu Rūnanga and must be managed in accordance with the advice and direction of the Rūnanga. (Policy WAI4.4). Accordingly, any development of new infrastructure or urban growth that encroaches wāhi tapu and wāhi taonga in the area between the Rakahuri and the Waimakariri will require direct engagement with manawhenua.
- The management of land use intensification to avoid any further decline in water quality and to recognise the capacity and limits of the land (Policy WAI6.1).

## 6.5 Ihutai

The Ihutai catchment is of immense cultural and historical importance. Its catchment includes the Ōtākaro/Avon and Ōpāwaho/Heathcote Rivers and its boundaries largely follow the urban boundaries of Ōtautahi/Christchurch City. The Plan provides a comprehensive suite of policies concerning many aspects of development within the urban environment, particularly urban development which has adversely impacted water quality, modified waterways and resulted in a loss of indigenous biodiversity.

Policies relevant to the development of the Greater Christchurch spatial plan include the following:

- The protection of cultural landscape values and wāhi tapu and wāhi taonga within the urban environment (Policy IH1.1(d) and (g)).
- The protection of waipuna (springs) (Policy IH1.1(f) and Policy IH5.1).
- The protection of the margins of waterways with appropriate widths and indigenous planting (Policy IH3.4) and improving the cultural health of waterways (Policy IH1.1(e)).
- Enhance indigenous biodiversity within the urban landscape (Policy IH7.3).

## 6.6 Whakaraupō

With respect to Whakaraupō/Lyttelton Harbour, objectives and policies relevant to the development of the Greater Christchurch spatial plan include the following:

- Protection of the sites and places of cultural significance including wāhi tapu and wāhi taonga (Objective 5) and recognising that Whakaraupō is a cultural landscape of historical, spiritual, traditional and customary significance (Policy WH1.1). Wāhi taonga

include waipuna, riparian margins and all waterways (Policy WH3.1 and Policy WH3.2).

- Recognising the cumulative effects of all activities on the cultural health of the harbour (Policy WH1.4).
- Concentrate settlement in areas able to absorb change, avoiding peaks, ridgelines and the coast (Policy WH6.1(b), (c) and (d)).
- Support restoration of indigenous biodiversity along waterways, areas of high erosion and to provide corridors between remnant native vegetation (Policy WH8.1).

## 6.11 Te Waihora

Te Waihora is described in the Plan as a tribal taonga, representing a major mahinga kai and important source of mana.

Whilst the majority of the Te Waihora is dominated by farming activities, the following objectives and policies are relevant to urban growth and the Greater Christchurch spatial plan:

- Land and water management in the catchment effectively provides for the obligations of Te Tiriti and the taonga status of Te Waihora (Objective 2).
- The relationship between land use, groundwater, surface water and Te Waihora is provided for in accordance with Ki Uta Ki Tai (Objective 6). This includes restoring the health of lowland waterways and protecting wetlands and waipuna (springs) (Objectives 8 and 9 and Policies TW8.1 and TW8.2). As well as recognising that the lake is a sink at the bottom of the catchment, absorbing pollutants from urban and rural land use (Policy TW7.2).
- The protection of wāhi tapu and wāhi taonga from inappropriate land use, subdivision and development (Policy TW9.1).

## Section 12 Other Policy Guidance

The following documents also provide policy and strategic guidance relevant to the Greater Christchurch spatial plan.

### Ngāi Tahu Freshwater Policy

Te Rūnanga o Ngāi Tahu Freshwater Policy is intended to be applied as a statutory planning document with the status of an Iwi Management Plan for the purposes of the RMA. It describes in general terms:

- The association of Ngāi Tahu with freshwater resources.
- Ngāi Tahu participation in the management of freshwater resources.
- The environmental outcomes sought by Ngāi Tahu.

The policy provides a foundation for resource management agencies and Papatipu Rūnanga planning for freshwater. It articulates the significance of water as a taonga and resource. It is explicit that Ngāi Tahu must have active participation in policy formation, decision-making, and monitoring in respect of water. This includes enhancing the role of mātauranga Māori which is often disregarded in resource management planning and decision making.

Land use has a profound impact on water quality, and in the Greater Christchurch area this has led to the degradation of freshwater to the extent that aspects of cultural wellbeing and identity are compromised. The policy highlights the need for an approach to spatial planning that integrates the connection between land use and water quality in order protect freshwater resources. Particular regard must be had to the capacity of catchments to support various land-use types without exacerbating water quality issues.

### Te Waihora Joint Management Plan

Sections 167 to 182 and schedule 12 of the Ngāi Tahu Claims Settlement Act (1998) gave Te Rūnanga o Ngāi Tahu ownership of the bed of Te Waihora, and required that a joint management plan be developed between the Crown (The Department of Conservation) and the Iwi. It is the first joint statutory management plan of its kind and is particularly concerned with the loss of access to, and the degradation of, mahinga kai. The plan sets out an intention to “restore Te Waihora as a tribal food resource, to protect the conservation values of the area,

and to restore and protect Te Waihora for the use and enjoyment of all New Zealanders, now and in the future”<sup>13</sup>.

