

Rachael Elizabeth Pull (planner) on behalf of Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio and Te Rūnanga o Ngāti Tahu (Poutini Ngāti Tahu)

ADDENDUM TO EVIDENCE IN REPOSE TO PANEL REQUEST

ADDITIONAL EVALUATION OF POUTINI NGĀI TAHU VALUES AS A MATTER OF CONTROL OR DISCRETION IN ENERGY, INFRASTRUCTURE AND TRANSPORT

INTRODUCTION

1. At the Whole Plan/Introduction hearing the commissioners asked questions seeking additional information from Poutini Ngāti Tahu as to when and how Poutini Ngāti Tahu values can be provided for when assessing Controlled/ Restricted Discretionary Activities (CA/RDA).
2. Commissioner Rogers indicated that it would be helpful for the Panel to be provided with a section 32AA analysis in relation to each of the rules that Poutini Ngāti Tahu is seeking that its values be added as either a matter of control or discretion. This analysis would assist the Panel in determining whether the recommended changes will achieve the Te Tai o Poutini Plan (TTP Plan) objectives as well as considering the efficiency and effectiveness of the relief sought.
3. Given the evidence for the Energy, Infrastructure and Transport hearing was due the same day as the hearing for the Whole Plan/Introduction was heard, I was unable to incorporate this advice within my evidence in chief dated 30 October 2023, I have therefore undertaken this work and have drafted this addendum in response to the Panel's feedback.
4. In summary, after completing the s32AA evaluation I have refined the relief that Poutini Ngāti Tahu is seeking in relation to its values being added as a matter of control or discretion.

APPROACH TO GIVING EFFECT TO THE WEST COAST REGIONAL POLICY STATEMENT

5. As discussed in paragraphs 24-31 of my evidence in chief, the West Coast Regional Policy Statement (WCRPS) requires that the provisions of Chapter 6 Regionally Significant Infrastructure (RSI) must be read together with Chapter 3 Resource Management Issues of Significance to Poutini Ngāti Tahu (Chapter 3) to understand the direction for sustainable management in more specific contexts.
6. This approach, i.e. reading the RSI Chapter 6 objectives and policies alongside Chapter 3 of the WCRPS, is not considered within the s32 TTPP report or the s42A report for Energy, Infrastructure and Transport which only considers Chapters 8, 9 and 11¹ of the WCRPS.
7. In my evidence and discussed below, I have read the WCRPS chapters together to come to my conclusion on how the TTP Plan can best give effect to the WCRPS. Specifically, and as directed by the WCRPS, my analysis considers the special relationship Poutini Ngāti Tahu has with the te taiao and how it will be given particular consideration and opportunities for active involvement in

¹ Chapter 8 Land and Water, Chapter 9 Coastal Environment and Chapter 11 Natural Hazards

resource management processes.

SECTION 32AA EVALUATION

8. As set out in my evidence in chief, Poutini Ngāi Tahu's submission sought the following relief in respect of the Energy, Infrastructure and Transport Chapters:

That for rules ENG-R11-R14, INF-R13-R23 and TRN-R7-R12 the following matter of discretion is added:

The degree to which the proposed activity will cause significant adverse effects on Poutini Ngāi Tahu values

9. The limitation to 'significant' adverse effects was about providing for and enabling Energy, Infrastructure and Transport activities as identified in Chapter 6 of the WCRPS while still balancing the objectives, policies and Method 5 of Chapter 3 in the WCRPS to add conditions to resource consents where appropriate to avoid, remedy or mitigate adverse effects on iwi values².
10. Subsequent to my evidence being prepared, I have undertaken a s32AA evaluation in respect of that relief, this is set out below.
11. The section 32AA further evaluation for each chapter considers:
- Whether the amended rules are the best way to achieve the purpose of the RMA³;
 - If the rules are the most appropriate way to achieve the objectives;
 - The environmental, social, economic and cultural benefits and costs of the amended rules;
 - The efficiency and effectiveness of the rules for achieving the objectives; and
 - The risk of acting or not acting where there is uncertain or insufficient information about the rules.
12. This assessment is based on Tables 1-3 included in **Appendix 1** that relate to each respective Chapter, and feasible scenarios are used to trigger Controlled or Restricted Discretionary Consent to demonstrate how the Poutini Ngāi Tahu values would be considered, and conditions added. The values and conditions identified in Appendix 1 consider Poutini Ngāi Tahu values as identified in the Tangata Whenua Chapter of the TTP Plan.

THE ENERGY CHAPTER

13. Energy Objective O2 includes a requirement to minimise adverse effects on communities and the environment. To achieve this, Policies P2, P4 and P8 have regard to Poutini Ngāi Tahu culture and values. As set out in Table 1 in Appendix 1, the identified RDA activities could potentially impact Poutini Ngāi Tahu values. Yet the matters of discretion do not address the requirement to minimise adverse effects on the environment as set out by ENG-O2, and only has regard to Poutini

² Method 5, Chapter 3 West Coast Regional Policy Statement

³ Note that this consideration has been addressed in my evidence. Paragraphs 15-30 of Topic 1.

