

2. MATTERS OF NATIONAL IMPORTANCE

2.1 Introduction

The overriding objective of Council is to provide for the sustainable use of the resources of the District. That must be achieved within constraints imposed by the provisions of the RMA. These include:

- (1) The preservation of the natural character of wetlands, lakes and rivers and their margins, and protection of them from inappropriate subdivision, use, and development.
- (2) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.
- (3) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- (4) The maintenance and enhancement of public access to and along lakes and rivers.
- (5) The relationship of Maori and their culture and traditions with their ancestral lands, water, waahi tapu, and other taonga.
- (6) The protection of historic heritage from inappropriate subdivision, use, and development.

This section of the District Plan considers these matters, providing a framework for the management of activities throughout the District in a way that meets the Council's obligations under the Act.

2.2 Outstanding natural features and landscapes

2.2.1 Introduction

The landscape of the District is dominated by pastoral and arable farming. At the same time, there are two natural features, being the Hokonui Hills and the Mataura River, that are outstanding landscape features. Section 6 of the RMA requires that these features be recognised and protected from inappropriate subdivision, use and development.

The Hokonui Hills are the most dominant natural feature of the District. They provide a backdrop to Gore and are highly visible from the main traffic routes of the District. The elevated slopes and ridgelines of the Hokonui Hills are of most importance because of their high visibility. The strike ridges in particular are of scientific interest.

The Mataura River is a significant waterway, of cultural and recreational importance. Most notably, it provides the habitat for the brown trout fishery for which the District is well known. Not only does it divide the District, but it also provides a reliable and consistent water supply. Periodically it is also subject to major floods.

2.2.2 Issues

The Hokonui Hills need protection from activities that could adversely affect them and detract from their amenity. These activities include mineral extraction, earthworks, and structures. It is recognised, however, that this landscape is part of a rural working farm environment and, as a consequence of that, some changes to the landscape can be anticipated.

The Mataura River is an active waterway, and although it is generally physically confined to a particular course as it passes through the urban areas of the District, it is still able, and does, alter its bed on a regular basis in the rural areas. Sometimes this change occurs rapidly, as in a storm, but most change is slow and predictable. It is the natural values of the waterway that is of greatest importance. However, in order to avoid duplication of responsibilities and consent processes between the Gore District Council and Environment Southland, it is considered that any regulatory regime relating to the river should be retained solely by Environment Southland.

The significant resource management issues of the District relating to outstanding natural features and landscapes are:

- (1) The Hokonui Hills are a working rural landscape and arising from that changes to it can be anticipated. However, other activities could take place that result in its landscape and geological values being adversely affected to a significant degree.
- (2) The Mataura River is a significant natural feature, however, that is best protected through the provisions of a regional plan. A non-regulatory role can be adopted by the Gore District Council in order to ensure that people are aware of its significance and the positive actions they can take to protect the values of the river.

2.2.3 Objective

- (1) To protect the District's outstanding natural features and landscapes.

2.2.4 Policies

- (1) While recognising that the Hokonui Hills is a working rural landscape subject to ongoing change as a result of farming activities, protect the Hokonui Hills from development and use that results in adverse effects on landscape values.
- (2) Avoid the erection of structures that project beyond the ridgelines of the Hokonui Hills when observed from areas, sites or land other than that on which the structure is being built.
- (3) Avoid activities that could compromise the visual values or geological significance of the strike ridges of the Hokonui Hills.
- (4) Ensure that any domestication of the Hokonui Hills landscape that may be required is undertaken, as far as practical, in locations away from public view.
- (5) Liaise with Environment Southland on all RMA processes to ensure that the natural values of the Mataura River are protected.
- (6) Adopt non-regulatory methods to educate users of the Mataura River and adjoining land as to actions they can take to protect and enhance the values of the river.

2.2.5 Methods of implementation

- (1) A rule to protect the Hokonui Hills from the adverse effects of land use activities.
- (2) Information and education.
- (3) Liaison with Environment Southland and the Department of Conservation in relation to both the Hokonui Hills and Mataura River.

2.2.6 Principal reasons

- (1) The Hokonui Hills form part of the Southern Syncline and are an outstanding natural feature and landscape that may be adversely affected by land use activities.
- (2) While both Environment Southland and the Gore District Council have responsibility for the management of activities within the Mataura River, it is more effective and efficient for one body to manage use and development within the river. The Mataura River is important however, as it is subject to the Mataura River Water Conservation Order and the Ngāi Tahu Claims Settlement Act 1998 defines the Mataura River as a statutory acknowledgment area.

