

BEFORE THE HEARINGS PANEL

UNDER the Resource Management Act 1991

IN THE MATTER of the Proposed Te Tai o Poutini
Plan – Sites and Areas of Significance to Māori -
Ngā Wāhi Tāpua ki te Māori

STATEMENT OF EVIDENCE OF RACHAEL ELIZABETH PULL

**ON BEHALF OF TE RŪNANGA O NGĀTI WAEWAE, TE RŪNANGA O MAKAAWHIO
AND TE RŪNANGA O NGĀI TAHU
(Submitter 620 and Further Submission FS41)**

5 April 2024

Table of Contents

| | |
|--|-----|
| INTRODUCTION | 2 |
| SCOPE OF EVIDENCE | 4 |
| RELEVANT STATUTORY DIRECTION | 5 |
| GENERAL COMMENT | 9 |
| THE OFFICE OF THE MĀORI TRUSTEE (Submitter 440) | 10 |
| POUNAMU AND AOTEA MANAGEMENT AREA OVERLAYS | 15 |
| STATUS OF SITES AND AREAS OF SIGNIFICANCE TO MĀORI OVERLAY | 17 |
| LAYOUT OF THE SASM CHAPTER AND SCHEDULE THREE | 22 |
| MAPPING | 24 |
| DEFINITIONS | 25 |
| MINING WITHIN SASM OVERLAYS | 35 |
| ACCIDENTIAL DISCOVERY PROTOCOL | 37 |
| POLICIES: OPERATIONAL AND FUNCTIONAL NEED | 39 |
| ACTIVITY RULES | 41 |
| APPENDICES AND SCHEDULES | 433 |
| SUMMARY OF RELIEF SOUGHT FOR SITES AND AREAS OF SIGNIFICANCE TO MĀORI | 45 |
| APPENDIX ONE: Summary of Ngāi Tahu submissions and the direction taken | 51 |
| APPENDIX TWO: Combined draft Accidental Discovery Protocol | 121 |

INTRODUCTION

1. My name is Rachael Elizabeth Pull.
2. I hold the qualifications of a Bachelor of Environmental Management (majoring in policy and planning) and a Postgraduate Diploma in Resource Studies from Lincoln University. I have been a full member of the New Zealand Planning Institute since 2015. I have completed the Making Good Decisions course.
3. I am employed by Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) as a Senior Environmental Advisor - Planning in Te Ao Tūroa team. I have been in this position since October 2022.
4. I have over 15 years' experience in planning in New Zealand. I have worked for Whanganui, Far North and Thames-Coromandel District Councils as a planner, undertaking plan changes, bylaws and strategy development, resource consent drafting and processing as well as monitoring and enforcement work.
5. I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise and I have not omitted material facts known to me that might alter or detract from my evidence. The issues addressed in this statement of evidence are within my area of expertise except where I state that I am relying on the evidence or advice of another person. The data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions.
6. My evidence primarily addresses the submissions of Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (collectively submitter S620 and further submitter FS41), together these groups are referred to in my evidence and section 42A report as **Ngāi Tahu** for readability purposes.
7. When referring to provisions within the Te Tai o Poutini Plan (**TTPP**) relating to Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu I have used the TTPP term of **Poutini Ngāi Tahu** for readability purposes.

8. I contributed to the primary submission and further submissions on the TTPP on behalf of Ngāi Tahu. I have also filed evidence for Ngāi Tahu in relation to TTPP hearings on Introduction/Whole Plan and Strategic Direction (dated 2 October 2023), Energy, Infrastructure and Transport (dated 30 October 2023) and Natural Character of Waterbodies and Activities on the Surface of Water Hearing (dated 19 January 2024).
9. The key documents I have referred to in drafting this brief of evidence are:
 - (a) The Resource Management Act 1991 (**RMA**);
 - (b) Te Rūnanga o Ngāi Tahu Act 1996 (**TRoNT Act**);
 - (c) Ngai Tahu Deed of Settlement 1997 (Deed of Settlement);
 - (d) Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**);
 - (e) Ngāi Tahu (Pounamu Vesting) Act 1997;
 - (f) Mana Whakahono ā Rohe Iwi Participation Arrangement 2020 (**MWoR**);
 - (g) West Coast Regional Policy Statement 2020 (**WCRPS**);
 - (h) West Coast Regional Land and Water Plan 2014 (**WCLWP**);
 - (i) Te Tai o Poutini Plan Section 42A report Introduction and General Provisions, Lois Easton circulated 18 September 2023;
 - (j) Te Tai o Poutini Plan Section 42A report Sites and Areas of Significance to Māori, Lois Easton circulated 15 March 2024; and
 - (k) Statement of Planning Evidence for Topic 1: Introduction and General Provisions, Topic 2: Strategic Directions, Part 2 General District Wide Matters Energy, Infrastructure and Transport and Natural Character of Waterbodies and Activities on the Surface of Water Hearing prepared by Rachael Pull.

SCOPE OF EVIDENCE

10. My evidence:
- (a) Outlines the key themes raised in the submission and further submissions by Ngāi Tahu, including:
 - (i) The Ngāi Tahu Claims Settlement Act and its implementation,
 - (ii) The relationship between Poutini Ngāi Tahu and Sites and Areas of Significance to Māori (**SASM**),
 - (iii) The concepts of kaitiakitanga and whanaungatanaga¹;
 - (b) Provides clarification of Ngāi Tahu submission points and further submission points relating to the SASM provisions; and
 - (c) Addresses the recommendations in the section 42A report where they deviate from the Ngāi Tahu submission.

SUMMARY

11. In relation to the SASM chapter, Ngāi Tahu made a submission and further submissions on the TTPP in general support of the notified version except where specific changes were requested. The submission generally sought to retain the notified version of the provisions, subject to further refinement of identified provisions in order to better achieve their intended purpose as well as the purpose of the RMA.
12. Specifically, Ngāi Tahu has sought the recognition and provision of Poutini Ngāi Tahu values relating to te taiao². As kaitiaki, Ngāi Tahu have the responsibility to ensure that the Ngāi Tahu Takiwā³ is left to the future generations in a better state than it currently is.

¹ The concept of whanaungatanaga is about relationship, kinship and a sense of family connection. It provides a sense of belonging and comes with rights and obligations, which serve to strengthen each member of that whānau or group.

² The concept of te taiao is the environment that contains and surrounds people. It refers to the interconnection of people and nature.

³ The concept of takiwā in this context means territory.

13. Overall, I generally agree with proposed amendments set out in the section 42A report prepared for this hearing and the direction within. I have made comment on identified provisions where the hearings panel (**Panel**) may wish to consider other factors.
14. A full summary of the Ngāi Tahu submissions that are addressed by my evidence in relation to the SASM hearing topic and the references to the section 42A report is contained in **Appendix One** of this evidence.

RELEVANT STATUTORY DIRECTION

The Resource Management Act 1991 (RMA)

15. The evidence I filed in relation to the hearings for topics one and two sets out the relevant statutory direction in the RMA that underpins the relief sought by Ngāi Tahu⁴.
16. While section 6(f) is particularly relevant given SASM sits within the definition of historic heritage in the RMA, I consider that the following matters of Part 2 are all relevant to the SASM chapter:
 - (a) Identification of SASM is a tool that is used to address several matters of national importance (s6(a), (b), (c), (d), (e) and (f) RMA);
 - (b) The SASM provisions provide a mechanism to have particular regard to s7(a), (c), and (f) RMA; and
 - (c) The SASM provisions take into account the principles of the Tiriti o Waitangi (the Treaty of Waitangi) in decision making (s8 RMA).
17. In relation to s6(a), this is established through the New Zealand Coastal Policy Statement 2010 (**NZCPS**) which recognises the cultural values of the coastal landscape to Tāngata Whenua. For example, Objective 3, and various policies in the NZCPS recognise that the coast has particular importance to Tāngata

⁴ Paragraphs 15-30 Statement of Planning Evidence for Topic 1: Introduction and General Provisions and Topic 2: Strategic Directions prepared by Rachael Pull, dated 2 October 2023.

Whenua, including as kaitiaki. The inclusion of SASM provisions in the TTPP is one tool to implement these NZCPS provisions and section 6(a).

18. In relation to s6(b), best practice requires consideration of Tāngata Whenua associations and values as being part of an outstanding natural landscape. Where a scheduled SASM is located within an ONL, the current approach proposed by the section 42A reporting officer has been to identify those SASM in the ONL schedule as values to be considered. The s42A report has used the SASM schedule as a method to recognise Tāngata Whenua values in the ONL.
19. In relation to s6(c), the Ngāi Tahu Claims Settlement Act 1998 (NTCSA) has recognised that particular indigenous vegetation and fauna are recognised as Taonga Species with cultural and spiritual value⁵. The SASM chapter proposes the inclusion of rule SASM-R4 which specifically requires consideration of whether cultural values are impacted by activities involving indigenous vegetation within particular SASM locations. This is also consistent with the National Policy Statement on Indigenous Biodiversity in regards to 'acknowledged taonga'⁶.
20. In relation to s6(d), the TTPP predominantly manages the associated Poutini Ngāi Tahu values through the chapters relating to waterbodies, however the SASM chapter and Schedule Three does include several recognised waterbodies with additional values and provides provisions to enhance access in conjunction with landowners.
21. In relation to s6(e), the SASM chapter provisions are a method proposed by the TTPP which recognise and provide for the contemporary relationship between Poutini Ngāi Tahu and the natural and spiritual world. However, for completeness, as Poutini Ngāi Tahu values extend beyond SASM boundaries

⁵ Section 288: "The Crown acknowledges the cultural, spiritual, historic, and traditional association of Ngāi Tahu with the taonga species". Full list in Schedule 97.

⁶ 'Acknowledged Taonga' means indigenous species, populations, or ecosystems that tāngata whenua have identified as taonga under clause 3.19 but that are not, or not yet, identified in a plan. Clause 3.19 requires Councils to work with Tāngata Whenua on this issue. If acknowledged in the TTPP, they are referred to as 'identified taonga' along with a description of the historical, cultural and spiritual relationship of tāngata whenua with the taonga. (Clause 3.19).

the identification and protection of SASM is not the only way in which the TTPP gives effect to section 6(e).

22. In relation to s6(f), the SASM chapter provides for a Māori worldview process of historic heritage protection, as the TTPP acknowledges that the western methods and priorities of heritage protection is different to the Māori methods by virtue of the separate chapter (but having some heritage provisions applying to the SASM chapter).
23. In relation to s7(a) the SASM chapter provisions acknowledge the Poutini Ngāi Tahu value of kaitiakitanga for the sites identified in the overlay. The duties associated with kaitiakitanga that are recognised in this chapter include:
 - (a) The restoration and tradition of mahinga kai locations;
 - (b) Certification of the cultural implications of identified potential activities and uses; and
 - (c) Building constructive relationships with landowners, councils, developers and environmental agencies⁷.
24. In relation to s7(c) the SASM chapter maintains and enhances amenity values of the identified site provisions by assessing the natural and physical qualities and characteristics that contribute to Poutini Ngāi Tahu historical and cultural identity.
25. In relation to s7(d) the SASM chapter maintains and enhances the quality of the environment of the identified site provisions by assessing via the certification process the natural and physical qualities, the amenity values and the cultural values of Poutini Ngāi Tahu.
26. In relation to s8 the SASM provisions acknowledge and provide a method for implementation for the following principles of the Treaty:
 - (a) Retention of rangatiratanga: The objectives clearly acknowledge Ngāi Tahu rangatiratanga in Te Tai o Poutini/West Coast.

⁷ Adapted from the Environment Guide. Accessed from: [Section 7 - Other Matters • Environment Guide](#)

- (b) Duty of active protection: The SASM areas are a form of active protection of particular lands and waters.
- (c) Duty to Consult: The SASM provisions help the Councils make informed decisions during consideration of resource consent applications if consultation with Poutini Ngāi Tahu is required.

27. I also note that through section 35A(2), the Crown must provide the councils with information on iwi or groups that exercise kaitiakitanga within that region or district. The Local Government Reorganisation Scheme (West Coast Region) Order 2019 (**Order of Council**) establishing the process for the TTPP, clearly identifies Te Rūnanga o Kāti (Ngāti) Waewae and Te Rūnanga o Makaawhio as being parties on the TTPP Committee because the Crown recognises them as exercising kaitiakitanga within Te Tai o Poutini/West Coast. This acknowledges the role of Poutini Ngāi Tahu as kaitiaki and holding the rangatiratanga of the West Coast, with no other groups recognised.

Te Rūnanga o Ngāi Tahu Act 1996 (TRoNT Act)

28. The TRoNT Act provides for the modern structure of Ngāi Tahu. Te Rūnanga o Ngāi Tahu (Te Rūnanga) is the collective of eighteen Papatipu Rūnanga, which are regional bodies that represent local views of Ngāi Tahu Whānui. Section 15(2) states that:

“Where any enactment requires consultation with any iwi or with any iwi authority, that consultation shall, with respect to matters affecting Ngāi Tahu Whānui, be held with Te Rūnanga o Ngāi Tahu”⁸

29. Pursuant to section 10 of the TRoNT Act, the Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001 was made. The schedule to that Order identifies the two Papatipu Rūnanga of Ngāi Tahu who have mana whenua on the West Coast as Te Rūnanga o Kāti (Ngāti) Waewae and Te Rūnanga o Makaawhio.

⁸ Section 15(2) Te Runanga o Ngai Tahu Act 1996.

30. Section 5 of the TRoNT Act defines the Takiwā of Ngāi Tahu Whānui. This is the area in which Ngāi Tahu is the tāngata whenua and exclusively holds rangatiratanga and includes the entire West Coast/Te Tai o Poutini region.

Ngāi Tahu Claims Settlement Act 1998 (NTCSA)

31. One of the most important aspects of the Crown’s settlement with Ngāi Tahu was a formal apology by the Crown. The wording was given much thought by both parties. The Crown included a formal apology as part of the Deed of Settlement and the NTCSA to acknowledge that Ngāi Tahu suffered grave injustices that significantly impaired its economic, social and cultural development. The Apology acknowledged that Ngāi Tahu is recognised “as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.”
32. The Mana Whakahono ā Rohe (MWR)⁹ recognises the principles of Te Tiriti o Waitangi and NTCSA within the planning framework:

“3.1 The Ngāi Tahu Claims Settlement Act 1998, and Treaty principles as expressed by the Courts and the Waitangi Tribunal, referenced in Appendix 2, will be:

- a) included within induction materials for Councillors and Council staff with duties and functions under the Resource Management Act;*
- b) incorporated in Council planning instruments and referenced in the development of their content.”¹⁰*

GENERAL COMMENT

Submission no. S620.023, S620.112

33. As noted in the first hearing, there is a high level of support for the TTPP in the Ngāi Tahu submission and further submissions, and the degree of support

⁹ Paetae Kotahitanga ki Te Tai Poutini - Partnership Protocol and Mana Whakahono ā Rohe - Iwi Participation Agreement (2020).

¹⁰ Page 17 Paetae Kotahitanga ki Te Tai Poutini - Partnership Protocol and Mana Whakahono ā Rohe - Iwi Participation Agreement (2020).

for the recommendations of the section 42A report for the provisions (and submission points) being considered in the SASM overlay. The high degree of support reflects the implementation of the MWoR, NTCSA and the recognition of areas of interest for Ngāi Tahu in the Local Government Reorganisation Scheme (West Coast Region) Order 2019.

34. The provisions for the SASM chapter, as detailed in Mr Paul Madgwick's evidence, were identified on a site-specific basis in partnership with Poutini Ngāi Tahu as opposed to general rules applying wider than necessary and for more sites than required. This lack of categorisation and grouping (which could have potentially created unnecessary consents) is a strength of these rules as it provides for the relationship of Poutini Ngāi Tahu with each site, while enabling appropriate subdivision, use and development. The assessment of the values of each of the sites and the potential threats to those values, has been established at the Plan development stage rather than being considered in response to individual consent applications, meaning that there is more clarity to landowners, applicants and Councils.
35. In other words, I consider that the 'targeted' approach taken in the SASM provisions has been enabling of subdivision, use and development where it is appropriate for each individual SASM site. This approach differs from the approach I have seen taken in other district planning frameworks where resource consent is required due to the prominent feature within a SASM site creating a standardised approach to rule application.

THE OFFICE OF THE MĀORI TRUSTEE (Submitter 440)

Submission no. S620.001

Further Submission: FS41.468 on S440.017, FS41.471 on 440.018, FS41.469 on S440.019, FS41.470 on S440.020, FS41.472 on S440.021

Further Submissions on objective SASM-O2: FS41.379 on S125.005, FS41.213 on S125.006, FS41.217 on S125.007 (Ms Henderson), FS41.382 on S209.002, FS41.214 on S209.003 (Ms Carter), FS41.218 on S270.006, FS41.220 on S270.007 (Mr Page), FS41.216 on S524.048 (Federated Farmers), FS41.215 on S608.013 (Grey District Council)

36. The Office of the Māori Trustee have submitted on one objective (SASM-O2)¹¹, three policies (SASM-P5¹², SASM-P14¹³ and SASM-P15¹⁴), one rule (SASM-R5¹⁵) to limit the provisions to only apply with landowner's agreement and to remove particular SASM listings in schedule three¹⁶. The response on the particular SASM listings can be found in the evidence of Mr Madgwick.
37. Staff on behalf of The Office of the Māori Trustee and Ngāi Tahu have met twice to discuss parts¹⁷ of the Office of the Māori Trustee submission and the Ngāi Tahu further submissions opposing the submission.
38. My understanding of the submission of the Office of the Māori Trustee from those hui, is that the purpose of the submission is to enable Māori landowners on Māori Land¹⁸.
39. Ngāi Tahu supports the intent of the submission as described in those hui to provide for papakāinga and improve access, development and use of Māori Land. Where the divergence in opinion occurs is with how the submission proposes to achieve this.
40. In regard to policy SASM-P5, the approach taken in the written submission by the Office of the Māori Trustee is to place Māori landowners in the same category as Mana Whenua to provide for tino rangatiratanga and kaitiakitanga. This opens the door for any Māori landowner (including the Māwhera Incorporation) to claim rangatiratanga over the West Coast.
41. The NTCSA is a statutory and binding recognition by the Crown and Parliament as the supreme lawmaker of the Takiwā in which Ngāi Tahu exclusively holds rangatiratanga and is the tāngata whenua of. The Order of Council, WCRPS

¹¹ S440.017

¹² S440.018

¹³ S440.019

¹⁴ S440.020

¹⁵ S440.021

¹⁶ S440.053

¹⁷ The parts of the submission discussed in hui include the provisions relating to the hearings for Introduction and Strategic Direction and the Outstanding Natural Landscapes.

