

## SITES AND AREAS OF SIGNIFICANCE TO MĀORI

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## 1 Scope of Report

- [1] This Recommendation Report relates to the Sites and Areas of Significance ('SASM') to Māori chapter of the PDP and contains the Hearing Panel's recommendations to Council on the submissions and further submissions received on that chapter.
- [2] The Hearing Panel members for the SASM chapter were:
- Yvette Couch-Lewis
  - Debra Hasson
  - Gary Rae (Chair)
  - Andrew Willis
- [3] The initial Section 42A Report and the end of hearing Section 42A Report (Reply Report) for this topic were:
- SASM Chapter, March 2022, Craig Friedel
  - SASM Chapter, 22 June 2022, Craig Friedel
- [4] The Panel also received a technical report prepared by Mr Kyle Davis and Ms Nicola Rykers, advisors to Mahaanui Kurataiao ('Mahaanui'), dated February 2002 which had informed the initial Section 42A Report.
- [5] The reporting officer also provided a report entitled 'Officer's Response to Questions from The Hearings Panel', dated 12 April 2022.
- [6] The Hearing Panel's recommended amendments to the notified provisions of the SASM chapter are set out in Appendix 1. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments recommended by the Hearing Panel are shown in strike out, underlining and red font.
- [7] We note that some of the numbering of individual clauses in the rule and rule requirement provisions will need to be consequentially amended and not all such amendments are shown in Appendix 1. We understand that will occur in the amended version of the entire PDP that will accompany the release of all of the Recommendation Reports.
- [8] Readers should also note that we have, at their request, amended all references to 'Trustpower' to 'Manawa Energy'.
- [9] Further submitters are not listed in the tables in this Recommendation Report because further submissions are either accepted or rejected in conformance with our recommendations on the original submissions to which they relate.

## 2 Hearing and Submitters Heard

- [10] The hearing for the SASM chapter was held on Tuesday 12 April 2022. The submitters who appeared at the hearing (either in person or via Zoom) are listed below, together with an identification of whether they were an original submitter, a further submitter, or both.

Sub #	Submitter	Original	Further
DPR-0212	Ellesmere Sustainable Agriculture Inc	✓	✓
DPR-0254	Sue Dillon	✓	

Sub #	Submitter	Original	Further
DPR-0299	Steve & Jane West	✓	
DPR-0379	Jill Thomson	✓	
DPR-0422	Federated Farmers of NZ	✓	✓
DPR-0474	Heather & Trevor Taege	✓	

- [11] Some of the submitters had expert witnesses appear on their behalf. The witnesses we heard from are listed in Appendix 2. Copies of all evidence (expert and non-expert) received are held by the Council. We do not separately summarise that material here, but we refer to or quote from some of it in the remainder of this Recommendation Report.
- [12] We record that we considered all submissions and further submissions, regardless of whether the submitter or further submitter appeared at the hearing and whether they were represented by expert witnesses.
- [13] Finally, on a procedural matter, a late further submission was received from Andrew and Robyn Terras<sup>1</sup> at the same time the hearing was in progress. We ruled this as an invalid submission due to the very late lodgement. The Panel, and the reporting officers, did not have sufficient time to properly consider or report on the matters contained in the submission.

### 3 Sub-topic Recommendations

- [14] In this part of the Recommendation Report we assess the submissions by sub-topic, using the same headings as the initial Section 42A Report.

#### 3.1 Definitions

- [15] We note here that the Definitions Chapter was subject to its own Hearing (Hearing 2), however there are a number of submissions relating to definitions that were more appropriately considered as part of the other chapters, including the SASM chapter.
- [16] For the following submitter and their submission point on those provisions we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0353	HortNZ	060

- [17] We are satisfied that a new definition of '*ancillary rural earthworks*' would be difficult to reconcile with SASM-O1 and the policies that recognise and provide for SASM. We also consider that the submitter's relief is likely to be met through the recommended changes to SASM-R2 which will extend the list of permitted activity earthworks (see section 3.4.2 of this report).

#### 3.2 Overall Chapter

- [18] For the following submitters and their submission points we generally accept and adopt the recommendations and reasons of the Section 42A Report author and provide some additional commentary on our reasons.

Sub #	Submitter	Submission Points
DPR-0078	Ian Laurenson	001, 008, 013
DPR-0212	Ellesmere SAI	026

<sup>1</sup> Submitter DPR-0601, further submission in support of a submission by Steve & Jane West

Sub #	Submitter	Submission Points
DPR-0254	Sue Dillon	001
DPR-0358	RWRL	189, 404
DPR-0363	IRHL	429
DPR-0374	RIHL	475
DPR-0384	RIDL	196, 508
DPR-0427	Dept of Conservation	042

- [19] We accept the evidence in the Section 42A Report that the SASM Chapter was developed following extensive consultation and engagement that occurred prior to the PDP being notified, and we consider all relevant points of view were able to be expressed by submitters as part of the hearing process without a need for further consultation to take place.
- [20] We also accept the evidence that the SASM Chapter will assist SDC to fulfill its statutory functions and responsibilities as required by the Act, principally sections 6(e), 6(f), (7(a), and 8. The identification of land in the SASM Chapter and the SASM-SCHED does not in itself result in the land being deemed to be taken or injuriously affected to the extent that purchase or compensation is required.
- [21] In response to submissions by RWRL, IRHL, RIHL, and RIDL the notified rules specifically exclude public notification, which is partially consistent with the relief sought by the submitters. In addition, we accept the evidence in the Section 42A Report, based on Mahaanui's advice, that the notification clauses within SASM-R1.5, SASM-R2.4, SASM-R2.9, SASM-R3.3, SASM-R4.3, SASM-R5.3 and SASM-R6.3 should be amended to replace the mandatory requirements for notice to be served on relevant Rūnanga, requiring applicants to obtain their affected party approvals. The amended clause identifies that advice received from engagement undertaken by either the applicant or SDC will inform whether notification will be served and/or recommended consent conditions are included on any decision. The Panel deleted a reference to conditions of consent which would go beyond the scope of a notification clause.
- [22] We accept the evidence in the Reply Report, based on Mahaanui's advice, that an engagement policy can and should be included in the SASM Chapter to ensure consistency with the approaches applied within the Christchurch District Plan and the Proposed Waimakariri District Plan<sup>2</sup>. We note that Ellesmere SAI advanced the position in Ms Barnett's hearing statement that the broad scope provided by their submission provides scope to include the recommended engagement policy<sup>3</sup>, and we agree with that.
- [23] We have recommended a new Policy 4, with some modifications as required, as follows:

