

**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**

---

**JOINT STATEMENT OF PLANNING EXPERTS FOR THE SITES AND  
AREAS OF SIGNIFICANCE TO MĀORI TOPIC  
10 September 2024**

## **Introduction**

1. This joint witness statement relates to expert conferencing on the topic of Sites and Areas of Significance to Māori.
2. The expert conferencing was held on 27 August 2024 and 10 September 2024, via a video-conference.
3. Attendees at the conference on 27 August 2024 were:
  - a. Lois Easton, s42A reporting officer for Sites and Areas of Significance to Māori.
  - b. Martin Kennedy, for Westpower;
  - c. Stephanie Styles, for Manawa Energy;
  - d. Rachael Pull, for Poutini Ngāi Tahu;
  - e. Michael McEnaney, for Grey District Council
4. Attendees at the conference on 10 September 2024 were:
  - a. Lois Easton, s42A reporting officer for Sites and Areas of Significance to Māori.
  - b. Martin Kennedy, for Westpower;
  - c. Stephanie Styles, for Manawa Energy;
  - d. Rachael Pull, for Poutini Ngāi Tahu;
  - e. Michael McEnaney, for Grey District Council

## **Expert Witness Code of Conduct**

4. This joint statement is prepared in accordance with Section 9.5 of the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023.
5. We confirm that we have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and agree to abide by it and in particular those matters under Section 9.4.

## **Purpose and scope of conferencing**

6. The purpose of conferencing was to identify, discuss, and highlight points of agreement and disagreement on outstanding matters arising from the Sites and Areas of Significance to Māori hearing, and specifically respond to the legal advice stemming from Minute 26 and those matters identified by the Hearing Commissioners, set out in Minute 37.
7. Annexure A records the agreed issues, areas of disagreement and the reasons, along with any reservations or comments.
8. It was agreed that separate discussions with Lois Easton would happen on individual issues that did not relate to the wider group, and that would be reported on separately by Ms Easton.

Date: 11 September 2024



**Lois Easton, s42A Author**



**Martin Kennedy, for Westpower;**



**Stephanie Styles, for Manawa Energy;**



**Rachael Pull, for Poutini Ngāi Tahu;**



**Michael McEnaney, for Grey District Council**

**ANNEXURE A – EXPERT CONFERENCING ON MATTERS ARISING FROM THE SITES AND AREAS OF SIGNIFICANCE TO MĀORI HEARING**

**10 SEPTEMBER 2024**

**Participants: Lois Easton (LE), Martin Kennedy(MK), Stephanie Styles (SS), Rachael Pull (RP), Michael McEnaney (MM)**

<b>Issue</b>	<b>Sub-Item</b>	<b>Discussion</b>	<b>Agreed Position</b>
Response to legal advice stemming from Minute 26	Wording of certification process within the rules	<b>LE, MK, SS, RP, MM</b> -of the examples provided in the legal response to minute 26, the Otorohonga example was preferred. <b>RP</b> – proposed an amended heading to Rule SASM – R7 which amends the s42A recommendation and clarifies the status of mineral extraction in SASM. The same certification rule is proposed to apply to SASM – R7.	Agreed wording of the certification clause in Permitted Activity rules attached.
	Certification criteria	<b>LE, MK, SS, RP, MM</b> -providing a clear technical assessment for certification, with criteria included in a schedule	Agreed Schedule attached.
Use of the Word minimise in Policy		<b>LE</b> -minimise a commonly defined and used word in Plan objectives and policies in all recent plans (Selwyn, Timaru, New Plymouth, Porirua) looked at. More commonly used in those plans than “avoid, remedy, mitigate” – provides a direction of travel and end goal <b>SS</b> – needs to be used alongside a definition – support that proposed in the s42A report recommendations. Like the reference to “where practicable”. Can be useful to use to imply a reduction but within parameters.	No agreed position.

		<p><b>MK</b> -generally doesn't support use of word minimise. Wants to see consistency across policies.</p> <p><b>MM</b> -prefers "avoid, remedy, mitigate" but open to use of minimise provided is defined.</p> <p><b>RP</b> – considers appropriate particularly where discretionary activity status driven by policy</p>	
Wording of Policies in Relation to the use of the word "minimise"	Policy 7	<p><b>LE, SS, RP, MM</b> –use of minimise is appropriate.</p> <p><b>MK</b> – prefers avoid, remedy, mitigate</p>	No agreed position
	Policy 9	<p><b>LE, SS, RP, MM</b> –use of minimise is appropriate.</p> <p><b>MK</b> – prefers avoid, remedy, mitigate</p>	No agreed position
Should Policy 4 be considered a method	Policy 4	<p><b>LE, MK, SS, RP, MM</b> -agree is a method with some redrafting. Links to Objective 2, Policies 1, 9, 14 and 15</p>	Agreed Method SASM – M4 attached. This replaces Policy SASM – P4 which should be deleted.
Linking Policy 2 through to the methods.		<p>No Federated Farmers Planner involved so topic was not able to be progressed.</p> <p><b><i>[Federated Farmers subsequently advised their planner has left the organisation so they are not able to participate in the caucusing].</i></b></p>	No recommendation

**Agreed Amended Provisions (recommended amendments from the caucusing are highlighted in green)**

**1. Certification Clauses for Permitted Activities - Draft Rule Wording for Permitted Activity Certification**

To apply to Rule SASM – R2, SASM – R3, SASM – R4, SASM – R5, SASM – R6 and SASM – R7

**SASM - R2 Minor Earthworks on ~~Sites and Areas in Schedule Three~~ Sites and Areas of Significance to Māori listed within Table SASM – T2  
Activity Status Permitted**

Where:

...