2.2.7 Anticipated environmental results

- (1) The Hokonui Hills and Mataura River are protected from the adverse effects of land use activities.

2.2.8 Monitoring

Within the area notated "Hokonui Hills Significant Landscape", Council will monitor:

- (1) The number of resource consents approved and compliance with resource consent conditions.
- (2) The number of community complaints.
- (3) Land use changes.
- (4) The number and type of buildings erected.

2.2.9 Rule

Within the area notated "Hokonui Hills Significant Landscape" on the Planning Maps, the following is a discretionary activity:

- (1) Farm quarry or quarrying activities.
- (2) Commercial Forestry and Woodlots.
- (3) Earthworks associated with the construction of any road or track greater than 7 metres in width, or requiring more than 2 metres of cut or fill for a total distance greater than 100 metres.
- (4) Earthworks, other than those associated with the tilling of the soil, fencing or pest plant management, and not provided for by (3) above, exceeding:
 - (a) more than 100 linear metres in any direction; or
 - (b) 2 metres in depth in the case of excavation; or
 - (c) 3 metres in height in the case of stockpiles or fill; or
 - (d) 50 cubic metres in volume.

- (5) The erection of any building or structure, except for buildings or structures (other than dwellings) associated with the pastoral farming of that land.
- (6) The erection of any building or structure where the external building materials or finish results in reflective glare.

2.2.10 Information to accompany resource consent applications

In addition to all matters referred to in Section 1.3 in this District Plan, an application for a resource consent under this section shall contain:

- (1) A plan showing the property boundaries and extent of land contained within the outstanding natural feature and landscape.
- (2) A description of the activities that it is proposed to undertake and the reasons why these must be undertaken within the outstanding natural feature and landscape.
- (3) A description of other locations for carrying out the activities and the reasons why these are not being adopted.
- (4) An assessment of the environmental effects of the proposed land use activity on the outstanding natural feature and landscape, with particular regard to physical impacts on the natural feature and landscape and visual impacts from other locations, including distant views.
- (5) A record of the consultation, if any, with the Department of Conservation, Te Rūnanga o Ngāi Tahu and Environment Southland.
- (6) A description of the measures proposed to be taken to avoid, remedy or mitigate any adverse effects.

2.3 Significant indigenous vegetation and significant habitats of indigenous fauna

2.3.1 Introduction

There are few areas of significant indigenous vegetation and significant habitats of indigenous fauna remaining as the landscape of the District is highly modified. The areas of significant indigenous vegetation and significant habitats of indigenous fauna remaining are important for that reason.

Waterfall Range, including the Croydon Bush Domain, situated on Reaby Road 10 kilometres west of Gore, is the only substantial indigenous forest area remaining in the District. This area contains a variety of trees and shrubs including matai, miro, rimu and totara. Bellbird and tui have been recorded in this area. This is of significance because these species are rare in the District as they require a diverse spread of trees for feeding and nesting.

The Pukerau Red Tussock Reserve, situated on State Highway 1 at Pukerau is an area containing significant indigenous vegetation and significant habitats of indigenous fauna. This area contains large stands of red tussock and some wetlands. At the higher ground levels to the east of the District, red tussock dominates the landscape. These tussock grasslands provide habitats for harriers, New Zealand pipits, skylarks and a variety of invertebrates.

There are other areas of indigenous vegetation and habitats of indigenous fauna within the District, such as along roadsides and in gully bottoms. However, given their small size and location, they do not provide a sustainable habitat, nor can they be considered significant to a degree that warrants protection under the RMA. It is not practical to apply rules as a means of seeking to protect and enhance these other areas, but rather education and advocacy are the most effective techniques to adopt.

2.3.2 Issues

Areas of significant indigenous vegetation and significant habitats of indigenous fauna remaining in the District are important for ecological reasons, not only because of the values within them but also because they enhance the biodiversity of the District.

The significant resource management issues of the District relating to significant indigenous vegetation and significant habitats of indigenous fauna are:

- (1) Areas of significant indigenous vegetation and habitats of indigenous fauna in the District can be adversely affected by land use activities.
- (2) Other areas of indigenous vegetation and habitats of indigenous fauna can be protected by education and advocacy.

2.3.3 Objective

- (1) To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and to manage the adverse effects of land use activities.

2.3.4 Policies

- (1) Control the adverse effects of land use activities on areas of significant indigenous vegetation and significant habitats of indigenous fauna as shown on the Planning Maps.
- (2) Educate, publicise and advocate the protection of areas of indigenous vegetation and habitats of indigenous fauna that are not given formal protection in this Plan.
- (3) Protect the biodiversity of the District.