Ngāi Tahu values within the limits of the identified SASM areas⁴.

14. In my opinion, the Energy Chapter RDA that reached the threshold of 'significant' were:

Rule ENG-R11 Substations not meeting Permitted Activity standards

Rule ENG-R14 The construction, operation, maintenance and upgrade of community scale renewable electricity generation structures, renewable energy investigation activity and temporary energy activities not meeting Permitted Activity standards

15. I reached this conclusion after reviewing the potential adverse effects to Poutini Ngāi Tahu values for the feasible activities and removing effects that were able to be considered through other plan provisions and the existing matters of discretion for the rules.
16. The benefits of including the matter of discretion for Poutini Ngāi Tahu values are better implementation of the WCRPS, effective consideration of the Strategic Direction POU-O4 and improved cultural and environmental outcomes. The costs would be a more detailed assessment than previously considered on the potential cultural impacts in an assessment of environmental effects and/or discussion with representatives of the relevant rūnanga. However, if in the Energy Chapter, consideration of Poutini Ngāi Tahu values is limited to the two RDAs that have the potential to cause significantly adversely effects on Poutini Ngāi Tahu values, then the cost is minimised and reasonable, as well as being efficient compared to restoration of the values if damaged.
17. Many Poutini Ngāi Tahu values protect resources that once gone cannot be replaced, therefore I consider that the risk of not acting is higher than acting.
18. The additional matter of discretion is efficient as it clearly identifies and communicates to the Plan user that additional consideration of Poutini Ngāi Tahu values may be required. This means that engagement can occur early in the process and not be a surprise or delay to the activity. By discounting potential effects that are covered by other provisions of the Plan, the inclusion of Poutini Ngāi Tahu values to rules ENG-R11 and ENG-R14 will be effective in ensuring that significant adverse effects on Poutini Ngāi Tahu values are regarded and minimized as required by the objective and policies.
19. In conclusion, given the types of activities (and possible effects) that are addressed by rules ENG-R11 and ENG-R14 I consider that it remains important that Poutini Ngāi Tahu values are included as a matter of discretion.

THE INFRASTRUCTURE CHAPTER

20. The Infrastructure Objective O5 includes the minimisation of adverse effects of infrastructure

⁴ This opinion is subject to what is held to be 'overlay chapter matters' and if those matters are limited to the SASM overlay boundaries.

activities on the environment while recognising its functional and operational needs and the positive effects infrastructure can have. To achieve this, while the Policies, in particular P1 and P2, provide for the development, operation and upgrade of infrastructure they also acknowledge the need to manage the design and location of utilities and infrastructure. This policy also gives specific recognition to Poutini Ngāi Tahu requirements for discharge of wastewater to land.

21. Table 2 in Appendix 1 identifies the relevant CA and RDA rules that relate to activities that could potentially impact Poutini Ngāi Tahu values. In my opinion, the Infrastructure Chapter RDA that reached the threshold of 'significant' potential effects on Poutini Ngāi Tahu values was:

Rule INF - R16

Connections to wastewater, stormwater and reticulated systems not meeting Permitted Activity standards

22. I reached this conclusion after reviewing the potential adverse effects to Poutini Ngāi Tahu values for the feasible activities and removing effects that were able to be considered through other plan provisions and the existing matters of control or discretion for the Infrastructure rules. This became subjective where the notified text was unclear as to whether these matters of control and discretion can be interpreted to include Poutini Ngāi Tahu values, in particular:

Matter of Control or Discretion:

Visual effects in particular on the amenity values of the locality and streetscape:

Landscape measures:

Where there is uncertainty:

The term 'in particular' indicates that while visual effects are the main effect to consider, any amenity value (including cultural attributes) might also be considered. The current wording does not make it obvious to a Council planner on how and what effects need to be considered under this matter of discretion.

It is unclear what 'landscape measures' means and whether it includes the cultural landscape identified in Poutini Ngāi Tahu values, Strategic Direction POU-O4 and the WCRPS.

23. While the matters of control or discretion may be interpreted to include the identified Poutini Ngāi Tahu values, the lack of clarity and clear direction within the wording used could see a lack of consistency in application. If these matters are changed through the decision of the panel, a more specific reference to Poutini Ngāi Tahu values may be required for these CA and RDA rules that contain the above-mentioned matters of control or discretion. Some additional clarity for these matters of control or discretion has been suggested in the conclusion of this report.