*~~Taumutu and Te Ngāi Tūāhuriri Rūnanga and Council~~ To encourage and facilitate the engagement of landowners and resource consent applicants with the relevant rūnanga prior to them undertaking activities and/or applying for resource consent, within or adjacent to identified sites of Ngāi Tahu cultural significance (including the Sites and Areas of Significance to Māori). Where prior applicant engagement has not been undertaken Council will consult with the relevant rūnanga.*

<sup>2</sup> Mahaanui did not however support any detailed operating procedures or protocols being specified in the PDP (Officer Response to the Panels Questions, 8 April 2022)

<sup>3</sup> Ellesmere SAI Hearing Statement, paragraph 4.8, 28 March 2022

- [24] We accept the Section 42A Report author's advice that in terms of Section 32AA the recommended new Policy 4, and the associated change as recommended to the notification rules, will improve the efficiency and effectiveness of the PDP, the benefits will outweigh the costs, and this is the most appropriate option for achieving the purpose of the RMA. We also accept that the inclusion of an engagement policy will encourage engagement, provide more certainty to plan users and administrators, better achieve SD-MWV-O1, and will achieve stronger alignment between the PDP and the district plans of adjoining territorial authorities.

### 3.3 Objectives and Policies

- [25] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author and provide some additional commentary below.

Sub #	Submitter	Submission Points
DPR-0260	Ecan	059, 060, 061
DPR-0269	Heritage NZ	022
DPR-0269	Heritage NZ	029
DPR-0353	HortNZ	120
DPR-0367	Orion <sup>4</sup>	081
DPR-0372	Dairy Holdings	036, 037, 038, 039
DPR-0388	Craigmore Farming	018
DPR-0390	RIL	026, 027, 028
DPR-0422	NCFF	124, 125
DPR-0441	Manawa Energy	092

- [26] We note there is substantial support for the SASM objective and policies from ECan, Heritage NZ, Dairy Holdings, and RIL. We make the following comments in relation to other matters raised in submissions.
- [27] SASM-O1 appropriately has an emphasis on recognising and protecting the relationship of Māori with the sites and areas of significance having been identified through the plan review process as outlined in the Section 32 evaluation and for the reasons outlined in the Mahaanui report.
- [28] SASM-P1.d is consistent with the bottom-line requirement of SASM-O1 to recognise and protect SASM, and we were not persuaded by evidence for the submitters that any changes are needed. However, the changes we have recommended to SASM-R2 addressed below will also assist to clarify the pre-requisites for permitted activity earthworks, further reducing the need to amend SASM-P1.d to the extent being sought by the submitters.
- [29] No changes are required to be made to relax the provisions of SASM-P1.c or SASM-SCHED1 to make further allowance for small scale buildings associated with farming, based on the significance of Wāhi tapu sites and the need for consistency with SASM-O1.
- [30] We accept the reporting officer's evidence that there is no duplication between SASM-P2 and Canterbury Land and Water Regional Plan as the CLWRP does not manage structures and buildings or contain the same SASM Overlays.

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<sup>4</sup> Commissioner Hasson recused herself from consideration of this submission and all other Orion submissions due to a conflict of interest

- [31] We do not consider a new policy is required as requested by Orion, as the operational and functional need for infrastructure to locate within the SASM Overlays is already addressed in EI-O2 and EI-P1 and EI-P2.

### 3.4 Rules

#### 3.4.1 SASM-R1 New Buildings and Structures

- [32] In response to SDC's submission point, we do not consider it is necessary to exempt vehicles, trailer, tents, caravans, or boats which are movable, subject to their usage being non-permanent, from SASM-R1. We consider that for the purposes of interpreting rule SASM-R1 it is implicit that those items are not captured by the rule and are permitted activities.
- [33] Having carefully considered the evidence from Ms Barnett for Ellesmere SAI we are not persuaded that amending this rule to allow for the scale of buildings and structures in the Wāhi Tapu and Wāhi Taonga Overlay to be increased from 10m<sup>2</sup> to 250m<sup>2</sup> in area, and from 2 metres to 5 metres in height, will sit well with the outcomes sought in SD-MWV-O1, SASM-O1 and the related policies. We agree with the reporting officer that it is appropriate that any proposals for larger buildings in these overlays are able to be assessed through consultation and the resource consent process.
- [34] However, we consider that some appropriate allowance can and should be made for smaller scale 'ancillary structures', as captured by that definition in the PDP, to be exempt from the rule. This provides a much broader range of structures than is currently captured by the proposed rule and may therefore provide some partial relief to the submitter.
- [35] In response to NCFF's submission point we accept that the reference to '*major hazard facilities*' can be deleted to avoid duplication with other provisions.
- [36] Transpower has accepted<sup>5</sup> the Section 42A Report's recommendation to not include a reference in SASM-R1 to '*buildings and structures used for the operation, maintenance, or upgrade of Important Infrastructure*'.
- [37] Consequently, for the following submitters and submission points our recommendations are set out below.

Sub #	Submitter	Submission Points	Accept	Accept in Part	Reject
DPR-0207	SDC	031		✓	
DPR-0212	Ellesmere SAI	031		✓	
DPR-0367	Orion	082		✓	
DPR-0422	NCFF	126	✓		
DPR-0446	Transpower	079			✓

- [38] We accept the Section 42A Report's advice that the scale of changes to this rule does not require a section 32AA evaluation as the recommended amendments further strengthen the outcomes sought rather than change them.

#### 3.4.2 SASM-R2 Earthworks

- [39] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, including in the Reply Report, as discussed below.

