

In the Environment Court  
At Christchurch

ENV-2025-CHC-133

I te Kōti Taiao o Aotearoa  
Ki Ōtautahi

**Under the** Resource Management Act 1991 (**RMA**)

**In the matter** of an appeal under clause 14(1) of Schedule 1 and section 274 of the RMA.

**Between** **WESTPOWER LIMITED**

Appellant

**And** **TE TAI O POUTINI PLAN COMMITTEE**

Respondent

---

**NOTICE OF TE RŪNANGA O NGĀTI WAEWAE, TE RŪNANGA O MAKAAWHIO AND  
TE RŪNANGA O NGĀI TAHU WHO WISH TO BECOME A PARTY TO PROCEEDINGS**

**Dated:** 2 February 2026

---

---

**SIMPSON  
GRIERSON**

**Sarah Scott / Oscar Wilson**  
T: +64 3 968 4018 / +64 3 924 3503  
sarah.scott@simpsongrierson.com  
oscar.wilson@simpsongrierson.com  
PO Box 874 Christchurch

**To:** The Registrar  
Environment Court  
Christchurch

## **Introduction**

- 1.** Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (collectively referred to as **Poutini Ngāi Tahu**) and Te Rūnanga o Ngāi Tahu (**TRoNT**) wish to be a party to an appeal made by Westpower Limited (**Appellant**) against parts of the Te Tai o Poutini Plan Committee (**TTPP Committee**) decision on the Proposed Te Tai o Poutini Plan (**TTPP**).
- 2.** Poutini Ngāi Tahu and TRoNT made a submission about the subject matter of the proceeding. Poutini Ngāi Tahu and TRoNT either made a submission on the relevant provisions appealed, or the appeal points concern the same subject matter and issues that are prevalent throughout its submissions.
- 3.** Poutini Ngāi Tahu and TRoNT also have an interest that is greater than the interest of the general public, as mana whenua of the land that is subject to the TTPP and for the reasons set out in its Notice of Appeal, ENV-2025-CHC-134, at [6] to [12].
- 4.** Poutini Ngāi Tahu and TRoNT are not trade competitors for the purposes of 308C or 308CA of the RMA.

## **Interest in proceedings**

- 5.** The parts of the proceedings that Poutini Ngāi Tahu and TRoNT seek to join, its position on those appeals, and the reasons for that position are set out in **Appendix A**.
- 6.** More generally where the relief is opposed, the relief:
  - (a)** Will not promote the sustainable management of natural and physical resources, and will not achieve the purpose of the RMA, in that it:

- (i) fails to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;
  - (ii) does not safeguard the life-supporting capacity of air, water, soil, and ecosystems; and
  - (iii) fails to appropriately avoid, remedy, or mitigate adverse effects of activities on the environment;
- (b) Is contrary to Part 2 of the RMA, including sections 6(e), 7 and 8;
  - (c) Is not the most appropriate way to achieve the purpose of the RMA, as required under section 32 of the RMA; and
  - (d) Does not properly give effect to direction in relevant national instruments.

7. Poutini Ngāi Tahu and TRoNT agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**DATED** 2 February 2026



---

Sarah Scott / Oscar Wilson  
Counsel for Te Rūnanga o Ngāti  
Waewae, Te Rūnanga o Makaawhio  
and Te Rūnanga o Ngāi Tahu

**Address for service of interested party:**

Simpson Grierson  
151 Cambridge Terrace  
PO Box 874  
Christchurch

Attention: Sarah Scott / Oscar Wilson

**Telephone:** +64-3-968 4018

**Email:** [sarah.scott@simpsongrierson.com](mailto:sarah.scott@simpsongrierson.com) / [oscar.wilson@simpsongrierson.com](mailto:oscar.wilson@simpsongrierson.com)

Appendix A – Poutini Ngāi Tahu and Te Rūnanga o Ngāi Tahu appeal position

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH</u> BLACK FONT)	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
Whole Plan	Add <b>Locational Need</b> to all rules referring to Functional Need and/or Operational Need, and add <b>Technical Need</b> to all rules referring to Functional Need and/or Operational Need.	<p>Oppose</p> <p>Poutini Ngāi Tahu and TRoNT are concerned about locational need applying to infrastructure that is not regionally significant.</p> <p>While some national direction has been amended to include operational need, the application of such policies is not to all activities, and careful consideration needs to be given to how Policy C of the NPS -REG should be given effect.</p> <p>The national planning standards have separated functional and operational need, and do not make reference to Locational or Technical need (they are covered by the other two terms). It is unclear what benefit would be made through this relief</p>
Strategic Direction  Overview	Retain the addition of “enabling” but otherwise as sought in original submission.	<p>Oppose</p> <p>Section 6 requires recognition and protection as a matter of national importance. To change the level of protection at this level would be inconsistent with the rest of the Plan, the RMA and the Mana Whakahono ā Rohe that this Plan must give effect to.</p>
Strategic Direction  Connections and Resilience  New CR-P1 New CR-P2 New CR-P3	<p>Add new strategic policy CR-P1:</p> <p><b><u>“Have particular regard to the constraints imposed by locational, technical, functional and operational requirements of Energy Activities, including energy aspects of Infrastructure and Critical Infrastructure, including within areas of natural character (including outstanding natural character), outstanding natural features or landscapes, or areas of significant Indigenous vegetation and significant habitats of indigenous fauna.”</u></b></p> <p>Add new strategic policy CR-P2:</p> <p><b><u>“When considering any adverse environmental effects of Energy Activities and Infrastructure, including Critical Infrastructure, that cannot be avoided, remedied or mitigated, other than effects on indigenous biological diversity, decision-makers must have regard to any offsets and compensation proposed which benefit the natural environment or the community affected.”</u></b></p> <p>Add new strategic policy CR-P3:</p> <p><b><u>“Provide for the operation, maintenance and upgrading of existing Energy Activities, including energy aspects of Infrastructure and Critical Infrastructure, in areas of natural character of wetlands, lakes and rivers and their margins (including outstanding natural</u></b></p>	<p>Neutral</p> <p>Poutini Ngāi Tahu and TRoNT are neutral as to the inclusion of the new strategic policies, but are joining the appeal points to ensure that the new policies properly give effect to all relevant national direction, alongside Part 2 of the RMA (especially where there is no national direction coverage).</p>