24. Furthermore, Rule INF-R21 (Community Wastewater Treatment Facility in the Community Living Precinct) includes the effects on Poutini Ngāi Tahu values within or adjacent to the site as a matter of discretion. Wastewater in particular is identified in the WCRPS and TTP Plan as an important

issue for Poutini Ngāi Tahu and consideration of this should be included in Rule INF-R16 as well as this rule also addresses wastewater.

25. The benefits of including Poutini Ngāi Tahu values as a matter of discretion include better implementation of the WCRPS, effective consideration of the Strategic Direction POU-O4 and improved cultural and environmental outcomes. The costs would be a more detailed assessment than previously considered on the potential cultural impacts in an assessment of environmental effects and/or discussion with representatives of the relevant rūnanga. However, if this is only applied to the one additional RDA in the Infrastructure Chapter that has the potential to cause significantly adversely effects on identified Poutini Ngāi Tahu values, then the cost is minimised and reasonable, as well as being efficient compared to restoration of the values if damaged.
26. Many Poutini Ngāi Tahu values protect resources that once gone cannot be replaced, therefore I consider that the risk of not acting is higher than acting.
27. The additional matter of discretion is efficient as it clearly identifies and communicates to the Plan user that additional consideration of Poutini Ngāi Tahu values may be required. This means that engagement can occur early in the process and not be a surprise or delay to the activity. By discounting potential effects that are covered by other provisions of the Plan, the inclusion of Poutini Ngāi Tahu values to rule INF-R16 will be effective in ensuring that significant adverse effects on Poutini Ngāi Tahu values are regarded and minimized as required by the objective and policies.
28. In conclusion, given the types of activities (and possible effects) that are addressed by rule INF-R16 I consider that it remains important that Poutini Ngāi Tahu values are included as a matter of discretion.
29. In addition, additional clarity could be extended to the existing matters of control and discretion in relation to amenity effects and landscape measures to enable consideration and consistent application of Poutini Ngāi Tahu values through those provisions.

THE TRANSPORT CHAPTER

30. The Transport Objectives O2 and O5 acknowledge the need for character, landscape and amenity of the zone and settlements, in which transport activities are located, to be considered. Policy P1 states that the road and rail networks shall minimise the effects on adjoining properties (i.e including Sites and Areas of Significance to Māori). Table 3 in Appendix 1 identified RDA activities that could potentially impact Poutini Ngāi Tahu values. Yet the matters of discretion do not address the requirement to acknowledge character, landscape and amenity, all of which include Poutini Ngāi Tahu values.
31. In my opinion, the Transport Chapter RDA that reached the threshold of 'significant' were:

Rule TRN - R9

Formation of unformed legal road not meeting Permitted Activity standards

Rule TRN - R10

Establishing shared paths including cycleways and bridleways on public land not meeting Permitted Activity standards

32. I reached this conclusion after reviewing the potential adverse effects to Poutini Ngāi Tahu values for the feasible activities and removing effects that were able to be considered through other plan provisions and the existing matters of discretion for the rules.
33. The other RDA rules of the Transport Chapter were site specific or included work within the existing transport infrastructure, meaning that effects on Ngāi Tahu values were unlikely to be wide spread or an increase of adverse effects beyond the existing environment.
34. Rules TRN-R9 and TRN-R10 are wide in scope and have the potential to cover a significant distance. A 'road' under the Land Transport Act 1998 includes a beach and any place to which the public have access. This means that TRN-R9 may apply to a lot of different sites, and potential effects that may not be addressed through the overlay provisions. TRN-R10 refers to cycleways. Where cycleways have not been directly adjacent to the formed carriageways, they have transversed often sensitive environments as part of a recreational activity and part of the New Zealand Cycle Trail. Due to the significant amount of public land and scenery within the West Coast, it was feasible to believe that this rule would apply to the next cycle trail as part of the national network.
35. I also had difficulty understanding the potential effects between these two rules and the formation of a new transport corridor is a not meeting the Permitted Activity standards (TRN-R13) which is a Discretionary Activity and could potentially have similar effects.
36. The benefits of including the matter of discretion for Poutini Ngāi Tahu values include better implementation of the WCRPS, effective consideration of the Strategic Direction POU-O4 and improved cultural and environmental outcomes for the adjoining properties and landscapes. The costs would be a more detailed assessment than previously considered on the potential cultural impacts in an assessment of environmental effects and/or discussion with representatives of the relevant rūnanga. However, if this is only applied to these two RDA rules in the Transport Chapter that have the potential to cause significantly adversely effects on Poutini Ngāi Tahu values, then the cost is minimised and justified, as well as being efficient compared to restoration of the values if damaged.
37. Many Poutini Ngāi Tahu values protect resources that once gone cannot be replaced, therefore I consider that the risk of not acting is higher than acting.
38. The additional matter of discretion is efficient as it clearly identifies and communicates to the Plan user that additional consideration of Poutini Ngāi Tahu values may be required. This means that engagement can occur early in the process and not be a surprise or delay to the activity. By discounting potential effects that are covered by other provisions of the Plan, the inclusion of Poutini Ngāi Tahu values to rules TRN-R9 and TRN-R10 will be effective in ensuring that significant

adverse effects on Poutini Ngāi Tahu values are considered as required by the objectives and policies.