¹⁸ For the purposes of this evidence, Māori Land means land identified in section 129(1) (a), (b) or (f) of the Te Ture Whenua Māori Act 1993.

and MWoR, all recognise Poutini Ngāi Tahu as the sole mana whenua of Te Tai o Poutini/West Coast.

42. The RMA and Local Government Act 2002 refer to “Māori” in terms of ancestral lands¹⁹ and decision-making processes²⁰ and not tāngata whenua. The central government direction (through the Order of Council and NTCSA) clearly identifies that Ngāi Tahu are the tāngata whenua for Te Tai o Poutini/West Coast. If the submission was accepted, I consider that this approach has the potential to create uncertainty and may result in processing issues for Councils as additional consideration and weighting of effects and groups beyond Poutini Ngāi Tahu will need to be considered (these submissions are also not limited to Māori Land in terms of application) and would be contrary to the statutory recognitions of the Ngāi Tahu Takiwā reproduced above. I note from experience, that the Māori Land Court online information is not updated regularly, meaning that the engagement with Māori landowners would be piecemeal at best.
43. My view is that the parts of the submission from the Office of the Māori Trustee that relate to claimed Tāngata Whenua associations, rangatiratanga or exclusions should be disallowed. However, the Panel may wish to consider how to enable the use of Māori Land through zoning.
44. The other way that the Office of the Māori Trustee has sought to protect Māori Land has been to limit the provisions (SASM-O2, SASM-P14 and SASM-P15) to only apply with landowner’s agreement. However, for the following reasons, I consider that it would be an unhelpful and inappropriate change.
45. As detailed in the s42A report²¹, the TTPP does not mandate access or property rights. Regardless of what a plan says or what a granted resource consent allows, landowners still have the right to control access on their land. Therefore there is no need to include a requirement for the landowner to consent to an activity occurring as without the landowner’s consent the land could not be accessed.

¹⁹ Section 6 Resource Management Act 1991

²⁰ Section 81 Local Government Act 2002

²¹ Paragraphs 90-91, 168, 170

46. The inclusion of landowner's agreement in these provisions, when they directly linked to cultural values, dilutes their purpose which is to recognise and protect values when considering the effects of new activities that trigger resource consent. Cultural values exist regardless of the agreement of the owner.
47. However I noted the concerns raised in relation to objective SASM-O2 by the Office of the Māori Trustee and other submitters, that the intent of the objective is open to interpretation. Given the lack of clarity, I offer an alternative wording to the panel to consider:

SASM-O2:

SASM - O2 Poutini Ngāi Tahu are enabled through formal and informal access arrangements with landowners, to maintain and use areas and resources of cultural value within identified sites, areas and cultural landscapes.

48. This is different from what is put forward by the Office of the Māori Trustee and other submitters, as the landowner approval is limited to the access arrangement and is separate to the use of cultural resources or the identification of these areas. It also changes 'able' which gives the suggestion that private property rights are not a consideration, to 'enable' which clarifies that the access is developed through a process (likely referenced or offered by the applicant as part of a resource consent).
49. The recommended objective SASM-O2 also provides a clear direction to the landowner arrangements or agreements in policy SASM-P4. Policy SASM-P4 will be considered during any resource consent application affecting a SASM and it contains detail on informal and formal access arrangements. The consideration of this policy which will apply with any resource consent considering effects in the SASM overlay, makes these submissions to amend other policies unnecessary in achieving any additional landowner approval for access.
50. The s42A report has recommended accepting the submission to include 'affected landowner' to policy SASM-P15(f). I oppose this recommendation for two reasons:

- (a) 'Affected landowner' may not be limited to the landowner that the activity is located on. This is a confusing term, which will require the Councils to consider if other landowners are affected. It will also mean considering if the landowner(s) that the resource consent applies to is 'affected'.
- (b) This proposed addition does not add anything that is not already covered more comprehensively and with more options to the landowner than policy SASM-P4. Policy SASM-P15 requires a landowner 'agreement', while policy SASM-P4 provides for a range of options including informal arrangements between landowners and Poutini Ngāi Tahu.

51. The one submission point relating to a rule in the SASM chapter (rule SASM-R5) which seeks to allow Māori landowners to undertake temporary activities on all SASM sites. I agree with the recommendation of the s42A report that normal events that might be undertaken by Māori Landowners in the everyday course of the use of their land is not affected by this rule which only applies to temporary activities on particular sites, and therefore the rule does not require amendment to achieve this.

52. **Remedy sought:**

- a. That objective SASM-O2 is amended:

SASM-O2:

SASM - O2 Poutini Ngāi Tahu are enabled through formal and informal access arrangements with landowners, to maintain and use areas and resources of cultural value within identified sites, areas and cultural landscapes.

- b. That policy SASM-P15(f) is retained as notified:

SASM-P15 Allow any other use and development on sites and areas of significance to Māori in Schedule Three where it can be demonstrated that the identified values of the site or area are protected and maintained, having regard to: ...

- f. Any practical mechanisms to maintain or enhance the ability of Poutini Ngāi Tahu to access and use the site or area of significance for karakia,

monitoring, cultural activities and ahi kā roa are made in agreement with affected landowners.

POUNAMU AND AOTEA MANAGEMENT AREA OVERLAYS

Submission no. S620.113, S620.399, S620.022, S620.123

Further Submission: FS41.672 on 172.002 (Kenneth Doig), FS41.374 on S370.002 (Ms Bradley-Peni) and FS41.380 on S425.005 (Ms Chapman), FS41.265 on S569.020 (Minerals West Coast)

Missing Submissions: Further Submission on S493.034 (TiGa), Further Submission on S599.038 (WMS), Further Submission on S604.023 (Birchfield Mining), Further Submission on S601.030 (Birchfield)

53. Note this evidence is limited to the chapter text. Mr Madgwick discusses the geographic boundary identified on the TTPP maps, and the cultural values of Pounamu and Aotea.
54. I note that several of the submissions from mining companies were not identified in the s42A report's discussion regarding SASM-P6 (these are listed above). Ngāi Tahu submitted in support of part of these submissions.
55. As acknowledged in the Ngai Tahu (Pounamu Vesting) Bill explanatory note put out by Central Government in 1996²², Pounamu is a taonga. This cultural value applies regardless of ownership. Proposed policy SASM-P16 in the s42A report at paragraph 199 refers to Poutini Ngāi Tahu ownership which is not a relevant consideration for the Council's role in implementing the Te Tai o Poutini Plan. The provisions need to focus on the potential cultural effects.
56. The s42A report²³ has recommended to clarify policy SASM-P6 that the avoidance of Pounamu or Aotea disturbance or removal by non-hapū members is only related to 'unauthorised, deliberate' disturbance or removal. I support the addition as it better clarifies the existing practice that is considered to be

²² Central Government General Policy Statement giving background on what has become the Ngai Tahu (Pounamu Vesting) Act 1997. Accessed from: http://www.nzlii.org/nz/legis/hist_bill/ntvb19962121287.pdf Page 1.

²³ Paragraph 121

working well to recognise and provide for the cultural values. However, I recommend the addition of an 'and' between unauthorised and deliberate, for readability purposes. This would mean that the relevant policies would read like:

SASM – P6 Within the Pounamu and Aotea Management overlay, enable tino rangatiratanga and kaitiakitanga of the pounamu and aotea resource by Poutini Ngāi Tahu and avoid the unauthorised and deliberate disturbance or removal of this resource by non-hapū members.

SASM – P16 Recognise that pounamu and aotea are significant cultural resources ~~and where these are owned by Poutini Ngāi Tahu within the pounamu and aotea management overlays support Poutini Ngāi Tahu management of them.~~

57. The s42A report proposes an amendment to Advice Note 1 following Rule SASM – R7 to reference the concept of “Victorian Title”. I consider that these amendments have the potential to create confusion as the term Victorian Title is not a legislative term and is understood differently depending on the context in which it is used. I also acknowledge that the statement that all Pounamu is owned by Te Rūnanga o Ngāi Tahu is also not correct. I therefore recommend the following amendment to the advice note so that the definition is not required:

Advice notes:

1. ~~Under the Pounamu Vesting Act all~~ The Ngai Tahu (Pounamu Vesting) Act 1997 vested Crown owned pounamu in ~~is owned by~~ Te Rūnanga o Ngāi Tahu. Please contact a Poutini Ngāi Tahu Rūnanaga or the Department of Conservation if any raw pounamu finds, not discovered on beaches open to public fossicking, are made.

58. **Remedy sought:**

- a. That policy SASM-P6 is amended to:

SASM – P6 Within the Pounamu and Aotea Management overlay, enable tino rangatiratanga and kaitiakitanga of the pounamu and aotea resource by Poutini Ngāi Tahu and avoid the unauthorised and deliberate disturbance or removal of this resource by non-hapū members.

- b. That policy SASM-P16 is amended as follows:

SASM – P16 Recognise that pounamu and aotea are significant cultural resources ~~and where these are owned by Poutini Ngāi Tahu within the pounamu and aotea management overlays support Poutini Ngāi Tahu management of them.~~

- c. That Advice Note 1 for rule SASM-R7 is amended as follows:

1. ~~Under the Pounamu Vesting Act~~ all The Ngai Tahu (Pounamu Vesting) Act 1997 vested Crown owned pounamu in ~~is owned by~~ Te Rūnanga o Ngāi Tahu. Please contact a Poutini Ngāi Tahu Rūnanaga or the Department of Conservation if any raw pounamu finds, not discovered on beaches open to public fossicking, are made.

STATUS OF SITES AND AREAS OF SIGNIFICANCE TO MĀORI OVERLAY

Submission no. S620.023, 620.112

Further Submission:

FS41.005 on S608.011, FS41.362 on S608.486 and S608.012, (Grey District Council), FS41.212 on S415.003 (Nikau Deer Farm), FS41.709 on S201.001 (Mr Livingstone), FS41.363 on S350.001 (Mr. Hands), FS41.365 on S520.001 (Taipo Dairies Ltd), FS41.713 on S371.002 (Ms Bradley), FS41.718 on S270.001 (Mr Page), FS41.360 on S133.001 (Mr Heal), FS41.364 on S483.008 (Scenic Hotel), FS41.168 on S341.001 (Ms Gilroy), FS41.722 on S459.014 (Greenstone Retreat), FS41.257 on S125.003, FS41.717 on S125.001 (Ms Henderson), FS41.716 on S398.002, FS41.375 on S488.014, FS41.161 on S370.003 (Ms Bradley-Peni), FS41.329 on S516.027 (Mr Croasdale), FS41.172 on S400.001 (Ms Hall), FS41.173 on S404.002 (Ms N. Hall), FS41.149 on S185.001 (Ms Wood)

59. The TTPP Committee has received a significant number of submissions questioning the ability to include the SASM overly in the TTPP and the process undertaken to recognise it. The s42A report has provided a detailed analysis of the submissions in paragraphs 54-68 and throughout the report where the theme has been repeated. I support the recommendations of the s42A report regarding these submissions and I note that there is little relevant evidence provided with these submissions to justify their positions or explain how the purpose and principles of Part 2 will be provided for without this chapter in relation to those sites.

60. As noted in paragraph 34 of this evidence, the approach undertaken by the TTPP in relation to SASM is different from other second generation plans as there is no general rules that apply to all SASM that contain a prominent feature like waterbodies, statutory acknowledgements or Māori lands. Instead, a bespoke approach based on the remaining values of these sites has been undertaken in order to reduce the number of rules that apply to each landowner. Additionally, Poutini Ngāi Tahu and the TTPP plan writers have explored new options to enable use and development of SASM. The notified TTPP included a permitted activity rule with a written approval and the s42A report recommends a certification clause as opposed to a full resource consent application.
61. I support the statement in paragraph 157 of the s42A report about uses not listed in the SASM chapter being permitted. However, I also want to clarify that this does not mean that one of those permitted activities will not have cultural effects on Poutini Ngāi Tahu values. As detailed in my written evidence for the Natural Character and Margins of Waterbodies and Activities on the Surface of Water (dated 19 January 2024), the overlays are additional rules and are meant to be read in conjunction with the rest of the TTPP. Although an activity may not require consent through the SASM rules, this does not mean that the activity will not have the potential to generate adverse effects on the values of the SASM. What this may mean is that the consideration of those potential effects is captured by rules identified in a different chapter of the plan. The Natural Character and Margins of Waterbodies chapter is a good example of this as several identified SASM sites are waterbodies. However, the rules that protect the cultural values of those waterbodies are not in the SASM chapter. I also note the Energy Chapter RDA rules all include consideration of the adverse effects on the values of the overlay chapters.
62. This is why the Tāngata Whenua chapter identifies the Poutini Ngāi Tahu values that the TTPP is to consider, even though the SASM Schedule Three identifies site specific values, because the SASM sites overlay additional site-specific values to consider on top of the Ngāi Tahu values that exist across Te Tai o Poutini/West Coast. This is the same approach as the West Coast Land and

Water Plan, Schedule 7C²⁴ where the Poutini Ngāi Tahu values of kaitiakitanga and mauri are noted as applying to all lakes and rivers in Te Tai o Poutini/West Coast and the schedule identifies additional site-specific values for specific waterbodies.

63. As discussed by Mr Madgwick, Poutini Ngāi Tahu submitted in support of making the mapping as accurate as possible for the SASM and Pounamu and Aotea Area Management overlays in order to not create unnecessary restrictions. Poutini Ngāi Tahu experts have worked with Council staff to achieve this.
64. I also note that the SASM rules have had legal effect from 14 July 2022. Ms Lynch as General Manager of Poutini Environmental, has been a part of implementing these rules on behalf of Poutini Ngāi Tahu alongside Buller, Grey and Westland District Councils. There have been six written approval requests since notification and I am aware of no issues with the process being used to date. To continue to refine the process, the s42A report has recommended three methods, similar to the approach taken in the Historic Heritage Chapter.
65. Method 1 directs Councils to work with Poutini Ngāi Tahu to identify how values will be communicated and considered. This is important as it is a balancing act between clarity and informing the applicant/landowner, the cultural sensitivity and how the information provided by Poutini Ngāi Tahu is used. In relation to the use of information, I am aware of instances where information provided by Poutini Ngāi Tahu for one application is used for another without prior input from Poutini Ngāi Tahu as to the appropriateness of that use. Ngāi Tahu are the custodians of their culture and knowledge and how that is made available to the public without breaching tikanga or intellectual property rights is something that needs to be clarified separate to this hearing by organising hui with Council and Poutini Ngāi Tahu staff and the process may vary with each Council and site listing.

²⁴ West Coast Regional Land and Water Plan 2014. Additional commentary on this issue is in paragraph 23 of my evidence for Natural Character of Waterbodies and Activities on the Surface of Water.

66. Method 2 is essentially the same as the approach proposed for the Historic Heritage chapter and I have no additional comments.
67. Method 3 identifies the need for a certification process.

The certification process

68. As discussed in paragraph 34, the expert advice Papatipu Rūnanga provided to the TTPP plan writers was that they did not want to create unnecessary costs and delays to landowners who were impacted by the SASM overlay and the need to provide for the values identified. To achieve these goals, the notified permitted rules contain a written approval clause.
69. Since notification of those rules, there has been concern that the written approval clause is ultra vires as it could be considered a third-party approval. The legal submissions can provide more detail on this issue.
70. I support the intent put forward by the written approval clause and its replacement, the certification clause. The advantage of the certification clause is that it clarifies that what is being sought is an expert opinion from Poutini Ngāi Tahu, the same approach is taken in the TTPP for noise sensitive activities (rule NOISE-R3) and charging stations in the transport corridor (rule TRN-R11). The disadvantage is, as method 3 has outlined, the current lack of quantifiable measures within the TTPP that would be used by Poutini Ngāi Tahu to certify. The advantage to the written approval process is that it is simple, straightforward and a process that the public is already familiar with, meaning that it has been easy and cost effective to implement.
71. Both approaches are not common in District Plans, and I applaud the TTPP committee for listening to Papatipu Rūnanga and exploring these new approaches. Of both approaches, I favour the written approval as it is more cost effective, and all parties understand what is required.
72. Should the Panel proceed with the certification clause within the permitted activity rules, then it needs to be clear within the Plan what criteria Poutini Ngāi Tahu will be providing certification against. I do not consider that this can be left to be determined after the TTPP becomes operative. However, I do agree that the certification criteria needs to be jointly developed by the Councils and Poutini Ngāi Tahu. If the Panel is interested in exploring the certification

approach further, I am happy to participate in conferencing to try and develop appropriate criteria. There are certification processes like the Healthy Streets design check²⁵ that provides a way to score and certify qualitative matters like sense of place. A similar framework could be applied to certification by Poutini Ngāi Tahu.

73. Currently method 3 is only proposed to apply to mineral extraction, however given that certification applies to more activities than just mineral extraction, I recommend that if certification is the method the Panel chooses, that the sentence is stopped after the term 'process' so that it applies throughout the SASM chapter where certification is part of the permitted activity clause.

74. **Remedy sought:**

- a. That the Panel accepts the recommendations in the s42A report in respect to the ability to have a SASM Chapter and Schedule Three in the TTPP.
- b. That the Panel direct staff from Buller, Grey and Westland District Councils and Poutini Ngāi Tahu to prepare written protocols on how to implement method SASM-M1 and lodge it with the Panel.
- c. That the Panel reconsider if written approvals are a legally viable method of addressing the potential adverse effects on cultural values for the following rules:

SASM-R2 (Minor Earthworks);

SASM-R4 (Indigenous Vegetation Clearance);

SASM-R5 (Temporary Events);

SASM-R6 (Earthworks, Buildings and Structures); and

SASM-R7 (Farm Quarries and Mineral Extraction).

²⁵ Healthy Streets UK. Currently being piloted in New Zealand by Waka Kotahi. Published September 2023. Accessed from: <https://www.healthystreets.com/resources>

- d. That if the Panel consider certification, that method SASM-M3 is modified to apply to all SASM provisions:

SASM-M3 Develop in partnership with Poutini Ngāi Tahu information on the cultural certification process. ~~for mineral extraction within the Pounamu and Aotea Management Area overlays~~

- e. That if the Panel consider certification, that the Panel direct staff from Buller, Grey and Westland District Councils and Poutini Ngāi Tahu to prepare criteria on the cultural certification process as identified in method SASM-M3 and lodge it with the Panel.