It describes the values and associations manawhenua have with the Te Waihora, and sets out objectives and methods to support lake management. The plan also defines the roles and responsibilities of Ngāi Tahu, the Crown, and a range of stakeholders.

The lake is heavily impacted by urban and rural activities up-stream, due to the high connectivity to ground and surface waters throughout its catchment. Key sources of contamination include intensive rural land use, and domestic wastewater discharges. Major tributaries of the lake in the Greater Christchurch area include the Selwyn/Waikirikiri, Ararira/LII which flow through Lincoln, and the Halswell/Hurutini. Accordingly, it is vital that the Greater Christchurch spatial plan addresses the downstream effects of urban development and includes measures within the future spatial urban layout to restore and enhance waterways connecting to Te Waihora.

## Whaka Ora Healthy Harbour Plan

The purpose the Whaka Ora Healthy Harbour Plan is to restore the ecological and cultural health of Whakaraupō/Lyttelton Harbour as mahinga kai. The goals of the plan are expressed under the headings of ‘abundant’ – referring to the abundance of species; ‘healthy’ – being healthy kai that is safe to eat and water that is safe to swim in; and ‘interconnected’ – being accessibility and guardianship. The concept of “ki uta ki tai” is at the heart of the plan.

Whilst land use options are naturally constrained by the geography and topography of Whakaraupō, the key issues highlighted in the plan relevant to spatial planning include managing erosion and sedimentation, ensuring infrastructure minimises the impact of pollutants on the harbour, and enhancing biodiversity and habitat connectivity.

## Ngāi Tahu Climate Change Strategy

### He Rautaki Mō Te Huringa o Te Āhuarangi

The Ngāi Tahu Climate Change Strategy (the Strategy) provides a high-level direction in respect of Ngāi Tahu interests in climate change. This includes the changes in the

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<sup>13</sup> Page 2, Te Waihora Joint Management Plan

environment as well as the impacts on assets and activities. The Strategy provides for an inter-generational perspective, acknowledging the responsibilities to future generations.

Rather than being prescriptive, the Strategy sets in place a framework for preparing for and responding to climate change. The strategy anticipates a long-term timeframe (approximately 25years) to gather information, raise awareness and develop options to respond to the changes. In the short term (by 2025) the priority is to develop marae centred climate change strategies. These are intended to focus on primary resources, being natural resources and infrastructure, and the activities, assets and practices that may be vulnerable to climate change. Communication and education are key and may include increased research, monitoring and reporting of the natural environment and taonga species.

The Strategy anticipates a close relationship with regional and local government, and in accordance with the principles of Te Tiriti o Waitangi and the Ngāi Tahu Claims Settlement, the ability to influence climate change policy and response.

It is expected that the Greater Christchurch spatial plan will be developed with inter-generational responsibility as a key principle, consistent with the Ngāi Tahu Strategy. In addition, the spatial plan will need to respond to marae-centred climate change strategies as they are developed over time.

## Haea Te Awa

Haea Te Awa is a regional development strategy focused on enhancing the mana, presence and economic outcomes for papatipu rūnanga. This strategy reflects the growing strength of the Māori economy and an intention to support and grow projects led by papatipu rūnanga in their takiwā.

The implementation of Haea Te Awa may see papatipu rūnanga develop resources and business on Māori Land outside the traditional land use zoning. This growth in Māori enterprise should not be discouraged or frustrated by the Greater Christchurch spatial plan.

## Section 13 Policy Direction for Kāinga Nohoanga

Changes made to the Christchurch City District Plan; and new provisions in the Waimakariri and Selwyn District Proposed Plans to better enable the use and development of Māori Reserve land are acknowledged.

### National Directives

The NPS-UD 2020 requires that a well-functioning urban environment has, or enables, a variety of homes. This includes homes that enable Māori to express their cultural traditions and norms<sup>14</sup>.

The Resource Management Act Enabling Housing Supply Amendment Act 2021, similarly allows amendments to district plans to enable papakāinga in a district<sup>15</sup>. This is not limited to any particular land classification or zoning.

### Canterbury Regional Policy Statement

The Canterbury Regional Policy Statement (CRPS) includes Papakāinga/Kāinga Nohoanga within its Settlement Chapter, but this has not prevented Māori Land from historically, being excluded from planned infrastructure programmes. It is acknowledged that territorial authorities within Greater Christchurch are now engaging with manawhenua on infrastructure needs for Māori Land.

The CRPS identifies that manawhenua have difficulty establishing housing, but lacks clarity as to where housing is to be enabled. Chapter 5 Land Use and Infrastructure refers to ancestral land which is informally defined within the Explanation as “generally land that has been owned by their ancestors”. Whilst this is broad and encompassing Chapter 6 of the CRPS limits expectations of papakāinga to Māori Reserve land. As a consequence, the CRPS does not enable papakāinga/kāinga nohoanga to be established in other areas or sites throughout Greater Christchurch, and in particular within urban areas, where the majority of

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<sup>14</sup> Policy 1, NPS-UD 2020

<sup>15</sup> Section 80-DA(b)(ii) Meaning of Intensification Planning Instrument

Māori reside. The limitation that papakāinga is only suitable on Māori Reserve land appears out-of-date having regard to the more recent National Direction.

