

Before the Independent Hearing Panel
Appointed by the Timaru District Council

Under	Schedule 1 of the Resource Management Act 1991 (RMA)
In the matter of	Submissions on the Proposed Timaru District Plan
Between	Various
	Submitters
And	Timaru District Council
	Respondent

Liz White – Hearing E - Interim reply

Sites and Areas of Significance to Māori and Māori Purpose Zone

17 April 2025

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Introduction

- 1 My name is Liz White. I am a self-employed independent planning consultant (Liz White Planning). I prepared the s42A report on the Sites and Areas of Significance to Māori and Māori Purpose Zone. I confirm that I have read all the submissions, further submissions, submitter evidence and relevant technical documents and higher order objectives relevant to my s42A report. I have the qualifications and experience as set out in my s42A report.
- 2 The purpose of this statement is to:
 - (a) respond to direction contained in Hearing Panel Minute 24; and
 - (b) provide an interim reply to the matters raised in evidence before the Proposed District Plan (PDP) Hearings Panel on the SASM and MPZ chapters (and other related provisions).
- 3 A final reply responding to the unresolved matters will be provided to the Hearing Panel at the conclusion of the hearing process. I note that the Panel has specifically directed me to consider Ms Pull's analysis (for Te Rūnanga o Ngāi Tahu) as to rules that should include matters of discretion relating to effects on cultural values, and any matters arising in relation to scope, in my final reply.¹ This matter is therefore not addressed in this interim reply.
- 4 The table attached at **Appendix A** contains my updated recommendations, including reasons, having regard to all of the evidence given by submitters before, during and after Hearing E (other than Ms Pull's analysis referred to above). That table also includes a section 32AA assessment for all amendments recommended since my section 42A report was published.
- 5 Marked up versions of the SASM and MPZ chapters and APP4, containing my updated recommendations, are **attached** at **Appendix B**. For other zone chapters, my recommendations remain as included in the s42A Report.

Panel directions – Minute 24

- 6 The Panel made a number of directions or asked me to address specific questions. These are set out in **Appendix C**, along with my response to

¹ Minute 24, at [11](r).

each. This includes comparison tables which are set out in **Appendices D and E**.

Liz White
17 April 2025

APPENDIX A

Issues Raised in Evidence / Submitter Presentations

Sites and Areas of Significance to Māori and Māori Purpose Zone – Hearing E

Note

- 1 *Status: The status of the issue reflects my understanding of the status of resolution as between those submitters who pre-circulated evidence for Hearing E. It does not attempt to reflect whether the issue is agreed between submitters who did not pre-circulate evidence for Hearing E.*
- 2 *Status: An asterisk (*) against the status denotes where I have made an assumption based on the amendments I have recommended. However, I am not certain as to that status because the amendments I have recommended are different to that sought by the submitter.*
- 3 *Relevant submitters: Relevant submitters are those who pre-circulated evidence for Hearing E. Other submitters who did not pre-circulate evidence may be interested in the issue (as submitters in their own right, or as further submitters) but they have not been listed here.*
- 4 *Orange shading identifies matters still outstanding; Green shading identifies matters resolved since my s42A summary.*

Issue	Relevant provision(s)	Status	Relevant submitter(s) / Evidence	Post-Hearing Officer's Interim Reply
Policy direction in terms of the use of other engagement methods such as FEP and landowner/occupier awareness of the relevant cultural values.	SASM-P2, SASM-P5, SASM-P8	Resolved	Rangitata Dairies [44] - Statement of Justin O'Brien, paras 5-8.	
Enabling the repair of irrigation and house water pipelines and cables and reinstatement of existing farm infrastructure following a flood event.	SASM-R1	Resolved	Rangitata Dairies [44] - Statement of Justin O'Brien, para 9.	

Issue	Relevant provision(s)	Status	Relevant submitter(s) / Evidence	Post-Hearing Officer's Interim Reply
Opposed to regulating intensively farmed stock with the wai taoka overlay	SASM-R6	Resolved	Rangitata Dairies [44] - Statement of Justin O'Brien, para 10.	
Rules relating to temporary recreational (jet boating) events	SASM-R4	Resolved	Jet Boating [48] – Evidence of Malcolm Smith, paras 10-21.	
Application of the defined term for 'site' being used in SASM chapter.	Whole chapter	Resolved	Heritage NZ [114.30] – Evidence of Arlene Baird, paras 8.1-8.2	
The HNZPT ADP is more appropriate and should be adopted, or amendments made to address the identified potentially problematic issues with Appendix 4.	APP4	Resolved	Heritage NZ [114.48] – Evidence of Arlene Baird, paras 13.1-13.3	<p>Ms Baird and I have agreed with amendments to APP4 which address her concerns.</p> <p>Under s32AA, I consider that these changes are minor, but they provide greater clarity about what is required and also ensure that the requirements are better aligns with the Heritage New Zealand Pouhere Taonga Act 2014. I therefore consider that they are more efficient in achieving SASM-O3 and EW-O1.</p>
The inclusion of a cross-reference to Policy EI-PX in Policy SASM-P5	SASM-P5 & SASM-P8	Resolved	Transpower [119.67] – Evidence of Ainsley McLeod, para 71	<p>In my Summary Statement (at paragraph 9(b)) I agreed with amending SASM-P5 (and also SASM-P7) to refer to the separate policy relating to the National Grid, that has been recommended to be included in the Energy & Infrastructure chapter (by the s42A Officer for that chapter).</p> <p>This ensures integration with the recommendations made in relation to the Energy & Infrastructure chapter and is consistent with similar additions I have recommended to other district-wide chapters made in Hearing D (e.g. to NFL-P3).</p>

Issue	Relevant provision(s)	Status	Relevant submitter(s) / Evidence	Post-Hearing Officer's Interim Reply
				<p>The changes recommended to SASM-P5 are:</p> <p><u>Where an activity is proposed within any wāhi taoka, wāhi tapu, wai taoka or wai tapu overlay Protect the identified values of the sites and areas listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa, <u>protect the identified values of the site or area, through:</u></u></p> <ol style="list-style-type: none"> 1. ... 2. <u>avoiding adverse effects on identified values which would compromise the:</u> <ol style="list-style-type: none"> 1. a. retention of connections to whakapapa, history and cultural tradition; and 2. b. protection of mauri and intangible values; and 3. maintenance or enhancement of access by whānau for customary use and cultural purposes; and 4. c. protection of site integrity; and 5. d. <u>ensuring sustainability of ecosystems supporting taoka species and mahika kai resources; unless it can be demonstrated that:</u> <ol style="list-style-type: none"> i. ... iii. <u>for infrastructure, adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure, or for the National Grid, EI-PX Managing adverse effects of the National Grid.</u> <p>The changes recommended to SASM-P7 are:</p> <p><u>Within identified sites and areas listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa that support taoka species and mahika kai resources:</u></p> <ol style="list-style-type: none"> 1. <u>avoid adverse effects on taoka species and access for mahika kai except in relation to infrastructure that can demonstrate that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other</u>

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				<p><u>infrastructure, or for the National Grid, EI-PX Managing adverse effects of the National Grid; and</u></p> <p>2. <u>enable the maintenance and enhancement of these areas.</u></p> <p>In terms of s32AA, I note that an assessment of the inclusion of the new policy EI-PX has been undertaken by Mr Willis (his para 6.26.26). In terms of referencing this in the relevant SASM policies, I consider that the changes ensure alignment across the Plan and are therefore more efficient.</p>
Inclusion of a further Matter of Discretion in the relevant SASM rules to provide for consideration of the benefits of regionally significant infrastructure	Matters of discretion	Resolved	Transpower [119.69] – Evidence of Ainsley McLeod, paras 72 - 80	<p>In my Summary Statement (at paragraph 9(c)), I agreed that it was appropriate to add reference to the benefits of regionally significant infrastructure to the matters of discretion. This is on the basis of policy direction supporting this consideration being otherwise provided in the PDP as well as in higher order documents which does support this consideration. I recommend that the following matter is added to the relevant restricted discretionary rules in the SASM chapter (SASM-R1.1; SASM-R1.3; SASM-R2.1; and SASM-R2.2):</p> <p><u>for regionally significant infrastructure, the extent of any local, regional or national benefits, including the potential impact on the wellbeing, health and safety of people and communities if the work is not undertaken</u></p> <p>In terms of s32AA, I consider that these changes will align the matter of discretion with the outcome sought in EI-O1 and therefore be more effective at contributing to the achievement of that objective.</p>
Exclusion of Clandeboyne site from SASM-R1	SASM-R1	Resolved	Fonterra [165.79] – Evidence of Susannah Tait, para 7.1	
General support for SASM provisions	SASM chapter	Resolved	Dir. General Conservation [166.28] –	

Issue	Relevant provision(s)	Status	Relevant submitter(s) / Evidence	Post-Hearing Officer's Interim Reply
			Evidence of Elizabeth Williams, page 11	
Extent of SASM overlays in relation to landholding Intensively farmed stock rule	Mapping of SASMs SASM-R6	Resolved	Fenlea Farms [171.27, 171.28, 171.31] – Legal submissions, paras 3-6	
Policy direction relating to recognising impact of access on existing rural activities	SASM-P4	Resolved	Fenlea Farms [171.29] & Rooney, A J [177.11] – Legal submissions, para 7	
Include recognition of existing rural use of sites in policy direction	SASM-P8	Partially Resolved – based on recommendations to rules in s42A report	Fenlea Farms [171.30] & Rooney, A J [177.12] – Legal submissions, paras 8-12	My understanding is that the submitter is concerned about the difficulties with relying on existing use rights in relation to continuing to undertake existing activities which would otherwise require consent under the SASM rules. However, that concern is lessened as a result of the recommended changes to the rule framework, i.e. a number of activities that under the notified PDP would have triggered a resource consent requirement (or reliance on existing rights to continue) have been recommended to be permitted. My view in relation to the policy direction remains as set out in para 8.6.31 of the s42A Report.
Accepts recommendations on submissions points	SASM-R1, SASM-R2, SASM-R3, SASM-R6	Resolved	Alliance Group [173.6, 173.45-49, 173.151] – Letter of Doyle Richardson	

Issue	Relevant provision(s)	Status	Relevant submitter(s) / Evidence	Post-Hearing Officer's Interim Reply
Accepts recommendations on submissions points	SASM-O2, Policies, SASM-R2	Resolved	OWL [181.58-60] – Evidence of Julia Crossman, para 3.3(b)	
The extent of SASM mapping and the impact on property values	Mapping of SASMs	Outstanding	Federated Farmers [182] - Evidence of Rachel Thomas and Greg Anderson, paras 7-12	My view on the mapping of SASMs remains as set out in paras 8.2.13 – 8.2.37 of the s42A Report.
The reliance on the RMA to provide for existing use rights rather than clarifying this requirement within the PDP. Include new policy recognising grazing and farming activities that have not increased their scale of intensity of effects.	SASM-O1, explanatory note, SASM-O3, SASM-P6, New Policy	Outstanding	Federated Farmers [182.79-81, 182.83, 182.89] - Evidence of Rachel Thomas and Greg Anderson, paras 13-16, 25-26, 37-38 & 42-44	My view on existing use rights remains as set out in para 8.8.21 of the s42A Report. In particular, I do not consider it necessary, nor appropriate for the rules in the PDP to replicate these rights. My view with respect to the new policy remains as set out in para 8.7.2 of the s42A Report.
Lack of a statement within the PDP to clarify that access to a SASM requires landowner consent	SASM-O2, explanatory note, SASM-R4	Partially Resolved*	Federated Farmers [182.82, 182.95] - Evidence of Rachel Thomas and Greg Anderson, paras 17-24 & 51-52	In my Summary Statement (at paragraph 9(d)), I stated that while I do not think such a note clarifying that the provisions in the PDP do not override other legal requirements relating to access (including the Trespass Act 1980) is necessary, I see no harm in its inclusion. I also considered the best location for such a note, given that it applies more broadly than just the SASM Chapter. While it could therefore be included in the more general sections which set out how the Plan works, given the content in the SASM Chapter specific to access (and the submissions relating to this matter), I am comfortable with its inclusion in the SASM Chapter specifically. I recommend the following sentence is added to the Introduction to the SASM Chapter:

Issue	Relevant provision(s)	Status	Relevant submitter(s) / Evidence	Post-Hearing Officer's Interim Reply
				<p><u>With respect to access to sites and areas of significance, it should be noted that there is no general right of public access across private land, and landowner consent must be obtained to access any private properties.</u></p> <p>In terms of s32AA, I note that the Introduction section is intended to provides a summary or explanation of the matters addressed in the Chapter. I consider that adding this note will assist in providing clarity for plan users about what the access-related provisions in the SASM Chapter are limited to.</p>
Add reference to consultation with landowners into the policy direction relating to identification of SASMs	SASM-P1	Outstanding	Federated Farmers [182.84] - Evidence of Rachel Thomas and Greg Anderson, paras 29-31	I do not agree with the alternate wording suggested in evidence to refer to working with Kāti Huirapa “ <i>in consultation with landowners</i> ”, to identify and list sites and areas of significance. I continue to consider that it is for mana whenua to identify what is significant to them, and not for landowners.
Accepts recommendations on submissions points	SASM-P2, SASM-P3, SASM-P4, SASM-P5, SASM-P7, SASM-P8, SASM-R1, SASM-R2, SASM-R3, SASM-R6	Resolved	Federated Farmers [182.85-88, 182.90-94] - Evidence of Rachel Thomas and Greg Anderson, paras 32-36, 39-41, 45-50 & 57-60	
Exclude farm quarries from SASM-R5	SASM-R5	Outstanding	Federated Farmers [182.96-97] - Evidence of Rachel Thomas and Greg	My view remains as set out in para 8.14.11 of the s42A Report. In particular, I consider that by their nature (e.g. due to depth, removal of material, disturbance of ground previously undisturbed), quarrying and mining pose a greater risk to SASM values than other types of

Issue	Relevant provision(s)	Status	Relevant submitter(s) / Evidence	Post-Hearing Officer's Interim Reply
			Anderson, paras 53-56	earthworks and it is appropriate to manage this in the PDP, whether the activity is a farm quarry or other type of quarry.
Approach to managing subdivisions within SASMs	SASM-R7 (or new policy)	Outstanding	Federated Farmers [182.98] - Evidence of Rachel Thomas and Greg Anderson, paras 61-63	My view in relation to additions to SASM-R7 remains as set out in para 8.16.9 of the s42A Report. I do not consider that the alternate proposed in evidence - to include a new policy regarding subdivision - is within the scope of the original submission. Setting that aside, in terms of the merits of the proposed policy, I do not consider it appropriate to "enable" subdivision, as this could result in inconsistencies with the Subdivision Chapter,
Remove application of rule to woodlots, or change activity status for these to discretionary	SASM-R8	Outstanding	Federated Farmers [182.99] - Evidence of Rachel Thomas and Greg Anderson, paras 64-67	My view remains as set out in paras 8.17.11 - 8.17.12 of the s42A Report.
'Papakāika' definition should be extended to refer to buildings associated with any activity on Māori land	'Papakāika' definition	Outstanding	Te Tumu Paeroa [240.3] - Joint Statement of The Māori Trustee and Ngāi Tahu, Appendix A	In the provisions, 'Papakāika' is used in UFD-O1, which refers to it being enabled on ancestral lands; and in the MPZ. The rules in the MPZ only apply to Māori land within the zone. I do not consider it necessary to add reference to Māori land within the definition, as the definition is about what the activity encompasses and not where it is undertaken.
Add references to Māori landowners	SASM-O2, SASM-P3	Resolved – on the basis that the submission points are to be withdrawn	Te Tumu Paeroa [240.6-7] - Joint Statement of The Māori Trustee and Ngāi Tahu, Appendix A	

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Add reference to 'enabling Māori land' in the introduction to the MPZ Chapter, MPZ-O1, MPS-O2 and MPZ-P1	Introduction to MPZ, MPZ-O1, MPZ-O2, MPZ-P6	Outstanding	Te Tumu Paeroa [240.9] - Joint Statement of The Māori Trustee and Ngāi Tahu, Appendix A	I do not agree with adding reference to "enabling Māori land" across these provisions. Grammatically, I do not see how "Māori land" can be "enabled". I note in any case, that the provisions in the MPZ already apply to Māori land within the zone and therefore there is not a further need to refer to Māori land within each of these provisions, as they already apply to Māori land within the zone.
Add statement in Introduction of each chapter reminding plan users to consider other chapters	Plan-wide, Introduction to SASM Chapter	Outstanding	TRoNT [185.7, 185.90-91] – Evidence of Rachel Pull, paras 34-38 & 92	My view remains as set out in para 7.1.7 of the s42A Report with respect to cross-referencing. In terms of a more generic note to alert plan users to other chapters, I note that this is already included at the start of the Rules section in each chapter.
Add a matter of control or discretion to allow consideration of Ngāi Tahu values	EI-R22, EI-R26, EI-40, SW-R6	Partially Resolved	TRoNT [185.8, 185.89] – Evidence of Rachel Pull, paras 39-48	<i>Refer to Row (q) in Appendix C.</i>
Accepts recommendations on submissions points	Various, including SASM-O2, SASM-O3, SASM-P4, SASM-R7	Resolved	TRoNT [185.1, 185.3, 185.7, 185.8, 185.36-37, 185.87, 185.97, 185.93-95, 185.99-104,] – Evidence of Rachel Pull, paras 86-91 & 96-100, 107 & 110-111 & 118	
Add reference to rakatirataka and kaitiakitaka	SASM-O1	Outstanding	TRoNT [185.92] – Evidence of Rachel Pull, paras 93-95	This is addressed in Row (o) of Appendix C, where I have outlined why I consider that no changes are required to SASM-O1 to "include" rakatirataka and kaitiakitaka as these are already incorporated into the outcome sought.

Issue	Relevant provision(s)	Status	Relevant submitter(s) / Evidence	Post-Hearing Officer's Interim Reply
Amend to retain more of the level of protection of SASM values that was in the notified version of these policies	SASM-P5, SASM-P8	Partially Resolved*	TRoNT [185.96] – Evidence of Rachel Pull, paras 101-106	<p>In my Summary Statement (at paragraph 9(f)) I agreed that it was appropriate to reinstate “<i>possible</i>” rather than “<i>practicable</i>” in SASM-P5, as I agreed that these clauses weaken the application of the policy to activities other than infrastructure. With respect to infrastructure, clause (2)(d)(iii) of the policy will apply instead, and therefore the recommended reinstatement would not apply to infrastructure. The recommended changes are:</p> <p><u>Where an activity is proposed within any wāhi taoka, wāhi tapu, wai taoka or wai tapu overlay Protect the identified values of the sites and areas listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa, protect the identified values of the site or area, through:</u></p> <ol style="list-style-type: none"> 1. ... 2. <u>avoiding adverse effects on identified values² which would compromise the³:</u> <ol style="list-style-type: none"> 1. <u>a. retention of connections to whakapapa, history and cultural tradition; and</u> 2. <u>b. protection of mauri and intangible values; and</u> 3. <u>maintenance or enhancement of access by whānau for customary use and cultural purposes; and</u> 4. <u>c. protection of site integrity; and</u> 5. <u>d. ensuring sustainability of ecosystems supporting taoka species and mahika kai resources;</u> <p><u>unless it can be demonstrated that:</u></p> <ol style="list-style-type: none"> i. <u>due to the functional needs or operational needs of the activity, it is not possible practicable to avoid all adverse effects; and</u> ii. <u>any residual effects that cannot be practicably avoided are mitigated, as far as possible practicable, in a way</u>

² Shifted from SASM-P8

³ Clause 10(2)(b) relating to Fenlea Farms [171.30] Rooney, A J [177.12] and K J Rooney [197.5]

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				<p><u>that protects, maintains or enhances the overall values of the site or area; or</u> <u>iii. for infrastructure, ...</u></p> <p>Under s32AA, I consider that the reversion to “possible” is a more appropriate direction where it relates to non-infrastructure activities. As noted by Ms Pull, this means that the costs associated with avoiding adverse effects cannot be used as a reason to not avoid them, where there is an alternative option that is technically possible (but higher cost). I consider that this will potentially increase economic costs to applicants, but that this is outweighed by the cultural benefits arising from avoiding the adverse effects that would compromise the particular values set out in clause (2)(a)-(d) of the policy. On balance, I consider that the approach is therefore an efficient and effective way to achieve SASM-O3, by ensuring the values of SASMs are protected from inappropriate subdivision, use and development.</p>
Add matter of discretion to EW-S2 to allow consideration of Ngāi Tahu values for when depth of earthworks is exceeded	SASM-R1	Resolved*	TRoNT [185.98] – Evidence of Rachel Pull, paras 108-109	<p>In my Summary Statement (at paragraph 9(g)) I agreed a further matter of discretion to EW-S2, as sought by Ms Pull, to allow for consideration of effects on cultural values when the permitted depth for earthworks is exceeded, whether located within an SASM or not. The suggested drafting of the additional matter is:</p> <p><u>potential adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa, and any measures to avoid, remedy or mitigate these adverse effects.</u></p> <p>Under s32AA of the RMA, I consider that allowing for consideration of effects on cultural values when the permitted depth for earthworks is exceeded, whether these earthworks are undertaken in an SASM or not, reflects the evidence of Mr Henry⁴ that earthworks that go deeper than historical farming practices or the traditional construction of roads,</p>

⁴ At para 44.