<sup>5</sup> Letter from Transpower dated 24 March 2022

Sub #	Submitter	Submission Points
DPR-0072	Alastair Kermode	001
DPR-0154	Ev Moorhead	003
DPR-0196	Murray A Winn	001
DPR-0212	Ellesmere SAI	032
DPR-0292	Paul Christian	001
DPR-0293	Patrick & Lisa Cooper	001
DPR-0299	Steve & Jane West	003
DPR-0353	HortNZ	121 - 123
DPR-0367	Orion	083
DPR-0379	Jill Thomson	041
DPR-0422	NCFF	127

- [40] We considered several submissions, including statements of evidence from Ellesmere SAI, HortNZ and NCFF, which are requesting deletion of the earthworks rule, or at least amendments to the rule including to delete the Ngā Tūranga Tūpuna Overlay from the rule, all with the aim to better enable day-to-day farming operations.
- [41] We note and accept the reporting officer's advice that several of the submitters' concerns may have arisen by not realising that earthworks generated by cultivation or fencing works are already excluded from SASM-R2 and other related definitions contained in the PDP. We also note the report from Mahaanui advises that it is reasonable for an agreed list of 'everyday' farm practices to be applied to the Ngā Tūranga Tūpuna Overlay and they support an increase in the range of earthworks that are exempt from SASM-R2. Additionally, Mahaanui supports amending the earthworks trigger to be reset as a volume.
- [42] We accept that some refinements should be made to the rule, and accordingly have recommended including '*gardening, cultivation or for the installation of posts*' as permitted activity earthworks. That change is also in recognition that the definition of earthworks excludes those activities, as per Jill Thomson's submission point.
- [43] However, where large extents of earthworks are proposed, such as land preparation for subdivision, we consider it is appropriate to require a consent to ensure that cultural values are considered in the design and implementation of the proposed works. To address this, activities that do not fall within the exemptions contained in SASM-R2 should continue to be managed through the consenting process.
- [44] We accept the Reply Report's response to Ellesmere SAI's submission to include references to '*ecological restoration*' and '*riparian protection*', however we agree with the Reply Report, based on Mahaanui's additional report, that increased depths for earthworks could compromise the integrity of Wāhi Tapu and Wāhi Taonga.
- [45] We note that, as addressed in the 'Officer's Response to Questions from The Hearings Panel', the SASM-R2 Earthworks rule table requires amendment as references in R2.1 and R2.6 to "...within a Wāhi Tapu or Wāhi Taonga overlay..." are not required as these are detailed in the location column. We consider these changes can be made as clause 16(2) changes.
- [46] Overall, we accept the recommendation by the Section 42A Report author with respect to the s32AA evaluation, in both the Section 42A Report and also for the changes recommended in the Reply Report.

**3.4.3 SASM-R3 Primary Industry Activity**

- [47] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, noting that this results in no change to SASM-R3 as notified.

Sub #	Submitter	Submission Points
DPR-0212	Ellesmere SAI	033
DPR-0422	NCFF	128

- [48] We accept the evidence of the reporting officer that the definition of ‘Primary Industry’ in the PDP will already achieve the relief sought by Ellesmere SAI without requiring any amendment. In response to NCFF’s submission point, we accept the evidence of the reporting officer and Mahaanui that the rule is necessary to fulfill SDC’s statutory duties under sections 6(e), 6(f), 7(a), and 8 of the Act or the outcomes identified in SD-MWV-O1 and objective SASM-O1 and so should not be deleted.

**3.4.4 SASM-R4 Intensive Primary Production**

- [49] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, which result in no changes to SASM-R4 as notified.

Sub #	Submitter	Submission Points
DPR-0368	Beef + Lamb	004
DPR-0422	NCFF	129

- [50] A change is however recommended to the definition of ‘Intensive Outdoor Primary Production’ to exclude ‘*intensive winter grazing*’ as defined in the National Environmental Standard for Freshwater and as identified in the GRUZ Chapter.
- [51] The amendment relates to a change that has been recommended on the GRUZ Chapter, which is adopted for the purposes of the section 32AA evaluation.

**3.4.5 SASM-R5 Mineral Extraction**

- [52] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, which result in no changes to SASM-R5.

Sub #	Submitter	Submission Points
DPR-0299	Steve & Jane West	004
DPR-0422	NCFF	130

- [53] We accept the reporting officer’s evidence that it is wholly appropriate to require a resource consent for the establishment of new mines, quarrying activities or farm quarries, or for the expansion to these activities, where they are in the SASM Overlays. This will ensure consistency with the outcomes contained in SD-MWV-Mana whenua values, SASM-O1 and the related policies.

**3.4.6 SASM-R6 Plantation Forestry**

- [54] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, including in the Reply Report, which result in no changes to SASM-R6.



Sub #	Submitter	Submission Points
DPR-0293	Patrick & Lisa Cooper	002
DPR-0299	Steve & Jane West	005
DPR-0439	Rayonier	009

- [55] The Section 42A Report refers to the reasons for this rule, which are based on the Mahaanui Iwi Management Plan 2013 and the 2018 Mahaanui report. From those reports we are satisfied that the establishment and operation of large-scale commercial forestry can involve earthworks that contaminate and cause sedimentation, resulting in damage or destruction of significant sites, or the loss of indigenous biodiversity including mahinga kai.
- [56] We further note that the definition of 'plantation forest' in the context of SASM-R6 has the same meaning as in section 3 of the NPS-PF (and does not include shelter belts, orchards, fruit trees, ecological restoration planting or willows and poplars planted for conservation purposes). It is therefore likely to be the case that the type of forestry activities identified in the submissions are unlikely to fall within the definition of 'plantation forest' in the NES-PF, which reduces the risk of conflict between the two statutory instruments.

### 3.5 SUB-R20 Subdivision and Sites and Areas of Significance to Māori

- [57] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, including in the Reply Report, which results in no change to SUB-R20 as notified.

Sub #	Submitter	Submission Points
DPR-0212	Ellesmere SAI	075, 076
DPR-0260	ECan	124
DPR-0299	Steve & Jane West	002
DPR-0306	Roy Ewart	002
DPR-0358	RWRL	222
DPR-0363	IRHL	211
DPR-0374	RIHL	217
DPR-0384	RIDL	229
DPR-0414	Kāinga Ora	114
DPR-0422	NCFF	209

- [58] Having considered all evidence and submission on this point we consider the reasons for SUB-R20 are soundly based (in particular we refer to the reasons outlined in the Section 42A Report<sup>6</sup>, and in the Reply Report<sup>7</sup>).
- [59] We note that most submissions support the retention of SUB-R20, including the submissions from ECan, RWRL, IRHL, RIHL, RIDL, and Kāinga Ora. Our brief comments with respect to other submission points are as follows:
- the wording in the notified version of SUB-R20 is clear and concise when read in combination within the definition of 'subdivision' and does not require amendment;
  - subdivisions, including boundary adjustment subdivisions, may allow land development to occur in a location that adversely affects SASM, and it is appropriate that Papatipu

<sup>6</sup> S42A Report, paragraphs 10.59.1 – 10.59.3

<sup>7</sup> Reply Report, 2.12 – 2.16

Rūnanga or Heritage NZ provide input into the consent process and to ensure cultural values are recognised and provided for on an ongoing basis.