39. In conclusion, given the types of activities (and possible effects) that are addressed by rules TRN-R9 and TRN-R10 I consider that it remains important that Poutini Ngāi Tahu values are included as an additional matter of discretion.

CONCLUSION

Following the direction of the TTP Plan panel and after completing the s32AA evaluation, Poutini Ngāi Tahu has refined the relief it is seeking in relation to the Energy, Infrastructure and Transport chapters as follows: That for rules ENG-R11 and R14, INF- R16 and TRN-R9 and R10 the following matter of discretion is added:

The degree to which the proposed activity will cause significant adverse effects on Poutini Ngāi Tahu values

40. The above relief is subject to the understanding that specific Poutini Ngāi Tahu values can be considered through other matters of control and discretion as discussed in this addendum evidence. If this interpretation was correct, then a minor change could be considered for those matters that are unclear and could result in uneven application:

Matter of Control or Discretion:

Visual effects in particular on the amenity values of the locality and streetscape:

How to provide more clarity:

Re-word to emphasise that all amenity values can be considered, and include 'attributes' to ensure that the definition is used in the assessment.

"Amenity values (including attributes) of the locality and streetscape, including visual effects"

Landscape measures:

Provide an explanation of what features of the landscape that will be considered and change to the matter from 'measures' to 'adverse effects':

"Adverse effects on the natural character, amenity and perceptual values of the landscape."

41. This amendment to the TTP Plan will address the concerns I raised in my evidence, will achieve the objectives and strategic direction of the TTP Plan and WCRPS, and be efficient and effective to implement as it is targeted to those activities that have the potential to cause significant effects in a manner than is not addressed by the existing matters of control or discretion for each rule.

Rachael Pull

26 November 2023

Appendix 1

Assessment Tables for Poutini Ngāi Tahu values⁵

The following tables have used a fictional yet realistic scenario that would trigger each of the controlled and restricted discretionary rules of the energy, infrastructure and transport chapters. They have been split into two part each. The first half of the table uses the values as described in the Tangata Whenua chapter, to listed potential effects on those values that would be triggered by what part of the activity required consent.

The second half of the table reviews the existing matters of control or discretion as well as other relevant parts of the Plan to determine if there is the potential for significant adverse effects on Poutini Ngāi tahu values that are not already provided for within the Plan. This analysis has been subjective as there are several matters of discretion that are open to interpretation. If my interpretation is incorrect of the matters of control and discretion or they significantly change as a result of hearing evidence of other submitters, then further consideration by the panel may be required to determine if the values have been considered.

TABLE 1: ENERGY

Relevant Objectives and Policies

ENG – O2 To recognise the functional and operational needs associated with the location and design of energy activities, and to **minimise adverse effects of these activities on communities and the environment.**

ENG – P2 When considering proposals to develop and operate new and existing energy activities have particular regard to the benefits to be obtained from the proposal, including; ...

c. Economic, social, environmental or **cultural wellbeing**;

ENG – P4 Minimise adverse effects on communities and the environment from energy activities by:

- d. Having regard to the values associated with areas identified as having significant environmental values, urban amenity, areas of high recreational value, outstanding and high natural character areas, outstanding landscapes and features, **Poutini Ngāi Tahu** and heritage sites, and significant natural areas;

ENG – P8 Manage the adverse effects of the National Grid by:

c.ii. Seeking to avoid significant adverse effects on other areas of natural character, natural attributes and character of natural features and landscapes and indigenous biodiversity values that meet the criteria in **Policy 11(b)**⁶ of the NZCPS 2010; and

d. Recognise that there may be some areas within the sites and areas identified in Schedules where **avoidance of adverse effects is required** to protect the identified values and characteristics.

⁵ Disclaimers: Limited to the hearing topic, does not consider overlays, district wide provisions or Strategic Direction provisions (which would trigger additional requirements). Based on TTP Plan text at the time of notification. These are theoretical examples only, they do not address all values or considerations, and are not to be used as an assessment tool by plan users.