2.3.5 Methods of implementation

- (1) A rule to protect the areas of significant indigenous vegetation and significant habitats of indigenous fauna from the adverse effects of land use activities.
- (2) Advocacy and education of the need to protect areas of indigenous vegetation and habitats of indigenous fauna from the adverse effects of land use activities.
- (3) Information to land owners.

2.3.6 Principal reasons

- (1) Land use activities may adversely affect the very limited areas of significant indigenous vegetation and significant habitats of indigenous fauna remaining in the District. Given the limited extent of those areas that remain, protection is required.

- (2) Non-regulatory methods are likely to be the most effective in achieving retention and enhancement of other land containing indigenous vegetation and habitats containing indigenous fauna.

2.3.7 Anticipated environmental results

- (1) Retention of the extent and biodiversity of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- (2) Retention and enhancement of areas of indigenous vegetation and habitats containing indigenous fauna within areas where there is no formal protection.

2.3.8 Monitoring

Within areas of significant indigenous vegetation and significant habitats of indigenous fauna, Council will monitor:

- (1) The number of resource consents approved and compliance with resource consent conditions..
- (2) The number of community complaints.
- (3) In conjunction with land owners, the extent and biodiversity of such areas.

2.3.9 Rule

Within areas of significant indigenous vegetation and significant habitats of indigenous fauna, as shown on the Planning Maps, the following is a discretionary activity:

- (1) The felling or removal of indigenous vegetation.
- (2) The planting of shelterbelts, woodlots or commercial forestry.
- (3) Earthworks, other than those associated with the formation of tracks for sole use by pedestrians.
- (4) The erection of buildings and other structures.

2.3.10 Information to accompany resource consent applications

In addition to all matters referred to in Section 1.3 in this District Plan, an application for a resource consent under this section shall contain:

- (1) A plan showing the property boundaries and extent of land contained within the area of significant indigenous vegetation and significant habitats of indigenous fauna.
- (2) A description of the activities that it is proposed to undertake and the reasons why these must be undertaken within the area of significant indigenous vegetation and significant habitats of indigenous fauna.
- (3) A description of other locations for carrying out the activities and the reasons why these are not being adopted.
- (4) An assessment of environmental effects on the significant indigenous vegetation and significant habitats of indigenous fauna, including the values of the vegetation and fauna and the way in which it will be affected by the proposed activities.

- (5) A description of the measures proposed to be taken to avoid, remedy or mitigate any adverse effects.
- (6) A record of the consultation, if any, with the Department of Conservation and Te Rūnanga o Ngāi Tahu.

2.4 Margins of rivers and streams

2.4.1 Introduction

Section 6 of the RMA requires the preservation of the natural character of wetlands, lakes and rivers and their margins and protection of them from inappropriate subdivision, use and development. It also requires the maintenance and enhancement of public access to and along lakes and rivers. The District contains a number of rivers and streams, but no natural lakes and no wetlands other than those on Crown land. These waterways provide aquatic ecosystems for many species, but of most significance is brown trout and eel.

The Gore District for much of its area is comprised of developed farm land. As a consequence, pasture is present on the margins of its rivers and streams. Even along much of the length of the Mataura River grassland dominates. While such adjoining use does have natural character, it is not of a form that requires active management. Rather, the individual land owners who have managed the adjoining land for many years are generally better suited to continue such management where the land is retained in farming use.

The Mataura River and its tributaries are subject to the Mataura River Water Conservation Order 1997. It is also a statutory acknowledgment area in terms of the Ngāi Tahu Claims Settlement Act 1998. For these reasons the management of non-farming activities along the margins of the river is appropriate.

2.4.2 Issues

The rivers and streams of the District are a significant recreational resource, but only the Mataura River is of such value as to warrant its margins being protected.

The significant resource management issues of the District relating to the margins of rivers and streams are:

- (1) The margins of most of the rivers and streams in the District are used for farming purposes.
- (2) The Mataura River is a significant natural feature and some management of activities taking place on its margins is appropriate.

2.4.3 Objectives

- (1) To preserve the natural character of the margins of the Mataura River.
- (2) To provide public access along the margins of the Mataura River where this is practical and can be safely undertaken without adversely affecting the use of adjoining land.

2.4.4 Policies

- (1) Control the adverse effects of land use activities on the margins of the Mataura River.

- (2) Maintain and enhance public access to and along the Mataura River except where this will affect public health or safety, or where site security would be compromised.