LAYOUT OF THE SASM CHAPTER AND SCHEDULE THREE

Submission no. S620.312, 620.115 (FS1.332 Grey District Council), 620.116, 620.395, 620.118, 620.119, 620.120, 620.121, 620.124, 620.129, S620.349, S620.350

75. I acknowledge the effort that has gone into reformatting this chapter and I support the layout of the SASM Chapter and Schedule Three as proposed in the s42A report. This layout will assist the Plan user who will be directed to this Chapter by the SASM reference number from the maps and will use that number to find the relevant information in the schedule and SASM provisions.
76. In the schedule I support the removal of the category column or trying to order the schedule by category type. I consider that the reference to categories had the potential to create confusion (due to numbering not being sequential) or create an unconscious bias for the Plan user (for example that labelling could be interpreted as category two being of higher importance than category four). A grouping approach could also have created undue costs to landowners and/or undermine the values of the rest of the category due to rules being applied where not warranted. The approach taken by Ngāi Tahu has been to only require rules based on a site-by-site analysis of cultural values as opposed to applying blanket rules based on the dominant feature of the SASM.
77. The s42A report has recommended new tables (SASM-T1 to T8) that separate SASM into grouping by applicable rules. The only unclear feature of the layout is if the new tables will be embedded within the rule i.e. whether this will be as

a table or separate like the subdivision standards. Either is an improvement in readability, however tables embedded within the rules will be easier to read. Hyperlinks between the rules, tables and schedule will also improve useability.

78. Ngāi Tahu submitted to amend the permitted activity rules for three SASM locations. The removal of listing SASM17 (Kawatiri South Bank Native Reserve) from SASM-T2 and the addition of listing SASM62 (No. 31 Māwhera Native Reserve) to SASM-T8 was accepted. However, the removal of listing SASM22 (Ōkari Lagoon) from SASM-T1 was not considered in the s42A report as part of submission S620.116.
79. Ngāi Tahu also submitted to amend the SASM104 (Kawhaka Creek Catchment) to apply to only the creek. This is addressed in the evidence of Paul Madgwick. The s42A report recommends accepting this submission (S620.349) at paragraph 433 as well as re-naming the SASM to remove reference to the catchment (S620.350). However this needs to be reflected in the marked up text for SASM-T8.
80. Additionally, there are other administrative errors, with the following sites missing from the tables:

SASM – T1 - Table for Rule SASM - R1 Grazing of Animals

SASM127 Ulipa

SASM133 No.19 Ōkarito Native Reserve Māori Reserve

SASM135 Ōkārīto (No. 18 Koamaru Native Reserve)

SASM – T2 – Table for Rule SASM - R2 Minor Earthworks²⁶

SASM163 Māori Beach Kāinga

SASM216 Ōtukoro Historic Reserve / Ōtukoro Iti, Kahurangi

²⁶ Note that these sites were identified in the notified version of Schedule 3 as having this rule apply, but it was not cross referenced correctly in the rule text.

81. **Remedy sought:**

- a. That the recommended layout in the s42A report of the SASM Chapter and Schedule Three is adopted.
- b. That SASM22 (Ōkari Lagoon) is removed from table SASM-T1.
- c. That SASM127 (Ulipa), SASM133 (No.19 Ōkarito Native Reserve Māori Reserve) and SASM135 (Ōkārīto (No. 18 Koamaru Native Reserve)) is added to table SASM-T1.
- d. That SASM163 (Māori Beach Kāinga) and SASM216 (Ōtukoro Historic Reserve / Ōtukoro Iti, Kahurangi) is added to SASM-T2.

MAPPING

Further Submission: FS41.206 on S523.004 (QLDC),

- 82. The SASM sites were identified by Ngāi Tahu experts, except in the case of SASM 226 Makarore & Tiore Pātea which is a location that crosses the territorial boundary between Westland District Council and Queenstown-Lakes District Council. Mr Madgwick's evidence comments on the cultural values of that site.
- 83. I support the inclusion of SASM 226 Makarore & Tiore Pātea as a SASM site in Schedule 3 and in table SASM-T6 as it ensures clarity and consistency to the users of both the TTPP and the Queenstown Lakes District Plan, and a holistic approach to the management of the values of the site.
- 84. As a note, I wish to bring to the attention of the Panel that several of the SASM are waterbodies and Statutory Acknowledgements. During the preparation of the draft TTPP, Poutini Environmental based the SASM overlay on the present-day waterbodies, and not necessarily the Statutory Acknowledgement boundaries surveyed as part of the settlement. This is because the SASM is focused on the relationship with the waterbody which will continue to move as the waterbody does. Therefore, although the recognition of the waterbody SASMs are sourced in the NTCSA, they have been ground-truthed to ensure that the overlay only applies where relevant.

85. **Remedy sought:**

- a. That the mapping of the SASM overly as detailed in the s42A report is adopted.

DEFINITIONS

Submission no. S620.034, 620.029, 620.026 (FS1.318 Grey District Council), 620.027 (FS1.319 Grey District Council)

Further Submission: Missing submission on S440.010, S440.002 (The Office of the Māori Trustee), FS41.236 on S125.004 (Ms Henderson)

86. Several new definitions have been proposed as part of the s42A report recommendations. Table One below contains definitions that relate to Ngāi Tahu submissions.

Table 1: Definitions associated with the SASM hearing and recommendations

| Term | S42A report definition | Comment/Recommendation |
|----------------|-------------------------------|--|
| Ancestral land | Not provided | <p>This was identified in the s42A report for Hearing One to be considered during the SASM hearing, however it was also discussed in paragraph 137:</p> <p><i>“Ancestral land includes land formerly owned by Poutini Ngāi Tahu, whereas Poutini Ngāi Tahu Land is land which is currently owned by Poutini Ngāi Tahu.”</i></p> <p>My evidence for Topic 1 (dated 2 October 2023), paragraph 74(b) notes the similarity to the High Court definition and that the WCRPS all clarifies that Ancestral land is from the Ngāi</p> |

| Term | S42A report definition | Comment/Recommendation |
|---|---|---|
| | | Tahu perspective. Therefore, I do not believe an additional definition is required ²⁷ . |
| Cultural Landscape | means, broader geographical areas that hold significant value to Poutini Ngāi Tahu due to the concentration of wahi tapu or taonga values, or the importance of the area to cultural traditions, history or identity. <u>Advice Note: Where sites and areas of significance to Māori have been identified within outstanding natural landscapes the values associated with sites and areas of significance to Māori have been included within the descriptions in Schedule Five: Outstanding Natural Landscapes</u> | <p>My evidence for Energy, Infrastructure and Transport (dated 30 October 2023) paragraphs 29-30 notes that the WCRPS definition of cultural landscape contains an additional sentence stating:</p> <p><i>“Cultural landscapes provide current and future generations of Poutini Ngāi Tahu the opportunity to experience and engage with the landscape as their tīpuna once did”²⁸.</i></p> <p>While the definitions do not have to be exact repetition of higher order documents, there is a lack of clarity as to why the definitions are different.</p> <p>As detailed in Mr Madgwick’s evidence, the cultural landscapes have been identified as part of SASM.</p> |
| Cultural activities/ Cultural purposes/ Cultural uses | Not provided | This was identified in the s42A report for Hearing One to be considered during the SASM hearing. However the same report also recommends ‘Cultural uses’, ‘cultural activities’ and ‘cultural purposes’ is combined and replaced with ‘cultural purposes’. |

²⁷ “The High Court concluded in 1987 that Māori ancestral land is land which has been owned by ancestors. Royal Forest and Bird Protection Soc v Habgood Ltd [1987] 12 NZTPA 76.

²⁸ West Coast Regional Council. Operative West Coast Regional Policy Statement 2020. Page 61.

| Term | S42A report definition | Comment/Recommendation |
|-----------------------------|---|--|
| | | <p>In my evidence for Topic 1, I recommend that this term is replaced throughout the TTPP with Māori Purpose Activities or Poutini Ngāi Tahu activities (depending on the context of the provision).²⁹ The key difference between the two methodologies is that Māori Purpose Activities and Poutini Ngāi Tahu activities are defined terms in the TTPP.</p> <p>After reading the SASM s42A, I retain the same position.</p> |
| <u>Cultural materials</u> | <u>means plants, plant materials and materials derived from animals, marine mammals or birds which are important to Poutini Ngāi Tahu in maintaining their culture.</u> | <p>This definition needs to include minerals. For example, Pounamu is clearly identified as a cultural material. My recommended drafting is:</p> <p><i>means <u>minerals</u>, plants, plant materials_and materials derived from animals, marine mammals or birds which are important to Poutini Ngāi Tahu in maintaining their culture.</i></p> |
| <u>Hazardous Facilities</u> | <u>means in relation to Sites and Areas of Significance to Māori, activities that involve the manufacturing and disposal of hazardous substances.</u> | <p>This was identified in the s42A report for Hearing One to be considered during the SASM hearing.</p> <p>This term is mostly used in the Subdivision rules. Limiting the definition to SASM is unnecessary and will make it more difficult to apply the term to the subdivision rules and definition of Port Activities. The definition is not limited to cultural values and therefore should not be limited to the SASM Chapter. Instead I</p> |

²⁹ Paragraph 74 of R Pull's evidence for Topic One also provides comment on this definition.

| Term | S42A report definition | Comment/Recommendation |
|--------------------------------------|---|--|
| | | recommend a definition based on the WCLWP definition for Hazardous Substances with a link to the Hazardous Substances and New Organisms Act 1996. |
| Iwi/Papatipu Rūnanga Management Plan | Not provided | <p>This was identified in the s42A report for Hearing One to be considered during the SASM hearing.</p> <p>As noted at paragraph 70 of my evidence for Topic One, stating “Iwi/Papatipu Rūnanga” is the preferred term to be used in the Tāngata Whenua chapter for planning documents. Stating ‘Papatipu Rūnanga’ instead of ‘hapū’ is the appropriate terminology for Ngāi Tahu who are mana whenua for Te Tai o Poutini/West Coast. Apart from this minor change, I do not see the need for a definition.</p> |
| <u>Landfill</u> | <u>means the final (or more than short-term) depositing of clean, managed and controlled fill materials and/or waste materials into or onto land set apart for that purpose (i.e., in a landfill or fill facility).</u> | <p>The WCLWP has a definition of Landfill based on the Hazardous Substances and New Organisms Act 1996. For consistency and clarity I recommend that this definition is adopted instead:</p> <p><u><i>Landfill means any premises used for the lawful deposit or disposal of waste materials into or onto land.</i></u></p> |
| Plantation Forestry | <u>means a forest deliberately established for commercial purposes, being—</u> <u>(a) at least 1 ha of continuous forest cover of forest species that has been</u> | <p>This was identified in the s42A report for Hearing One to be considered during the Rural Zone hearing.</p> <p>I support the definition, however given the schedule in the s42A report for Hearing 1 that this definition would be considered during the</p> |

| Term | S42A report definition | Comment/Recommendation |
|--|--|--|
| | <p><u>planted and has or will be harvested or replanted; and</u> <u>(b) includes all associated forestry infrastructure; but</u> <u>(c) does not include—</u> <u>(i) a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or</u> <u>(ii) forest species in urban areas; or</u> <u>(iii) nurseries and seed orchards; or</u> <u>(iv) trees grown for fruit or nuts; or</u> <u>(v) long-term ecological restoration planting of forest species; or</u> <u>(vi) willows and poplars space planted for soil conservation purposes</u></p> | <p>Rural Zone hearing, I recommend that this definition is re-considered at the Rural Zone hearing in order to ensure that all parties that submitted on this definition or rules relating to it are able to present their evidence.</p> |
| <p>Poutini Ngāi Tahu community/ Poutini Ngāi Tahu members/ Poutini Ngāi Tahu land/</p> | <p>Not provided</p> | <p>These definitions were identified in the s42A report for Hearing One to be considered during the SASM hearing.</p> <p>As noted in paragraph 74 of my evidence for Hearing One there is already a definition of Poutini Ngāi Tahu. A separate definition for Poutini Ngāi Tahu community, members or whānui is not considered to be necessary. Paragraph 135 of the s42A report for Hearing One also comes to this conclusion. The TRoNT</p> |

| Term | S42A report definition | Comment/Recommendation |
|--|--|--|
| Poutini Ngāi Tahu whānui | | also provides a definition of Ngāi Tahu Whānui ³⁰ . |
| Shelterbelt | Considered unnecessary (P47) as the term is not in the relevant SASM rule. | I support this approach, however given the notification in the s42A report for Hearing 1 that this definition would be considered during the Rural Zone hearing, I recommend that this definition is re-considered at the Rural Zone hearing in order to ensure that all parties that submitted on this definition or rules relating to it are able to present their evidence. |
| Te Rūnanga o Ngāi Tahu land/ Poutini Ngāi Tahu land | Not provided | <p>These were identified in the s42A report for Hearing One to be considered during the SASM hearing.</p> <p>These terms appear in the Ecosystems Chapter and the Strategic Direction for Poutini Ngāi Tahu.</p> <p>As noted at paragraph 74 of my evidence for Topic One I stated:</p> <p><i>“The Ecosystem Chapter will need to be consistent with the NPS-IB, which has a definition for Specified Māori Land which could be used in relation to that chapter. This should be considered during the Biodiversity Hearing.</i></p> |

³⁰ Te Runanga o Ngai Tahu Act 1996: S2 *In this Act, unless the context otherwise requires, Ngai Tahu Whanui means the collective of the individuals who descend from the primary hapu of Waitaha, Ngati Mamoe, and Ngai Tahu, namely, Kati Kuri, Kati Irakehu, Kati Huirapa, Ngai Tuahuriri, and Kai Te Ruahikihiki.*

| Term | S42A report definition | Comment/Recommendation |
|---|--|---|
| | | <p><i>The Poutini Ngāi Tahu land definition is not required as it applies to the strategic direction for Poutini Ngāi Tahu (which is defined) and is also connected to Iwi/Papatipu Rūnanga Management Plans (POU-P3) and throughout the West Coast in POU-P4.”</i></p> <p>Therefore I do not support a definition for these terms.</p> |
| <p><u>Victorian Title</u></p> | <p><u>means land whereby ownership of minerals in the ground lies with the landowner, not the Crown, or Ngāi Tahu in the case of pounamu. Advice Note: In order to establish whether Victorian Title exists a Land and Minerals (LMS) report prepared under the Crown Minerals (Minerals Other than Petroleum) 2007.</u></p> | <p>This is a new definition proposed in paragraph 199 of the s42A report. The term ‘Victorian Title’ is not a legally defined and is open to interpretation. Victorian Title is also not relevant to the implementation of the Plan, which is to achieve the purpose and principles of Part 2, including the consideration of cultural effects which are not limited by ownership.</p> <p>As discussed earlier in my evidence, the term was proposed to be referenced in the advice note following SASM-R7, as I have proposed alternative wording that does not refer to the term Victorian Title (and given that reference was to be the only time the term is used in the TTPP) a definition does not need to be included for that term.</p> |
| <p><u>waste disposal facilities</u></p> | <p><u>means in relation to Sites and Areas of Significance to Māori municipal or community scale facilities for the disposal of waste materials and excludes domestic and farm related waste disposal facilities</u></p> | <p>I note and support the similarities between these definitions and the sub-clause terminology used in the officers right of reply definition for Regionally Significant Infrastructure.</p> <p>I question if the definition needs to specifically only apply to the SASM chapter. Currently the</p> |

| Term | S42A report definition | Comment/Recommendation |
|---------------------------------------|---|--|
| <u>wastewater treatment plant</u> | <u>means municipal or community scale facilities for the treatment of human wastewater and excludes domestic septic tank/on site wastewater treatment and dairy shed effluent treatment facilities</u> | <p>terms waste and wastewater disposal facilities are only used in the SASM chapter, but wastewater treatment plant is used in the residential and rural policies.</p> <p>I do support the clarification that it excludes domestic and farm related facilities given the submissions that were concerned about existing domestic and rural activities within SASM overlays.</p> |
| <u>wastewater disposal facilities</u> | <u>means in relation to Sites and Areas of Significance to Māori municipal or community scale facilities for the disposal of human wastewater and excludes domestic/ septic tank/on site wastewater disposal fields and dairy shed effluent disposal facilities</u> | |
| <u>woodlot</u> | <u>means a forest of up to 1ha of continuous forest cover of deliberately established forest species that has been planted and has or will be harvested or replanted. It does not include forest species in urban areas, nurseries and seed orchards, trees grown for fruit or nuts, long term ecological restoration planting of forest species or willows and poplars space</u> | <p>This was identified in the s42A report for Hearing One to be considered during the Rural Zone hearing.</p> <p>I support the definition, however given the notification in the s42A report for Hearing 1 that this definition would be considered during the Rural Zone hearing, I recommend that this definition is re-considered at the Rural Zone hearing in order to ensure that all parties that submitted on this definition or rules relating to it are able to present their evidence.</p> |

| Term | S42A report definition | Comment/Recommendation |
|------|--|------------------------|
| | <u>planted for soil conservation purposes.</u> | |

87. **Remedy sought:**

a. That the terms ‘Cultural activities’, ‘Cultural Purposes’ and ‘Cultural Uses’ are replaced throughout the TTPP with either ‘Māori Purpose Activities’ or ‘Poutini Ngāi Tahu activities’ as required.

b. That the term ‘Cultural materials’ is amended to include minerals.

Cultural Materials: means minerals, plants, plant materials and materials derived from animals, marine mammals or birds which are important to Poutini Ngāi Tahu in maintaining their culture.

c. That the following terms are not defined in the TTPP:

- i. Ancestral land
- ii. Iwi/Papatipu Rūnanga Management Plan
- iii. Poutini Ngāi Tahu community
- iv. Poutini Ngāi Tahu members
- v. Poutini Ngāi Tahu land
- vi. Poutini Ngāi Tahu whānui
- vii. Te Rūnanga o Ngāi Tahu land
- viii. Poutini Ngāi Tahu land
- ix. Victorian Title

d. That the term ‘Hazardous facilities’ is amended to apply across the plan and be consistent with higher order documents.

Hazardous facilities means ~~in relation to Sites and Areas of Significance to Māori~~, activities that involve the manufacturing and disposal of hazardous substances including any substance

(a) With one or more of the following intrinsic properties:

(i) Explosiveness:

(ii) Flammability:

(iii) A capacity to oxidise:

(iv) Corrosiveness:

(v) Toxicity (including chronic toxicity):

(vi) Ecotoxicity, with or without bioaccumulation; or

(b) Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition.

Advice Note: Hazardous Facilities are also managed through the West Coast Regional Council and the Hazardous Substances and New Organisms Act 1996.

- e. That the term 'Landfill' is amended to apply across the plan and be consistent with higher order documents.

Landfill means ~~the final (or more than short-term) depositing of clean, managed and controlled fill materials and/or waste materials into or onto land set apart for that purpose (i.e., in a landfill or fill facility). any premises used for the lawful deposit or disposal of waste materials into or onto land.~~

- f. That the terms 'Plantation Forestry', 'woodlots' and 'shelterbelt' are not finalised until evidence for the Rural Zone Hearing is heard.
- g. That the definitions of 'waste disposal facilities', 'wastewater treatment plant' and 'wastewater disposal facilities' are reviewed to consider if they need to be limited to the SASM Chapter.