⁶ To protect indigenous biological diversity in the coastal environment: (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:... (iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes

| CA & RDA rule | Feasible scenario consent | Activity triggering | Potentially relevant Poutini Ngāi Tahu values | Level of Rūnanga engagement | Possible conditions of consent |
|--|--|---------------------|--|--|--|
| ENG-R11 RDA Substations not meeting Permitted Activity standards | New substation zone not in an industrial zone, triggering consent. | | <ol style="list-style-type: none"> 1. Kaitiakitanga – what resources are impacted by this? (public access is reduced, loss of taonga species by clearance) 2. Mauri –Will the clearance of vegetation result in increased erosion into a waterbody or contaminants into the stormwater system? 3. Mahinga kai – could the infrastructure particularly during construction impact a food or resource gathering spot? 4. Wāhi tapu & Taonga – is an important viewshaft, marker (pou) or spiritual journey impacted by this structure? | <ul style="list-style-type: none"> • Pre-lodgment discussion with Rūnanga • Council reaches out to Rūnanga for expert advice | <ol style="list-style-type: none"> 1. Requirement for new public access route and replanting of indigenous species. 2. Erosion and sediment control requirements. A stormwater swale (planted and maintained) 3. No Construction will occur on the site between xx and xx in order to allow for the traditional harvest of e.g. whitebait/inanga. 4. Painted with colours that blend in/not obstruct view from xx point. |
| ENG – R12 RDA Operating existing transmission and distribution lines, new distribution and transmission lines, maintaining, minor upgrading, strengthening, upgrading and replacing support structures and foundations not meeting Permitted Activity standards | A replacement pole is significantly bigger (30%+ taller) | | <ol style="list-style-type: none"> 1. Wāhi tapu – Will the additional height result in the need for larger, wider and deeper foundations? This could impact a sacred site if located near a SASM site or NZAA site. 2. Taonga— will it impact the visibility of an important cultural landform? | | <ol style="list-style-type: none"> 1. Accidental Discovery Protocol. 2. Painted with colours that blend in/not obstruct view from xx point. |
| ENG-- R13 RDA Installation of electricity cabinets not meeting Permitted Activity standards | A cabinet higher than 2m. | | | | |

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|---|--|--|--|--|
| <p>ENG-- R14 RDA</p> <p>The construction, operation, maintenance and upgrade of community scale renewable electricity generation structures, renewable energy investigation activity and temporary energy activities not meeting Permitted Activity standards</p> | <p>Community Renewable electricity (wind generation turbines).</p> | <ol style="list-style-type: none"> 1. Kaitiakitanga & Rangatiratanga – Will the scale trigger either a need for a CIA and/or inclusion of a Ngāi Tahu nominated member of a hearing panel if the scale and significance of effects meant the application was notified and submissions were received. 2. Mahinga kai – Will there be impacts on taonga species, cultural resources and mahinga kai and the ability to access them. 3. Ki Uta Ki Tai – the bigger picture of this project and how it integrates. 4. Wāhi tahu – if there is one SASM site in the area, there is the possibility there may be other unrecorded sites . 5. Taonga –Are there cultural landscapes within, or visually impacted, by the proposal? Are there taonga species within the area? | <ul style="list-style-type: none"> • Pre-lodgment discussion with Rūnanga • Council reaches out to Rūnanga for expert advice | <ol style="list-style-type: none"> 1. Implementation of the recommended conditions in the CIA. 2. Replanting and increased access. 3. Relocation of part of the structures or Reduction in scale. 4. Accidental Discovery Protocol. 5. Taonga species are preserved onsite. |
|---|--|--|--|--|

Existing matters of discretion:

Other rules relevant in the Plan:

- **Sites and Areas of Significance to Māori overlay and schedule three**
- **Earthworks Chapter: EW-R1**
 - **(3)** Erosion and sediment control measures must be put in place to avoid sediment run-off from earthworks activities entering a Council reticulated network or into waterbodies;
 - **(7):** In the event of discovery of any sensitive or archaeological material that the Accidental Discovery Protocol outlined in Appendix Four must be followed.

| CA & RDA rule | Possible conditions of consent | Relevant Matters of Discretion | Poutini Ngāi Tahu values not covered by existing provisions |
|---|--|--|---|
| <p>ENG-R11 RDA</p> <p>Substations not meeting Permitted Activity standards</p> | <ol style="list-style-type: none"> 1. Requirement for new public access route and replanting of indigenous species. 2. Erosion and sediment control requirements. A stormwater swale (planted and maintained) 3. No Construction will occur on the site between xx and xx in order to allow for the traditional harvest of e.g. whitebait/inanga. 4. Painted with colours that blend in/not obstruct view from xx point. | <p>Landscape measures;</p> <p>The degree to which the proposed activity will cause significant adverse effects on Overlay Chapter matters.</p> | <ol style="list-style-type: none"> 1. Requirement for new public access route and replanting of indigenous species. 2. No Construction will occur on the site between xx and xx in order to allow for the traditional harvest of e.g. whitebait/inanga. |
| <p>ENG – R12 RDA</p> <p>Operating existing transmission and distribution lines, new distribution and transmission lines, maintaining, minor upgrading, strengthening, upgrading and replacing support structures and foundations not meeting Permitted Activity standards</p> | <ol style="list-style-type: none"> 1. Accidental Discovery Protocol. 2. Painted with colours that blend in/not obstruct view from xx point. | <p>The degree to which the proposed activity will cause significant adverse effects on Overlay Chapter matters.</p> | <p>none</p> |
| <p>ENG-- R13 RDA</p> <p>Installation of electricity cabinets not meeting Permitted Activity standards</p> | | | |