### 3.6 Matters for Control or Discretion

#### 3.6.1 *SASM-MAT1 Wāhi Tapu and Wāhi Taonga Sites and Areas*

[60] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, including in the Reply Report, which result in no changes to SASM-MAT1 as notified.

Sub #	Submitter	Submission Points
DPR-0212	Ellesmere SAI	034
DPR-0269	Heritage NZ	023
DPR-0367	Orion	084
DPR-0422	NCFE	131

[61] However, we have recommended a new policy on engagement as well as some associated changes to the notification clauses of the rules (see section 3.2), which we consider will ensure that the PDP aligns with other district plans in the region, while also enabling Council to better meet its statutory duties under the Act. We consider these changes may alleviate some of the concerns expressed by the submitters relating to the consent process generally and the application of matters of discretion specifically.

#### 3.6.2 *SASM-MAT2 Ngā Tūrangā Tūpuna*

[62] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, including in the Reply Report, which result in no changes to SASM-MAT2 as notified.

[63] We note that the matters of discretion under SASM-MAT2 for applications within a Ngā Tūrangā Tūpuna Overlay largely mirror those that apply to the Wāhi Tapu and Wāhi Taonga Overlay under SASM-MAT1 (which are addressed in section 3.6.1 above).

Sub #	Submitter	Submission Points
DPR-0212	Ellesmere SAI	035
DPR-0367	Orion	085
DPR-0422	NCFE	132

#### 3.6.3 *SASM-MAT3 Ngā Wai*

[64] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author.

Sub #	Submitter	Submission Points
DPR-0212	Ellesmere SAI	036
DPR-0367	Orion	088
DPR-0422	NCFE	133
DPR-0441	Manawa Energy	093

[65] We note that the submissions received to SASM-MAT3 mostly address the same issues as discussed above in the analysis of submissions to SASM-MAT1.

[66] As an additional matter, we are satisfied that the Section 42A Report's response to the submission point by Manawa Energy is appropriate, i.e. SASM-MAT3.4 is to be amended by

including a reference to 'Important Infrastructure' and deleting the term '*technical*', replacing it with '*functional*' and consequential changes to improve the effectiveness and efficiency of the rule by achieving alignment with the EI objectives and policies in the PDP.

- [67] We accept the reporting officer's assessment<sup>8</sup> that the scale of the changes does not require a section 32AA evaluation as the recommended amendments further strengthen the outcomes sought rather than change them.
- [68] We concur with the reporting officer's advice that SASM-MAT1.4 and SASM-MAT2.4 should be amended so that the references to '*utilities*' and '*infrastructure*', and the use of the phrase '*technical*' rather than '*functional*', should be amended to align with the recommended changes to SASM-MAT3.4. The advice in the Section 42A Report was that such changes might be beyond the scope of any submissions, however we consider those changes may be made as clause 16(2) changes.

### 3.7 Schedules

#### 3.7.1 SASM-SCHED1 Wāhi Taonga and Wāhi Tapu

- [69] For the following submitter and their submission point we adopt the recommendations and reasons of the Section 42A Report author, as discussed below.

Sub #	Submitter	Submission Points
DPR-0212	Ellesmere SAI	036

- [70] In accordance with the recommendation of the Section 42A report author we directed<sup>9</sup> the Council to ground truth the spatial extent of the Coastal Marine Area (CMA) detailed in SASM-SCHED1 to ensure it is an accurate representation of the area that is to be subject to the rules and requirements contained in the SASM Chapter of the PDP. This was in response to the submission point of Ellesmere SAI which was seeking to reduce the area of SASM-1 to align with the Wāhi Taonga Management Area in the PDP (i.e. C66).
- [71] The Panel was provided with a written response, dated 31 October 2022, in response to Minute 21. That response was prepared by Mr Jon Trewin, an officer of Council, and had been made following liaison with Mahaanui.
- [72] Mr Trewin's report advised that actual 'ground truthing' (i.e. field measurements etc) would not be required as it has become apparent that confirmation of the CMA boundary can be achieved by way of a desktop exercise having regard to the Resource Management Act and subsequent agreements between Council, ECAN and Central Government. His report explains the changes required in detail, noting that this goes further than the relief sought by Ellesmere SAI as it would reduce the area of SASM1 to an extent that is smaller than C66, at least in the area around the Rakaia River mouth.
- [73] Overall, Mr Trewin recommends that the PDP Planning Maps be amended to exclude that area of the Rakaia River shown as being within the CMA in the 1994 agreement. The Panel considers the change is consistent with Mahaanui's advice to modify the boundary to reflect the legal boundary of the CMA. The amended mapped SASM areas will be smaller but the respective

<sup>8</sup> S42A Report, paragraph 11.21

<sup>9</sup> Minute 21 of Hearing Panel, issued 13 July 2022

areas of responsibility (ECAN, SDC and CCC) will maintain the appropriate level of control, whilst removing much of the overlap.

- [74] We also agree with Mr Trewin that the changes to the PDP planning maps can be made using clause 16 (2) RMA as it is essentially correcting an error in the PDP.
- [75] The Panel also notes the CMA boundary can be re-examined during a future review of the Regional Coastal Environment Plan, and any necessary further changes to the PDP can be made at that time.

### **3.7.2 SASM-SCHED2 Ngā Tūranga Tūpuna**

- [76] For the following submitters and their submission points we adopt the recommendations and reasons of the Section 42A Report author, including in the Reply Report. This results in no changes to SASM-SCHED2 as notified.