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH</u> BLACK FONT)	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
	<p><u>character), outstanding natural features or natural landscapes, or areas of significant indigenous vegetation and significant habitats of indigenous fauna including the coastal environment."</u></p>	
Strategic Direction	Relief as set out in original submission is sought:	Oppose
POU-P3	Support the identification of Poutini Ngāi Tahu Cultural Landscapes and provide for their <del>protection</del> <u>management</u> through the use of overlays and Plan provisions.	Section 6 requires recognition and protection as a matter of national importance. To change the level of protection at this level would be inconsistent with the rest of the Plan, the RMA and the Mana Whakahono ā Rohe that this Plan must give effect to. This change weakens the requirement for protection for Poutini Ngāi Tahu Cultural Landscapes.
Energy Chapter	Relief as set out in further submission: Amend the matter of discretion	Oppose
ENG-R11	<p>ENG - R11 Substations (Zone and Distribution) not meeting Permitted Activity standards or otherwise not provided for in another rule</p> <p>Activity Status Restricted Discretionary</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>Measures to mitigate landscape effects;</li> <li>Locational, technical, functional and operational constraints;</li> <li>Impacts on resilience of the community to natural hazards and climate change;</li> <li>The benefits of the proposal to Aotearoa me <a href="#">te Waipounamu</a> /New Zealand meeting its Greenhouse Gas targets;</li> <li>Benefits to the community from the substation; and</li> <li><del>The degree to which the proposed activity will cause adverse effects on areas and values listed in Schedules One to Eight and Appendix 10.</del></li> <li><u>Whether the activity will cause any adverse effects on Overlay Chapter matters, and the requirement to manage those effects in accordance with the relevant Overlay provisions.</u></li> <li><u>Whether the activity will cause any adverse effects on areas meeting the significance criteria in Appendix 1 WCRPS, and the requirement to manage those effects in accordance with the relevant Overlay provisions.</u></li> <li><u>The requirement to avoid and otherwise manage effects on biodiversity, natural character, and landscape in the coastal environment in accordance with policy 11, 13 and 15 NZCPS.</u></li> </ol>	<ol style="list-style-type: none"> <li>This relief removes the consideration of Appendix 10 - New Zealand Archaeological Association Sites of Māori Origin - Te Āpitianga Tekau: Ngā Wāhi i Taketake mai ai Te Hunga Māori o te New Zealand Archaeological Association</li> <li>A consequence of the relief is it will limit consideration to the overlay provisions instead of also giving regard to the 'degree of causing adverse effects'.</li> </ol>

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH BLACK FONT</u> )	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
Energy Chapter  ENG-R12	<p>Relief as set out in further submission: Amend the matter of discretion in each rule</p> <p>ENG - R12      Operation, maintenance, repair and upgrading of distribution lines and transmission lines above or below ground not managed by the National Environmental Standard for Electricity Transmission Activities not meeting Permitted Activity standards Activity Status Restricted Discretionary</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Degree of non-compliance with Rule ENG - R4;</li> <li>b. Locational, technical, functional and operational constraints;</li> <li>c. Benefits to the community; and</li> <li><del>d. The degree to which the proposed activity will cause adverse effects on areas and values listed in Schedules One to Eight and Appendix 10.</del></li> <li>e. <u>Whether the activity will cause any adverse effects on Overlay Chapter matters, and the requirement to manage those effects in accordance with the relevant Overlay provisions.</u></li> <li>f. <u>Whether the activity will cause any adverse effects on areas meeting the significance criteria in Appendix 1 WCRPS, and the requirement to manage those effects in accordance with the relevant Overlay provisions.</u></li> <li>g. <u>The requirement to avoid and otherwise manage effects on biodiversity, natural character, and landscape in the coastal environment in accordance with policy 11, 13 and 15 NZCPS.</u></li> </ul>	<p>Oppose</p> <ol style="list-style-type: none"> <li>1. This relief removes the consideration of Appendix 10 - New Zealand Archaeological Association Sites of Māori Origin - Te Āpitianga Tekau: Ngā Wāhi i Taketake mai ai Te Hunga Māori o te New Zealand Archaeological Association</li> <li>2. A consequence of the relief is it will limit consideration to the overlay provisions instead of also giving regard to the 'degree of causing adverse effects'.</li> </ol>
Energy Chapter  ENG-R13	<p>Relief as set out in further submission: Amend the matter of discretion in each rule</p> <p>ENG - R13      Installation of electricity cabinets not meeting Permitted Activity standards Activity Status Restricted Discretionary</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Locational, technical, functional and operational constraints;</li> <li><del>b. The degree to which the proposed activity will cause adverse effects on areas and values listed in Schedules One to Eight and Appendix 10; and</del></li> <li>c. Benefits to the community.</li> <li>d. <u>Whether the activity will cause any adverse effects on Overlay Chapter matters, and the requirement to manage</u></li> </ul>	<p>Oppose</p> <ol style="list-style-type: none"> <li>1. This relief removes the consideration of Appendix 10 - New Zealand Archaeological Association Sites of Māori Origin - Te Āpitianga Tekau: Ngā Wāhi i Taketake mai ai Te Hunga Māori o te New Zealand Archaeological Association</li> <li>2. A consequence of the relief is it will limit consideration to the overlay provisions instead of also giving regard to the 'degree of causing adverse effects'.</li> </ol>