| | | | |
|---|--|--|---|
| <p>ENG-- R14 RDA</p> <p>The construction, operation, maintenance and upgrade of community scale renewable electricity generation structures, renewable energy investigation activity and temporary energy activities not meeting Permitted Activity standards</p> | <ol style="list-style-type: none"> 1. Implementation of the recommended conditions in the CIA. 2. Replanting and increased access. 3. Relocation of part of the structures or Reduction in scale. 4. Accidental Discovery Protocol. 5. Taonga species are preserved onsite. | <p>Landscape measures;</p> <p>The degree to which the proposed activity will cause significant adverse effects on Overlay Chapter matters.</p> | <ol style="list-style-type: none"> 1. Implementation of the recommended conditions in the CIA. 2. Replanting and increased access. 3. Relocation of part of the structures or Reduction in scale. 5. Taonga species are preserved onsite. |
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TABLE 2: INFRASTRUCTURE

Relevant Policies

INF - O5 The **adverse effects of infrastructure on the environment are minimised**, while recognising: ...

INF - P1 Recognise and **provide for** the positive social, economic, **cultural** and environmental **benefits** from the development, continued operation and upgrading of utilities and infrastructure.

INF - P2 Manage the design and location of utilities and infrastructure, including when sited in overlays in a way which considers: ...

c. Poutini Ngāi Tahu requirements for discharge of wastewater to land; ...

f. The need to **minimise adverse effects on the environment**.

| CA & RDA rule | Feasible Activity scenario triggering consent | Potentially relevant Poutini Ngāi Tahu values | Level of Rūnanga engagement | Possible conditions of consent |
|---|---|---|--|--|
| <p>INF - R13 CA New telecommunications poles and antennas in road reserve</p> <p>INF - R22 RDA New Telecommunications Kiosk not meeting Permitted Activity Standards</p> <p>INF - R23 RDA New Telecommunications Poles and Antennas attached to Poles and cabinets not meeting Permitted or Controlled Activity Standards</p> | Telecommunication Pole in different location or higher than existing. | <ol style="list-style-type: none"> 1. Wāhi tapu – Will the additional height will result in the need for larger, wider and deeper foundations? This could impact a sacred site if located near a SASM site or NZAA site. 2. Taonga - will it impact the visibility of an important cultural landmark? | <ul style="list-style-type: none"> • Pre-lodgment discussion with Rūnanga • Council reaches out to Rūnanga for expert advice | <ol style="list-style-type: none"> 1. Accidental Discovery Protocol. 2. Painted with colours that blend in/not obstruct view from xx point. |
| <p>INF - R16 RDA⁷ Connections to wastewater, stormwater and reticulated systems not meeting Permitted Activity standards</p> | Wastewater system for Industrial Activity not connected to the reticulated network. | <ol style="list-style-type: none"> 1. Kaitiakitanga & Rangatiratanga – Could the type of industrial activity (and contaminants) trigger a CIA for the regional consent which would also be re-used for this application? 2. Mahinga kai – What are the impacts on taonga species, cultural resources and modern mahinga kai and the ability to access them? 3. Ki Uta Ki Tai – What is the bigger picture of this project and how it integrates with the taiao (is it temporary)? 4. Wāhi tahu – Is there SASM sites in the area that could indicate there are other sites unrecorded? 5. Taonga – Are there are cultural landscapes within or visually impacted by this proposal? | | <ol style="list-style-type: none"> 1. Implementation of the recommended conditions in the CIA. 2. Replanting and increased access. 3. Relocation of part of the structures or reduction in scale. 4. Accidental Discovery Protocol. 5. Taonga species are preserved onsite. |

⁷ Note I have not included INF-R21 in this assessment as it has as a matter of discretion the effects on Poutini Ngāi Tahu values within or adjacent to the site.

| | | | | |
|---|--|--|--|--|
| INF - R17 RDA New underground gas pipeline up to 2,000 kilopascals and ancillary above ground stations and equipment | The pipeline is above ground. | 1. Wāhi tapu – Will the foundations impact a sacred site if located near a SASM site or NZAA site. 2. Taonga - will it impact the visibility of an important cultural landmark? | | 1. Accidental Discovery Protocol. 2. Painted with colours that blend in/not obstruct view from xx point. |
| INF - R18 RDA Lighthouses, navigational aids and beacons not meeting Permitted Activity standards | New lighthouse | | | |
| INF - R19 RDA Environmental monitoring and extreme weather event monitoring and meteorological facilities not meeting Permitted Activity standards | Monitoring equipment needs to be higher. | 1. Wāhi tapu – Will the additional height result in the need for larger, wider and deeper foundations? This could impact a sacred site if located near a SASM site or NZAA site. 2. Taonga - will it impact the visibility of an important cultural landmark? | <ul style="list-style-type: none"> Pre-lodgment discussion with Rūnanga Council reaches out to Rūnanga for expert advice | 1. Accidental Discovery Protocol. 2. Painted with colours that blend in/not obstruct view from xx point. Storytelling signage or marker. |
| INF - R20 RDA Meteorological facilities in rural and industrial zones not meeting Permitted Activity standards | | | | |