MINING WITHIN SASM OVERLAYS

Submission no. S620.041, S620.131, 620.396, S620.397

Further Submission: FS41.366 on S474.034, FS41.368 on S474.037, FS41.367 and FS41.369 on S474.007 and 474.041, FS41.225 on S474.038, (Rocky Mining), FS41.371 on S500.026, FS41.370 on S500.023, FS41.372 and FS41.370 on S500.028 and S500.023 (Papahaua Resources), FS41.322 on S599.047, FS41.219 on S599.036, FS41.223 on S599.041, FS41.226 on S599.042, FS41.334 on S599.048 (WMS), FS41.324 on S493.043, FS41.378 on S493.032, FS41.224 on S493.037, FS41.227 on S493.038, FS41.335 on S493.044 (TiGa), FS41.331 on S536.006, FS41.266 on S536.045, FS41.707 on S536.007, (Straterra), FS41.328 on S516.028 (Mr Croasdale)³¹, FS41.328 on S569.023 (Mineral West Coast), FS41.325 on S601.031, FS41.673 on S604.021 (Birchfield Coal)

88. I note that many of the submissions listed above have sought to amend the wording of objective SASM-O3, policies SASM-P7, SASM-P8, SASM-P11, SASM-P12, SASM-P15 in relation to mining and create a new Restricted Discretionary activity rule for mining with the SASM overlay. These submissions were opposed by Ngāi Tahu as the submissions would reduce the ability to protect the identified cultural values of these SASM.
89. The s42A report has also recommended the rejection of the submissions from the mining groups, recognising the importance of SASM. Ngāi Tahu support the change in activity status from Non-complying to Discretionary. The further submissions from Ngāi Tahu both supported and opposed this, however this was human error due to the volume of submissions that were being reviewed.
90. In regard to policy SASM-P11, paragraph 149 of the s42A report recommends removing the reference to mineral extraction from the policy. This is not reflected in the marked-up text for SASM-P12 (this appears to be a duplication of SASM-P11 and the notified SASM-P12 is missing from the marked up text), however I do not agree with this recommendation to remove mining from the policy. Mineral extraction is an activity that, if not undertaken with a respectful consideration of Poutini Ngāi Tahu values, will cause offence to tikanga as much as the other activities listed in SASM-P11. Therefore I recommend that

³¹ Note that this submission is the only one without a direct link to a mining business.

the marked up text is not changed for SASM-P11 and retains reference to mineral extraction.

91. I support the approach in paragraph 67 of the s42A report which considers the SASM provisions against the Historic Heritage chapter to ensure that protection is being applied equally at a framework level (noting that within an application the weighting will differ depending on the values identified onsite and the potential effects).
92. However, I do want to note that as well as the protection of historic heritage (which includes SASM), s6(e) of the RMA also requires the TTPP to provide for ‘*The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga*’. The relationship is a living thing, that exists because it is interacted with. Unlike historic heritage which often has a preservation through restriction (i.e ‘hands-off’) approach to protection, the way to achieve s6(e) is to provide for the interaction and relationship with ancestral lands, water, sites, waahi tapu, and other taonga. This is relevant because mining is one of the ways that Poutini Ngāi Tahu are able to source Pounamu and Aotea (recognised taonga). But mining needs to occur in a way that respects the relationship between mana whenua and taonga as well as Poutini Ngāi Tahu values.
93. To conclude, although I would not recommend a Discretionary Activity status for historic heritage in general, I consider that it is an appropriate activity status for SASM. This is because it provides a pathway to recognise and provide for the relationship with these sites will also protect the attributes and values that mean these sites are SASM.
94. **Remedy sought:**
- a. That policy SASM-P11 is retained as notified:
SASM – ~~P12~~ P11
Recognise the significance to Poutini Ngāi Tahu of the sites and areas of significance to Māori listed in Schedule Three and protect the identified values of these sites and areas by avoiding the following activities in, or in close proximity to, these areas;
a. Mining and quarrying other than Poutini Ngāi Tahu collection of Pounamu and Aotea;

- b. Landfills and waste disposal facilities, hazardous facilities and offensive industries;*
- c. Intensive indoor primary production;*
- d. Cemeteries and crematoria; and*
- e. Wastewater treatment plants and disposal facilities*

- b. That policy SASM-P12 is retained as notified:

SASM – P12

Avoid the demolition or destruction of sites and areas of significance to Māori identified in Schedule Three.

ACCIDENTIAL DISCOVERY PROTOCOL

Policies SASM-P3 and SASM-P8, Rule SASM-R2 and Appendix Four: Accidental Discovery Protocols

Submission no. S620.388, S620.114

Further Submission: FS41.675 on S140.034, FS41.677 on S140.038 (Heritage NZ)

- 95. I note that the s42A report for the Historic Heritage Chapter recommends a definition of 'Accidental Discovery Protocol Commitment' that reads:

“means a written commitment to adhere to the accidental discovery protocol as contained in Appendix Four. This does not replace any archaeological authority required by HNZPT.³²”

- 96. I support the retention of the Accidental Discovery Protocol in the SASM policies SASM-P3 and SASM-P8 as an advice note for rule SASM-R2.

- 97. The s42A report suggested that Heritage New Zealand Pouhere Taonga and Ngāi Tahu should try and reach agreement on the protocol in Appendix Four through the evidence exchange timetable. Unfortunately, within the timeframe available, I am unable to engage with Heritage New Zealand Pouhere Taonga prior to the submission of this evidence. If possible, I will try and do so and will provide an update at the hearing. However, if this work is unable to be

³² Page 1 of Appendix 1 of the Section 42A Officer's Report for Historic Heritage. Prepared by Lois Easton. Circulated 24 October 2023.

completed within the available time, the Panel may wish to direct the relevant witnesses to participate in a joint witness workshop and issue a joint statement setting out any agreements reached on a proposed protocol.

98. The Ngāi Tahu submission seeking to amend the Accidental Discovery Protocol is based on the Mahaanui Iwi Management Plan 2013. That iwi management plan is recognised by Te Rūnanga o Ngāi Tahu as the Iwi Authority and applies to the land directly adjoining Te Tai o Poutini/West Coast.
99. My position on the protocol at this stage is as follows:
 - a. The Ngāi Tahu and Heritage New Zealand Pouhere Taonga protocols are very similar in terms of overall process to follow.
 - b. I support the quantifiable setback of 20 metres as detailed in the Heritage New Zealand Pouhere Taonga protocol and notified version of the TTPP.
 - c. However, the protocol put forward by Heritage New Zealand Pouhere Taonga does not reflect the tikanga of Ngāi Tahu and has Papatipu Rūnanga as a passive secondary participant to the process, instead of a partner. For example, Papatipu Rūnanga are only notified after the site has been identified as being of Māori origin, instead of being notified at the time of discovery.
 - d. The protocol in the Ngāi Tahu submission applies to Māori archaeological sites, however given the long history of Māori occupation in Te Tai o Poutini/West Coast and the lack of detailed research into the location of Māori archaeological sites, there is a high probability that any archaeological site will have a connection to Ngāi Tahu that warrants notification at the time of discovery.
 - e. Therefore I recommend combining both Accidental Discovery Protocols that were provided with the submissions. I have attempted a version of this

which is attached in **Appendix Two** of this evidence as a starting point for discussion³³.

100. **Remedy sought:**

- a. That the Panel request Heritage New Zealand Pouhere Taonga and Ngāi Tahu to meet and conference an Accidental Discovery Protocol and report back to the Panel.

POLICIES: OPERATIONAL AND FUNCTIONAL NEED

Submission no. S620.001

Further Submission: FS41.273 on S547.208, FS41.260 on S547.213, FS41.714 on S547.234, FS41.302 on S547.234, FS41.296 on S547.236, FS41.306 on S547.244 (Westpower), FS41.274 on S299.024 (Transpower), FS41.009 on S608.018 (GDC), FS41.271 on S493.036, FS41.259 on S493.039 (TiGa), FS41.272 on S604.025 (Birchfield Mining), FS41.223 on S599.040, FS41.258 on S599.043 (WMS)

101. SASM are a matter of national importance to be protected as part of historic heritage and provided for in terms of maintaining the relationship between Poutini Ngāi Tahu and the environment. Although I recognise the importance of Regionally Significant Infrastructure (**RSI**), given the potential effects of RSI activities I do not consider that those activities should be enabled, on a blanket basis, on SASM. I consider that those activities should only be permitted where the effects are minimised (permitted rule SASM-R9).
102. A SASM is an irreplaceable taonga and historic heritage that activities need to carefully consider when establishing in the areas identified in the overlay as opposed to the rest of the districts. This has to be done on a case-by-case basis depending on the scale of the activity and the particular values of the SASM. I support the approach used in the drafting of the SASM provisions

³³ As a reference for the panel, the Partially Operative Selwyn District Plan, is a second-generation District Plan that has been developed at the same time as the TTPP and has had its decisions released. It has not defined an Accidental Discovery Protocol within the Plan, although it is referenced in the SASM Chapter (but not the Heritage Chapter) and the Tāngata Whenua Chapter refers to the Mahaanui Iwi Management Plan 2013 being used to inform the protection of culturally significant sites and areas and the policy approach to these matters.

which has permitted, controlled and discretionary and non-complying activity status for various RSI. This shows that, rather than group all RSI together, analysis has been taken to identify where particular RSI activities can be enabled due to scale of activity or location and where more consideration is required. Any consent will consider the objectives and policies of both the SASM and other relevant chapters which will allow for the weighing of positive and negative effects and the directions in the policies of each chapter.

103. This enabling approach is also reflected in the policies in the SASM overlay. For RSI and activities with functional needs (such as mining), the language used contains 'enable' (SASM-P13) and 'allow' (SASM-P15). Policy SASM-P8 requires adverse effects to be avoided, unless there is a functional or operational need for the activity to locate within the SASM. As noted in the s42A report (paragraphs 174-175), this is a lesser level of protection than other items of historic heritage.
104. I understand that this high level of enablement is due to the detailed approach Poutini Ngāi Tahu have put into the SASM schedule and rule application. However, I am opposed to the recommendation in the s42A report to amend policy SASM-P9 that replaces 'minimise' with 'avoid, remedy or mitigate' which is a lesser level of protection for indigenous habitats and waterbodies, both of which have been recognised in the NTCSA as being of high importance to Ngāi Tahu. 'Avoid, remedy or mitigate' is a low restriction that suggests a high level of tolerance for some effects as long as its not significant. 'Minimise' is a higher standard. However after considering the submissions, I recommend 'avoid or minimise' which would still have the flexibility to judge what is practicable to achieve, while recognising the values to be protected. The reason given in paragraph 141 of the s42A report for the amendment was that it was not appropriate as it is not the sites themselves that are the subject of the policy. I disagree with this. The policy is in relation to the NTCSA, in particular to mahinga kai, which is the '9th Tall Tree' of the Ngāi Tahu claim to the Waitangi Tribunal and is an essential part of the identified values in the Tāngata Whenua chapter of the TTPP. All three SASM objectives link to mahinga kai through recognition of values (SASM-O1), undertaking mahinga kai (SASM-O2) and the protection of mahinga kai locations (SASM-O3).

105. **Remedy sought:**

a. That policy SASM-P9 is amended as follows:

SASM – P9 Require that activities within identified sites and areas of significance to Poutini Ngāi Tahu that support taonga species and mahinga kai resources as identified in Schedule Three:

a. Avoid or minimise ~~remedy or mitigate~~ adverse effects on indigenous habitats and waterbodies; ...

ACTIVITY RULES**Permitted Activities**

Submission no. S620.116, S620.117, 620.118, S620.119, S620.122, S620.124, S620.400 (FS1.323 Grey District Council)

Further Submissions:

FS41.209 on S302.007 (Fish & Game), FS41.210 on S547.215, FS41.216 on S547.216, FS41.217 on S547.217, FS41.706 on S547.223, FS41.301 on S547.241, FS41.225 on S547.225, FS41.715 on S547.227 (Westpower), FS41.344 on S514.007 (Hapuka), FS41.053 on S332.003 (Lake Mahinapua Club)

106. I support the approach taken in the s42A report in regard to the submissions for new activities to be added to the permitted activity provisions. This is because this chapter is an overlay and many of the new activities proposed are addressed in other chapters of the TTPP that will also apply to these sites.
107. The advice notes for Lake Mahinapua Aquatic Club³⁴ and mining are also supported.
108. There were a significant number of submissions in regard to infrastructure in the SASM chapter. I support the approach of the s42A report in regard to not detailing each type of infrastructure activity or structure beyond what was needed to clarify the activity status. If Westpower (S547.217) does respond to the request in paragraph 254 of the s42A report to identify the location and number of substations in the SASM overlay to determine if a rule is applicable,

³⁴ My evidence for the Natural Character of Waterbodies and Activities on the Surface of Water Hearing paragraphs 38-48 outlines the background of Ngāi Tahu and the Lake Mahinapua Aquatic Club.

I request that the Panel allows Ngāi Tahu time to assess the potential cultural effects of a permitted activity rule for maintenance and report back to the Panel.

109. Following the submissions of Westpower and Ms Henderson (S125.004) I note a continued confusion over the terminology used for infrastructure. Westpower promotes a specific infrastructure identification approach for each rule (at least for Energy activities) and Ms Henderson is confused about 'critical infrastructure'. Based on the right of reply³⁵ of the reporting officer for the Energy, Infrastructure and Transport hearing, I believe the replacement of 'critical infrastructure' with 'regionally significant infrastructure' will address this concern and will be consistent with the new definition for wastewater facilities.
110. In my evidence for the Energy, Infrastructure and Transport hearing,³⁶ my recommendation was that a consistent approach was used throughout the TTPP, and therefore I recommend for the SASM provisions that 'Network Utilities' or 'Network Utility Structures' is replaced with 'Regionally Significant Infrastructure' for policies SASM-P10 and SASM-P13, rules SASM-R2, SASM-R9, SASM-R10 and SASM-R13 as well as table SASM-T8. This is also consistent with the approach taken in the joint witness statement by the planners for the Energy, Infrastructure and Transport provisions which sought to include those infrastructure providers that were not network utilities.
111. **Remedy sought:**
- a. That the terminology 'Network Utilities' and its variations is replaced by 'Regionally Significant Infrastructure' for the following provisions of the SASM chapter:
 - i. Policies SASM-P10 and SASM-P13;
 - ii. Rules SASM-R2, SASM-R9, SASM-R10 and SASM-R13; and
 - iii. Table SASM-T8.

³⁵ s42A Author Right of Reply – General District Wide Matters: Energy, Infrastructure & Transport. Prepared by Ms McGarth & Ms Forno. Dated 8 March 2024.

³⁶ Paragraphs 32-47 of Statement of Evidence for Energy, Infrastructure and Transport. R Pull

APPENDICES AND SCHEDULES

Submission no. S620.388, S620.390, S620.391

112. Discussion on the details of Schedule Three (Sites and Areas of Significance to Māori) can be found in the evidence of Mr Madgwick.
113. My comments on Appendix Four (Accidental Discovery Protocol) can be found in paragraph 94.
114. I note that nohoanga entitlements (Appendix Six) were discussed in Hearing Report 1, paragraph 444 and the Ngāi Tahu submission corrected a drafting error was recommended to be adopted. The same report also notes that the issue will be determined during this hearing and therefore I note my position of support in paragraph 80 of my evidence for Hearing 1 (Introduction/Whole Plan).
115. Appendix Ten (New Zealand Archaeological Association Sites of Māori Origin) contains Historic Heritage, matters of national importance that the Councils holds information on. However, as set out in paragraph 500 of the s42A report, the recording and mapping of the sites in Appendix Ten is not accurate in terms of location, scale or completeness. It is intended to act as an alert layer for Council with a buffer around sites. There are no rules attached to this Appendix.
116. Schedule 1B of the Historic Heritage Chapter only contains archaeological sites for European heritage and omits any archaeological site types or values of Māori origin. Hence the importance of Appendix 10. Ngāi Tahu submitted that Appendix Ten is used to create a GIS 'alert layer of NZAA sites of Māori origin' (alert layer) for the EPlan. This alert layer would not be directly linked to any plan rules (given the known mapping inaccuracies associated with some NZAA sites) but would instead provide awareness to plan users of the increased likelihood of discovering archaeological material of Māori origin in the vicinity and would enable appropriate caution and consideration to be taken when activities or applications are located near these sites.
117. The s42A report recommends not mapping these sites in a non-statutory advisory layer due to the cost of \$15,000. I disagree. Given these are matters of national importance, this does not seem to be an unreasonable or an

unfeasible amount of money, especially compared to the cost of these sites being destroyed or modified. I consider that the potential consequences of not mapping these sites include the unintentional destruction of irreplaceable historic heritage or the Councils not fulfilling their duties under the Local Government Official Information and Meetings Act 1987, section 44A(2)(a) which states:

44A Land information memorandum

(2) The matters which shall be included in that memorandum are—

(a) information identifying each (if any) special feature or characteristic of the land concerned, including but not limited to potential erosion, avulsion, falling debris, subsidence, slippage, alluvion, or inundation, or likely presence of hazardous contaminants, being a feature or characteristic that—

(i) is known to the territorial authority; but

(ii) is not apparent from the district scheme under the Town and Country Planning Act 1977 or a district plan under the Resource Management Act 1991:

118. Remedy sought:

- a. That the Historic Heritage identified in Appendix Ten is mapped on a non-statutory advisory layer.

SUMMARY OF RELIEF SOUGHT FOR SITES AND AREAS OF SIGNIFICANCE TO MĀORI

119. The Ngāi Tahu submissions on the TTPP generally support the notified plan and seek minor amendments to provide for the values and future of Papatipu Rūnanga consistent with their rangatiratanga over the West Coast/Te Tai o Poutini. My evidence provides drafting and supporting reasons to enable the Hearings Panel to achieve the purpose and principles of the RMA as detailed in Part 2.

120. In response to its submission and further submissions on the sites and areas of significance to Māori, Ngāi Tahu seeks the following relief:

- a. That the Panel accepts the recommendations in the s42A report in respect to the ability to have a SASM Chapter and Schedule Three in the TTPP.
- b. That the Panel direct staff from Buller, Grey and Westland District Councils and Poutini Ngāi Tahu to prepare written protocols on how to implement method SASM-M1 and lodge it with the Panel.
- c. That if the Panel consider certification, that method SASM-M3 is modified to apply to all SASM provisions:

SASM-M3 Develop in partnership with Poutini Ngāi Tahu information on the cultural certification process. ~~for mineral extraction within the Pounamu and Aotea Management Area overlays~~

- d. That if the Panel consider certification, that the Panel direct staff from Buller, Grey and Westland District Councils and Poutini Ngāi Tahu to prepare criteria on the cultural certification process as identified in method SASM-M3 and lodge it with the Panel.
- e. That the Panel reconsider if written approvals are a legally viable method of addressing the potential adverse effects on cultural values for the following rules:

SASM-R2 (Minor Earthworks);

SASM-R4 (Indigenous Vegetation Clearance);

SASM-R5 (Temporary Events);

SASM-R6 (Earthworks, Buildings and Structures); and

SASM-R7 (Farm Quarries and Mineral Extraction).