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				have the potential to impact unknown sites of cultural significance. It also reflects his evidence that mana whenua used and traversed the area in which Timaru District is located extensively, and the SASMs identified in the PDP are those considered the most significant. ⁵ I consider that allowing for this consideration better achieves EW-O1 in terms of ensuring adverse effects on the surrounding environment are appropriately avoided or mitigated.		
Ensure that rules relating to plantation forestry in proximity to rock art sites applies to forestry that is not intended to be harvested (e.g. planted for carbon credits)	SASM-R8	Resolved*	TRoNT [185.105] – Evidence of Rachel Pull, paras 112-117	<p>In my Summary Statement (at paragraph 9(h)) I agreed with extending SASM-R8 to encompass all ‘commercial forestry’, as follows:</p> <table border="1"><tr><td>SASM-R8</td><td>Shelterbelts or wWoodlots or <u>plantation commercial forestry</u></td></tr></table> <p>I also recommended that definitions of ‘commercial forestry’ and ‘exotic continuous-cover forestry’, taken from the NES-CF, should be added to the PDP as a consequence of this change.</p> <p>Under s32AA, I consider that this change better ensures that the rule aligns with the terminology used in the National Environmental Standards for Commercial Forestry, as it would then cover all commercial forestry – which includes exotic continuous-cover forestry as well as plantation forestry. In my view, this better accounts for the potential effects on Māori Rock Art sites that arise from changes to the freshwater environment arising from planting of forestry, regardless of whether it is planted with the intention of harvesting or not. I consider that expanding the rule better ensures the effects are appropriately managed to protect the integrity of these sites, which in turn is more effective at achieving SASM-O3. I consider that there are increased economic costs associated with the approach which would require consent for a wider range of forestry planting, but that there are cultural</p>	SASM-R8	Shelterbelts or w Woodlots or <u>plantation commercial forestry</u>
SASM-R8	Shelterbelts or w Woodlots or <u>plantation commercial forestry</u>					

⁵ At para 34

Issue	Relevant provision(s)	Status	Relevant submitter(s) / Evidence	Post-Hearing Officer's Interim Reply
				benefits from better managing the effects of planting on these sites which outweigh the costs.
Amend the SASM chapter to provide a linkage to EI-O2 and EI-P2 to ensure regionally significant infrastructure can locate in SASMs where there is a functional or operational need to be in that location	SASM-P5	Resolved	KiwiRail [187.53] – Statement of Michelle Grinlinton-Hancock, page 9	
The requirement to install a 45,000 litre tank for new builds in the MPZ should be reduced to 30,000 litres.	MPZ-S4	Resolved	Te Kotare [115] & Waipopo Huts [189] – Evidence of Elizabeth Steveson, paras 24 & 28, 121-123, 129, 130	<p>In my Summary Statement (at paragraph 9(h)) I agreed with reducing the potable water storage requirements in MPZ-S4, as follows:</p> <p><i>1. All residential units or habitable buildings are required to provide Council with evidence of access to potable (drinkable) water from a community water scheme or private water bore or shall be able to store 45,300⁶ 30,000 litres of potable water from another source.</i></p> <p>In terms of s32AA, I consider, based on the evidence provided by the submitter, that this is sufficient to ensure a reliable water supply, and requiring a larger supply would frustrate the rebuilding of homes on land in this zone, given the current circumstances in this area. I therefore consider that the change is more efficient and effective at achieving MPZ-O2 and aligns with the direction in MPZ-P2 to enable the use and development of the Māori Purpose Zone for papakāika while ensuring the activities are adequately serviced.</p>
Accepts recommendations on submissions points	Zoning of Waipopo & Te Kotare land	Resolved	Te Kotare [115] & Waipopo Huts [189] – Evidence of Elizabeth Steveson, paras	

⁶ Te Kotare [115.27], Waipopo Huts [189.38] – Evidence of Elizabeth Stevenson, paras 24, 28, 121-123 & 130

Issue	Relevant provision(s)	Status	Relevant submitter(s) / Evidence	Post-Hearing Officer's Interim Reply		
	MPZ provisions not otherwise addressed		114-119, 124-125, 128, 131			
Size of rock art SASMs	Mapping of SASM-8 & SASM-9	Outstanding	Westgarth, Chapman, Blackler, et al. [200] – Evidence of John Evans, paras 23-37 & 39	<p>My view on the mapping of SASMs remains as set out in paras 8.2.13 – 8.2.37 of the s42A Report.</p> <p>With particular regard to rock art sites, I note that the mapped extent, as notified in the PDP, reflects the mapped extent already contained in the Canterbury Land and Water Regional Plan (CLWRP). I also note that the mapped area does not act as a fixed setback within which activities cannot be undertaken; rather, the intent is that it acts as a trigger point within which specified activities must be carefully assessed with respect to the actual and potential adverse effects of those activities on cultural values, and how best to manage those activities to meet the policy direction (as is the case with the CLWRP). It appeared to me that the submitters requesting a much smaller mapped area were assuming the mapped area represented a setback within which the specific activities could not be undertaken. I consider the mapping within the PDP is consistent with the CLWRP approach, and no more onerous than is already in place through that plan.</p> <p>However, in considering this matter further, I recommend that the activity status for SASM-R8, relating to forestry is changed from non-complying to restricted discretionary. This reflects my view that the intent of the mapped buffer area is to trigger a consent process to consider activities that may have a potential adverse effect on rock art and the values in the surrounding area. In my view, a non-complying activity status does not align with this and instead suggests that planting is not anticipated within the mapped area. The changes recommended are:</p> <table><tr><td>SASM-R8</td><td>Shelterbelts or w Woodlots or plantation commercial forestry</td></tr></table>	SASM-R8	Shelterbelts or w Woodlots or plantation commercial forestry
SASM-R8	Shelterbelts or w Woodlots or plantation commercial forestry					

Issue	Relevant provision(s)	Status	Relevant submitter(s) / Evidence	Post-Hearing Officer's Interim Reply			
					<p>Wāhi tapu Overlay — SASM8 and SASM9 only</p> <p>Activity status: Non-complying Restricted Discretionary</p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</u> <u>the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</u> <u>the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and</u> <u>the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol;</u> <u>the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with</u> 	<p>Activity status where compliance not achieved: not applicable</p>	

Issue	Relevant provision(s)	Status	Relevant submitter(s) / Evidence	Post-Hearing Officer's Interim Reply				
						<p><u>the site/area, and any potential to:</u></p> <p><u>a. affirm the connection between mana whenua and place; or</u></p> <p><u>b. enhance the cultural values of the site/area; or</u></p> <p><u>c. provide for the relationship of Kāti Huirapa with their taonga; or</u></p> <p><u>d. maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; commensurate with the scale and nature of the proposal; and</u></p> <p><u>6. where the woodlots or commercial forestry activity will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses.</u></p>		
				<p>Under s32AA, I consider that a restricted discretionary status is a more efficient way to achieve SASM-O3 and reflects that afforestation has been identified as having the potential to impact on the integrity of rock art, due to the impact it has on the surrounding freshwater</p>				

Issue	Relevant provision(s)	Status	Relevant submitter(s) / Evidence	Post-Hearing Officer's Interim Reply
				environment ⁷ . This is expanded on in further detail in the evidence of Amanda Symon. However, the evidence is based on the area within which these might occur and does not indicate that these effects will arise at this distance, nor that they cannot be appropriately managed to maintain the integrity of the rock and values of the wider area. I therefore consider that a less restrictive consent pathway is more appropriate, while still being effective at managing the effects of this activity in achieving SASM-O1.
Accepts recommendations on submissions points	SASM-R1	Resolved	Westgarth, Chapman, Blackler, et al. [200] – Evidence of John Evans, para 40	
General regulation within SASMs – some relief provided through s42A recommendations, but still over-regulates effects on SASMs, when taking into account other existing protections / consent triggers	SASM rules	Partially Resolved	Westgarth, Chapman, Blackler, et al. [200] – Evidence of John Evans, paras 41-42	I do not agree that the recommended rule suite overregulates effects on SASMs, when taking into account other existing planning frameworks. In particular, my recommendations have focussed on ensuring that there is not unnecessary regulatory overlap within the PDP, as well as with regional council functions.
Accepts recommendations relating to changes to rules	SASM rules	Resolved	Westgarth, Chapman, Blackler, et al. [200] – Evidence of Gerald	

⁷ Guideline for implementing a land-based taonga risk and vulnerability assessment in the context of freshwater environments: Māori Rock Art. (November 2018). Gyopari, M. & Tipa, G. With contributions from Symon, A. & Scott, J., Table 1, first row on page 10.

Issue	Relevant provision(s)	Status	Relevant submitter(s) / Evidence	Post-Hearing Officer's Interim Reply
			Hargreaves, paras 9-10	
Remain concerned about the extent of the SASM overlay on property and the process that TDC followed, including lack of landowner involvement in mapping	SASM mapping	Outstanding	Westgarth, Chapman, Blackler, et al. [200] – Evidence of Gerald Hargreaves, paras 10-17	My view on the mapping of SASMs remains as set out in paras 8.2.13 – 8.2.37 of the s42A Report, and as commented on further above.
Re-start SASM process	Whole chapter and mapping	Outstanding	Westgarth, Chapman, Blackler, et al. [200] – Evidence of James Hart, paras 17	I do not consider it to be appropriate to re-start the SASM process. I consider that there would be significant costs associated with such an approach and that it would not align with section 6(e) of the RMA to do so.
If SASM process not re-started, reduce rock art SASMs to a 10m setback from rock art site, detail the values of individual SASM sites and threats to those values in the PDP and make other changes set out in legal submissions	Whole chapter and mapping	Outstanding	Westgarth, Chapman, Blackler, et al. [200] – Evidence of James Hart, paras 18, 36-42	My view on the mapping of SASMs remains as set out in paras 8.2.13 – 8.2.37 of the s42A Report, and as commented on further above. My view on the level of specificity contained in the PDP about the values of sites and threats to those values remains as set out in para 8.2.21 - 8.2.24 of the s42A Report.
Some relief provided through s42A recommendations, but seeks a reduction in rock art SASMs to a 10m setback from rock art site, with a larger 50m buffer for some activities such as irrigation, large-scale	Whole chapter and mapping	Partially Resolved	Westgarth, Chapman, Blackler, et al. [200] – Evidence of Mark Chamberlain, paras 7-8, 29	My view on the mapping of SASMs remains as set out in paras 8.2.13 – 8.2.37 of the s42A Report, and as commented on further above.

Issue	Relevant provision(s)	Status	Relevant submitter(s) / Evidence	Post-Hearing Officer's Interim Reply
earthworks and specific land disturbance activities				
Remain concerned about the process that TDC followed, including lack of landowner involvement in mapping	SASM mapping	Outstanding	Westgarth, Chapman, Blackler, et al. [200] – Evidence of Mark Chamberlain, paras 23, 31	My view with respect to consultation remains as set out in para 8.2.32 of the s42A Report.
Accepts recommendations on submissions points relating to temporary events in SASM-9	SASM-R4	Resolved	Westgarth, Chapman, Blackler, et al. [200] – Evidence of Mark Chamberlain, para 32	
Some relief provided through s42A recommendations, but remain concerned about the extent of the SASM overlay on property and its inconsistency with other existing regulations protecting rock art sites. Considers that a 10m setback from rock art site is sufficient.	Whole chapter and mapping	Outstanding	Westgarth, Chapman, Blackler, et al. [200] – Evidence of James Fraser, paras 10, 26-41	<p>My view on the mapping of SASMs remains as set out in paras 8.2.13 – 8.2.37 of the s42A Report, and as commented on further above.</p> <p>I reiterate that the notified extent of the Māori Rock Art sites (SASM-8 and SASM-9) is consistent with the mapped extent contained in the CLWRP. What is sought through the PDP is that same as applying within that Plan – that specifically identified activities trigger a consideration through a consenting process, as has happened through FEPs.</p> <p>In addition to the above, I note that submitters seeking reduced “setbacks” appear to rely on fixed setbacks applied through consent conditions, with the Ngāi Tahu Rock Art Trust and AECL providing input into those consent processes. This is consistent with what is proposed in the PDP, which also proposes a consent pathway for particular activities within the mapped area. If the mapped area is reduced, or rules amended to only capture activities within a specified distance of a</p>