## Māori Land Classification

Section 129 of the Te Ture Whenua Māori Act 1993 identifies a number of different categories that may be applied to Māori land, including Māori Customary land, Māori Freehold land, General land owned by Māori and Māori Reservation.

The CRPS and Our Space 2018-2048 both make incorrect and confused references to the classification of Māori land. Our Space erroneously describes there being only two parcels of land within Greater Christchurch classified as customary land, being MR873 and MR875. These are not parcels of land but Māori Reserves within which there are multiple parcels of land of varying classification, some of which may be classified under the Te Ture Whenua Māori Act 1993. In addition, Our Space does not identify the other three Māori Reserves that exist within Greater Christchurch.

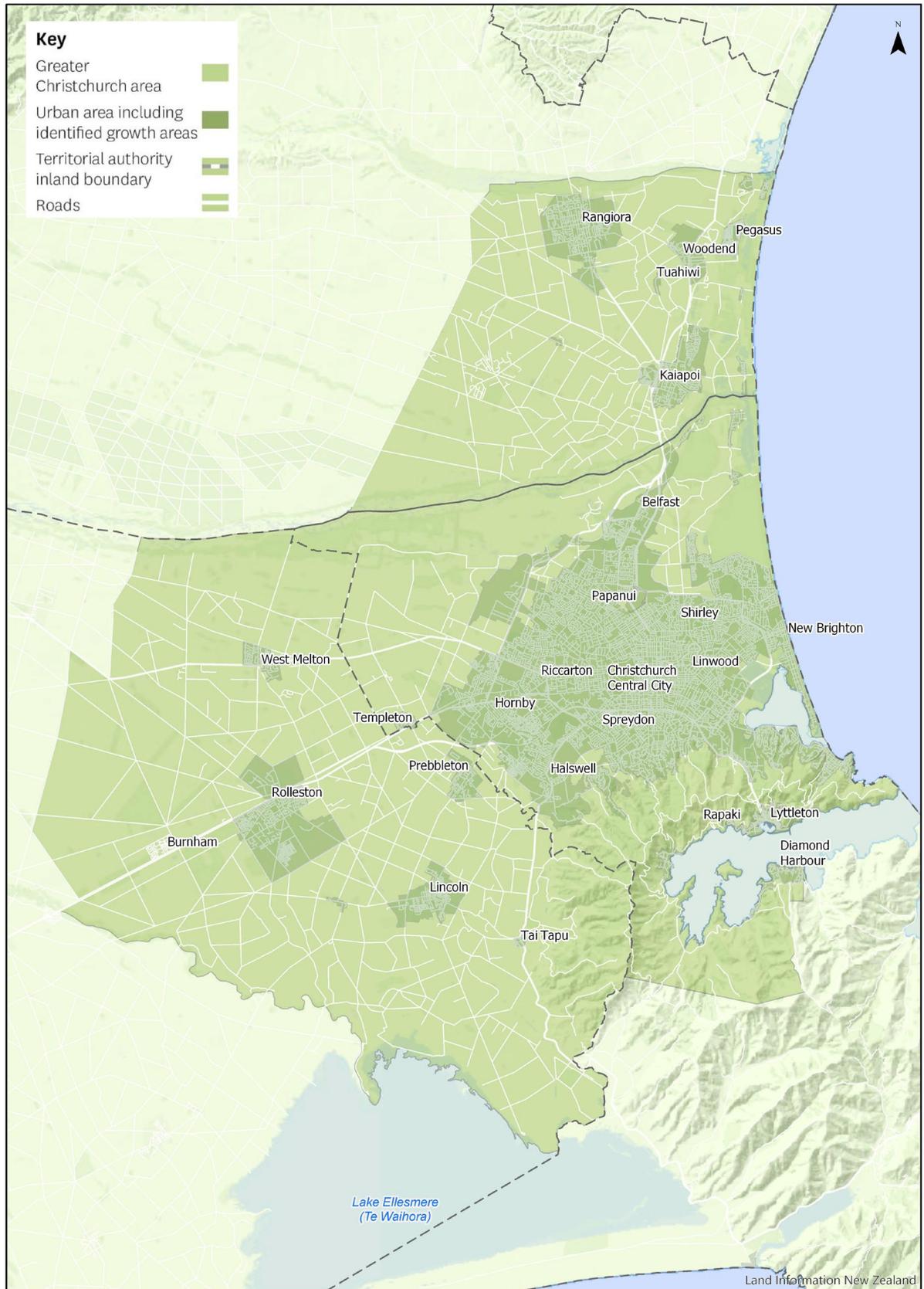
Definitions in the respective district plans have also made reference to narrow or incorrect classifications of Māori land. Unfortunately, this has resulted in Māori land owners requiring protracted and expensive consenting processes to establish homes. In the scenario where Māori land owners propose applications for partitions and occupation orders, the Māori Land Court requires evidence that a proposal will not contravene a district plan. If the district plan makes a proposal for papakāinga/kāinga nohoanga a discretionary or non-complying activity a Māori land owner may end up in a “catch-22”, where the considerations of neither the Court nor the district plan can be fulfilled.

In summary, the choice of words used to define and describe Māori land in planning documents has legal consequences and implications for the use of land for kāinga nohoanga.

