

**IN THE MATTER of**  
**the Resource Management Act 1991**

**AND**

**IN THE MATTER of**

**Hearing of submissions and further submissions on**  
**the Proposed Te Tai o Poutini Plan**

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**MINUTE 18 – POSITION PAPER**  
**RACHAEL ELIZABETH PULL**  
**ON BEHALF OF TE RŪNANGA O NGĀTI WAEWAE, TE RŪNANGA O MAKAAWHIO AND TE RŪNANGA O**  
**NGĀI TAHU (POUTINI NGĀI TAHU)**  
**(Submitter 620 and Further Submission FS41)**  
**1 February 2024**

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## **Introduction**

1. Following expert conferencing on 19 December 2023 and 18 January 2024, Melissa McGrath (Senior Associate Planner at Barker & Associates, s42A report joint reporting officer) and I meet online on Friday 26 January 2024 to conference outstanding issues raised by the Poutini Ngāi Tahu submission in relation to the Energy, Infrastructure and Transport chapters that were not addressed at the expert conferencing.
2. Below is a summary of the outstanding issues raised by the Poutini Ngāi Tahu submission and how the discussion concluded at the conferencing. Most submission points were agreed in theory, but the final wording to be recommended to the Panel was not able to be confirmed at the time of conferencing and therefore the issues are still outstanding.



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**Rachael Pull, for Poutini Ngāi Tahu**

**Date: 1 February 2024**

**Outstanding Issues for Poutini Ngāi Tahu after conferencing on 18 January 2024**

Issue		Reporting Officer Position	Position after conferencing
Definitions: Critical Infrastructure/ Regionally Significant Infrastructure (620.028)			
1a.	Replace references to Critical Infrastructure with Regionally Significant Infrastructure (RSI)	Agree	<p>The submission point is about clarity, and there is agreement that there is advantage to using RSI, but it does not need to be an exact copy of the definition. The TTPP addresses different issues at a different scale to regional planning documents.</p> <p>I am still unclear in how this definition will be applied to other chapters/hearings that refer to 'Infrastructure' or 'Network Utility' activities.</p>
1b.	Special Purpose Roads	Agree	<p>After explanation that the Special Purpose Roads are a particular list of roads and that the RSI definition does not include roads (except State Highways), I support the inclusion as long as the roads are listed.</p>
1c.	Limited to Statutory Agencies	Will consider	<p>RSI is 'Infrastructure' but is given a higher priority than infrastructure in general due to its importance for economic and social wellbeing (WCRPS). However, due to its vital role it has more permissive controls. If not managed well, the adverse effects of RSI can be significant over a large area or population. This is why I recommend that RSI be limited to 'Statutory Agencies' (TTPP term not defined) or 'Requiring Authorities'. This has been done in the RSI definition for seawalls, stopbanks and erosion protection structures to limit these structures to those managed by the Regional Council. I note this would not work for Manawa Energy, which could be excluded from this limitation to be consistent with national planning documents relating to energy infrastructure, but for three water infrastructure and waste storage or disposal in particular, it could be an effective definition. The Infrastructure Chapter already has separate rules for three water infrastructure not part of the network (INF-R16) and</p>

			<p>hazard protection structures constructed by a statutory agency (NC-R3) so the TTPP already implements a similar separation of RSI activities based on ownership/management. When limited to these agencies/councils/authorities, it recognises that RSI activities undertake additional social assessments and requirements and there is an enduring responsibility and accountability to the public which a limited liability company does not have.</p> <p>As noted in the conferencing, private company assets will still be considered infrastructure and there are emergency provisions in the RMA, so business as usual for private infrastructure would continue.</p>
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#### Outstanding Issues for Poutini Ngāi Tahu discussed on 26 January 2024

Submitter Position		Reporting Officer Position	Discussions
2.	ENG-P4 'Poutini Ngāi Tahu'... what? Consider adding sites/areas/values to the policy (s620.084)	Agree	The policy is considering the identified values of defined areas, so for clarity stating that it means Sites and Areas of Significance to Māori would help implementation.
3. Matters of Control or Discretion for the Energy, Infrastructure and Transport chapters (620.015)			
3a.	ENG-R11, ENG-R14, INF-R17, INF-R19, INF-R20 Clarify 'Landscape Measures'	Agree, but need to look into better wording that still uses 'landscape' as	Discussed the lack of information on what 'landscape measures' meant. No definitions in planning documents to base it off.

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	It is unclear what 'landscape measures' means and whether it includes the cultural landscape.	the prominent consideration.	<p>It is theoretically more than the landscape values identified in the overlays given ENG-R11 refers to landscape measures as well as overlay matters as separate matters of discretion.</p> <p>Option for replacement of 'Landscape Measures' in conferencing text: <i>The effects of the proposal on the amenity, character and landscape values of the underlying Zone</i>. This links it to the characteristics of the zone (i.e rural landscape, industrial area etc) and isn't a double up of the overlays.</p> <p>Note: This term is also used in matters of control and discretion elsewhere in the TTPP.</p>
3b	<p>INF-R13, INF-R14, INF-R15, INF-R22, INF-R23, TRN-R10</p> <p>Clarify 'Visual effects in particular on the amenity values'.</p> <p>It is unclear if the amenity values are focused on the physical or if they include attributes as in the RMA definition.</p>	Agree in theory, but need to look into better wording that also links back to the Objectives and Policies.	<p>Agreement that the current wording is unclear.</p> <p>Consider re-wording to emphasise that all amenity values can be considered and include 'attributes' to ensure that the RMA definition is used in the assessment.</p> <p><i>"Amenity values (including attributes) of the locality and streetscape, including visual effects"</i></p>
3c	ENG-R11, ENG-R14, INF-R16, TRN-R9, TRN-R10	Personal experience with similar situations means that a direct reference to	The amended matter of discretion was put forward by Ms Pull at the 18 January 2024 conferencing and was asked to discuss it with separately as the other experts did not indicate a particular issue with the wording. It addresses the submission point to