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH</u> BLACK FONT)	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
<p>Energy Chapter</p> <p>ENG-R14</p>	<p><u>those effects in accordance with the relevant Overlay provisions.</u></p> <p>e. <u>Whether the activity will cause any adverse effects on areas meeting the significance criteria in Appendix 1 WCRPS, and the requirement to manage those effects in accordance with the relevant Overlay provisions.</u></p> <p>f. <u>The requirement to avoid and otherwise manage effects on biodiversity, natural character, and landscape in the coastal environment in accordance with policy 11, 13 and 15 NZCPS.</u></p> <hr/> <p>Relief as set out in further submission: Amend the matter of discretion in each rule</p> <p>ENG - R14 The construction, operation, maintenance, repair and upgrading of small and community scale renewable electricity generation and temporary energy activities not meeting Permitted Activity standards</p> <p>Activity Status Restricted Discretionary</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>a. Impacts on resilience of the community to natural hazards and climate change;</li> <li>b. The benefits of the proposal to Aotearoa me te Waipounamu/New Zealand meeting its Climate Change and Greenhouse Gas targets;</li> <li>c. The benefits of the proposal to the local and regional community and to resilience for Te Tai o Poutini/the West Coast;</li> <li>d. Functional, locational, technical and operational constraints;</li> <li>e. Measures to mitigate landscape effects;</li> <li><del>f. The degree to which the proposed activity will cause adverse effects on areas and values listed in Schedules One to Eight and Appendix 10; and</del></li> <li>g. The level, hours of operation, duration and nature of the noise and any effects on the health and wellbeing of people.</li> <li>h. <u>Whether the activity will cause any adverse effects on Overlay Chapter matters, and the requirement to manage those effects in accordance with the relevant Overlay provisions.</u></li> <li>i. <u>Whether the activity will cause any adverse effects on areas meeting the significance criteria in Appendix 1 WCRPS, and the requirement to manage those effects in accordance with the relevant Overlay provisions.</u></li> </ul>	<p>Oppose</p> <ol style="list-style-type: none"> <li>1. This relief removes the consideration of Appendix 10 - New Zealand Archaeological Association Sites of Māori Origin - Te Āpitianga Tekau: Ngā Wāhi i Taketake mai ai Te Hunga Māori o te New Zealand Archaeological Association</li> <li>2. A consequence of the relief is it will limit consideration to the overlay provisions instead of also giving regard to the 'degree of causing adverse effects'.</li> </ol>

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH</u> BLACK FONT)	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
	<p>j. <u>The requirement to avoid and otherwise manage effects on biodiversity, natural character, and landscape in the coastal environment in accordance with policy 11, 13 and 15 NZCPS.</u></p>	
<p>Sites &amp; Areas of Significance to Maori (SASM)</p> <p>SASM-P6 (notified as P7)</p>	<p>As sought in original submission.</p> <p>Amend new SASM-P6 (previously SASM-P7) as follows:</p> <p>b. Requiring activities on sites and areas of significance to Māori to <del>minimise</del> <b>avoid, remedy or mitigate</b> adverse effects on cultural, spiritual and/or heritage values, interests or associations of importance to Poutini Ngāi Tahu.”</p>	<p>Oppose</p> <p>Poutini Ngāi Tahu and TRoNT disagree that avoid, remedy or mitigate is as strong as minimise in protecting SASM.</p>
<p>Sites &amp; Areas of Significance to Maori (SASM)</p> <p>SASM-P7 (notified as P8)</p>	<p>As sought in original submission.</p> <p>Amend new SASM-P7 (previously SASM-P8) as follows:</p> <p>(c) Any adverse effects... are avoided <b>where practicable</b>, unless it can be demonstrated that due to the <b>technical, locational, functional or operational need-constraints or requirements</b> of the activity ... adverse effects</p> <p>(d) Any residual effect ...mitigated in a way that <b>manages effects on, and where practicable</b> protects maintains or enhances, the values of the site or area.</p>	<p>Oppose</p> <p>The inclusion of ‘where practicable’ weakens the Policy to limit protection to an economic number. The inclusion of ‘manages’ also weakens the Policy further.</p>
<p>Sites &amp; Areas of Significance to Maori (SASM)</p> <p>SASM-P9</p>	<p>As sought in original submission.</p> <p>Amend new SASM-P8 (previously SASM-P9) as follows:</p> <p>(a) <b>Avoid, remedy or mitigate</b> <del>minimise</del> adverse effects on indigenous habitats and waterbodies;”</p>	<p>Oppose</p> <p>Poutini Ngāi Tahu and TRoNT disagree that avoid, remedy or mitigate is as strong as minimise in protecting SASM.</p>
<p>Sites &amp; Areas of Significance to Maori (SASM)</p> <p>SASM-P13</p>	<p>As sought in original submission.</p> <p>Amend new SASM-P13 (previously SASM-P14) as follows:</p> <p>Enable activities ... spiritual values of the site or area are <del>protected</del> <b>maintained or potential effects managed</b>. This includes:</p>	<p>Oppose</p> <p>Weakens policy for protecting SASMs.</p>
<p>Sites &amp; Areas of Significance to Maori (SASM)</p> <p>SASM-P15</p>	<p>As sought in original submission.</p> <p>Amend new SASM-P14 (previously SASM-P15) as follows:</p>	<p>Oppose</p> <p>Weakens policy for protecting SASMs.</p>

