

South Bay Walkway - Kaikōura



Ngāi Tahu in the Resource Consent Process

a guide for applicants



Te Rūnanga o NGĀI TAHU



**Environment
Canterbury**
Regional Council
Kaunihera Taiao ki Waitaha

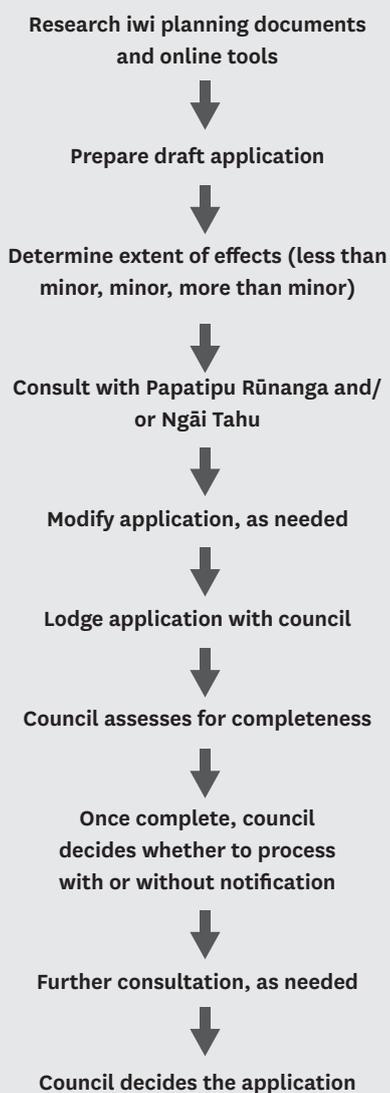
Te Rūnanga o Ngāi Tahu and Environment Canterbury have prepared this advice, in partnership, for the purpose of assisting resource consent applicants. Our aim is to ensure that matters of importance to Ngāi Tahu are identified and addressed in resource consent applications and to facilitate conversation between applicants and Ngāi Tahu.

Ngāi Tahu in Canterbury

Te Rūnanga o Ngāi Tahu is the statutory authority representing iwi members and includes ten local rūnanga within Canterbury, known as Papatipu Rūnanga. 'Papatipu' refers to ancestral land. Local Papatipu Rūnanga has the status of mana whenua with kaitiaki status (guardianship) over land and water within their takiwā or territory. For that reason, local Papatipu Rūnanga offices are the primary points of contact in the resource consent process. Depending on where the activity is to occur within Canterbury, the values of one or more Papatipu Rūnanga may be affected.

Iwi interests as a whole may also be affected where an activity is to occur within, adjacent to, or affecting an area recognised in the Ngāi Tahu Claims Settlement Act 1998 as a Statutory Acknowledgement Area. In those circumstances, Te Rūnanga o Ngāi Tahu will be involved in management of the area.

Process for applicants



Questions to answer when drafting an application

1. Which Papatipu Rūnanga cover(s) the site where the activity is to be located? ([click here](#))
2. Is the activity within, adjacent to, or likely to affect a Statutory Acknowledgement Area or Mātaitai – Taiāpure?
3. Is the activity within a silent file area, Rūnanga Sensitive Area or the Te Waihora Cultural Landscape /Values Management Area?
4. What matters of importance to Ngāi Tahu are likely to be affected by the activity?
5. What is the best way to avoid, remedy or mitigate effects on Ngāi Tahu values?
6. How does the activity fit within Part 2 of the RMA?
7. Is the activity consistent with policies and objectives of iwi and council planning documents?

Statutory acknowledgement areas

Statutory acknowledgement areas are listed in the Ngāi Tahu Claims Settlement Act 1998 (NTCSA), Schedules 14 to 77, as areas of particular significance to Ngāi Tahu.

An applicant will need to consider whether the activity is within, or adjacent to, a Statutory Acknowledgement Area, or whether the Area could be affected even if the activity is outside the immediate area (through cumulative discharge effects for example).

For more details on Statutory Acknowledgment Areas click [here](#). You can also identify these areas using Canterbury Maps ([here](#)) within the layer labelled 'Ngāi Tahu related features and layers'.

Mātaitai –Taiāpure

A mātaitai reserve is a traditional fishing area of special significance to tangata whenua which has been established by the Minister of Fisheries. A taiāpure is a local fisheries area established because it has special significance to iwi as a source of food or for spiritual or cultural reasons. You need to identify and consider effects that are within, adjacent to or likely to affect Mātaitai –Taiāpure.