Sub #	Submitter	Submission Points
DPR-0212	Ellesmere SAI	030, 038
DPR-0236	Trevor Cundall	001
DPR-0292	Paul Christian	002
DPR-0293	Patrick & Lisa Cooper	001
DPR-0299	Steve & Jane West	001
DPR-0306	Roy Ewart	001

- [77] The Ngā Tūranga Tūpuna Overlay ('NTTO') relates to Te Waihora/Lake Ellesmere, its margins, and associated wetlands. The evidence, in the Section 42A report and in the Mahaanui report, was that this overlay represents areas where mana whenua has an elevated concern regarding the integration and effects of a wide range of land-use activities and as a result require applicants to engage with mana whenua as part of a resource consent process.
- [78] The submissions received to SASM-SCHED 2 had all requested the deletion of the schedule as well as deletion of the NTTO to which the schedule relates. We understood the main areas of concern, as expressed in submissions and in particular in the statements from Ms Barnett (for Ellesmere SAI) and from Steve and Jane West, were that the overlay was very extensive, it replicates controls embodied in other statutory documents, results in duplication with other parts of the PDP, and causes hardship for farmers and landowners who must apply for multiple consents required by the respective provisions.
- [79] As an alternative relief, Ellesmere SAI requested the matters of discretion and permitted activities within the overlay are consulted on with the parties, and Paul Christian's submission requested as an alternative relief the deletion of the SASM-SCHED2 Overlay from sites 10ha in size or larger.
- [80] The Panel, having reviewed the evidence presented at the hearing, then directed that the s42A Report author respond to some specific questions we had relating to the concerns expressed in submissions.
- [81] The Reply Report responded as follows:
- The SASM approach to the categorisation of cultural landscapes as Wāhi Tapu, Wāhi Taonga, NTTO and Ngā Wai, and the scale, scope, and process for identifying the NTTO

overlay, is consistent with the approach taken in the Christchurch District Plan and the Proposed Waimakariri District Plan provisions;

- There is some duplication in the functions of regional and territorial authorities under the RMA. However, this is unavoidable and the SASM provisions, including those relating to earthworks, are necessary and it would be inappropriate to rely solely on the Land and Water Regional Plan;
- The SASM provisions and overlays complement, rather than overlap, the other chapters and overlays contained within the PDP. The SASM overlays, such as the NTTO, are required to ensure that the tikanga and belief systems of Ngāi Tahu are recognised and provided for and the cultural effects on SASM can be fully considered as part of the resource consent process. The remaining provisions of the PDP would not enable this to be achieved;
- It is commonplace for a single resource consent application to seek approval to undertake land use and subdivision activities that result in multiple breaches of district plan rules;
- The Section 32 evaluation includes an assessment of the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the SASM provisions and found that the effect on landowners and the public would be moderate; and the likelihood of increased costs or restrictions on individuals, businesses or communities would be moderate;
- Any rationalisation of the Overlay or provisions is not necessary or appropriate on the basis of the advice received from Mahaanui, except as otherwise recommended in the Section 42A Report; and
- Mahaanui still supports the incorporation of the NTTO in the District Plan, and therefore the reporting officer maintained that the submissions seeking the NTTO's deletion or reduction should be rejected.

[82] We consider that evidence to be comprehensive and compelling, and it is accordingly adopted. We further consider that deleting the NTTO would undermine Council's ability to meet its responsibilities and duties under section 6(e) of the Act to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga. The removal of this overlay would also reduce the effectiveness of the Plan to achieve the outcomes contained in SD-MWV-O1 and SASM-O1.

[83] Whilst no changes are recommended to SASM-SCHED2, we note that our recommended changes to rule SASM-R2 should enable 'everyday' farming practices involving earthworks to occur in the NTTO without the need to apply for a resource consent. This may offer some partial relief to the submitters in opposition.

### **3.7.3 SASM-SCHED3 Ngā Wai**

[84] For the following submitters and their submission points we adopt most of the recommendations and reasons of the Section 42A Report author, with one exception as discussed below, noting that this does not result in any amendments to SASM-SCHED3 as notified.

[85] Consequently, for the following submitters and submission points our recommendations are set out below.

Sub #	Submitter	Submission Point	Accept	Accept in Part	Reject
DPR-0154	Ev Moorhead	004			✓
DPR-0212	Ellesmere SAI	027-029, 039			✓
DPR-0212	Ellesmere SAI	041		✓	
DPR-0372	Dairy Holdings	040, 133, 143			✓
DPR-0388	Craigmore Farming	019			✓
DPR-0390	RIL	029			✓
DPR-0441	Manawa Energy	094, 095			✓
DPR-0474	Heather & Trevor Taege	002			✓

- [86] Similar to our reasoning with respect to the other two overlays we reject the submissions that seek that the Ngā Wai Overlay, and SASM-SCHED3, are deleted or that further consultation is required between the relevant parties.
- [87] We agree with the recommendations with respect to some other aspects of the submission points by Ellesmere SAI, in particular the referencing of dual names with SASM-SCHED-3 to enable plan users to clearly identify the Ngā Wai across the district, which will improve the efficiency and effectiveness of the PDP and the SASM Chapter. We understand that this will require further work but can be done as part of a future plan change and have recommended this to Council accordingly.
- [88] Ellesmere SAI also requested that the ephemeral water bodies should be removed from SASM-SCHED3 where they have not contained flowing water for extended periods. This was supported by the Section 42A Report author, who noted that Council has initiated an exercise<sup>10</sup> to ground truth and amend the SASM-SCHED3 and the associated overlay where necessary to “...better reflect the actual location of the water body” pursuant to clause 16(2). The officer recommended that this exercise is extended to further ground truth the spatial extent of the Ngā Wai to establish which water bodies may be able to be identified as no longer containing flowing water. The Mahaanui Report indicates support for this review to take place and working with Council to ensure the Ngā Wai Overlay is applied to relevant water bodies.
- [89] However, we appreciate that a ground-truthing exercise to confirm the exact location of all existing Ngā Wai waterbodies will necessarily involve officers being required to traverse very large areas of land on foot across very many private properties, for which the Council would need to seek permission from multiple owners to enter. It is also likely to be very difficult to visually determine the appropriate extent of any ephemeral water bodies without reviewing historical data sources.
- [90] It seems beyond the scope of the PDP Review timeframe to require such an extensive task be undertaken, however the Panel recommends this work be done as part of a future plan change. In the meantime we are satisfied that the current work being done, as outlined above, will ensure that the errors on the SASM-SCHED3 can be tidied up relatively easily, and will give partial relief to the submitters who have requested the review take place.

<sup>10</sup> These amendments are detailed in the Council report dated 16 December 2020.

- [91] In relation to submission points by Dairy Holdings, Craigmore, and RIL the request to introduce a qualifier regarding potential restrictions on existing farming or irrigation activities is rejected on the grounds that it could unduly limit the effectiveness of the PDP.
- [92] In relation to a submission point by Manawa Energy we do not accept that the SASM-SCHED3 Ngā Wai 48 overlay boundary should be amended in respect to Whakamatau/Lake Coleridge. We note that Whakamatau/Lake Coleridge is one of four Statutory Acknowledgement Areas identified in SASM-SCHED4 and it has important values as reflected in Schedule 76 of the Te Rūnanga o Ngāi Tahu Claims Settlement Act 1998.
- [93] In relation to the submission point by Heather & Trevor Taege we accept the evidence in the Section 42A report that the SASM Ngā Wai Overlay does not in itself contain rules to manage activities, but rather a set of matters for control or discretion when consent is required for other reasons.