Issue	Relevant provision(s)	Status	Relevant submitter(s) / Evidence	Post-Hearing Officer's Interim Reply
				rock art site, then no resource consent process is triggered, and there is no ability for advice to be obtained from the Ngāi Tahu Rock Art Trust and AECL.
<p>Council does not have clear jurisdiction to create planning provisions in respect of the bed of the Rangitata River.</p> <p>Even if Council's proposed planning provisions in respect of riverbeds are lawful, it is not appropriate for the overlays to apply to the bed of the Rangitata River.</p> <p>While supportive of some changes recommended to SASM-R1.1, consider it is inappropriate to have an ADP that applies to rock weir related earthworks in a riverbed.</p> <p>First preference – remove SASM overlays from applying to the bed of the Rangitata River.</p> <p>Second preference – amend provisions to state that they do not apply to the bed of the Rangitata River and the overlays are for information purposes only.</p>	Application of SASMs to the riverbed	Resolved*	Rangitata Diversion Race Management [234.1]	<p>The matter of jurisdiction was addressed in Ms Vella's legal submission for Hearing D.</p> <p>In terms of the merits of the approach, this is considered in detail in Row (g) and Table 1 of Appendix C, where, having considered the duplication between the PDP and CLWRP, I consider that it is appropriate to exclude application of the earthworks rules within SASMs to riverbeds. This recommendation is similar to the second preference of the submitter. I do not consider that the appropriate response is to remove the SASM overlays from applying to the bed of the Rangitata River, as I consider that it is important that the PDP identifies that these are areas which are significant to mana whenua.</p>

Issue	Relevant provision(s)	Status	Relevant submitter(s) / Evidence	Post-Hearing Officer's Interim Reply
Third preference – include a specific rule providing for the maintenance, repair or replacement of existing rock weirs as a permitted activity, and amend SASM-R1.1 PER-2 to add <i>“This requirement does not apply if the earthworks are being undertaken in or on the bed of any river and are associated with the maintenance, repair or replacement of rock weirs permitted activity rules and standards”</i> .				
Removal of wāhi tūpuna; wāhi taoka and wāhi tapu overlays from submitters property (presumed to be 249 Kereta Road)	SASM mapping of SASM-4, 4a and 4b	Outstanding	Beattie, D M [238.1, 238.1A, 238.1B] – presented by Vaughan Henry	My view on the mapping of SASMs remains as set out in paras 8.2.13 – 8.2.37 of the s42A Report.
Remove SASM from 94 John Talbot Road	SASM Mapping (SASM-20)	Outstanding	McCullough, S and P [137.1]	My view on the mapping of SASMs remains as set out in paras 8.2.13 – 8.2.37 of the s42A Report.
Seeks that subdivision in an SASM is restricted discretionary, as this is considered to be more practical, and limits consideration to cultural concerns	SASM-R7	Outstanding	MFL [60.24] – Evidence of Melissa McMullan, para 5.1-5.2	My view remains as set out in para 8.16.7 of the s42A Report. I also note that the approach taken to applying a fully discretionary status within SASMs ensures consistency with that applied in other overlay areas such as ONLs, VALs and SNAs.

Issue	Relevant provision(s)	Status	Relevant submitter(s) / Evidence	Post-Hearing Officer's Interim Reply
Amend wai taoka lines to areas that can be clearly defined - Burial Grounds - Māori Pa etc	SASM Mapping	Outstanding	Glass, N E [83.1]	My view on the mapping of SASMs remains as set out in paras 8.2.13 – 8.2.37 of the s42A Report.
Reduce SASM9 to align with surveyed boundaries of the QEII covenanted area, which was put in place to protect and define where rock art is located on the property. Lack of justification for extent of SASMs	SASM Mapping		Zwarts, L [17.1, 17.2]	My view on the mapping of SASMs remains as set out in paras 8.2.13 – 8.2.37 of the s42A Report, and as commented on further above. I note the submitter's comments, that in their view, there is no evidence that current farming activities are resulting in degradation of the rock art. In this regard, I note that the rules do not affect the submitter's ability to continue existing farming activities. The recommended deletion of SASM-R6 (intensively farmed stock) will also remove land use change which falls within this definition from requiring consent under the PDP. With respect to the restriction on forestry and the potential impact this would have on the ability to diversify, as noted above, the PDP would introduce a consenting pathway to consider the impacts of any forestry/woodlot planting, allowing for a case-by-case assessment that would take into account those factors noted by the submitter, e.g. species, density of planting etc. I generally consider this appropriate, but for the reasons noted above, have recommended a less restrictive consenting pathway.

APPENDIX B

Recommended Changes

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

SITES AND AREAS OF SIGNIFICANCE TO MĀORI

Introduction

The hapū who hold mana whenua in the Timaru District are Kāti Huirapa. The rohe of Kāti Huirapa extends over the area from the Rakaia River in the north to the Waitaki River in the south. The Papatipu Rūnaka that represents Kāti Huirapa is Te Rūnanga o Arowhenua.

As part of fulfilling its obligations under sections 6(e), 6(f), 7(a) and 8 of the RMA, the Council has developed this chapter (and provisions in other chapters) together with rūnaka for the purpose of managing activities that have potential adverse effects on the values of sites and areas that are significant to Kāti Huirapa.

Where an activity is proposed within a SASM which requires resource consent under another chapter in the District Plan, the objectives and policies in this chapter may also be relevant to consideration of that activity. There are also rules in other chapters, including the Natural Character, Natural Features and Landscapes, [Coastal Environment](#) and Earthworks chapters which manage activities that occur in SASMs. The SASM chapter should therefore be read alongside other sections of the District Plan which also consider the effects on SASMs.¹

Kāti Huirapa worked and travelled extensively across South Canterbury and, as a result, they have historical and cultural connections with land and waterways throughout the Timaru District. To appropriately reflect the depth and breadth of their relationship with the district, the approach taken is to firstly identify areas of association, referred to as 'wāhi tūpuna'. This term describes an area with significant associations to cultural traditions, history or identity. Typically, wāhi tūpuna encompass multiple related sites with connections to cultural beliefs, values and uses.

Some smaller areas have been identified because they have highly significant values that Kāti Huirapa consider require special protection. These are categorised as:

- Wāhi taoka — places that are treasured due to their high intrinsic values and their role in maintaining a balanced and robust ecosystem, sustaining quality of life and providing for the needs of present and future generations. Examples include repo raupō, wai puna and mahika kai; and/or
- Wāhi tapu - sacred sites or areas held in reverence according to whakapapa. They may be associated with tākata whenua creation stories, particular events or ceremonies, or valued resources, and include sites such as urupā, pā, Kā tuhituhi o neherā and tauraka waka.

Significant waterways and their margins are also separately identified and are similarly categorised as wai taoka or wai tapu.

In parallel with the process of identifying significant sites and areas, threats to the values of the sites and areas from a range of land use activities have been considered. Based on this, the approach to the management of activities agreed with Kāti Huirapa is a layered approach with the following characteristics:

1. identification of broad wāhi tūpuna areas within which provisions are used to identify activities that pose particularly serious threats to values and make them subject to a different consent threshold

¹ Clause 10(2)(b) relating to TRoNT [185.1, 185.3, 185.7], Westgarth et al [200.7]

or a more onerous activity status in these areas, or to trigger consultation with mana whenua when resource consent is already needed for some other reason;

2. identification of particularly important or vulnerable areas as wāhi tapu, wāhi taoka, wai tapu and/or wai taoka where resource consent is needed for a range of activities that could adversely affect cultural values of these areas;
3. across the district as a whole, policies and matters of discretion provide for consideration of effects on cultural values, particularly when consent is required for key activities with the potential to impact on cultural values, and there are also enabling provisions for customary harvest or other cultural practices of benefit to rūnaka.

With respect to access to sites and areas of significance, it should be noted that there is no general right of public access across private land, and landowner consent must be obtained to access any private properties.²

Note: Wai Taoka overlay consists of an area overlay and a line overlay.

Objectives

SASM-O1 Decision making

Kāti Huirapa are actively involved in decision making that affects the values of the identified Sites and Areas of Significance to Kāti Huirapa.

SASM-O2 Access and use

~~Kāti Huirapa's are able to³ Access to, maintain and use of, resources and areas of cultural value by Kāti Huirapa,~~ within identified Sites and Areas of Significance to Kāti Huirapa, for customary use and cultural purposes,⁴ is maintained and, where appropriate, enhanced⁵.

SASM-O3 Protection of Sites and Areas of Significance

The values of identified areas and sites of significance to Kāti Huirapa are recognised and protected from inappropriate subdivision, use and development.

Policies

SASM-P1 Involvement of Kāti Huirapa in resource management decisions

Work with Kāti Huirapa to identify and list Sites and Areas of Significance to Kāti Huirapa in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa, and recognise and provide for the exercise of rangikiritaka⁶ by Kāti Huirapa in decisions made in relation to these sites and areas.

SASM-P2 Consultation and engagement with Kāti Huirapa

~~Encourage and facilitate consultation and engagement between landowners/ and applicants with and Kāti Huirapa to:~~

1. facilitate a better understanding of the values of the sites and areas listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa and the potential impact of activities on the site or area; and⁷

² Federated Farmers [182.82, 182.95] - Evidence of Rachel Thomas and Greg Anderson, paras 22-24

³ Stack, D [50.4], Digby, M E [122.1], OWL [181.58], Federated Farmers [182.82], Westgarth et al [200.2], Te Tumu Pareora [240.6], Jeaffreson, D and A [244.2]

⁴ Clause 10(2)(b) relating to Te Rūnanga o Ngāi Tahu [185.95]

⁵ Stack, D [50.4], Digby, M E [122.1], OWL [181.58], Federated Farmers [182.82], Westgarth et al [200.2], Te Tumu Pareora [240.6], Jeaffreson, D and A [244.2]

⁶ Clause 16(2)

⁷ Rangitata Dairies [44.12, 44.13]

2. recognise that consultation prior to applying for consent and/or undertaking activities within or adjacent to⁸ the identified sites and areas listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa, as being is the most appropriate way to obtain understanding of the potential impact of any activity on the site or area; and
3. ensure that where an activity requiring resource consent is proposed within any sites and areas listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa, there is engagement with Te Rūnanga o Arowhenua to understand the effects of the activity on the identified values of the site or area.⁹

SASM-P3 Use of sites and areas for cultural practices

Enable Kāti Huirapa to undertake customary harvest and other cultural practices in identified sites and areas listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa, in accordance with tikaka.

SASM-P4 Cultural access

Maintain existing access, and encourage landowners and applicants to explore opportunities and methods to enhance access, for Kāti Huirapa to the identified sites and areas listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa for customary use and cultural purposes.¹⁰

SASM-P5 Protection of values of Sites and Areas of Significance to Kāti Huirapa

Where an activity is proposed within any wāhi taoka, wāhi tapu, wai taoka or wai tapu overlay¹¹ Protect the identified values of the sites and areas listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa, protect the identified values of the site or area, through:

1. requiring adherence to¹² an accidental discovery protocol for any earthworks¹³; and
2. avoiding adverse effects on identified values¹⁴ which would compromise the¹⁵:
 - 4-a. retention of connections to whakapapa, history and cultural tradition; and
 - 2-b. protection of mauri and intangible values; and
3. maintenance or enhancement of access by whānau for customary use and cultural purposes; and¹⁶
- 4-c. protection of site integrity; and
- 5-d. ensuring sustainability of ecosystems supporting taoka species and mahika kai resources; unless it can be demonstrated that¹⁷:
 - i. due to the functional needs or operational needs¹⁸ of the activity, it is not possible¹⁹ practicable²⁰ to avoid all adverse effects²¹; and

⁸ Bonifacio, P [36.18]

⁹ Clause 10(2)(b) relating to Westgarth et al [200.6]

¹⁰ Te Rūnanga o Ngāi Tahu [185.95]

¹¹ Shifted from SASM-P8

¹² Heritage NZ [114.33]

¹³ Shifted from SASM-P8

¹⁴ Shifted from SASM-P8

¹⁵ Clause 10(2)(b) relating to Fenlea Farms [171.30] Rooney, A J [177.12] and K J Rooney [197.5]

¹⁶ Clause 10(2)(b) relating to Stack, D [50.4], Digby, M E [122.1], OWL [181.58], Federated Farmers [182.82, 182.88], Westgarth et al [200.2], Te Tumu Pareora [240.6], Jeaffreson, D and A [244.2]

¹⁷ Shifted from SASM-P8

¹⁸ Transpower [159.67]

¹⁹ Evidence of Rachael Pull, paras 104-106

²⁰ Transpower [159.67]

²¹ Shifted from SASM-P8

- ii. any residual effects that cannot be ~~practicably~~ avoided are mitigated, as far as possible²² ~~practicable~~²³, in a way that protects, maintains or enhances the overall values of the site or area²⁴; or
- iii. for infrastructure, adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure²⁵, ~~or for the National Grid, EI-PX Managing adverse effects of the National Grid~~²⁶.