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH BLACK FONT</u> )	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
	<p>Allow any other use and development ... it can be demonstrated that the potential effects on the identified values of the site or area are <del>protected and maintained</del> <u>avoided, remedied or mitigated</u> having regard to...</p> <p>Add a new item a. (a.) <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>Adjust references for existing items "a.-f."</p> <p>Amend existing item b. <b>b. The technical, locational, functional and operational constraints or requirements of the proposed activity</b> <del>The functional need or operational need for the activity to be undertaken in the location</del></p>	
<p>Sites &amp; Areas of Significance to Maori (SASM)</p> <p>SASM- permitted activity rules</p>	<p>As sought in original submission.</p> <p>Amend to provide a single permitted activity rule for all aspects of energy activities undertaken by Westpower.</p>	<p>Oppose</p> <p>Poutini Ngāi Tahu and TRoNT oppose the suggestion that all aspects of energy activities undertaken by Westpower that affect SASM should be permitted activities. This does not achieve Part 2 of the RMA.</p>
<p>Sites &amp; Areas of Significance to Maori (SASM)</p> <p>SASM-M1</p>	<p>This is a completely new certification method, and the rule needs modification to ensure it works with the activity framework.</p>	<p>Oppose</p> <p>The drafting relief is not included in the appeal. Poutini Ngāi Tahu and TRoNT do not consider the permitted activity rules need amending. Certification was agreed during conferencing, as part of the Joint Witness Statement.</p>
<p>Sites &amp; Areas of Significance to Maori (SASM)</p> <p>SASM-R2</p>	<p>As sought in original submission.</p> <p>Preference is for a specific permitted rule just for energy activities, but also suggested amendments to SASM rules as an alternative.</p> <p>Amend item 1.(iii) - iii. Installing fence posts ... <u>for overhead energy activity and network utility lines provided that</u></p> <p>Delete item b. from iii.</p> <p>Insert new iv and v. - <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 v. Maintaining existing substations provided that: a. The area of land disturbed is limited to what is necessary to maintain the substation;</u></p>	<p>Oppose</p> <p>These sites are particularly sensitive areas that need sufficient protection. Poutini Ngāi Tahu and TRoNT would be less opposed to these amendments if they were specifically targeted to parts of land that have already been subject to minor land disturbance.</p>

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH BLACK FONT</u> )	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
	Amend existing item 1.iv. to 1.vi.	
Sites & Areas of Significance to Maori (SASM)	As sought in original submission.	Oppose
SASM-R3	Delete and develop one rule for energy activities  Delete items ii and iii	The rules apply to more than just energy activities. These are very sensitive sites and new disturbance needs to be properly considered.
Sites & Areas of Significance to Maori (SASM)	As sought in original submission.	Neutral
SASM-R4	Amend Activity Status Standards, "Activity Status Permitted Where: <b><u>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 energy activities;</u></b> And Amend current 1 to 2	Poutini Ngāi Tahu and TRoNT are joining to ensure they are involved in detailed drafting or refinement to this relief, given it relates to a SASM.
Sites & Areas of Significance to Maori (SASM)	As sought in original submission.	Oppose
SASM-R6	Amend the rule in multiple ways as follows:  1) Amend the heading of SASM R6, " <b><u>SASM-R6 Earthworks, Buildings ... not provided for in, or not complying with, SASM-R2 in Schedule Three ...</u></b> " 2) Amend Activity Status Standards, "Activity Status Permitted Where: <b><u>1. The area of land disturbed is limited to what is necessary to maintain the energy activity, including energy aspects of infrastructure and critical infrastructure;</u></b> or (3) Add a new 2, " <b><u>2. The structure is for an energy activity, including energy aspects of infrastructure and critical infrastructure;</u></b> or" (4) Add a new 3., " <b><u>3. The activity is the replacement, reconstruction or addition to a building or structure used for an energy activity, including energy aspects of infrastructure and critical infrastructure;</u></b> or" (5) Amend current 1. to 4.	These are sensitive sites and the proposed amendments go beyond disturbance within the existing footprint as a permitted right.
Sites & Areas of Significance to Maori (SASM)	As sought in original submission.	Oppose
SASM-R9	Amend the rule in multiple ways as follows:  (1) Amend the heading of SASM R9, "SASM-R9 Maintenance, Repair, Upgrading of <b><u>Energy Activities</u></b> and Network Utility <b><u>Buildings</u></b>	The effect of this relief is that a permitted activity pathway would apply to all SASM, not just those currently specified in the rule. This relief reduces the protection of sensitive sites that Poutini Ngāi Tahu and TRoNT do not consider should be subject to the permitted activity rule.