#### **4 Other Matters**

- [94] There are no other matters arising from our consideration of the submissions and further submissions or that arose during the hearing.
- [95] The recommended amendments to the PDP provisions contained in Appendix 1 are those that result from this Hearing Panel's assessment of submissions and further submissions. However, readers should note that further or different amendments to these provisions may have been recommended by:
- Hearing Panels considering submissions and further submissions on other chapters of the PDP;
  - the Hearing Panels considering rezoning requests, and
  - the Independent Hearing Panel (IHP) considering submissions and further submissions on Variation 1 to the PDP
- [96] Any such further or different amendments are not shown in Appendix 1 of this Recommendation Report. However, the Chair<sup>11</sup> and Deputy Chair<sup>12</sup> of the PDP Hearing Panels have considered the various recommended amendments and have ensured that the overall final wording of the consolidated version of the amended PDP is internally consistent.
- [97] In undertaking that 'consistency' exercise, care was taken to ensure that the final wording of the consolidated version of the amended PDP did not alter the intent of the recommended amendments contained in Appendix 1 of this Recommendation Report.

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<sup>11</sup> Who is also the Chair of the IHP.

<sup>12</sup> Who chaired one stream of hearings.

## Appendix 1: Recommended Amendments

**Note to readers:** Only provisions that have recommended amendments are included below. All other provisions remain as notified. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments recommended by the Hearing Panel are shown in strike out, underlining and red font.

### Amendments to the PDP Maps

There are no amendments recommended to PDP Planning Maps arising from our recommendations on the submissions and further submissions covered by this Recommendation Report.

### Amendments to the PDP Text

#### Part 1 – Introduction and General Provisions

##### Interpretation

Definitions	
<b>INTENSIVE OUTDOOR PRIMARY PRODUCTION</b>	Primary production activities involving the keeping or rearing of livestock (excluding calf-rearing for a specified time period), that principally occurs outdoors, which by the nature of the activity, precludes the maintenance of pasture or ground cover. It excludes pig production for domestic use which involves no more than 25 weaned pigs or six sows <u>and intensive winter grazing, where livestock are grazed on an annual forage crop at any time in the period that begins on 1 May and ends with the close of 30 September of the same year.</u> <sup>13</sup>

<sup>13</sup> DPR-0422.129 NCF



## Part 2 – District Wide Matters

### Historical and Cultural Values

### SASM – Sites and Areas of Significance to Māori

### SASM-Objectives and Policies

SASM-Policies	
<b>SASM-P4</b>	<del>Taumutu and Te Ngāi Tūāhuriri Rūnanga and Council</del> To encourage and facilitate the engagement of landowners and resource consent applicants with the relevant rūnanga prior to <u>them</u> undertaking activities and/or applying for resource consent, within or adjacent to <del>identified</del> <u>identified</u> (including the Sites and Areas of Significance to Māori. Where prior applicant engagement has not been undertaken Council will consult with the relevant rūnanga. <sup>14</sup>

### SASM-Rules

SASM-R1	New Buildings and Structures	
<b>SASM Wāhi Tapu Overlay</b>	<b>Activity Status:</b> PER 1. Any new, or addition to an existing, building or structure. <del>2. Any vehicle, trailer, tent, caravan, or boat which is movable and is not used as a place of storage, permanent accommodation or business (other than the business of hiring the item for its intended use).</del>	<b>Activity status when compliance not achieved:</b> 2. When compliance with any of SASM-R1.a is not achieved: RDIS 3. When compliance with any of SASM-R1.b and <del>SASM-R1.c</del> is not achieved: NC <sup>17</sup>
<b>SASM Wāhi Taonga Overlay</b>	<b>Where:</b> The building or structure: a. is <u>an ancillary structure</u> <sup>15</sup> <del>a non-habitable building or structure less than 10m<sup>2</sup> in area and 2m in height; and</del> b. is not located with any maunga identified in SASM-SCHED1.; and c. <del>is not a major hazard facility.</del> <sup>16</sup>	<b>Matters for discretion:</b> 4. The matters of discretion in relation to SASM-R1.2 are restricted to the following matters: a. Those matters relevant to the site classification as set out in SASM-Matters for Control or Discretion.  <b>Notification:</b> 5. Any application arising from SASM-R1. <del>4.2</del> shall not be subject to public notification. <u>Where advice from the Rūnanga is received in respect of an application</u>

<sup>14</sup> DPR-0212.026 Ellesmere SAI and DPR-0254.001 Sue Dillon

<sup>15</sup> DPR-0212.031 Ellesmere SAI

<sup>16</sup> DPR-0422.126 NCFF

<sup>17</sup> DPR-0422.126 NCFF

		<p>following engagement undertaken by either the applicant or the Council, that advice shall inform whether notification of the application is to be served on the relevant Rūnanga <del>and/or any conditions of consent recommended to be imposed on the consent.</del></p> <p>Absent their written approval, notice shall only be served on the relevant Rūnanga, and Heritage New Zealand Pouhere Taonga.<sup>18</sup></p>
<b>SASM-R2</b>	<b>Earthworks</b>	
<b>SASM Wāhi Tapu Overlay</b>	<p><b>Activity Status:</b> PER</p> <p>1. Earthworks <del>, including for gardening, cultivation or for the installation of posts,</del><sup>20</sup></p>	<p><b>Activity status when compliance not achieved:</b></p> <p>2. When compliance with any of SASM-R2.1 is not achieved: RDIS</p>
<b>SASM Wāhi Taonga Overlay</b>	<p><b>Where:</b></p> <p>The earthworks are <del>within a Wāhi Tapu or Wāhi Taonga overlay and are:</del><sup>21</sup></p> <p>a. within land previously disturbed by previous earthworks, cultivation, plantings <del>(trees, pasture or crops),</del> ecological restoration, riparian protection,<sup>22</sup> <del>(trees, pasture or crops),</del> or buildings; and</p> <p>b. to a depth no greater 200mm; or</p> <p>c. <del>for the purposes of excavating a well or bore within the Ngā Tūranga Tūpuna overlay; or</del><sup>23</sup></p> <p>c. associated with interments in a burial ground, cemetery or urupa on land that is classified as Māori Land within the Māori Purpose Zone.</p>	<p><b>Matters for discretion:</b></p> <p>3. The matters of discretion in relation to SASM-R2.2 are restricted to the following matters:</p> <p>a. Those matters relevant to the site classification as set out in SASM-Matters for Control or Discretion.</p>
<b><u>SASM Ngā Tūranga Tūpuna Overlay</u></b> <sup>19</sup>		<p><b>Notification:</b></p> <p>4. Any application arising from SASM-R2.2 shall not be subject to public notification. <u>Where advice from the Rūnanga is received in respect of an application following engagement undertaken by either the applicant or the Council, that advice shall inform whether notification of the application is to be served on</u></p>