SASM-P6 Protecting cultural values in wāhi tūpuna areas

Recognise the significance to Kāti Huirapa of the wāhi tūpuna areas listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa and protect the identified values of these areas by avoiding significant adverse effects of activities in, or in close proximity to, wāhi tūpuna areas on the connections of Kāti Huirapa to these areas and the ability of the areas to support taoka species and mahika kai.

SASM-P7 Sustainability of ecosystems that support taoka and mahika kai

Within identified sites and areas listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa that support taoka species and mahika kai resources:

1. avoid adverse effects on taoka species and access for mahika kai ~~except in relation to infrastructure that can demonstrate that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure~~^{27,28}, ~~or for the National Grid, EI-PX Managing adverse effects of the National Grid~~²⁹; and
2. enable the maintenance and enhancement of these areas.

SASM-P8 ~~Protection of wāhi taoka, wāhi tapu, wai taoka and wai tapu sites and areas~~³⁰

~~Where an activity is proposed within any of the wāhi taoka sites, wāhi tapu sites, wai taoka areas and wai tapu areas listed in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa, ensure that:~~

- ~~1. there is engagement with Te Rūnanga o Arowhenua to understand the effects of the activity on the identified values of the site or area, including the connections of Kāti Huirapa to the site or area, the mauri of the site or area, site integrity, and the ability of the site or area to support taoka species and mahika kai; and~~
- ~~2. an accidental discovery protocol is prepared and adopted for any earthworks; and~~
- ~~3. any adverse effects on identified values are avoided unless it can be demonstrated that:

 - ~~a. due to the functional needs of the activity, it is not possible to avoid all adverse effects; and~~
 - ~~b. any residual effects that cannot be practicably avoided are mitigated, as far as possible, in a way that protects, maintains or enhances the overall values of the site or area; and~~
 - ~~c. where any historical loss of values can be remediated.~~~~

Rules

Note: Activities not listed in the rules of this chapter are classified as a permitted under this chapter. For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan

²² Evidence of Rachael Pull, paras 104-106

²³ Transpower [159.67]

²⁴ Shifted from SASM-P8

²⁵ TDC [42.43], OWL [181.59] and KiwiRail [187.53]

²⁶ Transpower [159.67]

²⁷ TDC [42.43], OWL [181.59] and KiwiRail [187.53]

²⁸ TDC [42.43], OWL [181.59] and KiwiRail [187.53]

²⁹ Transpower [159.67]

³⁰ Clause 10(2)(b) relating to Fenlea Farms [171.30] Rooney, A J [177.12] and K J Rooney [197.5]

users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

SASM-R1	Earthworks not including quarrying and mining	
<p>1. Within the General Rural Zone or Rural Lifestyle Zone and within one or more of the following:³¹</p> <p>Wāhi Tūpuna Overlay (outside an ONL or VAL overlay)³²</p> <p>(excluding the Māori Purpose Zone)</p> <p>Wāhi taoka overlay</p> <p>Wai taoka overlay (outside the bed of a</p>	<p>Note: for earthworks associated with quarrying and mining, see SASM-R5</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>The activity is either:</p> <ol style="list-style-type: none"> 1. earthworks, including those associated with and under new buildings/structures and those necessary for the installation of infrastructure / <u>network</u>³⁷ utilities, do not exceed a maximum area of <u>750³⁸2000m² in any 12-month period per site³⁹</u>; or 2. earthworks for the purpose of maintaining, <u>repairing</u>⁴⁰ or <u>replacing</u>⁴¹ existing <u>fences</u>⁴², roads, tracks, <u>pipelines</u>⁴³, <u>buildings</u>⁴⁴, or natural hazard mitigation works, and are within the footprint or <u>the area of ground previously</u>⁴⁵ <u>modified ground comprised</u>⁴⁶ by the existing road, track, <u>pipeline</u>, <u>building</u>⁴⁷ or natural hazard mitigation works; or 3. <u>earthworks authorised by the Canterbury Regional Council for maintenance of existing rock weirs and river works to the same level and</u> 	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and 2. whether a cultural impact assessment has been undertaken and⁵⁰ the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and 3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua⁵¹; and 4. effects on sites where there is the potential for kōiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and⁵² 5. whether there are alternative methods, locations or designs that would avoid

³¹ Fonterra [165.79], Silver Fern Farms [172.46] and Alliance Group [173.45, 173.46], Westgarth et al [200.7], Aitken et al [237.14]

³² Westgarth et al [200.7]

³⁷ Broughs Gully [167.48]

³⁸ Bonifacio, P [36.21], Rooney Holdings [174.28], GJH Rooney [191.28], Rooney Group [249.28], Rooney Farms [250.28], Rooney Earthmoving [251.28], TDL [252.28]

³⁹ Z Energy [116.12], Te Rūnanga o Ngāi Tahu [185.98]

⁴⁰ Pye Group [35.1], Connolly, S [136.1]

⁴¹ Rangitata Dairies [44.14]

⁴² Pye Group [35.1]

⁴³ Pye Group [35.1], Rangitata Dairies [44.14]

⁴⁴ Te Kotare [115.28], Waipopo Huts [189.40]

⁴⁵ Clause 16(2)

⁴⁶ Clause 16(2)

⁴⁷ Clause 10(2)(b) relating to Pye Group [35.1], Rangitata Dairies [44.14]

⁵⁰ Clause 16(2)

⁵¹ Clause 16(2)

⁵² Clause 16(2)

<p><u>river or</u>³³ <u>a</u> <u>riparian</u> <u>margin</u>)³⁴</p> <p>Wai tapu overlay (outside the bed of a river or³⁵ <u>a riparian margin</u>)³⁶</p>	<p><u>extent as occurring as at 1 January 2000;</u>⁴⁸ and</p> <p>PER-2</p> <p>Except where an Archaeological Authority has been obtained from Heritage New Zealand Pouhere Taonga, <u>the earthworks are undertaken in accordance with the Accidental Discovery Protocol commitment form, contained within APP4 - Form confirming a commitment to adhering to an Accidental Discovery Protocol, has been completed and submitted to Council, at least 2 weeks prior to the commencement of any earthworks.</u>⁴⁹</p>	<p>or mitigate the impact of earthworks on the values associated with the site or area of significance; and</p> <p>6. the appropriateness of any mitigation measures proposed, <u>including the need for an accidental discovery protocol;</u>⁵³ and</p> <p>7. whether <u>the extent to which</u> the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:</p> <ol style="list-style-type: none"> affirm the connection between mana whenua and place; or enhance the cultural values of the site/area; or provide for the relationship of Kāti Huirapa with their taoka; <u>or</u> <u>maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance;</u>⁵⁴ <p>commensurate with the scale and nature of the proposal; and</p> <p>8. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and⁵⁵</p> <p>9. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and</p> <p>10. in respect of <u>network</u>⁵⁶ utilities, the extent to which the proposed <u>network</u>⁵⁷ utility has functional needs <u>or operational needs</u>⁵⁸ for its location; <u>and</u></p> <p>11. <u>for regionally significant infrastructure, the extent of any local, regional or national benefits, including the potential impact on the wellbeing, health and safety of people and</u></p>
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³³ RDRML [234.1]

³⁴ Westgarth et al [200.7]

³⁵ RDRML [234.1]

³⁶ Westgarth et al [200.7]

⁴⁸ RDRML [234.1]

⁴⁹ Pye Group [35.1], NZDF [151.11], Alliance Group [173.46], Rooney Holdings [174.98], GJH Rooney [191.98], Rooney Group [249.98], Rooney Farms [250.98], Rooney Earthmoving [251.98] and TDL [252.98]

⁵³ Clause 16(2)

⁵⁴ Clause 16(2)

⁵⁵ Clause 16(2)

⁵⁶ Brouchs Gully [167.48]

⁵⁷ Brouchs Gully [167.48]

⁵⁸ Transpower [159.69]

		<p><u>communities if the work is not undertaken⁵⁹.</u></p> <p>Note: Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.</p>
<p>2. Wāhi Taoka and Wai Taoka Overlay⁶⁰</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The earthworks are for the purpose of maintenance, repair, or replacement, of any of the following:</p> <ol style="list-style-type: none"> 1. existing fencing; or 2. existing tracks or roads; or 3. existing reticulated stock water systems including troughs; or 4. existing natural hazard mitigation works; and <p>PER-2 The earthworks are only undertaken within the footprint or modified ground comprised by the existing item; and</p> <p>PER-3 Any replacement item is of the same nature, character and scale of the item being replaced; and</p> <p>PER-4 The Accidental Discovery Protocol commitment form, contained within APP4—Form confirming a commitment to adhering to an Accidental Discovery Protocol, has been completed and submitted to Council, at least 2 weeks prior to the commencement of any earthworks</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and 2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6—Schedule of Sites and Areas of Significance to Kāti Huirapa; and 3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and 4. effects on sites where there is the potential for kōiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and 5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the site or area of significance; and 6. the appropriateness of any mitigation measures proposed; and 7. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to: <ol style="list-style-type: none"> 1. affirm the connection between mana whenua and place; or

⁵⁹ Transpower [159.68, 159.69] - Evidence of Ainsley McLeod, paras 72-80.