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH</u> BLACK FONT)	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
	<p>and Structures, <u>including associated Earthworks and Vegetation Clearance, on or within ...</u>"</p> <p>(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>"</p> <p>(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>"</p> <p>(4) Renumber existing 1. to 3.</p>	
<p>Sites &amp; Areas of Significance to Maori (SASM)</p> <p>SASM-R10</p>	<p>As sought in original submission.</p> <p>Amend the rule in multiple ways as follows:</p> <p>(1) Amend the heading of SASM R10, "SASM-R10 Maintenance, Repair, Upgrading of <u>Energy Activities</u> and Network Utility <u>Buildings and Structures</u>, including associated Earthworks and Vegetation Clearance, on or within ..."</p> <p>(2) Amend item 2. by deleting a. and b. and adding a new a., "<u>a. The area of land disturbed is limited to what is necessary for the work required.</u>"</p> <p>(3) Amend item 4., "<u>4. The area of vegetation cleared is limited to that necessary to comply with electrical safety and hazard regulations, or to maintain, repair or upgrade the building or structure.</u>"</p>	<p>Oppose</p> <p>The application of the rule to all parts of all SASMs, not just those areas that have previously been disturbed is opposed. This inappropriately weakens the protection of ONLs.</p>
<p>Sites &amp; Areas of Significance to Maori (SASM)</p> <p>SASM-R12</p>	<p>As sought in original submission.</p> <p>Delete and develop one rule to provide for all energy activities.</p>	<p>Oppose</p> <p>SASM-R12 applies to more than just energy activities. These are very sensitive sites and other activities need to remain subject to this rule. There are also many types of energy activities and different values for different sites meaning one rule is not practicable.</p>
<p>Sites &amp; Areas of Significance to Maori (SASM)</p> <p>SASM-R13</p>	<p>As sought in original submission.</p> <p>Delete and develop one rule to provide for all energy activities.</p>	<p>Oppose</p> <p>Current rule provides protection against new structures on upper slopes, ridgelines or peaks of ancestral Maunga. Energy activities should not be exempt from this.</p>
<p>Sites &amp; Areas of Significance to Maori (SASM)</p> <p>SASM-R13</p>	<p>As sought in original submission.</p> <p>Amend heading: "SASM-R13 Maintenance, Repair, Upgrading of <u>Energy Activities</u> and Network Utility <u>Buildings</u> and Structures,</p>	<p>Neutral</p> <p>Poutini Ngāi Tahu and TRoNT are joining to ensure they are involved in detailed drafting or refinement to this relief, to ensure it fits with broader chapter rules.</p>

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH BLACK FONT</u> )	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
	<u>including associated Earthworks and Vegetation Clearance</u> , on or within ... Controlled Activity standards”	
Sites & Areas of Significance to Maori (SASM)  SASM-R14	As sought in original submission.  Delete and develop one rule to provide for all energy activities.	Oppose  SASM-R14 applies to more than just energy activities. These are very sensitive sites and other activities need to remain subject to this rule.  There are also many types of energy activities and different values for different sites meaning one rule is not practicable.
Sites & Areas of Significance to Maori (SASM)  SASM-R14	As sought in original submission.  (2) Whilst not the preferred option were the rule to be retained the "Notification" commentary be amended, "Notification: Applications for earthworks on ... notified to the relevant Ngāi Tahu rūnanga <u>alone, and no other party will be notified.</u> "	Neutral  Poutini Ngāi Tahu and TRoNT are joining to ensure they are involved in detailed drafting or refinement to this relief, to ensure its interests are protected.
Ecosystems and Indigenous Biodiversity  ECO-R5	Clarify the interaction with R1-R4 and permitted rules in the SASM section. Clarify whether the land referred to in clause “3.” includes the land in clause “2.” Where the whole, or part of, the land in clause “2” is not included in clause “3” the process for compliance requires clarification, including any need for certification. Clause “3.” amended to ECO-R1 – ECO-R34. Wording to the effect that indigenous vegetation clearance is permitted where permission or certification has been obtained from Poutini Ngāi Tahu. Amendment to the wording as follows: “Activity Status where compliance not achieved: <u>Controlled or Restricted Discretionary where this is in the Grey District and Discretionary where this is in the Buller and Westland Districts</u> ”	Oppose  Poutini Ngāi Tahu and TRoNT support consideration of changing activity status for non-compliance from Restricted Discretionary to Controlled, if this is consistent with National documents. However, Poutini Ngāi Tahu and TRoNT oppose any wording changes for the following reasons:  1. No certification is required 2. Māori Purpose Zoned land and Poutini Ngāi Tahu land is restricted by any iwi/papatipu rūnanga management plan in order for the plan to recongise and provide for rangatiratanga which is recognised in the Ngāi Tahu Claims Settlement Act 1998 and mana whakahono ā rohe. 3. Specified Māori Land is a term from the NPS-IB and includes land that is not owned by tangata whenua (in the RMA context) and therefore Māori Landowners have no ability to create a recongised iwi/papatipu rūnanga management plan in the West Coast. Therefore the ECO rules 1-3 apply. 4. The Plan is required to give effect to both types of land differently, which is what the decision does.
Definitions  (Bank)	Removal of the definition of ‘bank’  <del>Bank means the land on either side of a river which confines the natural flow of the water whether the normal flow, or flood flows</del>	Oppose  Under the RMA, the "bank" of a river is established in case law as the raised border constraining the river's usual movement, and the river bed is the area between the observable banks, extending from bank to bank at the river's fullest flow without overtopping its banks.
Definitions  (River)	As sought in original submission.  Amend the definition of river to be consistent with the Regional Land & Water Plan:	Oppose  This amendment is contrary to Planning Standards & the RMA. Notably, stormwater paths have also been defined in the NPS- Infrastructure