The development of any new planning provisions following the adoption of a Greater Christchurch spatial plan concerning papakāinga/kāinga nohoanga would be best led, developed and reviewed by agencies with expertise in Māori Land development and mandated by papatipu rūnanga.

# Appendices

## Appendix A Greater Christchurch Boundary



## Appendix B Crown Apology

The following is text of the Crown apology contained in the Ngāi Tahu Claims Settlement Act 1998.

### Part One – Apology by the Crown to Ngāi Tahu

#### Section 5: Text in Māori

Kei te mōhio te Karauna i te tino roa o ngā tūpuna o Ngāi Tahu e totohe ana kia utu mai rātou e te Karauna—tata atu ki 150 ngā tau i puta ai tēnei pēpeha a Ngāi Tahu arā: “He mahi kai tākata, he mahi kai hoaka”. Nā te whai mahara o ngā tūpuna o Ngāi Tahu ki ngā āhuetanga o ngā kawenga a te Karauna i kawea ai e Matiaha Tiramōrehu tana petihana ki a Kuini Wikitoria i te tau 1857. I tuhia e Tiramōrehu tana petihana arā:

‘Koia nei te whakahau a tōu aroha i whiua e koe ki runga i ēnei kāwana... tērā kia whakakotahitia te ture, kia whakakotahitia ngā whakahau, kia ōrite ngā āhuetanga mō te kiri mā kia rite ki tō te kiri waitutu, me te whakatakoto i te aroha o tōu ngākau pai ki runga i te iwi Māori kia noho ngākau pai tonu ai rātou me te mau mahara tonu ki te mana o tōu ingoa.’

Nā konei te Karauna i whakaae ai tērā, te taumaha o ngā mahi a ngā tūpuna o Ngāi Tahu, nā rēira i tū whakaiti atu ai i nāiane i mua i ā rātou mokopuna.

E whakaae ana te Karauna ki tōna tino hēanga, tērā i takakino tāruaruatia e ia ngā kaupapa o te Tiriti o Waitangi i roto i āna hokonga mai i ngā whenua o Ngāi Tahu. Tēnā, ka whakaae anō te Karauna tērā i roto i ngā āhuetanga i takoto ki roto i ngā pukapuka ā-herenga whakaatu i aua hokonga mai, kāore te Karauna i whai whakaaro ki tāna hoa nā rāua rā i haina te Tiriti, kāore hoki ia i whai whakaaro ki te wehe ake i ētahi whenua hei whai oranga tinana, whai oranga ngākau rānei mō Ngāi Tahu.

E whakaae ana te Karauna tērā, i roto i tāna takakino i te wāhanga tuarua o te Tiriti, kāore ia i whai whakaaro ki te manaaki, ki te tiaki rānei i ngā mauanga whenua a Ngāi Tahu me ngā tino taonga i hiahia a Ngāi Tahu ki te pupuri.

E mōhio ana te Karauna tērā, kāore ia i whai whakaaro ki a Ngāi Tahu i runga i te ngākau pono o roto i ngā tikanga i pūtake mai i te mana o te Karauna. Nā tāua whakaaro kore a te Karauna i puaki mai ai tēnei pēpeha a Ngāi Tahu: “Te Hapa o Niu Tirenī”. E mōhio ana te Karauna i tāna hē ki te kaipono i ngā āhuetanga whai oranga mō Ngāi Tahu i noho pōhara noa ai te iwi ia whakaturanga heke iho. Te whakataukī i pūtake mai i aua āhuetanga: “Te mate o te iwi”.

E whakaae ana te Karauna tērā, mai rāno te piri pono o Ngāi Tahu ki te Karauna me te kawa pono a te iwi i ā rātou kawenga i raro i te Tiriti o Waitangi, pērā anō tō rātou piri atu ki raro i te Hoko Whitu a Tū i ngā wā o ngā pakanga nunui o te ao. E tino mihi ana te Karauna ki a Ngāi Tahu mō tōna ngākau pono mō te koha hoki a te iwi o Ngāi Tahu ki te katoa o Aotearoa.

E whakapuaki atu ana te Karauna ki te iwi whānui o Ngāi Tahu i te hōhonu o te āwhitu a te Karauna mō ngā mamaetanga, mō ngā whakawhiringa i pūtake mai nō roto i ngā takakino a te Karauna i takaongetia ai a Ngāi Tahu Whānui. Ewhakaae ana te Karauna tērā, aua mamaetanga me ngā whakawhiringa hoki i hua mai nō roto i ngā takakino a te Karauna, arā, kāore te Karauna i whai i ngā tohutohu a ngā pukapuka ā-herenga i tōna hokonga mai i ngā whenua o Ngāi Tahu, kāore hoki te Karauna i wehe ake kia rawaka he whenua mō te iwi, hei whakahaere mā rātou i ngā āhuetanga e whai oranga ai rātou, kāore hoki te Karauna i hanga i tētahi tikanga e maru motuhake ai te mana o Ngāi Tahu ki runga i ā rātou pounamu me ērā atu tāonga i hiahia te iwi ki te pupuri. Kore rawa te Karauna i aro ake ki ngā aurere a Ngāi Tahu.