2.4.5 Methods of implementation

- (1) A rule to avoid, remedy or mitigate the adverse effects of land use activities the margins of the Mataura River.
- (2) Rules to maintain and enhance public access to and along the Mataura River (Refer to Section 8 Subdivision of Land).
- (3) Information and education on actions that land owners can take to preserve the natural character of rivers, streams and their margins.

2.4.6 Principal reasons

- (1) The Mataura River is a significant natural feature and land use activities on the margins of the River could give rise to significant adverse effects.
- (2) To enable the provision of public access to the Mataura River for the enjoyment of the recreational, cultural and landscape values, except where this will affect public health or safety, or where site security would be compromised.

2.4.7 Anticipated environmental results

- (1) The margins of the Mataura River retain their character.
- (2) Public access to and along the Mataura River is maintained and enhanced wherever possible.

2.4.8 Monitoring

Within the margins of the Mataura River, Council will monitor:

- (1) The adequacy of public access to and along the Mataura River margins.
- (2) The number of resource consents approved and compliance with resource consent conditions.
- (3) The number of community complaints.

2.4.9 Rule

Within the area 20 metres each side of the bed of the Mataura River where land is zoned Rural, the following is a discretionary activity:

- (1) Mining or quarrying activities.
- (2) The erection of any structure greater than 3 metres in height or 6 square metres in area.
- (3) Earthworks, other than those associated with the tilling of the soil, fencing or pest plant management, exceeding:
 - (a) more than 100 linear metres along the river; or
 - (b) 1 metre in depth in the case of excavation; or
 - (c) 3 metres in height in the case of stockpiles or fill; or
 - (d) 50 cubic metres in volume.

2.4.10 Information to accompany resource consent applications

In addition to all matters referred to in Section 1.3 in this District Plan, an application for a resource consent under this section shall contain:

- (1) A plan showing the property boundaries, the location of the Mataura River and the extent of land contained within the 20 metre margin of the Mataura River.
- (2) A description of the activities that it is proposed to undertake and the reasons why these must be undertaken within the 20 metre margin of the Mataura River.
- (3) A description of other locations for carrying out the activities and the reasons why these are not being adopted.
- (4) An assessment of the environmental effects of the proposed activity on the Mataura River and its margins, including impacts on the character of the area and any resulting restrictions on public access.
- (5) A record of the consultation, if any, that was undertaken with Te Rūnanga o Ngāi Tahu, the Department of Conservation, Fish and Game Council, Environment Southland and other affected persons.
- (6) A description of the measures proposed to be taken to avoid, remedy, or mitigate any adverse effects.

2.5 Heritage

2.5.1 Introduction

The District has a rich diversity of places with heritage significance. Sites associated with Maori include permanent and temporary living places, umu-ti, tool-making quarries, battle sites, food-gathering areas, trails and other sites and landscapes with cultural and spiritual significance. Sites associated with European settlement include distillery sites in

the Hokonui Hills, gold mining in the Waikaka area, trails and river crossings, early farm buildings, industrial buildings and sites, schools, public buildings, dwellings and memorials.

Heritage sites are valued for many reasons including:

- (1) Cultural, spiritual and social significance – i.e. the traditional and contemporary esteem in which the feature is held by a particular group or community, including its significance to tāngata whenua.
- (2) Historical significance – i.e. the relationship of the feature to a notable person, event, period or activity of the time or over a period of time.
- (3) Scientific or technological significance – i.e. the association or contribution of the feature to the creation, invention or application of a science or technology.
- (4) Aesthetic significance – i.e. the quality of the feature including its artistic or craftsmanship merits.
- (5) Physical context – i.e. the degree of unity between the design, scale, form, materials and visual appearance of the feature with its setting and/or surrounding buildings.
- (6) Archaeological significance – i.e. the potential of the feature to provide evidence relating to the history of New Zealand through investigation by archaeological methods.

Protection of structures and places with heritage value can help to enable people and communities to provide for their cultural, social and economic wellbeing, and to sustain these resources for the needs of future generations. (Refer to Section 2.6 Mana Whenua)

The following structures have significant value worthy of protection under this Plan:

Table 2.5.1 Scheduled Heritage Structures

Name	Locality	Legal Description	Area	Registration Category	Map Ref	
H1	Presbyterian Church, 19th century portions	6 Rock Street	Secs 3 & 4 Blk XI Town of East Gore	Gore	Category 2	GOR 07
H2	Willowbank railway windmill & water tank	4 Waikaka Road	Sec 59 Blk I Chatton SD	Waikaka Valley	Category 1	DST 18
H3	Mataura Railway Station	90 Main Street	Sec 1 & Pt Sec 2 Blk IV Town of Mataura	Mataura	Category 2	MAT 05
H4	Old Bank of New Zealand Building	90 Kana Street	Lot 1 DP 2626	Mataura	Category 2	MAT 05
H5	Clematis Cottage	68 Kana Street	Lot 1 DP 2722	Mataura	Category 2	MAT 05
H6	Fleming's Creamoata Mill Complex	4 Gorton Street	Secs 1-2 18-22 Blk XI Town of Gore	Gore	Category 1	GOR 07A
H7	Cranmer Court façade	36 Irk Street	Lot 1 DP 5635	Gore	Nil	GOR 07A
H8	Dental Surgery	5 Irk Street	Pt Sec 3 Blk VI Town of Gore	Gore	Nil	GOR 07A

Table 2.5.1 Scheduled Heritage Structures cont.

Name	Locality	Legal Description	Area	Registration Category	Map Ref	
H9	Eastern Southland Gallery	14 Hokonui Drive	Sec 1 Blk IX Town of Gore	Gore	Nil	GOR 07A
H10	Former Power Station	32 Gorton Street	Lot 2 DP 301039	Gore	Nil	GOR 07A
H11	Former J Ballintine & Co façade	30 Medway Street	Lot 2 DP 6476	Gore	Nil	GOR 07A
H12	St Andrews Church Hall	2 Devon Street	Pt Lot 5 and Pt Lots 9-10 DP 2151 and Pt Lot 1 DP 2710	Gore	Nil	GOR 07
H13	Former National Mortgage Building	128 Main Street	Pt Sec 11 Blk VII Town of Gore	Gore	Nil	GOR 07A
H14	St Marys Hall façade	57 Mersey Street	Sec 7 Blk XI Town of Gore	Gore	Nil	GOR 07A
H15	Gore High School Hostel	14 Cou tts Road	Lot 21 DP 87	Gore	Nil	GOR 06 & GOR 07
H16	Gore High School Memorial Gates	14 Cou tts Road	Lot 21 DP 87	Gore	Nil	GOR 06 & GOR 07
H17	Former Gore Methodist Church	1 Irk Street	Lot 1 DP 589	Gore	Nil	GOR 07A
H18	H & J Smith Building	58 Main Street	Sec 8 Pt 9 Lot 1 DP 931 Blk VI Town of Gore	Gore	Nil	GOR 07A
H19	MacGibbon Building	88 Main Street	Pt Sec 10 Blk VI Town of Gore	Gore	Nil	GOR 07A
H20	Old Gore High School	1 Richmond Street	Sec 1 Blk XXVI Town of Gore	Gore	Nil	GOR 07A
H21	Whittingham Buildings	24-30 Main Street	Lot 1 DP 517	Gore	Nil	GOR 07A
H22	ASB Building	10-12 Main Street	Lot 1 DP 590	Gore	Nil	GOR 07A
H23	Buckleys/ McCutcheon Building	61-63 Main Street	Lot 1 DP 15251	Gore	Nil	GOR 07A
H24	The Capri Building	71-73 Main Street	Lot 2 DP 3287	Gore	Nil	GOR 07A
H25	The Ensign	71 Mersey Street	Sec 4 Blk XI Town of Gore	Gore	Nil	GOR 07A
H26	Gore Club Inc	14 Mersey Street	Sec 15 Blk VI Town of Gore	Gore	Nil	GOR 07
H27	Investment House	47-53 Main Street	Lots 8-9 DP 3287 Lots 14-15 DP 9744	Gore	Nil	GOR 07A
H28	LaHood's Building	43-45 Main Street	Lot 10 DP 3287 & Lot 13 DP 9744	Gore	Nil	GOR 07A
H29	Former National Bank Building	15 Mersey Street	Pt Lot 1 DP 2209 & Pt Sec 3 Blk VII Town of Gore	Gore	Nil	GOR 07A
H30	Original Gore Post Office	101-103 Main Street	Sec 3 Blk X Town of Gore	Gore	Nil	GOR 07A
H31	Peterson's Building	21 Main Street	Lot 16 DP 3287	Gore	Nil	GOR 07A
H32	Shoe Biz Building	29-31 Main Street	Lot 14 DP 3287 & Lot 9 DP 9744	Gore	Nil	GOR 07A

2.5.2 Issues

The District's heritage resources need to be protected in the long term as they are important to its cultural, social and economic wellbeing, and to future generations. Heritage sites can be damaged or destroyed by land use activities, whereas heritage structures can be adversely affected by changes made to them that are not compatible with their values.