⁶⁰ Westgarth et al [200.7]

		<p>2. enhance the cultural values of the site/area; or</p> <p>3. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and</p> <p>8. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and</p> <p>9. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and</p> <p>10. in respect of utilities, the extent to which the proposed utility has functional needs for its location.</p> <p>Note: <i>Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.</i></p>
<p>3. Wāhi tapu and wai tapu⁶¹ overlays</p>	<p>Activity status: <u>Permitted</u> Restricted Discretionary</p> <p>Where:</p> <p><u>RDISPER-1</u> <u>The earthworks are undertaken in accordance with the Accidental Discovery Protocol contained within APP4; and</u></p> <p><u>PER-2</u> <u>All earthworks, including those associated with and under new buildings/structures, and including those necessary for the installation of infrastructure/ utilities. Within SASM-1a, SASM-4a and SASM-4c, the earthworks are for the purpose of maintaining, repairing or replacing existing fences, roads, tracks, pipelines, buildings, rock weirs or natural hazard mitigation works, and are within the footprint or the area of ground previously modified by the existing road, track, pipeline, building or natural hazard mitigation works.</u>⁶²</p> <p>Matters of discretion are restricted to:</p>	<p>Activity status when compliance not achieved: Not applicable <u>Restricted</u> Discretionary</p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</u> <u>the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</u> <u>the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and</u> <u>whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the site or area of significance; and</u> <u>the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol; and</u>

⁶¹ Rooney Holdings [174.28], GJH Rooney [191.28], Westgarth et al [200.7], Rooney Group [249.28], Rooney Farms [250.28], Rooney Earthmoving [251.28], TDL [252.28]

⁶² Bonifacio, P [36.21] Rangitata Dairies [44.14], Hart, J [58.4], Connolly, S [136.1], Rooney Holdings [174.28], GJH Rooney [191.28], Rooney Group [249.28], Rooney Farms [250.28], Rooney Earthmoving [251.28], TDL [252.28]

<ol style="list-style-type: none"> 1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and 2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6— Schedule of Sites and Areas of Significance to Kāti Huirapa; and 3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and 4. effects on sites where there is the potential for koiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and 5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the site or area of significance; and 6. the appropriateness of any mitigation measures proposed; and 7. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to: <ol style="list-style-type: none"> a. affirm the connection between mana whenua and place; or b. enhance the cultural values of the site/area; or c. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and 8. any opportunities to maintain or enhance the ability of Kāti Huirapa to 	<ol style="list-style-type: none"> 6. <u>the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:</u> <ol style="list-style-type: none"> a. <u>affirm the connection between mana whenua and place; or</u> b. <u>enhance the cultural values of the site/area; or</u> c. <u>provide for the relationship of Kāti Huirapa with their taoka; or</u> d. <u>maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance commensurate with the scale and nature of the proposal;</u> 7. <u>where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and</u> 8. <u>in respect of network⁶³ utilities, the extent to which the proposed network⁶⁴ utility has functional needs or operational needs⁶⁵ for its location; and</u> 9. <u>for regionally significant infrastructure, the extent of any local, regional or national benefits, including the potential impact on the wellbeing, health and safety of people and communities if the work is not undertaken⁶⁶.</u> <p><u>Note: Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.</u></p>
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⁶³ Brouchs Gully [167.48]

⁶⁴ Brouchs Gully [167.48]

⁶⁵ Transpower [159.69]

⁶⁶ Transpower [159.68, 159.69] - Evidence of Ainsley McLeod, paras 72-80.

	<p>access and use the Site or Area of Significance; and</p> <p>9. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and</p> <p>10. in respect of utilities, the extent to which the proposed utility has functional needs for its location.</p> <p><i>Note: Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.</i></p>	
SASM-R2	Buildings and structures, including additions and alterations to existing buildings and structures and network utilities	
<p>1. Wāhi taoka Overlay (outside of residential zones, commercial and mixed use zones, the General Industrial Zone or the Port Zone)⁶⁷</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>For buildings or structures located outside of the residential zones, Commercial and mixed use zones, Industrial zones or Port Zone⁶⁸, the following limitations apply⁶⁹:</p> <ol style="list-style-type: none"> 1. The maximum height of buildings and structures does not exceed 59⁷⁰m above ground level; and 2. Buildings and structures are not located within 20m vertical or 100m horizontal of any ridgeline; and 3. Buildings and structures are not located at any point above 900m above sea level; and⁷¹ 4. The maximum footprint of any building or structure does not exceed 300m². <p><i>Note: For buildings or structures located within the residential zones, Commercial and mixed use zones, Industrial zones or Port Zone, there is no limitation.⁷²</i></p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and 2. whether a cultural impact assessment has been undertaken and⁷³ the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and 3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua⁷⁴; and 4. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of works on the values associated with the site or area of significance; and 5. the appropriateness of any mitigation measures proposed, <u>including the</u>

⁶⁷ Clause 16(2)⁶⁸ Clause 16(2)⁶⁹ Clause 16(2)⁷⁰ Bonifacio, P [36.22], Federated Farmers [182.93], Beattie, D M [238.2]⁷¹ Bonifacio, P [36.22]⁷² Clause 16(2)⁷³ Clause 16(2)⁷⁴ Clause 16(2)

		<p><u>need for an accidental discovery protocol</u>⁷⁵; and</p> <p>6. whether the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:</p> <ol style="list-style-type: none"> affirm the connection between mana whenua and place; or enhance the cultural values of the site/area; or provide for the relationship of Kāti Huirapa with their taoka; or <u>maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance</u>⁷⁶ commensurate with the scale and nature of the proposal; and <p>7. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and⁷⁷</p> <p>8. in respect of <u>network</u>⁷⁸ utilities, the extent to which the proposed <u>network</u>⁷⁹ utility has functional needs <u>or operational needs</u>⁸⁰ for its location; <u>and</u></p> <p>9. <u>for regionally significant infrastructure, the extent of any local, regional or national benefits, including the potential impact on the wellbeing, health and safety of people and communities if the work is not undertaken</u>⁸¹.</p> <p>Note: Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.</p>
<p>2. Wāhi tapu and wai tapu⁸² overlays, (excluding SASM1c,</p>	<p>Activity status: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or 	<p>Activity status when compliance not achieved: Not applicable</p>

⁷⁵ Clause 16(2)⁷⁶ Clause 16(2)⁷⁷ Clause 16(2)⁷⁸ Brouchs Gully [167.48]⁷⁹ Brouchs Gully [167.48]⁸⁰ Transpower [159.69]⁸¹ Transpower [159.68, 159.69] - Evidence of Ainsley McLeod, paras 72-80.⁸² Westgarth et al [200.7]

<p><u>SASM2 and SASM3a, SASM8 and SASM9)</u>⁸³</p>	<p>incorporates the outcomes of that consultation; and</p> <p>2. whether a cultural impact assessment has been undertaken and⁸⁴ the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</p> <p>3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua⁸⁵; and</p> <p>4. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of works on the values associated with the site or area of significance; and</p> <p>5. the appropriateness of any mitigation measures proposed, <u>including the need for an accidental discovery protocol</u>⁸⁶; and</p> <p>6. whether the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:</p> <ol style="list-style-type: none"> affirm the connection between mana whenua and place; or enhance the cultural values of the site/area; or provide for the relationship of Kāti Huirapa with their taonga; <u>or</u> <u>maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance:</u>⁸⁷ <p>commensurate with the scale and nature of the proposal; and</p> <p>7. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and⁸⁸</p> <p>8. in respect of <u>network</u>⁸⁹ utilities, the extent to which the proposed <u>network</u>⁹⁰ utility has functional needs</p>	
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⁸³ Hart, J [58.5]

⁸⁴ Clause 16(2)

⁸⁵ Clause 16(2)

⁸⁶ Clause 16(2)

⁸⁷ Clause 16(2)

⁸⁸ Clause 16(2)

⁸⁹ Broughs Gully [167.48]

⁹⁰ Broughs Gully [167.48]

	<p>or operational needs⁹¹ for its location; and</p> <p>9. <u>for regionally significant infrastructure, the extent of any local, regional or national benefits, including the potential impact on the wellbeing, health and safety of people and communities if the work is not undertaken.</u>⁹²</p> <p><i>Note: Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.</i></p>	
SASM-R3	Indigenous vegetation clearance⁹³	
Wāhi taoka, wāhi tapu, wai taoka, and wai tapu overlays	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The indigenous vegetation clearance is carried out by Ngāi Tahu whanui for the purposes of mahika kai or other customary uses; or</p> <p>PER-2 The indigenous vegetation to be cleared is causing an imminent danger to human life, structures, or utilities and the clearance is undertaken in accordance with advice from a suitably qualified arborist; or</p> <p>PER-3 The indigenous vegetation clearance is for the purpose of maintenance, repair or replacement of existing lawfully established fences, vehicle tracks, roads, walkways, firebreaks, drains, ponds, dams, waterlines, waterway crossings, or network utilities; or</p> <p>PER-4 The indigenous vegetation has been planted and managed specifically for the purpose of harvesting; or</p> <p>PER-5 The indigenous vegetation has been planted and/or managed as part of a domestic or public garden or has been</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and 2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6—Schedule of Sites and Areas of Significance to Kāti Huirapa; and 3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and 4. effects on sites where there is the potential for kōiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and 5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of works on the

⁹¹ Transpower [159.69]

⁹² Transpower [159.68, 159.69] - Evidence of Ainsley McLeod, paras 72-80.

⁹³ Clause 10(2)(b) relating to Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29]

	<p>planted for amenity purposes or as a shelterbelt; or</p> <p>PER-6 The indigenous vegetation clearance is necessary in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or where this occurs as part of indigenous biodiversity restoration or enhancement; or</p> <p>PER-7 The indigenous vegetation clearance is for natural hazard mitigation works and is authorised under ECO-R2 (either as a permitted activity, or through a resource consent having been obtained).</p>	<p>values associated with the site or area of significance; and</p> <p>6. the appropriateness of any mitigation measures proposed; and</p> <p>7. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:</p> <p>a. affirm the connection between mana whenua and place; or</p> <p>b. enhance the cultural values of the site/area; or</p> <p>c. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and</p> <p>8. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and</p> <p>9. where the works will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and</p> <p>10. in respect of utilities, the extent to which the proposed utility has functional needs for its location.</p> <p><i>Note: Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.</i></p>
SASM-R4	Temporary events	
<p>Wāhi tapu, and wai tapu overlays (excluding SASM1c, SASM2 and SASM3a)⁹⁴</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 Any temporary event where this is limited to a⁹⁵ cultural event undertaken in accordance with tikanga⁹⁶; or</p> <p>PER-2 Any planned social occasion; or⁹⁷</p> <p>PER-23</p>	<p>Activity status when compliance not achieved: Non-complying Restricted discretionary⁹⁹</p> <p>Matters of discretion are restricted to:</p> <p>1. <u>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</u></p> <p>2. <u>the proposal's consistency with the values identified in SCHED6 —</u></p>

⁹⁴ Hart, J [58.6], Beattie, D M [238.3]

⁹⁵ Clause 16(2)

⁹⁶ Clause 16(2)

⁹⁷ Hart, J [58.6], Beattie, D M [238.3]

⁹⁹ Hart, J [58.6], Beattie, D M [238.3]

	Any temporary event within SASM8 or SASM9 that is undertaken outside a Significant Natural Area. ⁹⁸	<p><u>Schedule of Sites and Areas of Significance to Kāti Huirapa; and</u></p> <ol style="list-style-type: none"> <u>the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and</u> <u>the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol; and</u> <u>the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:</u> <ol style="list-style-type: none"> <u>affirm the connection between mana whenua and place; or</u> <u>enhance the cultural values of the site/area; or</u> <u>provide for the relationship of Kāti Huirapa with their taoka; or</u> <u>maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; commensurate with the scale and nature of the proposal.</u> <p><u>Note: Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.</u></p>
SASM-R5	Mining and quarrying activities¹⁰⁰	
1. Wāhi tūpuna Overlay (outside an ONL or VAL overlay)¹⁰¹	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The mining and/or quarrying activity¹⁰² do not exceed a maximum area of 750m² per site¹⁰³; and</p> <p>PER-2 <u>Except where an Archaeological Authority has been obtained from Heritage New Zealand Pouhere Taonga, the earthworks are undertaken in accordance with the Accidental Discovery Protocol commitment form, contained within APP4 - Form</u></p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and whether a cultural impact assessment has been undertaken and¹⁰⁵ the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and

⁹⁸ Hart, J [58.6]¹⁰⁰ Road Metals [169.17, 169.18] and Fulton Hogan [170.18, 170.19]¹⁰¹ Westgarth et al [200.7]¹⁰² Road Metals [169.17, 169.18] and Fulton Hogan [170.18, 170.19]¹⁰³ Te Rūnanga o Ngāi Tahu [185.102]¹⁰⁵ Clause 16(2)