Existing matters of discretion:

Other rules relevant in the Plan:

- **Sites and Areas of Significance to Māori overlay and schedule three**
- **Earthworks Chapter: EW-R1**
 - **(3)** Erosion and sediment control measures must be put in place to avoid sediment run-off from earthworks activities entering a Council reticulated network or into waterbodies;
 - **(7):** In the event of discovery of any sensitive or archaeological material that the Accidental Discovery Protocol outlined in Appendix Four must be followed.

| CA & RDA rule | Possible conditions of consent | Relevant Matters of Control or Discretion | Poutini Ngāi Tahu values not covered by existing provisions |
|--|--|--|---|
| <p>INF - R13 CA</p> <p>New telecommunications poles and antennas in road reserve</p> <p>INF - R22 RDA</p> <p>New Telecommunications Kiosk not meeting Permitted Activity Standards</p> <p>INF - R23 RDA</p> <p>New Telecommunications Poles and Antennas attached to Poles and cabinets not meeting Permitted or Controlled Activity Standards</p> | <ol style="list-style-type: none"> 1. Accidental Discovery Protocol. 2. Painted with colours that blend in/not obstruct view from xx point. | <p>Visual effects in particular on the amenity values of the locality and streetscape</p> <p>INF-R23 also has the following matter of discretion:</p> <p>Potential adverse effects on the values and attributes of scheduled overlay chapter areas</p> | <p>none</p> |
| <p>INF - R16 RDA⁸</p> <p>Connections to wastewater, stormwater and reticulated systems not meeting Permitted Activity standards</p> | <ol style="list-style-type: none"> 1. Implementation of the recommended conditions in the CIA. 2. Replanting and increased access. 3. Relocation of part of the structures or reduction in scale. 4. Accidental Discovery Protocol. 5. Taonga species are preserved onsite. | <p>none</p> | <ol style="list-style-type: none"> 1. Implementation of the recommended conditions in the CIA. 2. Replanting and increased access. 3. Relocation of part of the structures or reduction in scale. 5. Taonga species are preserved onsite. |
| <p>INF - R17 RDA</p> <p>New underground gas pipeline up to 2,000 kilopascals and ancillary above ground stations and equipment</p> | <ol style="list-style-type: none"> 1. Accidental Discovery Protocol. 2. Painted with colours that blend in/not obstruct view from xx point. | <p>Landscape measures</p> | <p>none</p> |

⁸ Note I have not included INF-R21 in this assessment as it has as a matter of discretion the effects on Poutini Ngāi Tahu values within or adjacent to the site.

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| INF - R18 RDA Lighthouses, navigational aids and beacons not meeting Permitted Activity standards | | | |
| INF - R19 RDA Environmental monitoring and extreme weather event monitoring and meteorological facilities not meeting Permitted Activity standards | 1. Accidental Discovery Protocol. 2. Painted with colours that blend in/not obstruct view from xx point. Storytelling signage or marker. | Landscape measures | none |
| INF - R20 RDA Meteorological facilities in rural and industrial zones not meeting Permitted Activity standards | | | |

TABLE 3: TRANSPORT

Relevant Objectives and Policies

TRN - O2 - To manage the effects of land transport infrastructure on the **character, landscape and amenity** of the towns, settlements and rural areas and minimise adverse effects on the environment.

TRN - O5 - To ensure that the provision of safe and efficient parking, loading and access is consistent with the **character, scale and intensity of the zone**, the roading hierarchy and the activity being undertaken.

TRN - P1 - The road and rail networks shall; ...

c. **Minimise effects on adjoining properties** including the impacts of vibration, noise and glare.