The significant resource management issue of the District relating to heritage is:

- (1) The District's heritage resources can be adversely affected by land development, and changes to and removal of heritage structures.

2.5.3 Objective

- (1) Recognise and protect the heritage values of buildings, sites, structures and archaeological sites.

2.5.4 Policies

- (1) Schedule archaeological, historic and cultural sites, places and items of heritage value.
- (2) Avoid adverse effects of land use activities on heritage sites.
- (3) Provide for the maintenance of heritage structures.
- (4) Avoid changes to heritage structures that adversely affect values of significance.
- (5) Increase people's awareness of the historic heritage of the District.
- (6) In considering any application seeking changes to, or demolition of, any registered heritage structure listed in Table 5.1 have regard to:
 - (i) the structural integrity of the building, as assessed by a suitably qualified and experienced professional engineer;
 - (ii) any risk that is posed to other property and the safety of people within or near to the structure; and
 - (iii) where demolition is sought, the financial implications of other options.

2.5.5 Methods of implementation

- (1) A rule for the protection of heritage and archaeological resources.
- (2) Liaison and consultation with statutory agencies (including New Zealand Historic Places Trust and Te Rūnanga o Ngāi Tahu) and with relevant organisations that have knowledge and interest in heritage values including Gore Historical Museum and the New Zealand Archaeological Association file keeper).
- (3) Information and advice to land owners on how they can manage and protect heritage and archaeological resources on their land.

2.5.6 Principal reasons

- (1) The heritage values of the District are required, by the RMA, to be protected for current and future generations. In addition, those resources help identify the history of the District and they are worthy of protection in their own right.

2.5.7 Anticipated environmental results

- (1) Preservation of the heritage values of buildings, sites, structures, and archaeological sites.

2.5.8 Monitoring

In relation to heritage resources, Council will monitor:

- (1) The number of resource consents approved and compliance with resource consent conditions.
- (2) The condition of and changes made to heritage structures.
- (3) The extent of changes occurring to heritage sites.

2.5.9 Rule

- (1) It is a permitted activity to carry out any work on any scheduled heritage structure (Table 2.5.1) that is for the sole purpose of restoration, repair or maintenance. Such works shall be undertaken using the same type of material to that originally used, and must retain the original design, form and texture of the feature under repair.
- (2) Except as provided for in (1) above, any demolition, or any excavation beneath, or alteration that changes the external appearance, of any scheduled heritage structure is a discretionary activity.

2.5.10 Information to accompany resource consent applications

In addition to all matters referred to in Section 1.3 in this District Plan, an application for a resource consent under this section shall contain:

- (1) Details of the scheduled heritage structure and the reason for it being scheduled.
- (2) A description of the activities that it is proposed to undertake and the reasons why these must be undertaken.
- (3) A description of other options that may be available and the reasons why these are not being adopted.
- (4) An assessment of environmental effects of the proposed activity on the heritage structure.
- (5) A record of the consultation undertaken with the New Zealand Historic Places Trust.
- (6) A description of the measures proposed to be taken to avoid, remedy or mitigate any adverse effects.

2.6 Mana Whenua

2.6.1 Introduction

Mana Whenua is the customary authority expressed by an iwi or hapu. Ngāi Tahu are the Tāngata Whenua of the Gore District and hold customary tribal authority over an area (rohe) which includes all of the Gore District.

Papatipu Rūnanga are the modern representative bodies of the people who hold Mana Whenua over a particular area and its natural and physical resources. Hokonui Rūnanga Inc. Society is the Kaitiaki Papatipu Rūnanga for the Gore District.

Te Rūnanga o Ngāi Tahu is the tribal representative body of Ngāi Tahu Whanui, a body corporate established under section 6 of the Te Rūnanga o Ngāi Tahu Act 1996 ("the TR Act"). The TR Act establishes Te Rūnanga o Ngāi Tahu as the 'Iwi Authority' for the purposes of the RMA. Section 5 of the TR Act also describes the takiwa (area) of Ngāi Tahu Whanui to include the entire Gore District. Section 15 "Status of Te Rūnanga o Ngāi Tahu" also states:

- (1) Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as the representative of Ngāi Tahu Whanui.
- (2) Where any enactment requires consultation with any iwi or with any iwi authority, that consultation shall, with respect to matters affecting Ngāi Tahu Whanui, be held with Te Rūnanga o Ngāi Tahu.