E whakapāha ana te Karauna ki a Ngāi Tahu mō tōna hēanga, tērā, kāore ia i whai whakaaro mō te rangatiratanga o Ngāi Tahu, ki te mana rānei o Ngāi Tahu ki runga i ōna whenua ā-rohe o Te Wai Pounamu, nā rēira, i runga i ngā whakaritenga me ngā herenga a Te Tiriti o Waitangi, ka whakaae te Karauna ko Ngāi Tahu Whānui anō te tāngata whenua hei pupuri i te rangatiratanga o roto i ōna takiwā.

E ai mō ngā iwi katoa o Aotearoa e hiahia ana te Karauna ki te whakamārie i ngā hara kua whākina ake nei—otirā, ērā e taea i nāiane i - i te mea kua āta tau ngā kōrero tūturu ki roto i te pukapuka ā-herenga whakaritenga i hainatia i te 21 o ngā rā o Whitu hei tīmatanga whai oranga i roto i te ao hōu o te mahinga tahi a te Karauna rāua ko Ngāi Tahu. Te Rūnanga o Ngāi Tahu

## Section 6: Text in English

The text of the apology in English is as follows:

The Crown recognises the protracted labours of the Ngāi Tahu ancestors in pursuit of their claims for redress and compensation against the Crown for nearly 150 years, as alluded to in the Ngāi Tahu proverb 'He mahi kai takata, he mahi kai hoaka' ('It is work that consumes people, as greenstone consumes sandstone'). The Ngāi Tahu understanding of the Crown's responsibilities conveyed to Queen Victoria by Matiaha Tiramorehu in a petition in 1857, guided the Ngāi Tahu ancestors. Tiramorehu wrote:

"This was the command thy love laid upon these Governors ... that the law be made one, that the commandments be made one, that the nation be made one, that the white skin be made just equal with the dark skin, and to lay down the love of thy graciousness to the Māori that they dwell happily ... and remember the power of thy name."

The Crown hereby acknowledges the work of the Ngāi Tahu ancestors and makes this apology to them and to their descendants.

The Crown acknowledges that it acted unconscionably and in repeated breach of the principles of the Treaty of Waitangi in its dealings with Ngāi Tahu in the purchases of Ngāi Tahu land. The Crown further acknowledges that in relation to the deeds of purchase it has failed in most material respects to honour its obligations to Ngāi Tahu as its Treaty partner, while it also failed to set aside adequate lands for Ngāi Tahu's use, and to provide adequate economic and social resources for Ngāi Tahu.

The Crown acknowledges that, in breach of Article Two of the Treaty, it failed to preserve and protect Ngāi Tahu's use and ownership of such of their land and valued possessions as they wished to retain.

The Crown recognises that it has failed to act towards Ngāi Tahu reasonably and with the utmost good faith in a manner consistent with the honour of the Crown. That failure is referred to in the Ngāi Tahu saying 'Te Hapa o Niu Tireni!' ('The unfulfilled promise of New Zealand'). The Crown further recognises that its failure always to act in good faith deprived Ngāi Tahu of the opportunity to develop and kept the tribe for several generations in a state of poverty, a state referred to in the proverb 'Te mate o te iwi' ('The malaise of the tribe').

The Crown recognises that Ngāi Tahu has been consistently loyal to the Crown, and that the tribe has honoured its obligations and responsibilities under the Treaty of Waitangi and duties as citizens of the nation, especially, but not exclusively, in their active service in all of the major conflicts up to the present time to which New Zealand has sent troops. The Crown pays tribute to Ngāi Tahu's loyalty and to the contribution made by the tribe to the nation.

The Crown expresses its profound regret and apologises unreservedly to all members of Ngāi Tahu Whānui for the suffering and hardship caused to Ngāi Tahu, and for the harmful effects which resulted to the welfare, economy and development of Ngāi Tahu as a tribe. The Crown acknowledges that such suffering, hardship and harmful effects resulted from its failures to honour its obligations to Ngāi Tahu under the deeds of purchase whereby it acquired Ngāi Tahu lands, to set aside adequate lands for the tribe's use, to allow reasonable access to traditional sources of food, to protect Ngāi Tahu's rights to pounamu and such other valued possessions as the tribe wished to retain, or to remedy effectually Ngāi Tahu's grievances.

The Crown apologises to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfilment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tangata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.

Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the historical grievances finally settled as to matters set out in the Deed of Settlement signed on 21 November 1997, to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu.

## Appendix C Statutory Acknowledgment

### SCHEDULE 101

### STATUTORY ACKNOWLEDGEMENT FOR TE TAI O MAHAANUI (SELWYN – BANKS PENINSULA COASTAL MARINE AREA)

#### STATUTORY AREA

The statutory area to which this statutory acknowledgement applies is Te Tai o Mahaanui (Selwyn – Banks Peninsula Coastal Marine Area), the Coastal Marine Area of the Selwyn – Banks Peninsula constituency of the Canterbury region, as shown on SO Plan 19407, Canterbury Land District as shown on Allocation Plan NT505 (SO19901).

#### PREAMBLE

Under section 313, the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to Te Tai o Mahaanui as set out below.