- f. That the Panel request Heritage New Zealand Pouhere Taonga and Ngāi Tahu to meet and conference an Accidental Discovery Protocol and report back to the Panel.
- g. That the recommended layout in the s42A report of the SASM Chapter and Schedule Three is adopted.
- h. That SASM22 (Ōkari Lagoon) is removed from table SASM-T1.
- i. That SASM127 (Ulipa), SASM133 (No.19 Ōkarito Native Reserve Māori Reserve) and SASM135 (Ōkārīto (No. 18 Koamaru Native Reserve)) is added to table SASM-T1.
- j. That SASM163 (Māori Beach Kāinga) and SASM216 (Ōtukoro Historic Reserve / Ōtukoro Iti, Kahurangi) is added to SASM-T2.
- k. That the mapping of the SASM overly as detailed in the s42A report is adopted.
- l. That objective SASM-O2 is amended:

SASM-O2:

SASM - O2 Poutini Ngāi Tahu are enabled through formal and informal access arrangements with landowners, to maintain and use areas and resources of cultural value within identified sites, areas and cultural landscapes.

- m. That policy SASM-P6 is amended to:

SASM – P6 Within the Pounamu and Aotea Management overlay, enable tino rangatiratanga and kaitiakitanga of the pounamu and aotea resource by Poutini Ngāi Tahu and avoid the unauthorised and deliberate disturbance or removal of this resource by non-hapū members.

- n. That policy SASM-P9 is amended as follows:

SASM – P9 Require that activities within identified sites and areas of significance to Poutini Ngāi Tahu that support taonga species and mahinga kai resources as identified in Schedule Three:

a. Avoid or minimise ~~remedy or mitigate~~ adverse effects on indigenous habitats and waterbodies; ...

- o. That policy SASM-P11 is retained as notified:

SASM – ~~P12~~ P11

Recognise the significance to Poutini Ngāi Tahu of the sites and areas of significance to Māori listed in Schedule Three and protect the identified values of these sites and areas by avoiding the following activities in, or in close proximity to, these areas;

a. Mining and quarrying other than Poutini Ngāi Tahu collection of Pounamu and Aotea;

b. Landfills and waste disposal facilities, hazardous facilities and offensive industries;

c. Intensive indoor primary production;

d. Cemeteries and crematoria; and

e. Wastewater treatment plants and disposal facilities

- p. That policy SASM-P12 is retained as notified:

SASM – P12

Avoid the demolition or destruction of sites and areas of significance to Māori identified in Schedule Three.

- q. That policy SASM-P15(f) is retained as notified:

SASM-P15 Allow any other use and development on sites and areas of significance to Māori in Schedule Three where it can be demonstrated that the identified values of the site or area are protected and maintained, having regard to: ...

f. Any practical mechanisms to maintain or enhance the ability of Poutini Ngāi Tahu to access and use the site or area of significance for karakia, monitoring, cultural activities and ahi kā roa are made in agreement with affected landowners.

- r. That policy SASM-P16 is amended as follows:

SASM – P16 Recognise that pounamu and aotea are significant cultural resources ~~and where these are owned by Poutini Ngāi Tahu within the pounamu and aotea management overlays support Poutini Ngāi Tahu management of them.~~

- s. That the terms ‘Cultural activities’, ‘Cultural Purposes’ and ‘Cultural Uses’ are replaced throughout the TTPP with either ‘Māori Purpose Activities’ or ‘Poutini Ngāi Tahu activities’ as required.
- t. That the term ‘Cultural materials’ is amended to include minerals.

Cultural Materials: means minerals, plants, plant materials and materials derived from animals, marine mammals or birds which are important to Poutini Ngāi Tahu in maintaining their culture.

- u. That the following terms are not defined in the TTPP:

- i. Ancestral land
- ii. Iwi/Papatipu Rūnanga Management Plan
- iii. Poutini Ngāi Tahu community
- iv. Poutini Ngāi Tahu members
- v. Poutini Ngāi Tahu land
- vi. Poutini Ngāi Tahu whānui
- vii. Te Rūnanga o Ngāi Tahu land
- viii. Poutini Ngāi Tahu land
- ix. Victorian Title

- v. That the term ‘Hazardous facilities’ is amended to apply across the plan and be consistent with higher order documents.

Hazardous facilities means ~~in relation to Sites and Areas of Significance to Māori~~, activities that involve the manufacturing and disposal of hazardous substances including any substance

(a) With one or more of the following intrinsic properties:

(i) Explosiveness:

(ii) Flammability:

(iii) A capacity to oxidise:

(iv) Corrosiveness:

(v) Toxicity (including chronic toxicity):

(vi) Ecotoxicity, with or without bioaccumulation; or

(b) Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition.

Advice Note: Hazardous Facilities are also managed through the West Coast Regional Council and the Hazardous Substances and New Organisms Act 1996.

- w. That the term 'Landfill' is amended to apply across the plan and be consistent with higher order documents.

Landfill means ~~the final (or more than short-term) depositing of clean, managed and controlled fill materials and/or waste materials into or onto land set apart for that purpose (i.e., in a landfill or fill facility). any premises used for the lawful deposit or disposal of waste materials into or onto land.~~

- x. That the terms 'Plantation Forestry', 'woodlots' and 'shelterbelt' are not finalised until evidence for the Rural Zone Hearing is heard.
- y. That the definitions of 'waste disposal facilities', 'wastewater treatment plant' and 'wastewater disposal facilities' are reviewed to consider if they need to be limited to the SASM Chapter.
- z. That the terminology 'Network Utilities' and its variations is replaced by 'Regionally Significant Infrastructure' for the following provisions of the SASM chapter:
- i. Policies SASM-P10 and SASM-P13;
 - ii. Rules SASM-R2, SASM-R9, SASM-R10 and SASM-R13; and
 - iii. Table SASM-T8.

aa. That Advice Note 1 for rule SASM-R7 is amended as follows:

Under the Pounamu Vesting Act all The Ngai Tahu (Pounamu Vesting) Act 1997 vested Crown owned pounamu in ~~is owned by~~ Te Rūnanga o Ngāi Tahu. Please contact a Poutini Ngāi Tahu Rūnanaga or the Department of Conservation if any raw pounamu finds, not discovered on beaches open to public fossicking, are made.

bb. That the Historic Heritage identified in Appendix Ten is mapped on a non-statutory advisory layer.