Mātaitai –Taiāpure can be identified using the Canterbury Maps ([here](#)) within the layer labelled 'Ngāi Tahu related features and layers'.

Silent file areas

Silent files are areas identified by Papatipu Rūnanga as requiring special protection due to the presence of significant wāhi tapu (sacred places) or wāhi taonga (treasured possessions) in the area. Where activities occur in silent file areas, consultation with Papatipu Rūnanga is particularly important in order to identify effects of the activity and avoid, remedy or mitigate those effects. Silent file areas can be identified using Canterbury Maps ([here](#)) within the layer labelled 'Ngai Tahu'. Absence of a silent file area on GIS does not mean there are no wāhi tapu or wāhi taonga sites in the area. Rather, presence of a silent file indicates the presence of a significant wāhi tapu or wāhi taonga site.

Rūnanga sensitive areas

In addition to the silent file areas, since October 2015 other areas have been added to Canterbury Maps to highlight where there are cultural values that may be sensitive to adverse effects. These areas are a guide only, but provide some more direction to likely areas of concern.

Rūnanga sensitive areas can be identified using the Canterbury Maps ([here](#)) within the layer labelled 'Ngai Tahu related features and layers'.

Te Waihora Cultural Landscape/ Values Management Area

Te Waihora/Lake Ellesmere is a significant cultural taonga to Ngāi Tahu and is also known as Te Kete Ika o Rākaihautū (the fish basket of Rākaihautū).

At the consenting level this means that Environment Canterbury must have regard to the significance of the lake when making recommendations on the notification of applications and the affected party status of tangata whenua.

The Te Waihora Cultural Landscape/Values Management Area is the area of land comprising the Lake Zone and River Zones identified in Section 11.8 of the Land and Water Regional Plan.

The Lake Zone encompasses Te Waihora/Lake Ellesmere, its margins and wetlands. The River Zone is 20 metres either side of the rivers listed in the Land and Water Regional Plan. The Te Waihora Cultural Landscape/Values Management area is shown in Canterbury Maps under the layer labelled 'Ngai Tahu related features' and layers [here](#).

If your application is within the Te Waihora Cultural Landscape/Values Management Area you need to consider the effects of your proposal on the Management Area.

The RMA and iwi planning documents

Part 2 of the RMA, through Sections 5 to 8, makes specific reference to cultural values, the relationship of Māori to land and water, kaitiakitanga (guardianship by mana whenua), and the Treaty of Waitangi. An application must meet the purpose of the RMA, which incorporates the above elements for consideration. Iwi and council planning documents provide guidance, through policies and objectives, about what needs to be considered in relation to Ngāi Tahu values in order to satisfy Part 2 of the RMA.

Effects on Ngāi Tahu values

Ngāi Tahu has produced planning and reference documents which are available to help applicants identify matters of importance to iwi. These are called Iwi Management Plans (IMP). These also provide direction on how best to avoid, remedy or mitigate effects on cultural values. Further guidance material for applicants on IMPs is located [here](#).

Copies of the IMPs are available [here](#).

Affected party status

Ngāi Tahu as an iwi, and specifically Papatipu Rūnanga representing mana whenua, are considered an affected party where effects on cultural values are minor or more than minor, in accordance with Section 95E of the RMA.

In this case obtaining written approval from Papatipu Rūnanga is an important step for an application to proceed without notification, and requires direct consultation with Ngāi Tahu or the relevant Papatipu Rūnanga.

Without approval, applications to undertake those activities with minor or more than minor effects are notified, which means they are open to submissions and may result in a hearing. Where there is more than one Rūnanga affected, approval is required from each.

In addition, written approval from Te Rūnanga o Ngāi Tahu is needed for activities with minor or more than minor effects within, adjacent to, or affecting, Statutory Acknowledgment Areas.

Costs

If iwi consultation is required as part of your application, you may be charged by the Papatipu Rūnanga Environmental Entities acting on behalf of the Papatipu Rūnanga. You can expect to be advised regarding any costs and timeframes when you make contact.

Engagement

Canterbury Maps 'Ngai Tahu' layers will help assist you determine if you need to engage with the Papatipu Rūnanga Environmental Entities and Te Rūnanga o Ngāi Tahu. See the Environment Canterbury website for the contact details and administration areas for the Papatipu Rūnanga Environmental Entities and Te Rūnanga o Ngāi Tahu.