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH</u> BLACK FONT)	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
	<p><u>River - means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include an artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal) or ephemeral water bodies. A storm flowpath that carries flow only for a short period after heavy rain is not considered to be a river.</u></p>	
Definitions  (Riparian margin)	<p>Deletion of (d)</p> <p>(d) <del>3 metres of any river with an average bed width wide greater than 1 m and smaller than 3 m</del></p>	<p>Oppose</p> <p>This amendment reduces protection for small rivers.</p>
Natural Character & Margins of Waterbodies (NC)	<p>As sought in original submission.</p> <p>Delete and replace with:</p>	<p>Oppose</p> <p>Current wording for NC-O1 is consistent with section 6(a) of the RMA.</p>
NC-O1	<p><u>1. To protect the natural character of the regions wetlands, and lakes and rivers and their margins, from inappropriate subdivision, use and development.</u></p> <p><u>2. Provide for appropriate subdivision, use and development to enable people and communities to maintain their economic, social and cultural wellbeing.</u></p>	
Natural Character & Margins of Waterbodies (NC)	<p>As sought in original submission.</p> <p>Amend NC-O3 as follows:</p>	<p>Oppose</p>
NC-O3	<p>To provide for activities which have a <del>due to technical, locational,</del> functional <u>or operational constraints or requirements</u> need to locate in the margins of lakes, rivers and wetlands while <u>managing</u> <del>ensuring</del> adverse effects on natural character <del>are minimised</del>.</p>	<p>This links to Policy 2 which does provide for functional or operational need within riparian margins for renewable energy and regionally significant infrastructure.</p> <p>It also links to Policy 3 which applies to new and upgrades to buildings and structures, but (appropriately) only refers to functional need for their location.</p> <p>NC-O3 is not specific to renewable energy and regionally significant infrastructure, it applies to all activities. Adding 'or operational need' for all activities loosens the restriction and therefore the protection of these areas. The addition is not supported for mineral extraction activities</p> <p>'Technical and locational' requirements also duplicate / provide confusion compared to the accepted understanding of functional need and operational need.</p> <p>The change from minimising adverse effects to managing is also opposed. Managing is a lesser protection than minimization (essentially opening up the entire effects hierarchy), and would lead to lesser protections for Poutini Ngāi Tahu values, including taonga species.</p>

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH BLACK FONT</u> )	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
Natural Character & Margins of Waterbodies (NC)	As sought in original submission.  Amend NC-P1 as follows:	Oppose  Amendments requested weaken protection for margins of lakes, rivers and wetlands.
NC-P1	Avoid, remedy or mitigate the adverse effects of activities on the <u>elements, patterns and processes that together contribute to the natural character of wetlands, lakes and rivers and their margins</u> <del>the riparian margins of lakes, rivers and wetlands by ensuring that subdivision, development and land use maintains the elements, patterns and processes that contribute to their natural character.</del>	
Natural Character & Margins of Waterbodies (NC)	As sought in original submission.  Amend NC-P2 as follows:	Oppose  Amendments requested weaken protection for margins of lakes, rivers and wetlands by inclusion of the wording 'significant'.
NC-P2	Provide for <u>indigenous vegetation removal and</u> ... where <u>significant</u> adverse effects on natural character are avoided, remedied or mitigated and...	
Natural Character & Margins of Waterbodies (NC)	As sought in original submission.  Amend NC-P2 (b) as follows:	Oppose  Poutini Ngāi Tahu and TRoNT are concerned around the use of the word 'critical', given that it is not a defined term in the Plan.
NC-P2 (b)	It is for the ... of network utilities, <u>infrastructure, energy activities and critical</u> <del>regionally significant</del> infrastructure, including the national grid; or ..."	
Natural Character & the Margins of Waterbodies  NC-P3	This policy conflicts with NC-P2. We seek it is limited for activities not provided for in NC-P2. Also amendments as sought in original submission.  Amend NC-P3 as follows:  Provide for new buildings and structures and the upgrading of existing buildings and structures within riparian margins of lakes, rivers and wetlands where these:	Oppose  Adding 'or operational needs' expands the ability for new activities to occur in a highly sensitive environment and weakens protection for riparian margins. Refer to reasons given above in respect of the merits of this relief.