Rachael Pull

5 April 2024

APPENDIX ONE: Summary of Ngāi Tahu submissions and the direction taken

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|----------------------|--------------------------------------|----------|---|---------------|---------------------|
| Definitions/Overview | | | | | |
| 620.029 | Cultural Landscape | Support | The definition appropriately describes what a cultural landscape is. | Accept P43 | P87 |
| S620.034 | IWI/PAPATIPU RŪNANGA MANAGEMENT PLAN | Amend | <p>Retain the definition with the following amendments:</p> <p>IWI/PAPATIPU RŪNANGA MANAGEMENT PLAN:</p> <p>means a plan developed by Poutini Ngāi Tahu <u>and is either</u>:</p> <p>(1) a. Endorsed by the relevant Poutini Ngāi Tahu papatipu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio; or</p> <p>b. In areas where the takiwā of the two rūnanga overlaps endorsed by both rūnanga;</p> <p>c. Which includes the following information for any site it applies to:</p> <p>i. a description of activities, buildings and structures, existing or proposed to be established within any development area;</p> | Not covered | P87 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|-------------|----------|---|--|------------------------------------|
| | | | <p>ii. the bulk and location of any buildings and structures;</p> <p>iii. how any adverse effects resulting from proposed activities, particularly at zone boundaries, will be avoided, remedied or mitigated;</p> <p>iv. the provision of sufficient infrastructure to service the needs of all activities proposed to be established; and</p> <p>v. the protection of mauri of any identified features potentially affected by any activities, buildings or structures proposed to be established.</p> <p><u>Or</u> <u>(2) A relevant planning document recognised by Te Runanga o Ngai Tahu as the iwi authority as an Iwi Management Plan.</u></p> | | |
| S440.002 (The Office of the Māori Trustee) | Definitions | Oppose | <p>Provide definitions for the following terms:</p> <p>Ancestral land;</p> <p>Cultural activities;</p> | Not covered, except for Cultural Materials | Support with amendments P87 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|------------------|-------------|----------|---|-----------------------|---------------------|
| | | | Cultural materials; Cultural purposes; Cultural uses; Poutini Ngāi Tahu community; Poutini Ngā Tahu members; Poutini Ngāi Tahu land; Poutini Ngāi Tahu whānui; Suitably qualified and experienced person; and Te Rūnanga o Ngāi Tahu land. | P46. | |
| 620.026 | Definitions | Amend | We seek the inclusion of definitions for: 'Plantation forestry', 'shelter belts' | Accept in Part P46 | Support P87 |
| FS1.318 (GDC) | | Support | and 'woodlots' which are terms included in Rule SASM-R16 which are not defined. | | |
| 620.027 | Definitions | Amend | | Accept | Support |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|--|----------|---|--------------------|---------------------|
| FS1.319 (GDC) | | Support | We seek the inclusion of definitions for 'landfills', 'waste disposal facilities', 'hazardous facilities', and 'wastewater treatment plant and wastewater disposal facilities'. | P46 | P87 |
| FS41.212 on S415.003 (Nikau Deer Farm) | Sites and Areas of Significance to Māori | Oppose | Remove SASM Section until adequate analysis has been done as laid out in Section 32. These areas have not been correctly identified as illustrated in our example in the reasons section. They need to be redone correctly. The private information gathered from the Section 32 analysis is to be kept private (Central Government required to find a solution to this). | FS Accepted P54 | Support P60 |
| FS41.709 on S201.001 (Mr Livingstone) | Sites and Areas of Significance to Māori | Oppose | Delete provisions | FS Accepted P54 | |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|--|--|-----------------|---|----------------------|----------------------------|
| FS41.005 on S608.011 (GDC) | Sites and Areas of Significance to Māori | Oppose | Remove the sites so that they can be further reviewed and reassessed. | FS Accepted P54 | |
| FS41.363 on S350.001 (Mr. Hands) | Sites and Areas of Significance to Māori | Oppose | I seek that the SASM provisions be removed. | FS Accepted P54 | |
| FS41.365 on S520.001 (Taipo Dairies Ltd) | Sites and Areas of Significance to Māori | Oppose | Remove Sites and Areas of Significance to Māori from the plan. | FS Accepted P54 | Support P60 |
| FS41.713 on S371.002 (Ms Bradley) | Sites and Areas of Significance to Māori | Oppose | Object to the use of the RMA by local authorities when it should be a treaty settlement between the TOW tribunal and the Crown. | FS Accepted P55 | |
| FS41.718 on S270.001 (Mr Page) | Sites and Areas of Significance to Māori | Oppose | I wish the Council and Poutini Ngai Tahu to utilise the Maori Land Courts and the principles of the Treaty of Waitangi in order to obtain authority over the Sites and Areas of Significance to Maori that have been identified in the proposed TTPP. | FS Accepted P55 | |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|-------------------------------------|--|----------|---|--|-----------------------|
| FS41.360 on S133.001 (Mr Heal) | Sites and Areas of Significance to Māori | Oppose | Removal of any SASM rules and appellations to all land/sections that have been legally purchased from the local Iwi located in a town within the past 50 years. | FS Accepted P356-359 | |
| FS41.362 on S608.486 S608.012 (GDC) | Sites and Areas of Significance to Māori | Oppose | Insert a statutory process for identification, agreement with landowner, management incentives, and insertion of new mapped areas into plan by way of Schedule 1 process. No SASM can be formalised except by way of plan change. | FS Accepted P57 | |
| FS41.364 on S483.008 (Scenic Hotel) | Sites and Areas of Significance to Māori | Oppose | Withdraw SASM where they restrict businesses and private developments | FS Accepted No direct analysis P57 | Support P60 |
| FS41.361 on S608.485 (GDC) | Sites and Areas of Significance to Māori | Oppose | A framework is sought that will not impinge on the use of private property | FS Accepted No direct analysis P57 | Support No comment |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|--|----------|---|--|---------------------|
| FS41.366 on S474.034 (Rocky Mining) | Sites and Areas of Significance to Māori | Amend | Seek recognition within all overlay chapters that mineral extraction has a functional and operational need to locate where the resource is, and that this functional and operational need be given due consideration in resource consent applications within the specific overlay | FS Accepted No direct analysis P67 | Support P89 |
| FS41.168 on S341.001 (Ms Gilroy) | Sites and Areas of Significance to Māori | Oppose | Do not go ahead with SASM on residential properties | FS Accepted P54 | Support P60 |
| FS41.368 on S474.037 (Rocky Mining) | Sites and Areas of Significance to Māori | Amend | seek that directive overlay provisions seeking to "avoid, protect, prevent" or "minimise, restrict and preserve" should be limited to situations where they are warranted (i.e. for significant adverse effects, or in environments meeting significance criteria (such as SASM or Significant Natural Areas)) because they can be problematic for passing the gateway test | FS Accepted P67 | Support P89 |
| FS41.371 on S500.026 (Papahaua Resources) | | | | | |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|--|----------|--|-----------------------|----------------------|
| FS41.722 on S459.014 (Greenstone Retreat) | Sites and Areas of Significance to Māori | Amend | Amend to clarify issues | FS Accepted P57 | Support P60 |
| S620.023 | Sites and Areas of Significance to Māori | Support | We support the inclusions of this overlay, subject to the more specific comments below. | Missing | Support P33 & P60 |
| S620.112 | Sites and Areas of Significance to Māori | Support | Retain the objectives, policies and rules within this chapter as notified, except where changes have been requested to an objective, policy or rule below. | Accept in Part P53 | |
| 620.113 | Overview | Amend | Amend as follows: Pounamu and Aotea management areas. Pounamu and Aotea are taonga of Poutini Ngāi Tahu. Under the Pounamu Vesting Act, all pounamu on the West Coast/Tai o Poutini is owned by Poutini Te Rūnanga o Ngāi Tahu. | Accept in Part P71 | Support P53 |
| S620.312 | SCHED3 - SITES AND AREAS OF | Support | Seek that the use of the numbered categories tahi, rua, toru and wha is removed from Schedule 3. Retain as notified unless specific changes requested | Accept No analysis | Support P76 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|--|-----------------------|----------|---|-----------------------|---------------------|
| | SIGNIFICANCE TO MĀORI | | below for each SASM site and rule. We are seeking a separate table is created for each rule and is inserted within that relevant rule. | | |
| Objectives | | | | | |
| FS41.379 on S125.005 (Ms Henderson) | SASM - O1 | Oppose | SASM-01 should be removed. | FS Accepted P85-87 | Support P47 |
| FS41.382 on S209.002 (Ms Carter) | SASM - O1 | Oppose | Reword objective to remove reference to Tino rangatiratanga | FS Accepted P85-87 | |
| FS41.213 on S125.006 (Ms Henderson) | SASM – O2 | Oppose | Amend SASM-02 so that free range to Ngāi Tahu to access, maintain and use any land within the SASM classification is changed to periodic access after consultation with landowners for reasonable access to particularly important areas. | FS Accepted P90-91 | |
| FS41.214 on S209.003 (Ms Carter) | SASM – O2 | Oppose | Amend Objective 2 so this excludes private land. | FS Accepted P90-91 | |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|-----------|----------|--|--|--------------------------------|
| FS41.218 on S270.006 (Mr Page) | SASM – O2 | Oppose | Couldn't the access, maintenance and use of these SASM's be decided by the Māori Land Courts and thus prevent another layer of expensive bureaucracy being imposed on property owners? | FS Accepted P89 | |
| FS41.468 on S440.017 (Māori Trustee) | SASM – O2 | Oppose | The Māori Trustee considers that the Te Tai o Poutini E-Plan needs to clearly identify the extent of sites of significance to Māori as they currently appear to be across entire property records of title. The Māori Trustee considers that the following amendment needs to be made to objective SASM O2. Amendments: O2. Poutini Ngāi Tahu are able to, <u>in agreement with affected landowners</u> , access, maintain and use areas and resources of cultural value within identified sites, areas and cultural landscapes. | FS Accepted P90-91 (note Appendix 2 states rejected) | Support with amendments P36 |
| FS41.216 on S524.048 (Federated Farmers) | SASM – O2 | Oppose | Amend SASM-O2 to ensure that where sites are on private property access is required from the landowner. | FS Accepted P90 | Support P47 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|-----------|----------------|---|-----------------------|---------------------|
| FS41.215 on S608.013 (Grey District Council) | SASM – O2 | Oppose | Remove 'access' from Objective | FS Accepted P90-91 | |
| FS41.217 on S125.007 (Ms Henderson) | SASM – O3 | Oppose in part | Provide clarification on what is Inappropriate subdivision, use and development. | FS Accepted P93-94 | |
| FS41.220 on S270.007 (Mr Page) | SASM – O3 | Oppose | Ensure landowners can challenge Poutini Ngāi Tahu definitions of "inappropriate" activities. | FS Accepted P93-94 | |
| FS41.378 on S493.032 (TiGa) | SASM – O3 | Oppose | Amend SASM - O3 as follows: The values of sites and areas of significance to Māori and cultural landscapes are protected from <u>by managing adverse effects associated with</u> inappropriate subdivision, use and development including inappropriate modification, demolition or destruction. | FS Accepted P95 | Support P89 |
| FS41.219 on S599.036 (WMS) | | | | | |
| FS41.673 on S604.021 | | | | | |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|-----------|----------|---|--------------------------------|---------------------------|
| (Birchfield) | | | | | |
| Policies | | | | | |
| FS41.222 on S493.033 (TiGa) | SASM – P1 | Oppose | Amend SASM - P1 as follows: Protect Poutini Ngāi Tahu cultural landscapes from <u>significant</u> adverse effects of <u>inappropriate</u> subdivision, use and development while enabling their values to be enhanced through ongoing Poutini Ngāi Tahu access and cultural use. | Accept in Part P100 | Support No comment |
| FS41.221 on S599.037 (WMS) | | | | | |
| FS41.676 on S604.022 (Birchfield) | | | | | |
| FS41.007 on S608.014 (Grey District Council) | SASM – P1 | Oppose | Remove 'access' from Policy | FS Accepted P101 | |
| 620.114 | SASM-P3 | Amend | Upon accidental discovery of kōiwi (skeletal remains), <u>or urupā and/or taonga</u> , ensure that the Accidental Discovery Protocol in Appendix Four is followed. | Accept in Part P108-109 | Support P96 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|--|-----------|--------------------|---|-------------------------|---------------------|
| FS41.675 on 140.034 (Heritage NZ) | SASM-P3 | Oppose | HNZPT requests the wording of SASM-P3 be amended: b. Upon accidental discovery of kōiwi (skeletal remains) or urupā ensure that the Accidental Discovery Protocol in Appendix Four is followed, <u>unless an Archaeological Authority has been issued by Heritage New Zealand Pouhere Taonga</u> | FS Accepted P108-109 | |
| FS41.471 on 440.018 (Māori Trustee) | SASM-P5 | Oppose | The Māori Trustee considers that the following amendment needs to be made policy SASM P5. Recognise and provide for the exercise of tino rangatiratanga and kaitiakitanga by Poutini Ngāi Tahu <u>and Māori landowners</u> in decisions made in relation to identified sites and areas of significance in Schedule Three. | FS Accepted P117 | Support P36 |
| FS on S493.034 (TiGa) | SASM-P6 | Support in Part | Amend: Within the Pounamu and Aotea Management overlay, enable tino rangatiratanga and kaitiakitanga of the pounamu and aotea resource by Poutini Ngāi Tahu and avoid the <u>intentional</u> | missing | Support P53 |
| FS on S599.038 | | | | | |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|--|-----------|-----------------|---|---------------------|---------------------|
| (WMS) | | | disturbance or <u>intentional</u> removal of this resource by non-hapū members. | | |
| FS on S604.023 (Birchfield Mining) | | | | | |
| FS41.265 on S569.020 (Minerals West Coast) | SASM-P6 | Oppose | Amend: Within the Pounamu and Aotea Management overlay, enable tino rangatiratanga and kaitiakitanga of the pounamu and aotea resource by Poutini Ngāi Tahu <u>or their authorised representatives or contractor</u> and avoid the disturbance or removal of this resource by non-hapū members | Accept in Part P121 | |
| FS on S601.030 (Birchfield) | SASM-P6 | Support in Part | Amend: Within the Pounamu and Aotea Management overlay, enable tino rangatiratanga and kaitiakitanga of the pounamu and aotea resource by Poutini Ngāi Tahu and avoid <u>minimise the potential for the intentional</u> disturbance or removal of this resource by non-hapū members. | missing | |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|-----------------------|----------|---|------------------------------------|-----------------------------|
| FS41.672 on 172.002 (Kenneth Doig) | SASM-P7 & SASM-P11 | Oppose | Amend P7 and P11 to recognise privately owned Victorian Title Land. | FS Rejected P147 | Support P53 |
| FS41.267 on S599.039 (WMS) | SASM-P7 | Oppose | Amend SASM - P7 as follows: Protect and maintain sites and areas of significance to Māori from adverse effects by: a. Ensuring identified sites and areas of significance to Māori are not disturbed, destroyed, removed and/or visually encroached upon by inappropriate activities; and b. Requiring activities on sites and areas of significance to Māori to minimise <u>manage</u> adverse effects on cultural, spiritual and/or heritage values, interests or associations of importance to Poutini Ngāi Tahu. | Sub and FS Rejected P128-130 | Support. No comment. |
| FS41.268 on S493.035 (TiGa) | | | | | |
| FS41.269 on S601.024 (Birchfield) | | | | | |
| FS41.008 on S608.017 (GDC) | SASM-P7 | Oppose | Change 'minimise' to 'mitigate' | FS Accepted P128-130 | |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|--|-----------|----------|--|------------------------|------------------------|
| FS41.677 on S140.038 (Heritage NZ) | SASM-P8 | Oppose | HNZPT requests the wording of SASM-P8 be amended: b. The accidental discovery protocol in Appendix Four is adopted for any earthworks <u>unless an Archaeological Authority has been issued by Heritage New Zealand Pouhere Taonga.</u> | Accept in Part P132 | Support in Part P96 |
| FS41.009 on S608.018 (GDC) | SASM-P8 | Oppose | Change 'avoid' to 'mitigate' | FS Accepted P135 | Oppose P102 |
| FS41.271 on S493.036 (TiGa) | SASM-P8 | Oppose | Amend SASM - P8 as follows: Where an activity is proposed within any site or area of significance to Māori identified in Schedule Three ensure that: a. ...; c. Any adverse effects on identified values are avoided, unless it can be demonstrated that due to the functional <u>or operational</u> needs of the activity it is not possible to avoid all adverse effects; and d. ... | FS Rejected P134 | Support. No comment |
| FS41.272 on S604.025 (Birchfield Mining) | | | | | |
| FS41.270 on S599.040 | | | | | |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|-----------------------------------|-----------|----------|--|---------------------|---------------------|
| (WMS) | | | | | |
| FS41.274 on S299.024 (Transpower) | SASM-P8 | Oppose | Amend the policy as follows: SASM - P8 Where an activity is proposed within any site or area of significance to Māori identified in Schedule Three ensure that: Engagement with Poutini Ngāi Tahu occurs to ensure that effects of the activity on the values of the site or area are understood; The accidental discovery protocol in Appendix Four is adopted for any earthworks; Any adverse effects on identified values are avoided, unless it can be demonstrated that due to the functional needs <u>or operational need</u> of the activity it is not possible to avoid all adverse effects; and Any residual effects that cannot be practicably avoided are mitigated in a way that protects, maintains or enhances the values of the site or area | FS Rejected P134 | |
| FS41.273 on S547.208 (Westpower) | SASM-P8 | Oppose | (1) Amend item c., "c. Any adverse effects are on ... are avoided <u>where practicable, unless it can be demonstrated that due to the technical, locational, functional or</u> | FS Accepted P136 | Support P102 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|-------------------------------------|------------|----------|--|-------------------------|---------------------|
| | | | <u>operational constraints or requirements</u> of the activity ... adverse effects.".(2) Amend item d. Any residual effect ...mitigated in a way that <u>manages effects on, and where practicable protects</u> maintains or enhances, the values of the site or area. | | |
| FS41.275 on S608.019 (GDC) | SASM-P9 | Oppose | Change 'minimise' to 'mitigate' | FS Rejected P139-141 | No comment. |
| FS41.679 on S547.209 (Westpower) | SASM-P9 | Oppose | Amend a. <u>Avoid, remedy or mitigate</u> minimise adverse effects on indigenous habitats and waterbodies | FS Rejected P140-141 | |
| FS41.225 on S474.038 (Rocky Mining) | SASM – P11 | Oppose | removal of any presumptions that mineral extraction automatically results in an adverse effect, including that found in SASM-P11 | FS Accepted P146 | Support P89 |
| FS41.224 on S493.037 (TiGa) | SASM – P11 | Oppose | Amend SASM P11 as follows: Recognise the significance to Poutini Ngāi Tahu ..., these areas; a. Mining and quarrying other | FS Accepted P146 | Support P89 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|-------------------------------|------------|----------|--|-------------------------|---------------------------|
| FS41.223 on S599.041 (WMS) | | | than Poutini Ngāi Tahu collection of Pounamu and Aotea | | |
| FS41.010 on S608.020 (GDC) | SASM – P11 | Oppose | <p>Delete all wording after "sites". Policy to read: Recognise the significance to Poutini Ngāi Tahu of the sites and areas of significance to Māori listed in Schedule Three and protect the identified values of these sites by avoiding the following activities in, or in close proximity to, these areas;</p> <p>Mining and quarrying other than Poutini Ngāi Tahu collection of Pounamu and Aotea, Landfills and waste disposal facilities, hazardous facilities and offensive industries; Intensive indoor primary production; Cemeteries and crematoria; and Wastewater treatment plants and disposal facilities</p> | FS Accepted P148-149 | Support No comment |
| FS41.227 on S493.038 | SASM - P12 | Oppose | | FS Accepted | Support |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|--|------------|----------|--|---------------------------------|-----------------------|
| (TiGa) | | | Delete SASM - P12, or amend to exclude minerals exploration, prospecting and exploration. | P151 | P89 |
| FS41.226 on S599.042 (WMS) | | | | | |
| FS41.236 on S125.004 (Ms Henderson) | SASM - P13 | Oppose | Clarification sought on what is critical infrastructure, seems to be more to do with network power lines etc, does this include individual septic tanks and wastewater? In the absence of a town-scheme, we need to be able to replace, expand this if required. | FS Accepted in Part P155 | Support P110 |
| FS41.238 on S270.012 (Mr Page) | SASM - P13 | Oppose | Clarify what rights to access to private property exists with SASM and what values are identified in relation to this policy. | FS Accepted P156-158 | Support No comment |
| FS41.246 on S270.020 (Mr Page) | SASM - P13 | Oppose | Clarify identified values in relation to this policy. | FS Accepted in Part P156-158 | |
| FS41.470 on S302.003 | SASM - P13 | Oppose | Add to P13 <u>Lawful recreational and conservation activities</u> | FS Accepted P154 | Support No comment |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|------------|----------|--|-----------------------------|---------------------------|
| (Fish & Game) | | | | | |
| FS41.239 on S547.210 (Westpower) | SASM - P13 | Oppose | Amend SASM-P13, SASM-P13 Enable activities ... spiritual values of the site or area are <u>maintained or potential effects managed</u> . This includes: ... b. Maintenance ... upgrading of <u>existing energy activities</u> , network utility structures and critical infrastructure | FS Accepted P159 | Support No comment |
| FS41.011 on S608.021 (Grey District Council) | SASM – P13 | Oppose | Delete all wording after "protected". Policy to read: Enable activities in sites and areas of significance to Poutini Ngāi Tahu included in Schedule Three where the cultural and spiritual values of the site or area are protected. | FS Accepted P160 | Support No comment |
| FS41.247 on S125.002 (Ms Henderson) | SASM - P14 | Oppose | Remove policy and provide more regard to the Land or business owners ability to improve the land is required. Address concerns regarding costs to undertake the required assessments and unclear | FS Accepted P165-166 | Support No comment |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|------------|----------|---|---------------------|-----------------------|
| | | | outcomes and timeframes for iwi involvement. | | |
| FS41.248 on S209.004 (Ms Carter) | SASM - P14 | Oppose | Amend Policy 14 to exclude private property from provisions in relation to access and delete reference to ahi kā roa | FS Accepted P167 | Support No comment |
| FS41.249 on S270.013 (Mr Page) | SASM - P14 | Oppose | Clarify what sufficient land, size and measures that might arise from this policy and how access to private land could occur. | FS Accepted P165 | Support No comment |
| FS41.469 on S440.019 (Māori Trustee) | SASM – P14 | Oppose | The Māori Trustee considers that the Te Tai o Poutini E-Plan needs to clearly identify the extent of sites of significance to Māori as they currently appear to be across entire property records of titles. The Māori Trustee considers that the following amendment needs to be made policy SASM- P14. (d). Measures are taken, <u>in agreement with affected landowners</u> , to maintain or enhance the ability of Poutini Ngāi Tahu to access and use the site or area of | FS Rejected P168 | Oppose P36 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|------------|----------|---|---------------------|-----------------------|
| | | | significance for mahinga kai, karakia, monitoring, cultural activities and ahi kā roa. | | |
| FS41.012 on S608.022 (Grey District Council) | SASM – P14 | Oppose | Delete part d | FS Accepted P167 | Support No comment |
| FS41.257 on S125.003 (Ms Henderson) | SASM - P15 | Oppose | Remove policy and provide more regard to the Land or business owners ability to improve the land is required. Address concerns regarding costs to undertake the required assessments and unclear outcomes and timeframes for iwi involvement. | FS Accepted P172 | Support P60 |
| FS41.470 on S440.020 (Māori Trustee) | SASM - P15 | Oppose | The Māori Trustee considers that the Te Tai o Poutini E-Plan needs to clearly identify the extent of sites of significance to Māori as they currently appear to be across entire property records of titles. The Māori Trustee considers that the following amendment needs to be made policy SASM P15. | FS Rejected P170 | Oppose P36 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|----------------------------------|------------|----------|---|-------------------------|---------------------|
| | | | (f). Any practical mechanisms to maintain or enhance the ability of Poutini Ngāi Tahu to access and use the site or area of significance for karakia, monitoring, cultural activities and ahi kā roa <u>are made in agreement with affected landowners.</u> | | |
| FS41.259 on S493.039 (TiGa) | SASM - P15 | Oppose | Amend: Allow any other use and development on sites and areas of significance to Māori in Schedule Three where it can be demonstrated that the identified values of the site or area are protected and maintained, having regard to: .. | FS Accepted P173 | Support P102 |
| FS41.258 on S599.043 (WMS) | | | | | |
| FS41.266 on S536.045 (Straterra) | SASM - P15 | Oppose | Change the activity status of this rule from Non- Complying to Discretionary. | FS Accepted P331 | Support P89 |
| FS41.260 on S547.213 (Westpower) | SASM - P15 | Oppose | (1) Amend SASM-P15: Allow any other use and development ... it can be demonstrated that the potential effects on the identified values of the site or | FS Accepted P174-175 | Support P102 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|--|--|----------|--|-------------------------|---------------------|
| | | | <p>area are <u>avoided, remedied or mitigated</u> having regard to:"</p> <p>(2) Add a new item a.</p> <p><u>Avoidance in the first instance, and where this is not practicable the proposed measures to manage potential effects on the identified values.</u></p> <p>(3) Adjust references for existing items "a.-f".</p> <p>(4) Amend existing item b.</p> <p><u>b. The technical, locational, functional and operational constraints or requirements of the proposed activity."</u></p> | | |
| Pounamu and Aotea Management Area | | | | | |
| FS41.374 on S370.002 (Ms Bradley-Peni) | Sites and Areas of Significance to Māori Rules | Oppose | Request for clarification about rules affecting land that is protected by a Victorian Title. | FS Rejected P199-205 | Support P53 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|------------------------------------|--|----------|---|---------------------------------|---------------------|
| FS41.380 on S425.005 (Ms Chapman) | Sites and Areas of Significance to Māori Rules | Oppose | Amend the pounamu overlay to be brought back to a line East of the Arnold River and North of the Grey River | FS Rejected P230-232 | |
| Rules | | | | | |
| FS41.717 on S125.001 (Ms Henerson) | Rules | Oppose | Amend rules to ensure Iwi cannot withhold reasonable consent applications on prejudicial grounds. | FS Accepted in Part P185-186 | Support P60 |
| FS41.716 on S398.002 (Mr Gaasbeek) | Rules | Oppose | Oppose the SASM rules on freehold land. | FS Accepted P192 | |
| FS41.375 on S488.014 (WCRC) | Rules | Oppose | Sites and Areas of Significance to Māori rules are refined in consultation with landowners. | FS Accepted P193 | |
| 620.115 | Permitted Activities | Amend | Seek that a table is inserted into each rule which contains all of the particular SASMs that are relevant to that rule and that the use of the numbered categories tahi, rua, | Accept in Part P242 | Support P76 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---------------------------------------|----------------------|-----------------|---|---------------------|---------------------|
| | | | toru and wha is consequently removed from the rules and from Schedule 3. | | |
| FS1.332 (Grey District Council) | | Support in Part | SASM – Permitted Activities | Accept in Part | |
| FS41.209 on S302.007 (Fish & Game) | Permitted Activities | Oppose | Add a new permitted activity rule – Lawful Conservation or Recreation Activities | FS Accepted P243 | Support P107 |
| FS41.210 on S547.215 (Westpower) | Permitted Activities | Oppose | Amend to provide a single permitted activity rule for all aspects of energy activities undertaken by Westpower. | FS Accepted P244 | |
| FS41.211 on S547.216 (Westpower) | Permitted Activities | Oppose | Where compliance is not achieved then an appropriate consent activity status can be developed as part of the process. | | |
| FS41.367 and FS41.369 on S474.007 | Permitted Activities | Oppose | Seek a restricted discretionary rule in the overlay chapters for mineral extraction, or at minimum activities with a functional and operational need – discretion should be | FS Accepted P195 | Support P89 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|-------------------------|----------|---|------------------------|-------------------------|
| and S474.041 (Rocky) | | | restricted to the values of the particular overlay. | | |
| FS41.372 and FS41.370 on S500.028 and S500.023 (Papahaua) | Permitted Activities | Oppose | overlay chapters contain a restricted discretionary rule for mining, with discretion restricted to effects on the specific overlay or overlay values; | | |
| 620.395 | Permitted Activities | Amend | Remove the first reference to the words ' Sites and Areas in Schedule Three '; from the rule headings for Rules SASM-R1, SASM-R2, SASM-R3, SASM-R4, SASM-R5, SASM-R6 | Accept P242 | Support P76 |
| S620.116 | SASM - R1 | Amend | Seek the removal of SASM22 Okari Lagoon from this rule given this site is a waterway and cannot be grazed. | Accept in Part P247 | Support P79 and P107 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|--------------------------------------|-----------|----------|--|-------------------------|-----------------------|
| FS41.337 on S608.023 (GDC) | SASM - R1 | Oppose | Remove rule | FS Accepted P246 | Support No comment |
| S620.117 | SASM – R2 | Amend | Seek the removal of SASM17 Kawatiri South Bank Native Reserve from this rule as we consider that minor earthworks can occur on this site | Accept in Part P258 | Support P107 |
| FS41.339 on S438.071 (Manawa Energy) | SASM – R2 | Oppose | Amend SASM- R2 by adding a new clause as follows: 1. These are earthworks associated with: i. Burials at urupā; or ... iv. Maintaining roads/tracks within the footprint or modified ground compromised by the existing road/track; and v. for the maintenance or repair of existing regionally significant infrastructure; and | FS Accepted P256 | Support No comment |
| FS41.721 on S507.022 (Leonie Avery) | SASM – R2 | Oppose | Delete iii. a. and b. | FS Accepted P251-253 | Support No comment |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|--|-----------|----------|------------------------|---------------|---------------------|
| FS41.723 on S508.022 (Jared Avery) | | | | | |
| FS41.724 on S509.022 (Kyle Avery) | | | | | |
| FS41.022 on S510.022 (Avery Bros) | | | | | |
| FS41.726 on S511.022 (Bradshaw Farms) | | | | | |
| FS41.727 on S512.022 (Paul Avery) | | | | | |
| FS41.729 on S513.022 (Brett Avery) | | | | | |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|----------------------------------|-----------|----------|--|---------------------|---------------------|
| FS41.217 on S547.217 (Westpower) | SASM – R2 | Oppose | <p>As above Westpower’s preference is that one rule is developed to provide for its energy activities, including energy aspects of infrastructure and critical infrastructure. Whilst not the preferred approach;</p> <p>(1) Amend item 1.(iii),</p> <p>"iii. Installing fence posts ... for overhead <u>energy activity</u> and network utility lines provided that:".</p> <p>(2) Delete item b. From iii.</p> <p>(3) Insert new iv.,</p> <p><u>"iv maintaining existing underground lines and cables provided that: a. The area of land disturbed is limited to what is necessary to maintain the lines or cables; or"</u>.</p> <p>(4) Insert new v.</p> <p><u>"v maintaining existing substations provided that: a. The area of land disturbed is limited</u></p> | FS Accepted P254 | Support P109 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|----------------------------------|-----------|----------|--|------------------------|-----------------------|
