

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

AND

**IN THE MATTER of
Hearing of submissions and further
submissions on the Proposed Te Tai O
Poutini Plan**

**MINUTE 37 – Caucusing on Sites of
Significance to Māori and
site review**

INTRODUCTION

1. There are two matters that the Hearing Panel have identified as outstanding from the hearing on the Sites of Significance to Māori (SASM) in May, namely the need for further caucusing amongst planning experts and some proposed adjustment of SASM boundaries.

Planner Caucusing

2. During the hearing the Hearing Panel agreed that there may be value in some planner caucusing once legal advice had been received in accordance with the direction in Minute 26.
3. Having received the legal advice from the respective legal Counsel we now direct that the Planners involved in the SASM hearing Ms Easton, Ms Pull, Mr McEnaney, Mr Kennedy and Mr Sutherland caucus on the following matters:
 - i. Identify an appropriate response to the legal advice stemming from Minute 26 in relation to the proposed permitted activity rules;
 - ii. Consider the wording of policies i.e. avoid versus minimise and whether Policy 4 should be considered a method; and
 - iii. Consider an approach of linking Policy 2 through to the methods.
4. We note that Ms Styles did not appear to have specific evidence in relation to these matters, however it is open to her as Planners to join the caucusing should she so wish.
5. The Hearing Panel would like to receive a response to the above by the **16th of September**.

Review of SASM boundaries

6. The Hearing Panel accepts that it is for Ngāi Tahu cultural experts to identify sites and areas of significance to them. A number of submitters opposed particular SASM sites and areas, querying their location, extent or significance. Through the hearing process cultural expert witness Mr Madgwick resolved a number of queries raised by submitters through dialogue with individual submitters and further advice to the Hearing Panel.
7. For decision-making purposes, the Hearing Panel requires confirmation from Ngāi Tahu of all agreed adjustments to mapped boundaries of SASMs that have arisen from response to submitters at the hearing, with revised maps.
8. Further, Mr Madgwick offered to have discussions with some submitters during the hearing. The Hearing Panel would find it beneficial to have a record of any subsequent discussions and outcomes.
9. Finally, the Hearing Panel has identified an outstanding question in relation to SASM 36 as a result of the evidence of Mr Peter Kennedy (S418.002) who brought in an archival map of the native reserve that appeared to correspond with a different location than the mapped SASM 36 area. Some discussion occurred at the hearing but to assist with decision-making the Hearing Panel require a written response from Ngāi

Tahu regarding the map provided by Mr Kennedy and its relationship with mapping of the Totara Flat Native Reserve area (SASM 36).

10. It would again be helpful if the Hearing Panel could receive a response to the above by the **16th of September**.



Dean Chrystal

Independent Commissioner – Chair - on behalf of the Hearing Panel members

13 August 2024