	<p>confirming a commitment to adhering to an Accidental Discovery Protocol, has been completed and submitted to Council, at least 2 weeks prior to the commencement of any earthworks.¹⁰⁴</p>	<ol style="list-style-type: none"> 3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua¹⁰⁶; and 4. effects on sites where there is the potential for koiwi or artefacts to be discovered, including consideration of the need to implement an accidental discovery protocol or have a cultural monitor present, and whether an accidental discovery protocol has been agreed with Te Rūnanga o Arowhenua; and¹⁰⁷ 5. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the site or area of significance; and 6. the appropriateness of any mitigation measures proposed, <u>including the need for an accidental discovery protocol</u>;¹⁰⁸ and 7. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to: <ol style="list-style-type: none"> a. affirm the connection between mana whenua and place; or b. enhance the cultural values of the site/area; or c. provide for the relationship of Kāti Huirapa with their taoka; or d. <u>maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance</u>;¹⁰⁹ <p>commensurate with the scale and nature of the proposal; and</p> 8. any opportunities to maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; and¹¹⁰
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¹⁰⁴ Pye Group [35.1], NZDF [151.11], Alliance Group [173.46], Rooney Holdings [174.98], GJH Rooney [191.98], Rooney Group [249.98], Rooney Farms [250.98], Rooney Earthmoving [251.98] and TDL [252.98]

¹⁰⁶ Clause 16(2)

¹⁰⁷ Clause 16(2)

¹⁰⁸ Clause 16(2)

¹⁰⁹ Clause 16(2)

¹¹⁰ Clause 16(2)

		<p>9. where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and</p> <p>10. in respect of utilities, the extent to which the proposed utility has functional needs for its location.¹¹¹</p> <p>Note: Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.</p>
32. Wāhi taoka, wāhi tapu, and wai tapu overlays	Activity status: Non-Complying	Activity status where compliance not achieved: Not applicable
SASM-R5A	Mining and quarrying activities outside the bed of a river¹¹²	
2. Wai taoka Overlay	<p>Activity status: Permitted Restricted Discretionary</p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</u> 2. <u>the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</u> 3. <u>the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and</u> 4. <u>the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol;</u> 5. <u>the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:</u> <ol style="list-style-type: none"> a. <u>affirm the connection between mana whenua and place; or</u> 	<p>Activity status when compliance not achieved with PER-1: Restricted Discretionary</p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</u> 2. <u>whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</u> 3. <u>the potential adverse effects, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and</u> 4. <u>whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:</u> <ol style="list-style-type: none"> a. <u>affirm the connection between mana whenua and place; or</u>

¹¹¹ Clause 16(2)¹¹² Clause 10(2)(b) relating to Road Metals [169.17], Fulton Hogan [170.19], ECan [183.67]

	<p>b. <u>enhance the cultural values of the site/area; or</u></p> <p>c. <u>provide for the relationship of Kāti Huirapa with their taonga; or</u></p> <p>d. <u>maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; commensurate with the scale and nature of the proposal; and</u></p> <p>6. <u>where the mining or quarrying activity will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses</u></p> <p>Note: Quarrying activities within the bed of a river are managed under the regional plan.</p> <p>Where:</p> <p>PER-1 The quarrying is from the bed of a river, and is authorised under the Canterbury Land and Water Regional Plan (either as a permitted activity, or through a resource consent having been obtained); and¹¹³</p> <p>PER-2 Excavated materials are removed from the bed the bed of the river within 10 days.¹¹⁴</p>	<p>b. enhance the cultural values of the site/area; or</p> <p>c. provide for the relationship of Kāti Huirapa with their taonga; commensurate with the scale and nature of the proposal; and</p> <p>5. any effects on the ability of Kāti Huirapa to access and use the Site or Area of Significance.</p> <p>Activity status when compliance not achieved with PER-2: Discretionary</p>
SASM-R6	Intensively farmed stock¹¹⁵	
1. Wai taoka Overlay	<p>Activity status: Restricted discretionary</p> <p>-</p> <p>Matters of discretion are restricted to:</p> <p>1. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</p> <p>2. whether a cultural impact assessment has been undertaken and the proposal's consistency with the values identified in SCHED6—Schedule of Sites and Areas of Significance to Kāti Huirapa; and</p>	Activity status where compliance not achieved: Not applicable

¹¹³ ECan [183.67]¹¹⁴ Road Metals [169.17], Fulton Hogan [170.19]¹¹⁵ EJAPS [4.2], Hargreaves, T [29.2], Pye Group [35.2], Bonifacio, P [36.24], Stack, D [50.8], Hart, J [58.7], Rangitata Dairies [44.15], Moore, D and J [100.6], Fenlea Farms [171.31], Alliance Group [173.49], Rooney, A J [177.13], KJ Rooney [197.6], Beattie, D M [238.4]

	<p>3. the potential adverse effects of the activity on the values associated with the Site, including on sensitive tangible and/or intangible cultural values as identified through engagement with Te Rūnanga o Arowhenua; and</p> <p>4. whether the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:</p> <ul style="list-style-type: none"> a. affirm the connection between mana whenua and place; or b. enhance the cultural values of the site/area; or c. provide for the relationship of Kāti Huirapa with their taoka; commensurate with the scale and nature of the proposal; and <p>5. any effects on the ability of Kāti Huirapa to access and use the Site or Area of Significance.</p>	
2. Wāhi taoka, wāhi tapu, and wai tapu overlays	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
SASM-R7	Subdivision¹¹⁶	
Wāhi taoka, wāhi tapu, wai taoka, and wai tapu overlays	Activity status: Discretionary	Activity status where compliance not achieved: not applicable
SASM-R8	Shelterbelts or w¹¹⁷ <u>Woodlots or <u>plantation commercial</u>¹¹⁸ forestry</u>	
Wāhi tapu Overlay — SASM8 and SASM9 only	<p>Activity status: <u>Non-complying</u> <u>Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ul style="list-style-type: none"> 1. <u>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or</u> 	Activity status where compliance not achieved: not applicable

¹¹⁶ Speirs, B [66.48]

¹¹⁷ Hart, J [58.2, 58.8], Peel Forest [105.11], McArthur, K and J [113.8], Federated Farmers [182.99], Beattie, D M [238.5]

¹¹⁸ TRoNT [185.105] - Evidence of Rachael Pull, paras 112-114

- incorporates the outcomes of that consultation; and
- 2. the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and
- 3. the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and
- 4. the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol;
- 5. the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:
 - a. affirm the connection between mana whenua and place; or
 - b. enhance the cultural values of the site/area; or
 - c. provide for the relationship of Kāti Huirapa with their taonga; or
 - d. maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance;commensurate with the scale and nature of the proposal; and
- 6. where the woodlots or commercial forestry activity will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses.

MĀORI PURPOSE ZONE

Introduction

The purpose of the Māori Purpose Zone is to provide for the social, cultural, environmental and economic wellbeing of mana whenua, and ensure a thriving and self-sustaining Māori community. The zone recognises and provides for the relationship of Māori with the land.

The Māori Purpose Zone is applied to areas of land originally granted as Native Reserve for Māori occupation or use. One of the main aspirations of the Māori Purpose Zone is to create an enabling planning regime to not only encourage the development and use of the existing Māori land, but to create a place for mana whenua to return to. Māori should benefit from these provisions and enjoy the additional activities that can be undertaken within the Zone.

Māori Land is defined as, that within the original Māori Reserves, that is:

- a. owned by Te Rūnanga o Ngāi Tahu or Te Rūnanga o Arowhenua; or
- b. Māori communal land gazetted as Māori reservation under s338 Te Ture Whenua Maori Act 1993; or
- c. Māori customary land and Māori freehold land as defined in s4 and s129 Te Ture Whenua Maori Act 1993; or
- d. Owned by a person or persons with evidence of whakapapa connection to the land (where documentary evidence of whakapapa connection is provided from either the Māori Land Court or the Te Rūnanga o Ngāi Tahu Whakapapa Unit), or
- e. Is vested in a Trust of Māori incorporation under the Te Ture Whenua Maori Act 1993.

For other land within the Māori Purpose Zone the General Rural Zone provisions apply.

The zone enables Māori Land owners and the rūnaka to establish marae, papakāika and a range of associated social and cultural activities. In doing so, it will ensure that the importance of marae and papakāika are maintained as focal points for wider community development. The zone also provides for other economic and employment opportunities.

The zone is seen as a key mechanism for Māori descendants to maintain or re-establish connections with their Māori identity, culture, whānau and whenua.

The zone provides for the incorporation of whānaukataka, mātauraka and tikaka Māori into all aspects of the zone, and also provides for cultural design elements and activities to be expressed within the built environment and open spaces.

Objectives

MPZ-O1 Enabling use and development of Māori land

The occupation of ancestral land by mana whenua is recognised and provided for within the Māori Purpose Zone.

MPZ-O2 Purpose of the Zone

The Māori Purpose Zone specifically provides for mana whenua needs and activities, including papakāika, to achieve a thriving, sustainable and self-sufficient Māori community.

Policies

MPZ-P1 Whānaukataka, Mātauraka and Tikaka

Enable the incorporation of whānaukataka, mātauraka and tikaka in relation to the use, design and layout of development within the Māori Purpose Zone.

MPZ-P2 Papakāika

Enable the use and development of the Māori Purpose Zone for papakāika while:

1. ensuring any significant adverse effects from these activities on adjoining landowners beyond the zone and the wider environment are minimised; and
2. requiring that activities are adequately serviced.

MPZ-P3 Infrastructure provision

Consider alternative approaches to infrastructure provision in areas of the Māori Purpose Zone where the development of a site is constrained by the availability of reticulated infrastructure.

MPZ-P4 Compatible activities

Enable the establishment of compatible activities within the Māori Purpose Zone, while ensuring that:

1. the activities and development are complementary and consistent with the purpose of the zone;
2. the well-being of the communities are sustained;
3. cultural values are maintained or enhanced; and
4. the quality of the environment is not adversely affected.

MPZ-P5 Incompatible activities

Avoid activities which are likely to be incompatible with the purpose of the Māori Purpose Zone, unless a cultural impact assessment demonstrates that the effects on cultural values are acceptable or can be minimised.

MPZ-P6 Future zone locations

Support the future application of the Māori Purpose Zone in other locations where it will enable the use and development of land in accordance with tikaka Māori and to meet mana whenua needs.

MPZ-P7 Rural Activities

Enable rural activities on any land in a manner that is consistent with the purpose of the Māori Purpose Zone.

Rules

Note: For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

The Māori Purpose Zone rules and standards only apply to Māori Land, for all other land in the Zone, the General Rural Zone rules and standards apply.

MPZ-R1 Papakāika not otherwise listed in this chapter

Māori Purpose Zone

Activity status: Permitted

Where:

PER-1

All the Standards of this chapter are complied with.

Activity status when compliance not achieved with PER-1: Restricted Discretionary

Matters of discretion are restricted to:

1. the matters of discretion of any infringed standard.