<sup>18</sup> DPR-0358.404 RWRL, DPR-0363.429 IRHL, DPR-0374.475 RIHL and DPR-0384.508 RIDL

<sup>19</sup> DPR-0072.001 Alastair Kermode, DPR-0196.001 Murray Winn, DPR-0212.032 Ellesmere SAI, DPR-0292.001 Paul Christian, DPR-0379.041 Jill Thomson, DPR-0353.121 HortNZ and DPR-0422.127 NCF

<sup>20</sup> DPR-0379.062 and 063 Jill Thomson and Hearing 11: SASM Statement, 12 April 2022

<sup>21</sup> DPR-0072.001 Alastair Kermode, DPR-0196.001 Murray Winn, DPR-0212.032 Ellesmere SAI, DPR-0292.001 Paul Christian, DPR-0379.041 Jill Thomson, DPR-0353.121 HortNZ and DPR-0422.127 NCF

<sup>22</sup> DPR-0212.032 Ellesmere SAI

<sup>23</sup> DPR-0072.001 Alastair Kermode, DPR-0196.001 Murray Winn, DPR-0212.032 Ellesmere SAI, DPR-0292.001 Paul Christian, DPR-0379.041 Jill Thomson, DPR-0353.121 HortNZ and DPR-0422.127 NCF

		<p>the relevant Rūnanga <del>and/or any conditions of consent recommended to be imposed on the consent.</del></p> <p>Absent their written approval, notice shall only be served on the relevant Rūnanga, and<sup>24</sup> Heritage New Zealand Pouhere Taonga.</p>
<p><b>SASM Ngā Tūranga Tūpuna Overlay</b><sup>25</sup></p>	<p><b>Activity Status:</b> PER</p> <p>6. <del>Earthworks</del>,<sup>26</sup></p> <p><b>Where:</b></p> <p><del>a. the earthworks are for:</del></p> <ul style="list-style-type: none"> <li>i. <del>gardening, cultivation or for the installation of posts; or</del></li> <li>ii. <del>earthworks for</del> planting trees, ecological restoration or riparian protection in any area (this excludes the planting of trees for plantation forestry); or</li> <li>iii. <del>installation of fences and farm tracks; or</del></li> <li>iv. <del>installation of septic tanks and underground customer services (fibre, electricity); or</del></li> <li>v. <del>installation of farm infrastructure (pipelines and related utility buildings) not exceeding a combined volume of 350m<sup>3</sup> per project; or</del></li> <li>vi. <del>installation of building foundations for dwellings, residential units residential accessory buildings and farm accessory buildings where the volume of earthworks does not exceed 350m<sup>3</sup> per building site; or</del></li> <li>vii. <del>installation of signs; or</del></li> <li>viii. <del>cultivation, stopbanks and roadworks, drain and track maintenance within land previously disturbed; or</del></li> <li>ix. <del>the drilling of a well or bore; or</del></li> <li>x. <del>the burial of a deceased animal; or</del></li> <li>xi. <del>cultivation in previously undisturbed areas to a depth no greater than 200mm; or</del></li> <li>xii. <del>replacement of utility structures and buildings in the same location.</del></li> </ul>	<p><b>Activity status when compliance not achieved:</b></p> <p>7. When compliance with any of SASM-R2.6 is not achieved: RDIS</p> <p><b>Matters for discretion:</b></p> <p>8. The matters of discretion in relation to SASM-R2.7 are restricted to the following matters:</p> <ul style="list-style-type: none"> <li>a. <u>Those matters relevant to the site classification as set out in SASM-Matters for Control or Discretion.</u></li> </ul> <p><b>Notification:</b></p> <p>9. Any application arising from SASM-R2.7 shall not be subject to public notification. Where advice from the Rūnanga is received in respect of an application following engagement undertaken by either the applicant or the Council, that advice shall inform whether notification of the application is to be served on the relevant Rūnanga <del>and/or any conditions of consent recommended to be imposed on the consent.</del></p> <p>Absent their written approval, notice shall only be served on the relevant Rūnanga, and Heritage New Zealand Pouhere Taonga.<sup>27</sup></p>
<b>SASM-R3</b>	<b>Primary industry</b>	
...	...	<p><b>Activity status when compliance not achieved:</b></p> <p>N/A</p>

<sup>24</sup> DPR-0358.404 RWRL, DPR-0363.429 IRHL, DPR-0374.475 RIHL and DPR-0384.508 RIDL

<sup>25</sup> DPR-0072.001 Alastair Kermode, DPR-0196.001 Murray Winn, DPR-0212.032 Ellesmere SAI, DPR-0292.001 Paul Christian, DPR-0379.041 Jill Thomson, DPR-0353.121 HortNZ and DPR-0422.127 NCFF

<sup>26</sup> DPR-0379.065 Jill Thomson and Hearing 11: SASM Statement, 12 April 2022

<sup>27</sup> DPR-0358.404 RWRL, DPR-0363.429 IRHL, DPR-0374.475 RIHL and DPR-0384.508 RIDL