#### NGĀI TAHU ASSOCIATION WITH TE TAI O MAHAANUI

The formation of the coastline of Te Wai Pounamu relates to the tradition of Te Waka o Aoraki, which foundered on a submerged reef, leaving its occupants, Aoraki and his brothers, to turn to stone. They are manifested now in the highest peaks in the Kā Tiritiri o Te Moana (the Southern Alps). The bays, inlets, estuaries and fiords which stud the coast are all the creations of Tū Te Rakiwhānoa, who took on the job of making the island suitable for human habitation.

The naming of various features along the coastline reflects the succession of explorers and iwi (tribes) who travelled around the coastline at various times. The first of these was Māui, who fished up the North Island, and is said to have circumnavigated Te Wai Pounamu. In some accounts the island is called Te Waka a Māui in recognition of his discovery of the new lands, with Rakiura (Stewart Island) being Te Puka a Māui (Māui's anchor stone). A number of coastal place names are attributed to Māui, particularly on the southern coast.

There are a number of traditions relating to Te Tai o Mahaanui. One of the most famous bays on the Peninsula is Akaroa, the name being a southern variation of the word “Whangaroa”. The name refers to the size of the harbour. As with all other places in the South Island, Akaroa placenames recall the histories and traditions of the three tribes which now make up Ngāi Tahu Whānui: Waitaha, Ngāti Mamoe and Ngāi Tahu.

Waitaha traditions tell that after Rakaihautu had dug the southern lakes with his kō (a tool similar to a spade)—Tūwhakarōria—he and his son, Rokohouia, returned to Canterbury with their people. On the return, Rakaihautu buried his kō (a tool similar to a spade) on a hill overlooking the Akaroa harbour. That hill was called Tuhiraki (Bossu). Rakaihautu remained in this region for the rest of his life.

For Ngāi Tahu, traditions such as these represent the links between the cosmological world of the gods and present generations. These histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

Because of its attractiveness as a place to establish permanent settlements, including pā (fortified settlements), the coastal area was visited and occupied by Waitaha, Ngāti Mamoe and Ngāi Tahu in succession, who through conflict and alliance, have merged in the whakapapa (genealogy) of Ngāi Tahu Whānui. Battle sites, urupā and landscape features bearing the names of tūpuna (ancestors) record this history. Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rangatira and their followers.

Ngāi Tahu connections to Akaroa came after the settling of Kaiapoi Pā in North Canterbury. Akaroa harbour was soon allocated to a number of chiefs by Tūrākautahi of Kaiapoi. One chief, Te Ruahikihiki, settled at Whakamoa near the Akaroa Heads at the south east end of the harbour. Te Ruahikihiki fell in love with the elder sister of his wife, Hikaiti. As it was customary at that time for chiefs to have several wives, Te Ruahikihiki took the elder sister, Te Ao Taurewa, as his wife.

Hikaiti fell into a deep depression and resolved to kill herself. She arose early in the morning, combed her hair and wrapped her cloak tightly around herself. She went to the edge of the cliff where she wept and greeted the land and the people of her tribe. With her acknowledgements made, she cast herself over the cliff where she was killed on the rocks.

The body remained inside the cloak she had wrapped around herself. This place became known as Te Tarere a Hikaiti (the place where Hikaiti leapt). After a long period of lamentation, Te Ruahikihiki and his people moved to the south end of Banks Peninsula to Te Waihora (Lake Ellesmere).

Another one of the senior chiefs within the Akaroa harbour was Te Ake whose hapū was Ngāi Tuhaitara. Ōtokotoko was claimed by Te Ake when he staked his tokotoko (staff) at that end of the bay. Te Ake's daughter, Hine Ao, is now represented as a taniwha that dwells with another taniwha, Te Rangiorahina, in a rua (hole) off Opukutahi Reserve in the Akaroa harbour. Hine Ao now carries the name Te Wahine Marukore. These taniwha act as (kaitiaki) guardians for local fishermen.

The results of the struggles, alliances and marriages arising out of these migrations were the eventual emergence of a stable, organised and united series of hapū located at permanent or semi-permanent settlements along the coast, with an intricate network of mahinga kai (food gathering) rights and networks that relied to a large extent on coastal resources.

The whole of the coastal area offered a bounty of mahinga kai, including a range of kaimoana (sea food); sea fishing; eeling and harvest of other freshwater fish in lagoons and rivers; marine mammals providing whale meat and seal pups; waterfowl, sea bird egg gathering and forest birds; and a variety of plant resources, including harakeke (flax), fern and tī root.

The coast was also a major highway and trade route, particularly in areas where travel by land was difficult. Travel by sea between settlements and hapū was common, with a variety of different forms of waka, including the southern waka hunua (double-hulled canoe) and, post-contact, whale boats plying the waters continuously. Hence tauranga waka occur up and down the coast in their hundreds and wherever a tauranga waka is located there is also likely to be a nohoanga (settlement), fishing ground, kaimoana resource, rimurapa (bull kelp) with the sea trail linked to a land trail or mahinga kai resource. The tūpuna had a huge knowledge of the coastal environment and weather patterns, passed from generation to generation. This knowledge continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the coast.