| | | | <p><u>to what is necessary to maintain the substation; or"</u></p> <p>(5) Amend existing item 1.iv. to 1.vi.</p> | | |
| FS41.338 on S608.024 (GDC) | SASM – R2 | Oppose | Remove rule | FS Accepted P250 | Support No comment |
| S620.118 | SASM – R3 | Amend | <p>Amend condition 1 and remove condition 2 of SASM- R3 to read as follows:</p> <p>1. In relation to the Sites and Areas of Significance to Māori identified in Table SASM-R3 below Schedule Three identified in 2. below:</p> <p>2. SASM41 ... SASM170 Porangirangi to Mahitahi.</p> | Accept in Part P267 | Support P76 |
| FS41.340 on S608.025 (GDC) | SASM – R3 | Oppose | Remove rule | FS Accepted P261 | Support No comment |
| FS41.706 on S547.223 (Westpower) | SASM – R3 | Oppose | Delete and develop one rule to provide for all energy activities. | FS Accepted P264 | Support P109 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|------------------------------------|-----------|----------|---|------------------------|-----------------------|
| S620.119 | SASM – R4 | Amend | Amend condition 1 of SASM-R4 to read as follows: 1. The activity does not occur on the following Sites and Areas of Significance to Māori identified in Table SASM-R4 below Schedule Three , except with the written approval from the relevant Poutini Ngāi Tahu rūnanga which is provided to the relevant District Council at least 10 working days prior to the activity commencing. i. All sites identified in xii SASM24 Huruuru Manu/Spoon River. | Accept in Part P274 | Support P76 |
| FS41.341 on S62.001 (Mr Wright) | SASM – R4 | Oppose | Amend the rule so only applies to Crown Leasehold or Māori Land and not freehold land. | FS Accepted P270 | Support No comment |
| FS41.711 on S61.001 (Mr Chittock) | SASM – R4 | Oppose | Remove SASM - R4 provisions as apply to SASM 197 on private land. Rule should be "not effective" on freehold land | FS Accepted P270 | |
| FS41.342 on S608.026 (GDC) | SASM – R4 | Oppose | Remove rule | FS Accepted P269 | Support No comment |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|----------------------------------|-----------|----------|---|---------------------|---------------------|
| FS41.343 on S547.225 (Westpower) | SASM – R4 | Oppose | <p>As above Westpower’s preference is that one rule is developed to provide for energy activities, including energy aspects of infrastructure and critical infrastructure. Whilst not the preferred approach;</p> <p>(1) Amend Activity Status Standards, Activity Status Permitted Where:</p> <p>1. The clearance is to maintain existing corridors and access for above and below ground electricity lines and cables to industry standards, or to maintain and operate existing buildings and structures associated with <u>energy activities</u> ; or</p> <p>(2) Amend current 1. to 2.</p> | FS Accepted P272 | Support P109 |
| FS41.344 on S514.007 (Hapuka) | SASM – R4 | Oppose | <p>Amendment to SASM-R4 to permit indigenous vegetation clearance of a specific area (indicatively, 100m2), and/or indigenous vegetation clearance associated with ongoing residential use/maintenance; or, in the alternative, exclude SAMS197 from the application of this rule</p> | FS Accepted P270 | Support P107 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|--|-----------|----------|---|------------------------|---------------------|
| S620.120 | SASM – R5 | Amend | Amend activity standard 3 of SASM-R5 as follows: 3. On the following Sites and Areas of Significance to Māori identified in Schedule Three these only occur with the written approval from the relevant Poutini Ngāi Tahu rūnanga that is provided to the relevant District Council at least 10 working days prior to the activities commencing on all sites listed in Table SASM-R5 below. i. and ii. All sites identified in Category Tahiti... and SASM 205 No. 2 Waiototo Native Reserve. | Accept in Part P282 | Support P76 |
| FS41.053 on S332.003 (Lake Mahinapua Club) | SASM – R5 | Oppose | Include recognition of the Lake Mahinapua Aquatic Club Inc. Annual Programme as a single temporary event in terms of the approval required under this provision. | FS Rejected P279 | Support P108 |
| FS41.472 on S440.021 (Māori Trustee) | SASM – R5 | Oppose | The Māori Trustee suggests that the application of rules under this chapter be reviewed and an appropriate remedy be implemented until the extent of sites of | FS Accepted P280 | Support P36 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|----------------------------|-----------|----------|--|------------------------|-----------------------|
| | | | <p>significance to Māori are mapped in the E-Plan.</p> <p>The Māori Trustee considers that the following amendment needs to be made policy SASM R5(1).</p> <p>These are Poutini Ngāi Tahu <u>or Māori landowner</u> cultural events in accordance with tikanga; or</p> | | |
| FS41.345 on S608.027 (GDC) | SASM – R5 | Oppose | Remove rule | FS Accepted P276 | Support No comment |
| S620.121 | SASM – R6 | Amend | <p>Amend activity standards 1 and 2 of Rule SASM-R6 to read as follows:</p> <p>1. The activity does not occur on the following Sites and Areas of Significance to Māori identified in <u>Table SASM-R6A below</u> Schedule Three, except with written approval from the relevant Poutini Ngāi Tahu rūnanga which is provided to the relevant District Council at least 10 working days prior to the activity commencing;=</p> <p><u>i. All sites identified in Category Tahi (1),</u></p> | Accept in Part P293 | Support P76 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|-----------|-----------------|--|---------------------|-----------------------|
| | | | <p>Category Rua (2), Category Toru (3) and Category Wha (4) in Schedule Three; and ii. SASM 3 Whakapoai Native Reserve 7B and SASM 170 Porangirangi to Mahitahi; iii. provided that 2. No earthworks, buildings or structures are located on the upper slopes, ridgelines or peaks of ancestral maunga identified in Category Toru (3) <u>in Table SASM-R6B below</u> in Schedule Three.</p> | | |
| FS41.346 on S608.028 (GDC) | SASM – R6 | Oppose | Remove Rule | FS Accepted P283 | Support No comment |
| FS41.347 on S507.024 (Leonie Avery) FS41.024 on S508.024 | SASM – R6 | Support in part | SASM14 should be excluded from Schedule Three referred to in 1.i. The rule is generally too restrictive. | FS Accepted P286 | Support No comment |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|--|-----------|----------|------------------------|---------------|---------------------|
| (Jared Avery) FS41.349 on S509.024 (Kyle Avery) FS41.350 on S510.024 (Avery Bros) FS41.351 on S511.024 (Bradshaw Farms) FS41.352 on S512.024 (Paul Avery) FS41.353 on S513.024 | | | | | |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|----------------------------------|-----------|----------|--|-------------------------|---------------------|
| (Brett Avery) | | | | | |
| FS41.715 on S547.227 (Westpower) | SASM – R6 | Oppose | <p>As above Westpower's preference is that one rule is developed to provide for energy activities, including energy aspects of infrastructure and critical infrastructure. Whilst not the preferred approach;</p> <p>(1) Amend the heading of SASM-R6, "SASM-R6 Earthworks, Buildings ... not provided for in, <u>or not complying with</u>, SASM-R2 in Schedule Three ...".</p> <p>(2) Amend Activity Status Standards,</p> <p>1. The area of land disturbed is limited to what is necessary to maintain the energy activity, including energy aspects of infrastructure and critical <u>infrastructure; or</u>".</p> <p>(3) Add a new 2,"2. The structure is for an energy activity, including energy aspects of infrastructure and critical infrastructure; or".</p> <p>(4) Add a new 3., "3. The activity is the replacement, reconstruction or addition to a building or structure used for an energy</p> | FS Accepted P291-292 | Support P109 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|----------------------------|-----------|----------|--|-----------------------------|---------------------------|
| | | | activity, including energy aspects of <u>infrastructure and critical infrastructure; or</u> ". (5) Amend current 1. to 4. | | |
| S620.122 | SASM – R7 | Amend | Amends as follows: 2. In relation to extraction of Pounamu: i. Any extraction of Pounamu is only undertaken by <u>Te Rūnanga o Ngāi Tahu</u> , Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio or their authorised representatives or contractors; Amend as follows: Activity status where compliance not achieved: Prohibited where Standard 1 <u>or 2</u> is not complied with, Discretionary where Standard <u>2 or 3</u> is not complied with. | Accept P207 | Support No comment |
| FS41.710 on S599.045 (WMS) | SASM – R7 | Oppose | Amend SASM - R7 as follows: Activity Status Permitted Where:3. In relation to other mineral extraction and quarrying activity: <u>The mineral extraction or quarrying</u> | FS Accepted P209-213 | Support No comment |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|-----------------------------------|-----------|----------|--|----------------------------|-----------------------|
| FS41.705 on S493.041 (TiGa) | | | activity complies with the Pounamu Vesting Act. Written approval is provided by the relevant Poutini Ngāi Tahu rūnanga – Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio, that the activity can occur within the Pounamu and/or Aotea overlay(s) and the written confirmation shall be provided to the relevant district council at least 10 working days prior to the activity commencing. | | |
| S620.394 | SASM – R7 | Amend | Seek activity status where compliance not achieved with Standard 2 is amended from Prohibited to Discretionary. | Accept P208 | Support No comment |
| FS41.354 on S608.029 (GDC) | SASM – R7 | Oppose | Remove "Condition 3" | FS Accepted P210 | Support No comment |
| FS41.355 on S452.005 (Mr Cameron) | SASM – R7 | Oppose | Delete R7(3) | FS Accepted No analysis | Support No comment |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|-----------|----------|--|-----------------------|-----------------------|
| FS41.356 on S452.006 (Mr Cameron) | SASM – R7 | Oppose | Amend Rule SASM – R7(3) to require <u>notification</u> to iwi prior to mining, rather than requiring approval from iwi. | FS Accepted P210 | Support No comment |
| FS41.357 on S465.003 (Davis Ogilvie Ltd) | SASM – R7 | Oppose | That Rule SASM – R7(3) be amended to require evidence of notification to iwi prior to mining, rather than requiring approval from iwi. | FS Accepted P210 | Support No comment |
| FS41.358 on S474.042 (Rocky) | SASM – R7 | Oppose | deletion of the written approval trigger in SASM-R7 | FS Accepted P210 | Support No comment |
| FS41.321 on S524.055 (Fed Farmers) | SASM – R7 | Oppose | This rule needs to be clearer. Although the heading says farm quarry, the body of the rule references quarrying only (R7 (3)). | FS Rejected P214 | Support No comment |
| S620.400 | SASM – R7 | Amend | Delete requirement to consult with Poutini Ngai Tahu for mineral extraction and quarrying activities outside of these new boundary | Accept No analysis | Support P107 |
| FS1.323 | | Support | SASM-R7 | | |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|-------------------------|-----------|----------|---|------------------------|-----------------------|
| (Grey District Council) | | | | | |
| S620.123 | SASM – R8 | Support | Provides protection for the aotea resource. | Accept P219 | Support P53 |
| S620.124 | SASM – R9 | Amend | Amend rule heading as follows: Maintenance, Repair and Upgrading of Network Utility Structures on or within Sites and Areas of Significance to Māori identified in Schedule Three. Amend activity standard 1 of Rule SASM-R9 as follows: 1. The activity occurs in the following Sites and Areas of Significance to Māori as identified in Table SASM-R9 below in Schedule Three. i. SASM 10 Kawatiri Pa... xvii SASM 197 Okuru. | Accept in Part P296 | Support P76 |
| S620.393 | SASM – R9 | Amend | The activities can also occur within this area without the need for consideration by the relevant Poutini Ngāi Tahu Rūnanga. | Accept in Part P296 | Support No comment |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|----------------------------------|-----------|----------|---|---------------------|-----------------------|
| FS41.359 on S608.030 (GDC) | SASM – R9 | Amend | Remove rule | FS Accepted P295 | Support No comment |
| FS41.714 on S547.231 (Westpower) | SASM – R9 | Amend | As above Westpower's preference is that one rule is developed to provide for energy activities, including energy aspects of infrastructure and critical infrastructure. Whilst not the preferred approach;(1) Amend the heading of SASM-R9, "SASM-R9 Maintenance, Repair, Upgrading of <u>Energy Activities</u> and Network Utility <u>Buildings</u> and Structures, <u>including associated Earthworks and Vegetation Clearance</u> , on or within...".(2) Add a new 1 under "Where:", " <u>1. The area of land disturbed is limited to what is necessary for the work required</u> ".(3) Add a new 2 under "Where:", " <u>2. The area of vegetation cleared is limited to that necessary to comply with electrical safety and hazard regulations, or maintain, repair or upgrade the building or structure</u> (4) Renumber existing 1. | FS Accepted P297 | Support P109 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|----------------------------------|-----------------------|----------|---|---------------------|---------------------------|
| 620.125 | Controlled Activities | Amend | Amend rule to include wording to make it clear that all sites in the complete/full Schedule Three apply to this rule | Accept P306 | Support No comment |
| 620.126 | SASM - R10 | Amend | Amend rule to include wording to make it clear that all sites in the complete/full Schedule Three apply to this rule | Accept P306 | Support No comment |
| FS41.302 on S547.234 (Westpower) | SASM - R10 | Oppose | As above Westpower's preference is that one rule is developed to provide for energy activities, including energy aspects of infrastructure and critical infrastructure. Whilst not the preferred approach;(1) Amend the heading of SASM-R10, "SASM-R10 Maintenance, Repair, Upgrading of <u>Energy Activities and Network Utility Buildings and Structures</u> , including associated Earthworks and Vegetation Clearance, on or within ...".(2) Amend item 2. by deleting a. and b. and adding a new a., " a. <u>The area of land disturbed is limited to what is necessary for the work required.</u> " (3) Amend item 4., " <u>4. The area of vegetation cleared is limited to that necessary to comply with electrical safety</u> | FS Accepted P307 | Support P109 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|------------|----------|--|---------------------|-----------------------|
| | | | <u>and hazard regulations, or to maintain, repair or upgrade the building or structure."</u> . | | |
| FS41.276 on S609.025 (Avery Brothers) FS41.277 on S507.026 (Leonie Avery) FS41.278 on S508.026 (Jared Avery) FS41.279 on S509.026 (Kyle Avery) FS41.280 on | SASM - R10 | Oppose | Delete | FS Accepted P303 | Support No comment |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|------------|----------|---|----------------|-----------------------|
| S510.026 (Avery Bros) FS41.281 on S511.026 (Bradshaw Farms) FS41.282 on S512.026 (Paul Avery) FS41.283 on S513.026 (Brett Avery) | | | | | |
| 620.128 | SASM - R11 | Amend | Amend Rule title as follows: Farm Quarries, and Mineral Extraction <u>Activities and Extraction of Pounamu Activities</u> within the | Accept P225 | Support No comment |
| S620.401 | SASM - R11 | Amend | Delete requirement to consult with Poutini Ngai Tahu for mineral extraction and | Accept | Support |
| FS1.324 | | Support | | P226 | No comment |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|--|------------|----------|--|-------------------------|-----------------------|
| (Grey District Council) | | | quarrying activities outside of these new boundary | | |
| FS41.284 on S609.026 (Avery Brothers) FS41.286 on S507.027 (Leonie Avery) FS41.287 on S508.027 (Jared Avery) FS41.288 on S509.027 (Kyle Avery) FS41.289 on | SASM - R11 | Oppose | Delete | FS Accepted P223-224 | Support No comment |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|------------|----------|---|------------------------|---------------------|
| S510.027 (Avery Bros) Fs41.290 on S511.027 (Bradshaw Farms) FS41.291 on S512.027 (Paul Avery) FS41.292 on S513.027 (Brett Avery) | | | | | |
| S620.129 | SASM - R12 | Amend | Amend Rule SASM-R12 as follows: 1. No earthworks or structures are located on the upper slopes, ridgelines or peaks of ancestral maunga identified in Table SASM-R6B below Category Toru (3) in Schedule Three . 2. This is not Mineral Extraction subject to | Accept in Part P316 | Support P76 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|--------------------------------------|------------|----------|--|---------------------|-----------------------|
| | | | Rule SASM - R1 5 4; and 3. This will not result in the destruction of a Site or Area of significance to Māori <u>listed in Schedule Three. (A copy of requested Table SASM-R6B is attached to this submission in Appendix 1).</u> | | |
| FS41.297 on S558.080 (C & J Coll) | SASM - R12 | Support | Amend Rule SASM-R12 as follows: 2. This is not Mineral Extraction subject to Rule SASM - R1 5 4; and | FS Accepted P312 | Support No comment |
| FS41.300 on S538.187 (BDC) | SASM - R12 | Support | Amend the performance standards of SASM-R12 to refer to SASM-R15 instead of SASM-R14 otherwise - Retain as notified. | | |
| FS41.295 on S567.163 (Mr McLaughlin) | SASM - R12 | Amend | Amend 2. This is not Mineral Extraction subject to Rule SASM - R14 <u>R15</u> ; and | | |
| FS41.298 on S566.080 (Chris J Coll) | | | | | |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|------------|----------|------------------------|---------------------|-----------------------|
| Surveying Ltd) | | | | | |
| FS41.299 on S574.080 (Mrs McLaughlin) | | | | | |
| FS41.293 on S609.027 (Avery Brothers) FS41.680 on S507.028 (Leonie Avery) FS41.681 S508.028 | SASM - R12 | Oppose | Delete | FS Accepted P313 | Support No comment |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|--|-----------|----------|------------------------|---------------|---------------------|
| (Jared Avery) FS41.682 on S509.028 (Kyle Avery) FS41.683 on S510.028 (Avery Bros) FS41.685 on S511.028 (Bradshaw Farms) FS41.687 on S512.028 (Paul Avery) FS41.688 on | | | | | |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|------------|----------|---|------------------------|-----------------------|
| S513.028 (Brett Avery) | | | | | |
| FS41.294 on S608.032 (GDC) | SASM-R12 | Oppose | Remove rule | FS Accepted P314 | Support No comment |
| FS41.296 on S547.236 (Westpower) | SASM-R12 | Oppose | Delete and develop one rule to provide for all energy activities. | FS Accepted P315 | Support P109 |
| S620.130 | SASM - R13 | Amend | Amend Rule SASM-R13 as follows: 1. There are not new structures on the upper slopes, ridgelines or peaks of ancestral maunga identified in Table SASM-R6B below Category Toru (3) in Schedule Three . (A copy of requested Table SASM-R6B is attached to this submission in Appendix 1). | Accept in Part P321 | Support P76 |
| FS41.304 on S609.028 (Avery Brothers) | SASM-R13 | Oppose | Delete | FS Accepted P319 | Support No comment |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|--|-----------|----------|------------------------|---------------|---------------------|
| FS41.696 on S507.029 (Leonie Avery) | | | | | |
| FS41.698 on S508.029 (Jared Avery) | | | | | |
| FS41.700 on S509.029 (Kyle Avery) | | | | | |
| FS41.702 on S510.029 (Avery Bros) | | | | | |
| FS41.704 on S511.029 | | | | | |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|------------|----------|---|---------------------|---------------------------|
| (Bradshaw Farms) FS41.708 on S512.029 (Paul Avery) FS41.712 on S513.029 (Brett Avery) | | | | | |
| FS41.305 on S516.026 (Mr Croasdale) | SASM - R13 | Amend | Amend to Controlled or Restricted Discretionary. | FS Accepted P319 | Support No comment |
| FS41.301 on S547.241 (Westpower) | SASM - R13 | Oppose | Delete and Develop one rule to provide for all energy activities. | FS Accepted P320 | Support P109 |
| FS41.691 on S547.242 (Westpower) | SASM - R13 | Oppose | Amend heading: SASM-R13 Maintenance, Repair, Upgrading of <u>Energy Activities and Network Utility Buildings and Structures</u> , including associated Earthworks and | FS Accepted P322 | Support No comment |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|--|------------|----------|--|--------------------------------|-----------------------|
| | | | <u>Vegetation Clearance</u> , on or within ... Controlled Activity Standards. | | |
| FS41.693 on S547.243 (Westpower) | SASM - R13 | Oppose | Amend: Notification: Applications for earthworks on ... notified to the relevant Ngai Tahu runanga <u>alone, and no other party will be notified.</u> | FS Accepted P323 | Support No comment |
| FS41.303 on S538.188 (BDC) | SASM - R13 | Support | Amend the performance standards of SASM-R12 to refer to SASM-R15 instead of SASM-R14 otherwise - Retain as notified. | FS Accepted in Part P318 | Support No comment |
| S620.318 | SASM - R14 | Amend | We seek an amendment to the numbering for this SASM as the SASM includes two sites in two different locations. For ease of reference they have been relabelled as SASM 14A and SASM 14B. | Accept P384 | Support No comment |
| FS41.321 on S538.189 (BDC) | SASM - R14 | Support | Retain as notified | FS Accepted in Part P324 | Support No comment |
| FS41.013 on S608.033 (GDC) | SASM - R14 | Oppose | Remove rule | FS Accepted P325 | Support No comment |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|------------|----------|------------------------|---------------------|-----------------------|
| FS41.313 on S609.030 (Avery Brothers) FS41.307 on S507.030 (Leonie Avery) FS41.309 on S508.030 (Jared Avery) FS41.311 on S509.030 (Kyle Avery) FS41.702 on S510.029 | SASM - R14 | Oppose | Delete | FS Accepted P326 | Support No comment |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|------------|----------|---|---------------------|-----------------------|
| (Avery Bros) FS41.315 on S511.030 (Bradshaw Farms) FS41.317 on S512.030 (Paul Avery) FS41.319 on S513.030 (Brett Avery) | | | | | |
| FS41.306 on S547.244 (Westpower) | SASM-R14 | Oppose | Delete and develop one rule to provide for all energy activities. | FS Accepted P327 | Support P109 |
| FS41.326 on S608.034 (GDC) | SASM - R15 | Oppose | Remove rule | FS Accepted P329 | Support No comment |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|--|------------|----------|---|------------------------------------|---------------------|
| FS41.329 on S516.027 (Mr Croasdale) | SASM - R15 | Oppose | Delete | FS Accepted P330 | Support P60 |
| FS41.322 on S599.047 (WMS) | SASM - R15 | Oppose | Amend SASM - R15 as follows: SASM - R15 Mineral Extraction by other than by Poutini Ngāi Tahu in Sites and Areas of Significance to Māori Activity Status Non-complying <u>Restricted Discretionary</u> , with discretion restricted to the protection of the specific values associated with the SASM under Schedule 3. | FS Accepted P331 | Support P89 |
| FS41.324 on S493.043 (TiGa) | | | | | |
| FS41.331 on S536.006 (Straterra) | SASM - R15 | Support | Change the activity status of this rule (SASM – R15) from Non- Complying to Discretionary. | FS Accepted FS Rejected P331 | Support P89 |
| FS41.328 on S516.028 (Mr Croasdale) | | | | | |
| FS41.328 on S569.023 | | | | | |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|------------|----------|---|---------------------|---------------------------|
| (Mineral West Coast) | | | | | |
| FS41.325 on S601.031 (Birchfield Coal) | | | | | |
| FS41.327 on S569.022 (Mineral West Coast) | SASM - R15 | Oppose | 2. An arrangement between Ngai Tahu iwi and alluvial gold miners is in place. | FS Accepted P331 | Support No comment |
| S620.131 | SASM - R15 | Amend | Mineral Extraction by other than by Poutini Ngai Tahu in Sites and Areas of Significance to Māori <u>in Schedule Three.</u> | Accept P332 | Support P79 |
| S620.396 | SASM - R15 | Amend | Change Activity Status from Non-complying to <u>Discretionary.</u> Mineral Extraction by other than by Poutini Ngai Tahu in Sites and Areas of Significance to Māori <u>in Schedule Three.</u> | Accepted P331 | |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|-------------------------------------|------------|----------|--|------------------------|-----------------------|
| S620.397 | SASM - R15 | Amend | Seek retention of the requirement for notification to the relevant Poutini Ngai Tahu rūnanga. | Accept in Part P333 | |
| S620.132 | SASM - R16 | Amend | Support the minor amendment process for this rule | Accept No analysis | Support No comment |
| S620.405 | SASM - R16 | Amend | Amend rule SASM-R16 so that it does not apply to amenity plantings. | Accept S339 | Support No comment |
| FS41.373 on S210.003 (Mr Baxter) | SASM - R16 | Oppose | Opposes restrictions on planting of trees, goldmining (SASM R14 and SASM R15) | FS Accepted P338 | Support No comment |
| S620.133 | SASM - R17 | Support | Support the minor amendment process for this rule. Note submission point in the definitions section around terms within this rule. | Accept P340 | Support No comment |
| FS41.686 on S507.033 (Leonie Avery) | SASM - R17 | Oppose | Delete | FS Accepted P340 | Support No comment |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|--|-----------|----------|------------------------|---------------|---------------------|
| FS41.688 on S508.033 (Jared Avery) | | | | | |
| FS41.690 on S509.033 (Kyle Avery) | | | | | |
| FS41.692 on S510.033 (Avery Bros) | | | | | |
| FS41.694 on S511.033 (Bradshaw Farms) | | | | | |
| FS41.697 on S512.033 (Paul Avery) | | | | | |
| FS41.699 on | | | | | |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|--|------------|----------|---|----------------------------------|---------------------------|
| S513.033 (Brett Avery) | | | | | |
| FS41.701 on S558.083 (C & J Coll) | SASM - R17 | Oppose | Amend status to Discretionary | FS Accepted P344 | Support No comment |
| FS41.703 on S566.083 (Coll Surveying) | | | | | |
| FS41 on S567.166 (Mr McLaughlin) | | | | | |
| FS41.332 on S608.035 (GDC) | SASM - R17 | Oppose | Remove rules | FS Accepted P342 | Support No comment |
| FS41.707 on S536.007 (Straterra) | SASM-R18 | Oppose | Provide for a Discretionary Activity rather than non-complying | FS & Sub Accepted P348 | Support P89 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|-----------------------------------|------------|----------|---|---------------------|-----------------------|
| FS41 on S608.036 (GDC) | SASM - R18 | Oppose | Remove rules | FS Accepted P347 | Support No comment |
| S620.134 | SASM - R18 | Support | Support the minor amendment process for this rule. | Accept P346 | Support No comment |
| S620.135 | SASM - R19 | Amend | Amend Rule heading as follows: Mineral extraction or Fossicking of Aotea or Mineral Extraction of Pounamu by anyone other than Poutini Ngai Tahu in the Pounamu-Aotea Overlay area not meeting Rule SASM-R7 or Rule SASM-R8. | Accept P229 | Support No comment |
| FS41.335 on S493.044 (TiGa) | SASM - R19 | Oppose | Delete SASM-R19 | FS Accepted P229 | Support P89 |
| FS41.334 on S599.048 (WMS) | | | | | |
| New Rules/provisions | | | | | |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|------------------------------------|--|----------|---|-----------------------------------|---------------------------|
| FS not noted on S250.003 (Skyline) | Sites and Areas of Significance to Māori | Oppose | The proposed Amenities Area and development of an aerial cableway to Franz Josef should be provided for in the provisions in the Sites and Areas of Significance to Māori - Ngā Wāhi Tāpua ki te Māori chapter enable consideration of such a development | FS Missing Sub Rejected P64 | Support No comment |
| FS41.172 on S400.001 (Ms Hall) | Sites and Areas of Significance to Māori | Oppose | Make provision for exemption under the Plan for all properties that have been willingly sold by the Mawhera Incorporation, and directly or indirectly associated entities, within the last five years, and that have also now been identified under the Te Tai O Poutini Draft Plan as Sites and Areas of Significance to Māori. This provision should apply especially to land that the Mawhera Incorporation, and directly or indirectly associated entities, have had moved from the Māori Land Register to the General Land Register. | FS Accepted P356-360 | Support P60 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|-----------------------------------|--|----------|--|----------------|---------------------|
| FS41.173 on S404.001 (Ms N. Hall) | Sites and Areas of Significance to Māori | Oppose | Delete SASM from for all properties that have been willingly sold by the Mawhera Incorporation, and directly or indirectly associated entities, within the last five years. This provision should apply especially to land that the Mawhera Incorporation, and directly or indirectly associated entities, have had moved from the Maori Land Register to the General Land Register. | | |
| Mapping – general submissions | | | | | |
| S620.022 | Planning Maps and Overlays | Amend | Replace existing northern pounamu management area boundary in the overlay in the proposed plan with the adjustment shown to the overlay map as attached in Appendix five. | Accept P232 | Support P53 |
| S620.399 | Planning Maps and Overlays | Amend | Amend maps as follows: For the northern pounamu management area, seek to move the boundary further south and for the southern boundary of the northern area for the boundary to now follow the Waitaha River. In relation to the | | |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|--|--|----------|---|---------------------|--|
| | | | southern pounamu management area, we seek for the boundary to be amended so that it follows the Haast River. | | |
| Further Submission missing on S608.497 (GDC) | Planning Maps and Overlays | Oppose | It is recommended that all overlays be removed, reviewed and reassessed with new overlays created. | Missing | Based on other submissions of this theme, I assume it will be rejected, which I support. |
| FS41.678 on S608.142 (Grey District Council) | Sites and Areas of Significance to Māori | Oppose | Insert a statutory process for identification, agreement with landowner, management incentives, and insertion of new mapped areas into plan by way of Schedule 1 process. No SASM can be formalised except by way of plan change. | FS Accepted P57 | Support No comment |
| FS41.037 on S608.003 (Grey District Council) | Sites and Areas of Significance to Māori | Oppose | Remove the Overlay so that they can be further reviewed and reassessed | FS Accepted P363 | Support No comment |
| FS41.670 on S608.839 | Sites and Areas of Significance to Māori | Oppose | Remove the Overlays, review/reassess, check for accuracy and apply to the properties that they relate to only. | FS Rejected P363 | Support No comment |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|--|--|----------|---|----------------------------|-----------------------|
| (Grey District Council) | | | | | |
| FS41.665 on S69.001 (Mr Bowe) | Sites and Areas of Significance to Māori | Oppose | Remove current and former Māori reserves from the SASM Schedule and Maps. | FS Accepted P381 | Support No comment |
| FS41.149 on S185.001 (Ms Wood) | Sites and Areas of Significance to Māori | Oppose | Do not identify sites of significance to Māori in the Plan. | FS Accepted P363 | Support P59 |
| FS41.161 on S370.003 (Ms Bradley-Peni) | Sites and Areas of Significance to Māori Rules | Oppose | Reconsider SASM boundaries. | FS Accepted in Part P63 | |
| FS41.381 on S398.001 (Mr Gaasbeek) | Sites and Ares of Significance to Māori | Oppose | Request for some more accurate mapping. | FS Rejected P467 | Support No comment |
| FS41.206 S523.004 (QLDC) | Sites and Ares of Significance to Māori | Support | That Wāhi Tūpuna site 6 (Makarore & Tiore Pātea) described within Chapter 39 of the Queenstown Lakes Proposed District Plan be taken into account in developing the schedule of sites significant to Māori, | FS Accepted P371 | Support P72 |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|---|---|----------|---|------------------------|------------------------|
| | | | including its extent in the location shown in the map included with the submission, as well as the values identified within provision 39.6 of Chapter 39 (Wāhi Tūpuna) of QLDCs PDP and, That an advice note be included within the relevant part of the Plan to ensure plan users and administrators are made aware of any issues that may arise from the location, extent and values associated with Wāhi Tūpuna site 6 (Makarore & Tiore Pātea). | | |
| FS41.169 on S488.013 (WCRC) | Sites and Areas of Significance to Māori | Oppose | The Sites and Areas of Significance to Māori need to be confirmed and the mapping of boundaries corrected. | FS Rejected P367 | Support No comment |
| Appendix Four: Accidental Discovery Protocols | | | | | |
| S620.388 | Appendix Four: Accidental Discovery Protocols | Amend | Replace the notified accidental discovery protocol with wording similar to that provided in Appendix Seven and/or work with Poutini Ngāi Tahu on one specific for Te Tai o Poutini. | Accept in Part P493 | Support in Part P85 |
| Appendix Six: Nohoanga Entitlements | | | | | |