| CA & RDA rule | Feasible scenario Activity triggering consent | Potentially relevant Poutini Ngāi Tahu values | Level of Rūnanga engagement | Possible conditions of consent |
|---|--|--|--|--|
| TRN - R7 RDA Establishment of accessways, vehicle crossings, parking spaces, loading spaces, queuing and standing spaces not meeting Permitted Activity standards | Over width vehicle crossing. | 1. Wāhi tapu – Will the additional width result in the need for larger, wider and deeper foundations? This could impact a sacred site if located near a SASM site or NZAA site. | Council reaches out to Rūnanga for expert advice | 1. Accidental Discovery Protocol. |
| TRN - R8 RDA Land transport operation, removal, repairs and maintenance within a road reserve / transport corridor or an area subject to a designation not meeting Permitted Activity standards. | | | | |
| TRN - R11 RDA Establishing e-bike and e-vehicle charging stations in the transport corridor not meeting Permitted Activity standards. | Larger than 10m ² | | | |
| TRN - R9 RDA Formation of unformed legal road not meeting Permitted Activity standards | Significant size construction of road or cycle path across undeveloped land. | 1. Kaitiakitanga & Rangatiratanga – if the scale is significant or includes crossing over or near a waterbody, it would trigger a CIA for the regional consent which would also be re-used for this application. | <ul style="list-style-type: none"> Pre-lodgment discussion with Rūnanga | <ol style="list-style-type: none"> Implementation of the recommended conditions in the CIA. Replanting and increased access. |

| | | | | |
|--|--------------------------|--|--|---|
| <p>TRN - R10 RDA</p> <p>Establishing shared paths including cycleways and bridleways on public land not meeting Permitted Activity standards</p> | | <ol style="list-style-type: none"> 2. Mahinga kai – impacts on taonga species, cultural resources and mahinga kai and the ability to access them. 3. Ki Uta Ki Tai – the bigger picture of this project and how it integrates. 4. Wāhi tahu – if there is one SASM site in the area, there could be other sites unrecorded. 5. Taonga – if there are cultural landscapes within or visually impacted by this proposal. | <ul style="list-style-type: none"> • Council reaches out to Rūnanga for expert advice | <ol style="list-style-type: none"> 3. Relocation of part of the structures or Reduction in scale. 4. Accidental Discovery Protocol. 5. Taonga species and habitats are preserved |
| <p>TRN - R12 RDA</p> <p>High Trip generating transport activities</p> | <p>Large Supermarket</p> | <ol style="list-style-type: none"> 1. Wāhi tapu – Will the additional traffic impact a sacred site if located near a SASM site or NZAA site. | <ul style="list-style-type: none"> • Council reaches out to Rūnanga for expert advice | <ol style="list-style-type: none"> 1. Screening of the area. |

Existing matters of discretion:

Other rules relevant in the Plan:

- **Sites and Areas of Significance to Māori overlay and schedule three**
- **Earthworks Chapter: EW-R1**
 - **(3)** Erosion and sediment control measures must be put in place to avoid sediment run-off from earthworks activities entering a Council reticulated network or into waterbodies;
 - **(7):** In the event of discovery of any sensitive or archaeological material that the Accidental Discovery Protocol outlined in Appendix Four must be followed.

| CA & RDA rule | Possible conditions of consent | Relevant Matters of Control or Discretion | Poutini Ngāi Tahu values not covered by existing provisions |
|---|---|---|--|
| <p>TRN - R7 RDA Establishment of accessways, vehicle crossings, parking spaces, loading spaces, queuing and standing spaces not meeting Permitted Activity standards</p> <p>TRN - R8 RDA Land transport operation, removal, repairs and maintenance within a road reserve / transport corridor or an area subject to a designation not meeting Permitted Activity standards.</p> <p>TRN - R11 RDA Establishing e-bike and e-vehicle charging stations in the transport corridor not meeting Permitted Activity standards.</p> | <p>1. Accidental Discovery Protocol.</p> | <p>none</p> | <p>none</p> |
| <p>TRN - R9 RDA Formation of unformed legal road not meeting Permitted Activity standards</p> | <p>1. Implementation of the recommended conditions in the CIA. 2. Replanting and increased access. 3. Relocation of part of the structures or Reduction in scale. 4. Accidental Discovery Protocol.</p> | <p>none</p> | <p>1. Implementation of the recommended conditions in the CIA. 2. Replanting and increased access. 3. Relocation of part of the structures or Reduction in scale. 5. Taonga species and habitats are preserved</p> |

| | | | |
|--|---|--|---|
| <p>TRN - R10 RDA</p> <p>Establishing shared paths including cycleways and bridleways on public land not meeting Permitted Activity standards</p> | <p>5. Taonga species and habitats are preserved</p> | <p>Visual impacts on landscapes over 1000m above sea level</p> | <p>1. Implementation of the recommended conditions in the CIA.</p> <p>2. Replanting and increased access.</p> <p>3. Relocation of part of the structures or Reduction in scale.</p> <p>5. Taonga species and habitats are preserved</p> |
| <p>TRN - R12 RDA</p> <p>High Trip generating transport activities</p> | <p>1. Screening of the area.</p> | <p>none</p> | <p>1. Screening of the area*.</p> |

- Note I have not included TRN-R12 as a rule potentially requiring Poutini Ngāi Tahu values to be a matter of discretion despite the potential effect as I do not see that it is feasible that there would be a high trip generating activity where the additional traffic movements above the permitted baseline would have the potential to cause significant effect on a wāhi tapu site.