The TR Act therefore makes Te Rūnanga o Ngāi Tahu the people with whom to consult for all resource management matters requiring consultation arising from the Gore District Plan and the RMA.

Te Ao Mārama is a Ngāi Tahu resource management consultancy, based in Murihiku, which is partly funded by the various Councils in Southland, including the Gore District Council. Te Ao Mārama works closely with all four Papatipu Rūnanga within Murihiku, including Hokonui Rūnanga Inc., on various resource management issues.

For consultation purposes arising from this Plan and the RMA including sections 6(e), 7(a) and 8, consultation should be through Te Ao Mārama in Invercargill and Te Rūnanga o Ngāi Tahu in Christchurch.

Sites of significance to the Mana Whenua are also archaeological sites protected under the Historic Places Act 1993. The procedure relating to any activity that may have the effect of destroying, damaging or modifying such sites is set out in sections 9 to 21 of that Act. The following archaeological sites are of significance to the Mana Whenua and are worthy of protection under this plan:

Table 2.6.1 Scheduled Archaeological Sites of Significance to Mana Whenua

No.	Site number	Site description	Metric Grid ref.	Location	Map Ref
M1	F45/6	Oven	E965 N642	North Chatton Road	DST 09 & DST 12
M2	F45/3	Porcellanite flaking floor and outcrop	E046 N508	Otikerama McDonald Road	DST 18 & DST 22
M3	F46/12	Traditional lamprey collecting area	E911 N382	Mataura Falls	MAT 03
M4*	F46/29	Nephrite adze find spot	E901 N351	Wyndham Road	DST 30
M5	F46/25	Quarry/Work Area	E850 N354	Craig Road	DST 28
M6		Tuturau Battle Site	E903 N347	Wyndham Road	DST 30 & DST 34

*As defined by the New Zealand Archaeological Association Site Recording Scheme as a find-spot: a place where a Maori artefact has been found in isolation.

2.6.2 Issues

The relationship of Ngāi Tahu and their culture and traditions with ancestral lands, water, waahi tapu, waahi taonga and mahinga kai sites is a key resource management issue within the Gore District. All persons exercising functions and powers under the RMA, in relation to the use, development and protection of natural and physical resources shall recognise and provide for the relationship of Ngāi Tahu and their culture and traditions within the Gore District.

The significant resource management issues of the District relating to Mana Whenua are:

- (1) The protection of waahi tapu, waahi taonga and other taonga.
- (2) The protection of urupa sites.
- (3) The Mataura River is subject to a statutory acknowledgement, as outlined in Part 12 and Schedule 42 of Ngāi Tahu Claims Settlement Act 1998. [A copy of the relevant portion is set out in Appendix 2 of this Plan].
- (4) Access to mahinga kai sites.
- (5) Ngāi Tahu may, from time to time, identify other significant resource management issues within the Gore District.

2.6.3 Objectives

- (1) Ensure that waahi tapu, waahi taonga and other taonga and mahinga kai sites are not adversely affected by land use activities.
- (2) Protect urupa sites.
- (3) Enable access to mahinga kai sites.
- (4) Facilitate consultation with Ngāi Tahu to ensure that resource management issues of significance to them are had regard to in carrying out functions under the RMA.

2.6.4 Policies

- (1) Control the adverse effects of land use activities on waahi tapu, waahi taonga and other taonga.
- (2) Protect urupa sites and when koiwi o nga tupuna (skeletal remains) are discovered, notification of Te Rūnanga o Ngāi Tahu be required.
- (3) Facilitate access to mahinga kai sites.
- (4) Meet with Ngāi Tahu on a regular basis to consider resource management issues of significance to them.

2.6.5 Methods of implementation

- (1) A rule to control the adverse effects of land use activities on waahi tapu, waahi taonga, koiwi o nga tupuna, other taonga and mahinga kai sites.
- (2) Ongoing consultation with Te Rūnanga O Ngāi Tahu to ascertain the location of any waahi tapu, waahi taonga, koiwi o nga tupuna, other taonga and mahinga kai sites and how these maybe adversely affected by any proposed land use activity.

- (3) Taking into account any relevant planning document recognised by the Iwi Authority (commonly referred to as Iwi Management Plans) including Te Whakatau Kaupapa o Murihiku, Te Rūnanga o Ngāi Tahu Freshwater Policy and any future plans or policy statements that may be prepared.
- (4) Notification of the appropriate rununga upon the unearthing of koiwi (skeletal remains).
- (5) Having regard to the Ngāi Tahu Claims Settlement Act 1998 whereby the Mataura River is subject to a Statutory Acknowledgement.
- (6) Information and education.