2. In relation to the Sites and Areas of Significance to Māori identified in 2. Below: i. standards ii., iii. and iv. ~~These activity does not occur earthworks except with the written approval from the relevant Poutini Ngāi Tahu rūnanga have been assessed and certified as not having adverse effects on cultural values in terms of the criteria set out in Schedule XXX of this Plan, as certified by an authorised representative of the relevant Poutini Ngāi Tahu rūnanga, which is and this certification is provided to the relevant District Council at least 10 working days prior to the activity commencing.~~

**SASM – R3 Demolition, removal of, or alterations to a structure on ~~Sites and Areas in Schedule Three~~ Sites and Areas of Significance to Māori listed in Table SASM – T3  
Activity Status Permitted**

Where:

1. ~~In relation to the Sites and Areas of Significance to Māori identified in Schedule Three identified in 2. below: The activity does not occur except with the written approval from the relevant Poutini Ngāi Tahu rūnanga demolition, removal or alterations to the structure have been assessed and certified as not having adverse effects on cultural values in terms of the criteria set out in Schedule XXX of this Plan, by an authorised representative of the relevant Poutini Ngāi Tahu Rūnanga, and this certification is provided to the relevant District Council at least 10 working days prior to the activity commencing; and~~

2. ...

**SASM - R4 Indigenous vegetation clearance on ~~Sites and Areas in Schedule Three~~ Sites and Areas of Significance to Māori listed in Table SASM – T4  
Activity Status Permitted**

Where:

1. ~~The activity does not occur on the following Sites and Areas of Significance to Māori identified in Schedule Three except with the written approval from the relevant Poutini Ngāi Tahu Rūnanga indigenous vegetation clearance has been assessed and certified as not having adverse effects on cultural values in terms of the criteria set out in Schedule XXX of this Plan, by an authorised representative of the relevant Poutini Ngāi Tahu Rūnanga, and this certification is provided to the relevant District Council at least 10 working days prior to the activity commencing; and~~

2. ...

**SASM – R5 Temporary Events on ~~Sites and Areas in Schedule Three~~ Sites and Areas of Significance to Māori listed in Table SASM – T5  
Activity Status Permitted**

Where:

...

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 The temporary events have been assessed and certified as not having adverse effects on cultural values in terms of the criteria set out in Schedule XXX of this Plan, by an authorised representative of the relevant Poutini Ngāi Tahu Rūnanga, and this certification is provided to the relevant District Council at least 10 working days prior to the activity commencing.~~

**SASM – R6 Earthworks Buildings and Structures ~~not provided for in Rule SASM – R2 in Schedule Three~~ within Sites and Areas of Significance to Māori listed in Tables SASM – T6 and SASM – T7 and not provided for in Rule SASM – R2**

**Activity Status Permitted**

Where:

1. The activity ~~does not occur on the following Sites and Areas of Significance to Māori identified in Schedule Three, except with the written approval from the relevant Poutini Ngāi Tahu rūnanga~~ which earthworks, buildings or structures have been assessed and certified as not having adverse effects on cultural values in terms of the criteria set out in Schedule XXX of this Plan, by an authorised representative of the relevant Poutini Ngāi Tahu Rūnanga, and this certification is provided to the relevant District Council at least 10 working days prior to the activity commencing; and
2. ...

**SASM – R7 Farm Quarries, including Farm Quarries and Mineral Extraction Activities within the Pounamu and Aotea Overlay Areas or in a Outside of Site or Area of Significance to Māori in Schedule Three**

**Activity Status Permitted**

Where:

1. In relation to extraction of Aotea:
  - i. Any extraction of Aotea is only undertaken by Te Rūnanga o Makaawhio or their authorised representatives or contractors;
  - ii. Where an Aotea Management Plan prepared by Te Rūnanga o Makaawhio exists, any extraction of Aotea is in accordance with that plan;
  - iii. Where this is Aotea extraction in the Aotea overlay, notice of the activity is provided to the Westland District Council by Te Rūnanga o Makaawhio, at least 10 working days prior to the activity occurring.
2. In relation to extraction of Pounamu:
  - i. Any extraction of Pounamu is only undertaken by Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio or their authorised representatives or contractors;
  - ii. Where a Pounamu Management Plan prepared by Poutini Ngāi Tahu exists, any extraction of Pounamu is in accordance with that plan;
  - iii. Where this Pounamu extraction is within the Pounamu overlay, notice of the activity is provided to the relevant district council by the relevant Poutini Ngāi Tahu rūnanga, at least 10 working days prior to the activity commencing;
3. In relation to other mineral extraction and quarrying activity within the site or area of significance to Māori overlay or the Pounamu and Aotea overlay areas:
  - i. ~~Written approval is provided by~~ The mineral extraction or quarrying has been assessed and certified as not having adverse effects on cultural values in terms of the criteria set out in Schedule XXX of this Plan, by an authorised representative of 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 and this certification shall be is provided to the relevant district council at least 10 working days prior to the activity commencing.