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	<p>Requested inclusion of the following (version suggested at conferencing):</p> <p><i>'The management of impacts on Poutini Ngāi Tahu values as set out in the Tangata Whenua chapter'</i></p>	<p>the need for a cultural impact assessment would be preferable.</p>	<p>consider Poutini Ngāi Tahu values beyond the physical as well as provides additional clarification as raised by the Panel by referencing Chapter 2 which details the values, limiting the rules and clarifying the language used in the matter of discretion.</p> <p>There was disagreement on if this would always generate a Cultural Impact Assessment or similar document. No consensus on if an Advice Note would be sufficient.</p>
3d	<p>ENG-R11, ENG-R12, ENG-R13, ENG-R14, INF-R23</p> <p>Consider reviewing the wording for considering the impact on overlay matters</p>	<p>Agree on standardisation and will work on wording.</p>	<p>Notified Versions: ENG-R11, ENG-R12, ENG-R13, ENG-R14</p> <p><i>The degree to which the proposed activity will cause significant adverse effects on Overlay Chapter matters</i></p> <p><i>INF-R23: Potential adverse effects on the values and attributes of scheduled overlay chapter areas</i></p> <p>Conferencing text version: ENG-R11</p> <p><i>The degree to which the proposed activity will cause significant adverse effects on areas and values listed in Schedules 1-8</i></p> <p>Agree that standardising the wording for these matters of discretion would make implementation easier. Noted the discussion of the Panel at the hearing where the same wording was suggested for Poutini Ngāi Tahu values and it was commented that using words such as 'degree' and 'significant' made it less clear and were potentially not necessary.</p>
4.	INF-O5	<p>Agree in theory, but need to look into better</p>	<p>Agreement that the submission has logic given the RPS and TTPP policies and rules also recognise the cultural offensiveness that needs to be considered. However the question</p>

Submitter Position		Reporting Officer Position	Discussions
	Request to include Ngāi Tahu discharge requirements (620.091)	wording that also links to the Policies.	<p>of how to word it into the Objective was difficult to shape. Agreed that a re-write of the objective will be needed. For example:</p> <p><i>The adverse effects of infrastructure on the environment are minimised <u>including but not limited to:</u></i></p> <ul style="list-style-type: none"> <li><i>a. <u>Effects on Poutini Ngāi Tahu values</u></i></li> <li><i>b. <u>xxxx</u></i></li> </ul> <p><i>while recognising:</i></p> <ul style="list-style-type: none"> <li><i>a. The functional and operational needs of infrastructure; and</i></li> <li><i>b. That positive effects of infrastructure may be realised locally, regionally, or nationally</i></li> </ul>
5.	INF-R2 Request for an advice note for capacity in 3 water network connections to include quality as well as quantity (620.094)	Agree in theory but need to look into better wording for the rule.	<p>The networks are established via RMA regional council consents and the councils should not be allowing connections under the TTPP when it will create breaches under the RMA at the regional level – this is the argument behind the submission. Water quality is a regional council function, but the network infrastructure that land use activities connect to and compliance with network infrastructure consents, are a district council function. The TTPP needs to be consistent with Regional Planning Documents, and this submission intends to be consistent in a way that provides clarity and prevents issues for TTPP users and network infrastructure compliance. A by-law is an alternative method, but as a separate process for new activities, it creates duplication of considerations (RMA, LGA &amp; Building Act).</p>

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			<p>There was discussion on the wording of the rule as it is unclear not only on what capacity is, but why 'building' and not 'activity' is used, and also how it works if there is not capacity, or a network is not there (i.e rural property).</p> <p>The purpose of the rule was agreed that if there is the ability to connect, the building/activity should be connected, and a consent required if the applicant chooses not to. However if there is no ability to connect to the network, this should not require a consent. Agreement that the rule does not currently convey that clearly.</p>
6.	<p>TRN-O2: Request to retain character, landscape and amenity of area. (620.001, 620.015)</p>	<p>Agree in theory but will review submissions to see if there is scope.</p>	<p>The Objectives for the Transport Chapter are very technical in nature and do not well recognise effects on communities or people. However there are not many submissions on these provisions for the reporting officer to consider for improving this. The removal was in the s42A report because there was not a clear connection to the policies and rules. The ability to consider effects on communities and people are limited to minimising effects on the environment (O2) and adjoining properties (P1).</p> <p>Note that retaining character, landscape and amenity could help provide clarity on what is meant by 'environment'.</p>