| Submission | Provision | Position | Reasons for Submission | S42A position | Position at hearing |
|--|--|----------|--|------------------------|--|
| S620.390 | Appendix Six: Nohoanga Entitlements | Amend | retain with the following inclusion (note we have included the table headings for clarification): <u>Waterbody: Pororari River</u> <u>Site: Pororari River Site Legal</u> <u>Description/Allocation Plan: 1 hectare,</u> <u>approximately, being Part Seabed.</u> <u>Subject to survey, as shown on</u> <u>Allocation Plan MN 185 (SO 15491).</u> | missing | Hearing Report 1, Paragraph 444. All Changes Accepted. |
| Appendix Ten: New Zealand Archaeological Association Sites of Māori Origin | | | | | |
| S620.391 | Appendix Ten: New Zealand Archaeological Association Sites of Māori Origin | Amend | Retain the list of sites in Appendix 10 as noted and include them as an alert layer within the planning maps. Ensure list of sites includes all NZAA of Māori origin within and outside of mapped SASM. | Reject P498-502 | Oppose P111 |

APPENDIX TWO: Combined draft Accidental Discovery Protocol

Note this protocol is my attempt to merge the Heritage New Zealand and Ngāi Tahu submissions on what the protocol should contain. I welcome amendments from Heritage New Zealand, the Reporting Officer and the Panel. This version is not marked up with the source of each sentence for readability purposes.

Appendix Four: Accidental Discovery Protocol

Te Āpitianga Tuawhā: Ngā Tikana o te Kite Pokerehū

PRIOR TO COMMENCEMENT OF ANY WORKS, A COPY OF THIS ADP SHOULD BE MADE AVAILABLE TO ALL CONTRACTORS WORKING ON SITE.

Purpose:

In the event that an unidentified archaeological site is located during works, the Accidental Discovery Protocol (ADP) sets out the procedures that must be followed in the event that taonga (Māori artefacts), burial sites/kōiwi (human remains), or archaeological sites are accidentally discovered.

Background:

Land use activities involving earthworks have the potential to disturb material of cultural significance to tāngata whenua. In all cases such material will be a taonga, and in some cases such material will also be tapu. Accidental discoveries may be indicators of additional sites in the area. They require appropriate care and protection, including being retrieved and handled with the correct Māori tikanga (protocol).

Under the Heritage New Zealand Pouhere Taonga Act 2014, an archaeological site is defined as any place associated with pre-1900 human activity, where there is material evidence relating to the history of New Zealand. It is an offence under s87 to modify or destroy the whole or any part of an archaeological site (known or unknown) without an authority from Heritage New Zealand irrespective of whether the works are permitted, or a consent has been issued under the Resource Management Act.

Protocol:

Immediately following the discovery of material suspected to be a taonga, kōiwi or archaeological site, the following steps shall be taken:

1. All work on the site will cease immediately at that place and within 20m around the site.
2. Immediate steps will be taken to secure the site to ensure the archaeological material is not further disturbed.

3. The contractor/works supervisor/owner will notify the Rūnanga, Council and the Area Archaeologist of Heritage New Zealand. In the case of kōiwi (human remains), the New Zealand Police must be notified.
4. The Rūnanga and Heritage New Zealand will jointly appoint/ advise a qualified archaeologist who will confirm the nature of the accidentally discovered material.
5. If the material is confirmed as being archaeological, the contractor/works supervisor/owner will ensure that an archaeological assessment is carried out by a qualified archaeologist, and if appropriate, an archaeological authority is obtained from Heritage New Zealand before work resumes (as per the Heritage New Zealand Pouhere Taonga Act 2014).
6. The contractor/works supervisor/owner will also consult the Rūnanga on any matters of tikanga (protocol) that are required in relation to the discovery and prior to the commencement of any investigation.
7. If kōiwi (human remains) are uncovered, in addition to the steps above, the area must be treated with utmost discretion and respect, and the kōiwi dealt with according to both law and tikanga, as guided by the Rūnanga. Remains are not to be moved until such time as Rūnanga, NZ Police and Heritage New Zealand have responded.
8. Works in the site area shall not recommence until authorised by the Rūnanga, the Heritage New Zealand (and the NZ Police in the case of kōiwi) and any other authority with statutory responsibility, to ensure that all statutory and cultural requirements have been met.
9. All parties will work towards work recommencing in the shortest possible time frame while ensuring that any archaeological sites discovered are protected until as much information as practicable is gained and a decision regarding their appropriate management is made, including obtaining an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 if necessary. Appropriate management may include recording or removal of archaeological material.
10. Although bound to uphold the requirements of the Protected Objects Act 1975, the contractor/works supervisor/owner recognises the relationship between Ngāi Tahu whānui, including its Rūnanga, and any taonga (Māori artefacts) that may be discovered. Where Rūnanga so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records.

IF IN DOUBT, STOP AND ASK; TAKE A PHOTO AND SEND IT TO THE HERITAGE NEW ZEALAND ARCHAEOLOGIST

Contact Details:

Rūnanga Contact: Poutini Environmental

NZ Police xxxx

Heritage New Zealand Archaeologists contact details:

ArchaeologistCW@heritage.org.nz AsstArchaeologistCW@heritage.org.nz