**2. Schedule XXX Criteria for Certification within Sites and Areas of Significance to Māori and Pounamu and Aotea Overlay Areas**

**Schedule XX: Criteria for Certification within Sites and Areas of Significance to Māori and Pounamu and Aotea Overlay Areas**

A number of the rules within the SASM Sites and Areas of Significance to Māori - Ngā Wāhi Tāpua ki te Māori chapter require certification to confirm if an activity meets the conditions of the rule and falls within the permitted activity rule. Where certification is not achieved, the activity will become a Discretionary Activity.

The certification process will be undertaken by an authorised representative of the relevant Poutini Ngāi Tahu Rūnanga.

The table below sets out the criteria that will be applied to the certification process. More information on the criteria can be found in the Tangata Whenua section of the Plan.

<b>Criterion</b>	<b>Why this criterion is important to assess against Schedule 3 Values</b>	<b>How this criterion is used to measure against the specific SASM rules</b>
<b><u>Kaitiakitanga</u></b>	<u>Poutini Ngāi Tahu value that includes having the intergenerational responsibility for ensuring resources are managed in a manner beneficial to the resource.</u>	<u>Review the proposed activity against the listed values of the area or site (set out in Schedule 3) to determine if natural resources will be protected or managed in a way beneficial to the values at the site, including ensuring resource availability for future generations.</u>
<b><u>Tino Rangatiratanga</u></b>	<u>Poutini Ngāi Tahu value that involves having the mana to determine how a resource is to be used and managed, and by whom. This value is about recognising the relationship of Poutini Ngāi Tahu within the site and their ability to be actively involved in decision making processes.</u>	<u>Review the proposed activity against the listed values of the area or site (set out in Schedule 3) to determine if the proposed activity will impact the relationship of Poutini Ngāi Tahu with the values associated with the site.</u>
<b><u>Mauri</u></b>	<u>Poutini Ngāi Tahu value that involves preserving the physical and spiritual health/life force of the environment.</u>	<u>Review the proposed activity against the listed values of the area or site (set out in Schedule 3) to determine if the activity will maintain or enhance the mauri of the site.</u>
<b><u>Mahinga kai</u></b>	<u>Poutini Ngāi Tahu practice that involves the gathering of food and other natural resources. It includes the social and educational elements as well as the process of gathering of natural resources.</u>	<u>Review the proposed activity against the listed values of the area or site (set out in Schedule 3) to determine if the activity will adversely affect mahinga kai, which includes use and access to mahinga kai.</u>
<b><u>Ki Uta Ki Tai</u></b>	<u>Poutini Ngāi Tahu principle that reflects the interdependent nature and function of the various elements of the environment within a catchment.</u>	<u>Review the proposed activity against the listed values of the area or site (set out in Schedule 3) to determine if the activity will adversely affect the whenua surrounding the site or any nearby waterways.</u>
<b><u>Wāhi tapu</u></b>	<u>Poutini Ngāi Tahu value that indicates an area of sacredness or restriction.</u>	<u>Note any Wāhi Tapu values on the site and if the activity will be carried out according to tikanga and kawa to determine if there are adverse effects.</u>



<b>Taonga</b>	<u>Poutini Ngāi Tahu value that indicates a site or resource highly prized and important. Taonga are treasures to be protected.</u>	<u>Review the proposed activity against the listed values of the area or site (set out in Schedule 3) to determine if the activity will adversely affect the identified taonga.</u>
---------------	---	---

Advice Note: upon receiving certification from the authorised representative of the relevant Poutini Ngāi Tahu Rūnanga, the applicant must provide the certification to the relevant District Council at least 10 working days prior to the activity commencing.

### **3. Proposed Wording for SASM Method 4 to Replace Policy 4**

~~**SASM – P4** Promote the provision or development of access for Poutini Ngāi Tahu to the identified sites and areas of significance to Poutini Ngāi Tahu listed in Schedule Three, including through:~~

- ~~a. Formal arrangements, such as co-management, joint management or relationship agreements, easements and land covenants, or access agreements; and/or~~
- ~~b. Informal arrangements or understandings between landowners and local Poutini Ngāi Tahu hapū and/or marae.~~

#### **Method SASM - M4**

The Councils and Poutini Ngāi Tahu will promote the provision or development of access for Poutini Ngāi Tahu to the identified sites and areas of significance to Poutini Ngāi Tahu listed in Schedule Three, through a range of methods including:

- a. Formal arrangements, such as co-management, joint management or relationship agreements, easements and land covenants, or access agreements; and/or
- b. Informal arrangements or understandings between landowners and local Poutini Ngāi Tahu hapū and/or marae.