Numerous urupā are being exposed or eroded at various times along much of the coast. Water burial sites on the coast, known as waiwhakaheketūpāpaku, are also spiritually important and linked with important sites on the land. Places where kaitāngata (the eating of those defeated

in battle) occurred are also wāhi tapu. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected in secret locations.

The mauri of the coastal area represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the coastal area.

## PURPOSES OF STATUTORY ACKNOWLEDGEMENT

Pursuant to section 215 and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to section 207 (clause 12.2.3 of the deed of settlement); and
- (b) to require that consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Te Tai o Mahaanui, as provided in sections 208 to 210 (clause 12.2.4 of the deed of settlement); and
- (c) to enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to Te Tai o Mahaanui as provided in section 211 (clause 12.2.5 of the deed of settlement).

## LIMITATIONS ON EFFECT OF STATUTORY ACKNOWLEDGEMENT

Except as expressly provided in sections 208 to 211, 213, and 215,—

- (a) (A) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaws; and
- (b) (B) without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to Te Tai o Mahaanui (as described in this statutory acknowledgement) than that person or entity would give

under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of Te Tai o Mahaanui.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Te Tai o Mahaanui.

Schedule 101:amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 201 (2014 No 26).

## Appendix D Schedule of Sites & Areas of Significance

<b>Proposed Waimakariri District Plan Sites of significance</b>		
<b>Classification</b>	<b>Site ID</b>	<b>Name/description</b>
Wāhi tapu/ Wāhi taonga (silent files)	SASM 001	Silent File 017
	SASM 002	Silent File 018
	SASM 003	Silent File 019
	SASM 004	Silent File 020
	SASM 005	Silent File 021
	SASM 006	Silent File 022
	SASM 007	Silent File WD1
	SASM 008	Silent File WD2
Wāhi tapu/ Wāhi taonga (other)	SASM 11	Wetlands/ Ngā Reporepo along northern bank of Waimakaririri from slightly upstream of Kaiapoi River and down to Kairaki Creek, This same SASM is also labelled along the estuary/mouth of Rakahuri/Ashley River.
Ngā Tūranga Tūpuna	SASM 13	Waimakariri ki Rakahuri (coastal settlements with significant clusters of recorded archaeology of Māori origin and silent files).
	SASM 14	Ngahere Manuka - Former mānuka bush that occurred adjacent to the former course of the Waimakariri River.

	SASM 15	Ngahere a Hohoka - The former podocarp forest extent which centred on present day Ohoka.
	SASM 16	Ngahere a Rangiora - The former podocarp forest extent which centred on present day Rangiora.
	SASM 17	Ngahere a Okohana - The former podocarp forest extent which occurred half-way along the south-west portion of the Tuahiwi Reserve MR 873.
	SASM 18	Ngahere a Tuahiwi - The former podocarp forest extent which dominated the bottom half of the Tuahiwi Reserve MR 873.
	SASM 19	Ngahere a Opiha - A small, former podocarp forest extent which occurred adjacent to the western portion of the Tuahiwi Reserve.
Ngā Wai	SASM 22	Waimakaririri and tributaries= Courtneay Stream, Kaiapoi River, Kairaki Creek, Ohoka Stream, Cust River, part of Old Bed Eyre River.
	SASM 23	Waiarariki/Eyre River and part of Old Bed Eyre River.
	SASM 24	Ruataniwha/Cam River, North Brook, South Brook.
	SASM 30	Sea and coastline between Waimakariri and Rakahuri/Ashley.

<b>Christchurch District Plan Sites of significance</b>		
<b>Classification</b>	<b>Site ID</b>	<b>Name/description</b>
Wāhi tapu/ Wāhi taonga (silent files)	ID1	Ōtūkaikino (Belfast)
	ID2b	Whakaraupō (Lyttelton Harbour) - Rāpaki, excluding settlement
	ID3b	Whakaraupō (Lyttelton Harbour) - Taukahara, Ōhinetahi (Governors Bay), excluding settlement.
Wāhi tapu/ Wāhi taonga (other)	ID18	Tautahi Pā - encompassing the banks of the Ōtākaro between Madras and Barbadoes Streets, central city Christchurch.
	ID19	Location of the now St. Luke's Vicarage property - 185 Kilmore Street West, central city Christchurch.
	ID20	109 Cambridge Terrace (corner with Hereford Street), central city Christchurch.
	ID25	Main Road and Cave Terrace, Redcliffs, Christchurch.
	ID29	Rīpapa Island, Whakaraupō (Lyttelton Harbour)
	ID30	Main Road, Redcliffs
	ID40	Maunga = Summit Road / Castel Rock reserve, Port Hills (Ngā Kōhatu Whakarakaraka o Tamatea Pōkai Whenua)
	ID41	Maunga = Te Poho o Tamatea overlooks Rapaki, (Port Hills) (Ngā Kōhatu Whakarakaraka o Tamatea Pōkai Whenua)