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH BLACK FONT</u> )	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
	<p>a. <u>Need to be undertaken in such areas due to technical, locational, Have a functional need for their location or operational constraints or requirements;</u></p> <p>b. <del>They are of a form and scale that will not adversely affect</del> <u>They avoid, remedy or mitigate adverse effects on</u> the natural character of the riparian area</p>	
<p>Natural Character &amp; Margins of Waterbodies (NC)</p> <p>(New controlled rule)</p>	<p>Insert new controlled activity rule (as sought in submission), for network utilities, infrastructure and regionally significant infrastructure, with a default to restricted discretionary activity where compliance not achieved. Such controlled activity to include hazard mitigation structures of a Statutory Authority.</p>	<p>Oppose</p> <p>Weakens protection as would include upgrading of energy activities as a controlled activity, which cannot be declined.</p> <p>In particular, oppose the part of the relief requesting that avoiding effects on Poutini Ngāi Tahu values not be included as a matter of control.</p>
<p>Natural Character &amp; Margins of Waterbodies (NC)</p> <p>All NC rules</p>	<p>As sought in further submission.</p> <p>All vegetation clearance associated with earthworks must be governed by rules at least as, if not more, stringent, than the ECO chapter as amended by our submission.</p>	<p>Oppose</p> <p>This relief opposes an NC rule requiring vegetation clearance associated with earthworks to be governed by rules at least as, if not more, stringent, than the ECO chapter.</p> <p>A reference to ECO Rules is considered appropriate for the NC chapter rules.</p>
<p>Natural Character &amp; Margins of Waterbodies (NC)</p> <p>NC-R3</p>	<p>Seeking wider range of activities to be included within Rule NC-R3.</p>	<p>Oppose</p> <p>Poutini Ngāi Tahu and TRoNT support the current activities included within Rule NC-R3.</p>
<p>Natural Character &amp; the Margins of Waterbodies (NC)</p> <p>NC-R1</p>	<p>As sought in original submission.</p> <p>NC - R1 Earthworks within the Riparian Margin of a River, Lake or Wetland Activity Status Permitted</p> <p>1. Where this is outside of any Significant Natural Area identified in Schedule Four, and for:</p> <p>i. Fence lines; or</p> <p>ii. Maintenance, operation, minor upgrade and repair of network utilities, <del>critical regionally significant</del> infrastructure or renewable electricity generation activities; or</p> <p>iii. New network utilities and regionally significant infrastructure where these are underground and located</p>	<p>Oppose</p> <p>1. NC-R1 (1)(b): Poutini Ngāi Tahu and TRoNT are concerned around the use of the word 'critical', given that it is not a defined term in the Plan.</p> <p>2. Amending NC-R1(1) to allow for wider establishment of river crossings for energy activities: This is a permitted activity rule so needs to limit the amount of earthworks in order to protect riparian margins.</p> <p>3. Amend NC-R1 (2) &amp; (3) to be calculated consistent with (f): Poutini Ngāi Tahu and TRoNT support the limited amount of earthworks and vegetation clearance specified in the permitted activity rule to protect margins.</p> <p>4. Amend NC-R1 to include a new clause/item for infrastructure: Poutini Ngāi Tahu and TRoNT support the limited amount of earthworks and vegetation clearance specified in the permitted activity rule to protect margins.</p>

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH BLACK FONT</u> )	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
	<p>within a formed legal road or attached to an existing bridge; or</p> <p>iv. Connections to wastewater, stormwater and reticulated network utility systems and underground energy and infrastructure connections; or</p> <p>v. Installation of an environmental monitoring and extreme weather event monitoring facility; or</p> <p>vi. Maintenance and repair of lawfully established structures; or</p> <p>vii. The construction of parks facilities, parks furniture or public access points within an Open Space and Recreation Zone; or</p> <p>viii. The establishment of a river crossing point up to 3m wide; or</p> <p>ix. <b><u>The establishment of a river crossing point for energy activities over 3m wide;</u></b> or</p> <p>x. Poutini Ngāi Tahu activities;</p> <p>xi. Activities on Māori Purpose Zoned land or Site or Area of Significance to Māori in Schedule Three and is undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or</p> <p>xii. Maintenance and repair of lawfully established natural hazard mitigation structures; or</p> <p>xiii. New natural hazard mitigation structures and upgrading of existing natural hazard mitigation structures undertaken by a statutory agency or their authorised contractor acting on its behalf; or</p> <p>xiv. Arable, horticultural or pastoral farming use where this is lawfully established at 14 July 2022; and</p> <p>2. The amount of earthworks is not greater than 25m<sup>3</sup> per 200m length of Riparian Margin <b><u>unless for maintenance and repair</u></b>; and</p> <p>3. All earthworks stockpiles are located outside of the Riparian Margin of the waterbody <b><u>unless for maintenance and repair</u></b>.</p> <p><b><u>4. Notwithstanding the areas or volumes in items 2. and 3. Vegetation clearance and earthworks activities undertaken or energy activities, including energy aspects of infrastructure, shall be the minimum necessary to achieve the activity provided for in items b., c., e., g., and j. above.</u></b></p>	
<p>Natural Character &amp; Margins of Waterbodies (NC)</p> <p>NC-R2 (f)</p>	<p>As sought in original submission.</p> <p>Amend NC-R2 (f) to include a new clause/item as follows:</p>	<p>Neutral</p> <p>Poutini Ngāi Tahu and TRoNT are neutral to the additional description of renewable electricity generation in the riparian margin, noting that the drafting of the amendment could benefit from refinement.</p>