<b>SASM-R4</b>	<b>Intensive Primary Production</b>	
...	<p>...</p> <p><b>Notification:</b></p> <p>3. Any application arising from SASM-R3.1 shall not be subject to public notification. <u>Where advice from the Rūnanga is received in respect of an application following engagement undertaken by either the applicant or the Council, that advice shall inform whether notification of the application is to be served on the relevant Rūnanga <del>and/or any conditions of consent recommended to be imposed on the consent.</del></u></p> <p>Absent their written approval, notice shall only be served on the relevant Rūnanga, <del>and</del><sup>28</sup> Heritage New Zealand Pouhere Taonga.</p>	<p><b>Activity status when compliance not achieved:</b></p> <p>N/A</p>
<b>SASM-R5</b>	<b>Mineral Extraction</b>	
...	<p>...</p> <p><b>Notification:</b></p> <p>3. Any application arising from SASM-R5.1.a shall not be subject to public notification. <u>Where advice from the Rūnanga is received in respect of an application following engagement undertaken by either the applicant or the Council, that advice shall inform whether notification of the application is to be served on the relevant Rūnanga <del>and/or any conditions of consent recommended to be imposed on the consent.</del></u></p> <p>Absent their written approval, notice shall only be served on the relevant Rūnanga, <del>and</del><sup>29</sup> Heritage New Zealand Pouhere Taonga.</p>	<p><b>Activity status when compliance not achieved:</b></p> <p>...</p>
<b>SASM-R6</b>	<b>Plantation Forestry</b>	
...	<p>...</p> <p><b>Notification:</b></p> <p>3. Any application arising from SASM-R6.1.a shall not be subject to public notification. <u>Where advice from the Rūnanga is received in respect of an application following engagement undertaken by either the applicant or the Council, that advice shall inform whether notification of the application is to be served on the relevant Rūnanga <del>and/or any conditions of consent recommended to be imposed on the consent.</del></u></p>	<p><b>Activity status when compliance not achieved:</b></p> <p>...</p>

<sup>28</sup> DPR-0358.404 RWRL, DPR-0363.429 IRHL, DPR-0374.475 RIHL and DPR-0384.508 RIDL

<sup>29</sup> DPR-0358.404 RWRL, DPR-0363.429 IRHL, DPR-0374.475 RIHL and DPR-0384.508 RIDL

	Absent their written approval, notice shall only be served on <del>the relevant Rūnanga,</del> and <sup>30</sup> Heritage New Zealand Pouhere Taonga.	
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## SASM-Matters for Control or Discretion

<b>SASM-MAT1</b>	<b>Wāhi Tapu and Wāhi Taonga Sites and Areas</b>
	<p>1. The potential adverse effects of the proposal on Ngāi Tahu values as identified by engagement with the relevant Papatipu Rūnanga and any cultural impact assessment that has been undertaken;</p> <p>2. The outcome of any consultation with the relevant Papatipu Rūnanga and whether the proposal responds to, or incorporates the outcomes of that consultation;</p> <p>3. Effects on sites of archaeological value including consideration of the need to impose an Accidental Discovery Protocol or have a cultural monitor present;</p> <p>4. In respect of utilities, <u>or important infrastructure</u>, the extent to which the proposed <del>utility activity</del> has <del>technical</del><sup>31</sup> <u>functional</u> or operational needs for its location.;</p> <p>5. The extent to which sites of Ngāi Tahu cultural significance are protected.</p>
<b>SASM-MAT2</b>	<b>Ngā Tūranga Tūpuna</b>
	<p>1. The potential adverse effects of the proposed activity on Ngāi Tahu values as identified by engagement with the relevant Papatipu Rūnanga and the appropriateness of any mitigation measures;</p> <p>2. The outcome of any consultation with the relevant Papatipu Rūnanga and whether the proposal responds to, or incorporates the outcomes of that consultation;</p> <p>3. Effects on sites of archaeological value including consideration of the need to impose an Accidental Discovery Protocol or have a cultural monitor present;</p> <p>4. In respect of utilities, <u>or important infrastructure</u>, the extent to which the proposed <del>utility activity</del> has <del>technical</del><sup>32</sup> <u>functional</u> or operational needs for its location;</p> <p>5. Whether the proposal maintains or restores natural features with cultural values within these areas;</p> <p>6. Whether any site of historic Ngāi Tahu occupation will be disturbed; and</p> <p>7. The effect of removing indigenous vegetation on mahinga kai and other customary uses.</p>
<b>SASM-MAT3</b>	<b>Ngā Wai</b>
	<p>1. The potential adverse effects of the proposed activity on Ngāi Tahu values as identified by engagement with the relevant Papatipu Rūnanga and the appropriateness of any mitigation measures including new planting and improved access for customary use;</p>

<sup>30</sup> DPR-0358.404 RWRL, DPR-0363.429 IRHL, DPR-0374.475 RIHL and DPR-0384.508 RIDL

<sup>31</sup> DPR-0422.093 Transpower

<sup>32</sup> DPR-0422.093 Transpower

	<p>2. The outcome of any consultation with the relevant Papatipu Rūnanga and whether the proposal responds to, or incorporates the outcomes of that consultation;</p> <p>3. Effects on sites of archaeological value including consideration of the need to impose an Accidental Discovery Protocol or have a cultural monitor present;</p> <p>4. In respect of utilities, <u>or important infrastructure</u>, the extent to which the proposed <del>utility activity</del> has <del>technical</del><sup>33</sup> <u>functional</u> or operational needs for its location;</p> <p>5. Whether the proposal will remove indigenous vegetation and any effects on mahinga kai and other customary uses;</p> <p>6. The extent to which the proposed activity will affect the natural character of the waterbody and its margins, or Te Tai o Mahaanui / the coastal environment;</p> <p>7. The provision of information on Ngāi Tahu history and association with the area; and</p> <p>8. Whether wastewater disposal and stormwater management systems recognise the cultural significance of ngā wai, and do not create additional demand to discharge directly.</p>
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<sup>33</sup> DPR-0422.093 Transpower

## Appendix 2: List of Appearances and Tabled Evidence

### Hearing Appearances

Sub #	Submitter	Author	Role
DPR-0212	Ellesmere Sustainable Agriculture Inc	Carey Barnett	Environmental Advisor
DPR-0254	Sue Dillon	Sue Dillon	Self
DPR-0299	Steve & Jane West	Jane West	Self
DPR-0379	Jill Thomson	Jill Thomson	Self
DPR-0422	Federated Farmers of NZ	Dr Lionel Hume	Policy Advisor
DPR-0474	Heather & Trevor Taege	Trevor Taege	Self

### Tabled Evidence

Sub #	Submitter	Author	Role
DPR-0236	Trevor Cundall	Trevor Cundall	Self
DPR-0367	Orion	Melanie Foote	Planner
DPR-0446	Transpower	Rebecca Eng	Policy Advisor

A Statement was received at the hearing from Ellesmere SAI and Steve & Jane West, dated 12 April 2022, confirming final joint requested relief sought by those submitters