	ID43	Maunga = Te Ahu Pātiki (Mt Herbert), Te Pātaka o Rākaihautū (Banks Peninsula)
	ID66	Site on corner of Norwich Quay and Oxford Street, Lyttelton
	ID97	Within Ōmaru Stream Gully, Rapaki Bay, Lyttelton
Ngā Tūranga Tūpuna	ID39	Te Pā Whakataka- Pā associated with the tūpuna Manuwhiri.= Main Road, Governors Bay, Whakaraupō (Lyttelton Harbour).
	ID44	Mt Pleasant, Redcliffs, Sumner to Taylors Mistake and including southern part of New Brighton Spit.
	ID46	Ōhinetahi Pā = Governors Bay to Teddington Road, Allandale, head of Whakaraupō (Lyttelton Harbour).
	ID47	Includes Tautahi Pā= Centered on Ōtākaro (Avon River), between Manchester Street and Fitzgerald Ave, Central City Christchurch.
	ID48	Puāri Pā= Centered on Ōtākaro (Avon River) and encompassing the sites occupied today by the Provincial Chambers, Law Courts, Town Hall and Victoria Square, Central City Christchurch.
	ID49	Te Riu o Te Aika Kawa (Brooklands Lagoon) and surrounds to Pūharakekenui (Styx River), including Brooklands settlement and Pūharakekenui Māori Reserve, Christchurch North/East.

	ID50	Ōruapaeroa (Travis Wetlands) - bounded by Mairehau, Frosts, and Travis Roads, Christchurch East.
	ID51	Te Oranga / Waikākāriki= Waikākāriki (Horseshoe Lake), between New Brighton Road and Lake Terrace Road, Christchurch East.
	ID52	Te Kai a Te Karoro (Pā)= South New Brighton reserve and estuary foreshore, Christchurch East
	ID53	Te Karoro (South New Brighton) and spit, Christchurch East.
	ID54	Ti Kouka Fishing Marker= Sites fronts Avonside Drive near the Corner of Fitzgerald Avenue, east of Central City Christchurch.
	ID55	Market / Victoria Square, corner of Colombo and Amagh Streets, Central City Christchurch.
	ID56	Waipapa (Little Hagley Park), Harper Avenue, west of Central City, Christchurch
	ID57	Pūtārikamotu (Riccarton Bush), west Christchurch.
	ID58	Waitākiri Drive, north-east Christchurch
	ID59	Ōtamahua (Quail Island), Whakaraupō (Lyttelton Harbour).
	ID63	Ihutai (Avon-Heathcote Estuary), Christchurch.
	ID65	Ōhinehou (Lyttelton) settlement and port.

	ID67	Aua (King Billy Island), Chateris Bay, Whakaraupō (Lyttelton Harbour).
	ID70	Pā sites, kāinga, urupā and a former Māori reserve = Pūrau, southern side of Whakaraupō (Lyttelton Harbour)
	ID71	Cultural landscape= Whakaraupō (Lyttelton).
	ID75	Tuawera (Cave Rock), Sumner.
	ID76	Rapanui (Shag Rock), Sumner.
Ngā Wai	ID78	Te Ihutai (Avon-Heathcote Estuary).
	ID79	Ōtākaro (Avon River)
	ID80	Ōpāwaho (Heathcote River)
	ID81	Te Heru o Kahukura= Upper tributary of the Ōpāwaho (Heathcote River), running at the back of the former Addington Hospital
	ID82	Waimokihi (Spreydon Stream)= Middle section of Ōpāwaho (Heathcote River) running through Spreydon / Hoon Hay.
	ID83	Kā Pūtahi (Kaputone Creek)= Upper tributary of the Pūharakekenui (Styx River)
	ID84	Otukaikino (South Branch of Waimakariri)
	ID85	Wairārapa= Tributary of Ōtākaro (Avon River)
	ID86	Waimaero (Waimairi Stream)= Tributary of Ōtākaro (Avon River).

	ID87	Ōrakipaoa= Main south branch of Ōtākaro (Avon River). Flows past Pūtarikamotu (Riccarton Bush).
	ID89	Te Waihora (Lake Ellesmere).
	ID95	Pūharakekenui (Styx River).
	ID96	Te Tai o Mahaanui (Christchurch and Banks Peninsula Coastal Marine Area).

<b>Proposed Selwyn District Plan Sites of significance</b>		
<b>Classification</b>	<b>Site ID</b>	<b>Name/description</b>
Wāhi tapu/ Wāhi taonga (silent files)	SASM3	Ngāti Koreha Pā (Ngāti Koreha Pā, Ahuriri, Motukarara. Silent file area).
	SASM 13	Omawhete/Coopers knob. Silent file area.
	SASM 14	Ōrongomai/Cass Peak. Silent file area.
Wāhi tapu/ Wāhi taonga (other)	SASM 11	Waikirikiri/Selwyn River
	SASM 2	Manuka Pā (Ancestral Ngāti Mamoe settlement area. Southeast of Langdown Valley adjacent to Huritini.)
Ngā Tūranga Tūpuna	SASM 30	Part of Te Waihora margins and wetlands
Ngā Wai	SASM 35	Waikirikiri/Selwyn River (including Pouri/Ōrarau/Hawkins River, Whakaepa/Upper Selwyn, Waianiwaniwa River, Hororātā River).
	SASM 37	Huritini/Halswell River (including Ōpouira/Knights Stream).

	SASM 47	Ararira/L11 River(including Te Tauawa and Te Kohaka a Wao).
	SASM 56	Te Waihora/Lake Ellesmere