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH BLACK FONT</u> )	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
	Renewable electricity generation activities <u>where these have a need to locate within the riparian margin dues to technical, locational, functional or operational constraints or requirements;</u> or	
Natural Character & Margins of Waterbodies (NC)  NC-R3	Amend the heading to NC-R3 to seek a much wider range of activities.	Oppose  Poutini Ngāi Tahu and TRoNT support the current activities listed within Rule NC-R3.
Natural Character & Margins of Waterbodies (NC)  NC-R4	Amend NC-R4 heading in decisions version	Oppose  Poutini Ngāi Tahu and TRoNT do not support the changes that would result in the NC-R4 heading needing to change.
Natural Landscapes (NFL)  NFL-P1	As sought in original submission  Amend (h) to include for new renewable electricity generation activities where there is a <u>technical, locational, functional need or operational constraint or requirement.</u>	Oppose  Poutini Ngāi Tahu and TRoNT do not support these amendments on the basis that they provide for more energy activities in a sensitive environment.  Refer to related relief above for further reasons.
Natural Landscapes (NFL)  NFL-P3	Amend NFL P3:  <u>Where practicable</u> , avoid significant adverse effects on the values that <u>together</u> contribute to ... cannot be avoided, ensure that the adverse effects are remedied <del>and</del> mitigated <del>to be no more than minor</del> including <u>any proposed offsetting or compensation.</u>	Oppose  Poutini Ngāi Tahu and TRoNT consider that the policy is weakened by the inclusion of ‘where practicable’, to the extent that avoiding significant adverse effects is no longer mandatory.
Natural Landscapes (NFL)  NFL-P5	As sought in original submission where that wording has not been incorporated.  Amend NFL P5 as follows: (c) <del>Limiting Minimising</del> the prominence or visibility of buildings and structures including by, <u>as far as is practicable</u> , integrating it into the outstanding natural feature or landscape  Add new d:	Oppose  Poutini Ngāi Tahu and TRoNT consider that the policy is weakened by the inclusion of ‘where practicable’, to the extent that avoiding significant adverse effects is no longer mandatory.  Poutini Ngāi Tahu and TRoNT not support the term ‘critical infrastructure’ as it is undefined.

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH BLACK FONT</u> )	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
	<b>d. <u>Providing for the technical, locational, functional or operational needs of energy activities and infrastructure, including critical infrastructure when implementing items a-c</u></b>	
Natural Landscapes (NFL)	& As per original submission.	Oppose
NFL-P6 (note inadvertently refers to NFL-P5)	When assessing whether a proposal for land use or subdivision is appropriate, consider the following matters: ... <del>k. The management of effects on natural character, amenity, recreation, historical and biodiversity values; and</del> <del>l. Any effects on values of Māori land.</del>	Poutini Ngāi Tahu and TRoNT consider that this exclusion weakens policy for Māori land
Natural Landscapes (NFL) NFL-R1	& As per original submission.  Amend heading: Maintenance, operation, repair <b>and minor upgrading of</b> ... network utilities, <b>energy activities</b> , renewable electricity ...	Oppose  Minor upgrading is provided for in rule NFL-R5 with standards on what that minor upgrades should be permitted. If it was added to NFL-R1, then those standards would not apply.
Natural Landscapes (NFL) NFL-R9	& As set out in wording as originally notified, and as amended in the original submission.  Amend item 2.  2. These will not ... the values which <u>together</u> make it Outstanding.	Oppose  Poutini Ngāi Tahu and TRoNT do not support this amendment, on the basis that there will not be more than one value in all circumstances.
Natural Landscapes (NFL) NFL-R12	& As sought in original submission.  NFL - R12 Poutini Ngāi Tahu Activities within an Outstanding Natural Landscape described in Schedule Five or Outstanding Natural Feature described in Schedule Six not meeting Rule NFL - R7 ... <b>g. <u>The benefits arising from the proposed activity.</u></b> <del>Extent and design of earthworks</del>	Oppose  The restricted discretionary rule includes associated earthworks, so the matters of discretion should include the extent and design of the earthworks. It is also not for the Council to assess the benefits of Poutini Ngāi Tahu activities on Māori Land.
Activities on the surface of water (ASW) ASW-P3	& As sought in original submission.  Amending from not creating adverse effects, <b>to avoid, remedies or mitigates.</b> Also seeking to reduce protection in (b)	Oppose  This requested addition weakens the protection for SASM and Poutini Ngāi Tahu values.
Activities on the surface of water (ASW) ASW-R4 & R6 & R7	& As sought in original submission.  Seeking permitted activity rule to be expanded from operation, maintenance and repair to also include <b>upgrade of</b> existing energy	Oppose  Poutini Ngāi Tahu and TRoNT are concerned with the inclusion of the word 'similar' and how that would apply in practice.

PROVISION			APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH</u> BLACK FONT)	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
			activities and infrastructure, <u>where they are the same or similar in character, scale or intensity</u>	
General Matters – Earthworks (EW)	District	Wide	Amend Policy EW-P1 to include <u>'significant'</u> in front of adverse effects and delete <del>'more than minor effects'</del>	Oppose  Poutini Ngāi Tahu and TRoNT consider that significant effects is too high a threshold for a permitted activity rule.
			EW-P1	
General Matters – Earthworks (EW)	District	Wide	As sought in original submission.	Oppose
			Amend Rule EW-R7 (EW-R6 in decisions version) as follows to include:  <u>Any technical, locational, functional or operational constraints or requirements of the proposed activity.</u>	Refer reasons set out above in respect of this theme of relief.
			EW-R6	