2.6.6 Principal reasons

- (1) The RMA requires Council to recognise the relationship of Maori and their culture and traditions with their ancestral lands, water, waahi tapu sites, other taonga and mahinga kai sites.
- (2) The Historic Places Act 1993 also requires protection of urupa sites and the notification of the discovery of such sites.
- (3) The Ngāi Tahu Claims Settlement Act 1998 requires consultation with Ngāi Tahu through formal processes.

2.6.7 Anticipated environmental results

- (1) The waahi tapu, waahi taonga, other taonga and mahinga kai sites are protected from the adverse effects of land use activities.
- (2) The protection of urupa sites and notification of koiwi.

2.6.8 Monitoring

In relation to sites and values of significance to the Mana Whenua, Council will monitor:

- (1) The degree to which known waahi tapu, waahi taonga and other taonga, mahinga kai sites and urupa sites are protected.
- (2) Policies that relate to Mana Whenua to ensure they meet their intent.
- (3) The number of resource consents approved and compliance with resource consent conditions.
- (4) The number of community complaints.

2.6.9 Rule

Earthworks, other than those associated with the tilling of the soil, fencing or pest plant management, on or within 100 metres of a Scheduled Archaeological Site of Significance to Mana Whenua (Table 2.6.1) is a discretionary activity.

2.6.10 Information to accompany resource consent applications

In addition to all matters referred to in Section 1.3 in this District Plan, an application for a resource consent under this section shall contain:

- (1) Details of the scheduled archaeological site of significance to the Mana Whenua and the reason for it being scheduled.
- (2) A description of the activities that it is proposed to undertake and the reasons why these must be undertaken.
- (3) A description of other options that may be available and the reasons why these are not being adopted.
- (4) An assessment of the environmental effects of the proposed activity on the scheduled archaeological site of significance to the Mana Whenua.
- (5) A record of the consultation that was undertaken with Te Rūnanga o Ngāi Tahu, the Department of Conservation, the Southland Fish and Game Council, Environment Southland, the New Zealand Historic Places Trust or the New Zealand Archaeological Association filekeeper.
- (6) A description of the measures proposed to be taken to avoid, remedy, or mitigate any adverse effects.

2.6.11 Ngāi Tahu's statutory acknowledgement - information for resource consent applications

The Ngāi Tahu Claims Settlement Act 1998 ("the Settlement Act") gave effect to the Deed of Settlement between the Crown and Te Rūnanga o Ngāi Tahu to achieve a final settlement of Ngāi Tahu's historical claims against the Crown.

The Settlement Act includes a new instrument called a statutory acknowledgement. Statutory acknowledgements recognise Ngāi Tahu's mana in relation to a range of sites and areas in the South Island, and provide for this to be reflected in the management of those areas. Statutory acknowledgements impact upon RMA processes concerning these areas, including the Gore District.

Statutory acknowledgements

A statutory acknowledgement is an acknowledgement by the Crown of Ngāi Tahu's special relationship with identifiable areas, namely Ngāi Tahu's particular cultural, spiritual, historical, and traditional association with those areas: known as statutory areas. (Refer to Appendix 2)

The purposes of statutory acknowledgements are:

- (1) To ensure that Ngāi Tahu's particular association with certain significant areas in the South Island are identified (in the District's case the Mataura River) and that Te Rūnanga o Ngāi Tahu is informed when a proposed activity may affect one of these areas.
- (2) To improve the implementation of RMA processes, in particular by requiring the Council to have regard to statutory acknowledgements when making decisions on the identification of affected parties.

Effect of statutory acknowledgements

An application for a resource consent may be affected by a statutory acknowledgement when an activity is within, adjacent to, or impacting directly upon a statutory area, in the District's case, the Mataura River.

When an application for a resource consent for an activity is within, adjacent to, or impacting directly upon a statutory area:

- (1) The Council must send a summary of the resource consent application to Te Rūnanga o Ngāi Tahu.
- (2) The Council must have regard to the statutory acknowledgement when processing, and/or making a decision on whether Te Rūnanga o Ngāi Tahu is an affected party in relation to the resource consent application.

Further information

Further information on statutory acknowledgements can be obtained from:

- (1) The Council's offices in Gore;
- (2) Environment Southland in Invercargill;
- (3) Ngāi Tahu Group Development Limited, P O Box 13-046, Christchurch;
- (4) Ministry for the Environment, PO Box 10362, Wellington 6143;
- (5) Te Ao Marama, 408 Tramway Road, Invercargill 9812.