	PER-2 It does not involve any habitable buildings on the riverside of a regional council stop bank.	Activity status when compliance not achieved with PER-2: Prohibited
MPZ-R2	Manuhiri noho (visitor accommodation) that is not within a marae complex	
Māori Purpose Zone	Activity status: Permitted Where: PER-1 The maximum occupancy is six persons per night per household unit. PER-2 All the Standards of this chapter are complied with.	Activity status when compliance not achieved with PER-2: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard. Activity status when compliance not achieved with PER-1: Discretionary
MPZ-R3	Primary Production not otherwise listed in this chapter	
Māori Purpose Zone	Activity status: Permitted Where: PER-1 The activity and its buildings and structures comply with all the Standards of this chapter. PER-2 For any grazing of stock within 50m of a residential unit under different ownership, permanent ground cover of no less than 90% is maintained, except during crop renewal or resowing.	Activity status when compliance not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard. Activity status when compliance not achieved with PER-2: Restricted Discretionary Matters of discretion are restricted to: 1. the ability to manage grazing practices to ensure amenity effects on adjoining neighbours are minimised.
MPZ-R4	Pig production for domestic self-subsistence home use	
Māori Purpose Zone	Activity status: Permitted Where: PER-1 The pigs are only for the subsistence of the people residing on the site and are not sold to anyone not residing on the site; and PER-2 There is no more than six pigs located on the site; and PER-3 The pigs are setback a minimum distance of 25m from a building containing an existing	Activity status where compliance not achieved with PER-4: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard. Activity status where compliance not achieved with PER-1, PER-2 or PER-3: Discretionary

	<p>sensitive activity on a separate site under different ownership; and</p> <p>PER-4 The activity and its buildings and structures comply with all the Standards of this chapter.</p>	
MPZ-R5	Keeping of poultry for domestic self-subsistence home use	
Māori Purpose Zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The poultry are only for the subsistence of the people residing on the site and are not sold to anyone not residing on the site; and</p> <p>PER-2 There is no more than 30 birds located on the site; and</p> <p>PER-3 Any building or structure with an <u>a gross floor</u>¹ area of less than 50m² used to confine poultry is setback a minimum distance of 25m from a building containing an existing sensitive activity on a separate site under different ownership; and</p> <p>PER-4 No roosters are kept within 100m from the notional boundary of an existing sensitive activity on a separate site under different ownership; and</p> <p>PER-5 The activity and its buildings and structures comply with all the Standards of this chapter.</p>	<p>Activity status where compliance not achieved with PER-5: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard. <p>Activity status where compliance not achieved with PER-1, PER-2, PER-3 or PER-4: Discretionary</p>
MPZ-R6	Public amenity buildings	
Māori Purpose Zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 All the Standards of this chapter are complied with.</p>	<p>Activity status when compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard.
MPZ-R7	Conservation activities	

¹ ECan [183.1]

Māori Purpose Zone	Activity status: Permitted Where: PER-1 Land, buildings or structures are used for : <ol style="list-style-type: none"> 1. preservation, protection, restoration, promulgation, or enhancement or planting of indigenous species, or habitats of indigenous fauna; or 2. pest control and weed control; or 3. conservation education; or 4. observation or surveying; or 5. walking tracks, board walks, pedestrian bridges; and PER-2 The activity and its buildings and structures comply with all the Standards of this chapter.	Activity status where compliance not achieved with PER-2: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard. Activity status where compliance not achieved with PER-1: Discretionary
MPZ-R8 Crop support structure		
Māori Purpose Zone	Activity status: Permitted Where: PER-1 MPZ-S1 and MPZ-S2 are complied with.	Activity status where compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. the relevant matters of discretion of any infringed standard.
MPZ-R9 Artificial crop protection structure		
Māori Purpose Zone	Activity status: Permitted Where: PER-1 The structure(s) are either: <ol style="list-style-type: none"> 1. open at the side; or 2. use dark green or black cloth for all vertical faces; and PER-2 The structure meets the following setback: <ol style="list-style-type: none"> 1. For structure(s) less than 4m high, the structure(s) are setback a distance of: <ol style="list-style-type: none"> a. 10m from road boundaries; b. 20m from road boundaries that are a national, regional or district arterial road; c. 15m from a non-road boundary of a site in different ownership; and 2. For structure(s) greater than 4m in height, then the horizontal setback distance between the boundary and the structure should increase a further 5m 	Activity status where compliance not achieved: Restricted discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. The extent of visual impacts including: limiting view shafts and panoramas from properties and public areas; changing the character of a location; changing the naturalness of the landscape; and creating an incongruous colour variation; and 2. the extent of shading adverse effects on adjoining sites, activities and roads; and 3. mitigation measures.

	<p>than that stated above for every 2m increase in height; and</p> <p>PER-3 The structure(s) are collectively no longer than 100m (measured parallel to any common boundary with a site in different ownership).</p>	
MPZ-R10	Rural produce retail	
Māori Purpose Zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 Retail sales must be limited to the sale of produce grown on the site; and</p> <p>PER-2 The retail area has a maximum gross floor area of 75m²; and</p> <p>PER-3 There is no more than one rural produce retail operation per site; and</p> <p>PER-4 The activity and its buildings and structures comply with all the Standards of this chapter.</p>	<p>Activity status where compliance not achieved with PER-4: Restricted Discretionary</p> <p>Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.</p> <p>Activity status where compliance not achieved with PER-1, PER-2 or PER-3: Discretionary</p>
MPZ-R11	Home businesses	
Māori Purpose Zone	<p>Activity status: Permitted</p> <p>Where</p> <p>PER-1 The home business is carried out entirely within the residential unit, or a building accessory to the residential unit; and</p> <p>PER-2 The activity does not occupy a total area greater than 100m²; and</p> <p>PER-3 The resident(s) and no more than three other people not resident on the site are employed; and</p> <p>PER-4 No articles are sold or displayed for sale on the premises; and</p>	<p>Activity status where compliance not achieved with PER-1 to PER-4: Discretionary</p> <p>Activity status where compliance not achieved with PER-5: Non-complying</p>

	PER-5 The home business does not involve an offensive trade.	
MPZ-R12	Supported residential care activity	
Māori Purpose Zone	Activity status: Permitted Where: PER-1 The activity and its buildings and structures comply with all the Standards of this chapter.	Activity status where compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. the relevant matters of discretion of any infringed standard.
MPZ-R13	Other commercial services, offices and retail activities	
Māori Purpose Zone	Activity status: Restricted Discretionary Where: RDIS-1 All the Standards of this chapter are complied with. Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. the extent to which the proposed activity will contribute directly to the wellbeing of the community in relation to economic support, employment, training, or services; and 2. any potential for reverse sensitivity effects or impacts on existing or potential permitted development in the zone and surrounding land; and 3. whether the scale, intensity and/or character of the activity is appropriate in the context of the site, zone and surrounding land. 	Activity status when compliance not achieved with RDIS-1: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard; and 2. the extent to which the proposed activity will contribute directly to the wellbeing of the community in relation to economic support, employment, training, or services; and 3. any potential for reverse sensitivity effects or impacts on existing or potential permitted development in the zone and surrounding land; and 4. whether the scale, intensity and/or character of the activity is appropriate in the context of the site, zone and surrounding land.
MPZ-R14	Industrial and Rural industrial activities	
Māori Purpose Zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
MPZ-R15	Seasonal workers accommodation	
Māori Purpose Zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
MPZ-R16	Urupā	
Māori Purpose Zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable

MPZ-RX	<u>Any activities not otherwise listed in this chapter²</u>	
Māori Purpose Zone	<u>Activity status: Discretionary</u>	<u>Activity status where compliance not achieved: Not applicable</u>
MPZ-R17	Mining, Quarrying activities and associated buildings and structures	
Māori purpose zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
MPZ-R18	Plantation forestry and associated buildings and structures	
Māori Purpose Zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
MPZ-R19	Intensive indoor primary production, intensive outdoor primary production, extensive pig farming (not provided in MPZ-R4), free range poultry farming (not listed in MPZ-R5) and associated buildings and structures	
Māori Purpose Zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
MPZ-R20	Farm effluent ponds and disposal areas	
Māori Purpose Zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
MPZ-R21	Use of airstrips and helicopter landing sites	
Māori Purpose Zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
MPZ-R22	Brothels or licenced premises, and associated buildings and structures	
Māori Purpose Zone	Activity status: Prohibited	Activity status where compliance not achieved: Not applicable

Standards

MPZ-S1	Building and structure setbacks	
Māori Purpose Zone	<p>All new buildings and structures (excluding fences no more than 2m high, irrigators, water troughs and flag poles) must be setback a minimum distance as follows:</p> <ol style="list-style-type: none"> 1. for pakakāika development 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. dominance, shading and loss of privacy and sunlight in relation to adjoining properties; and 2. any impacts on adjoining properties of the proposed activity on amenity and character; and 3. nuisance effects; and

² TDC [42.59]

	<ul style="list-style-type: none"> a. 3m from any road boundary, unless the road is a State Highway; b. 5m from any boundary fronting the State Highway; c. 2m from any other boundary. <p>2. for milking sheds and buildings used to house or feed stock:</p> <ul style="list-style-type: none"> a. 30m from any road boundary; b. 200m from any or land in different ownership; <p>3. for all other buildings or structures:</p> <ul style="list-style-type: none"> a. 10m from a road boundary (excluding a state highway); b. 20m from a state highway; c. 10m from land in a different ownership. 	4. mitigation measures.
MPZ-S2	Building and structure height	
Māori Purpose Zone	<p>All new buildings or structures, or extensions to existing buildings or structures, must not exceed 9m in height measured from ground level.</p> <p>Note: Height shall be measure from the existing ground level prior to any works commencing.</p>	<p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> 1. dominance, shading and loss of privacy and sunlight in relation to adjoining properties; and 2. incompatibility with the character and scale of buildings and structures within the surrounding area; and 3. any reduction in views from publicly accessible areas; and 4. screening or landscaping; 5. mitigation measures.
MPZ-S3	Outdoor storage	
Māori Purpose Zone	Any outdoor storage located within a boundary setback required under MPZ-S1 must be fully screened by a continuous wall, fence or landscaping, or a combination of all three, to a minimum height of 2m.	<p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> 1. visual impacts on neighbouring properties and roads; and 2. adequacy of fencing or landscaping; 3. mitigation measures.
MPZ-S4	Servicing	
Māori Purpose Zone	<p>All new buildings and activities shall ensure that:³</p> <ul style="list-style-type: none"> 1. All residential units or habitable buildings are required to provide Council with evidence of access to potable (drinkable) water from a community water scheme or private water bore or shall be able to store 4530⁴,000 litres of potable water from another source. 	<p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> 1. the ability to ensure an adequate supply of potable water for the uses of the site or activity; and 2. the security of any proposed potable water supply from contamination; and 3. the adequacy of storage volume of water for domestic and fire-fighting purposes.

³ Clause 16(2)

⁴ Te Kotare [115.27], Waipopo Huts [189.38] – Evidence of Elizabeth Stevenson, paras 24, 28, 121-123 & 130

	2. <u>All residential units or habitable buildings shall⁵</u> be connected to an available sewerage network where one exists; or be served by an on-site treatment and sewage disposal system that <u>is permitted or has been consented or approved⁶</u> by the Canterbury Regional Council; <u>or be served by on-site holding tanks.⁷</u>	
MPZ-S5	Trees	
Māori Purpose Zone	<ol style="list-style-type: none"> 1. The height of any trees located within 100m of a residential unit on an adjoining site are contained within an envelope defined by a recession plane of 1m vertical for every 3.5m horizontal that originates from the closest point of the residential unit; and 2. trees are not in such a position that they cause icing of a road as a result of shading the road between 10 am and 2 pm on the shortest day. 	Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. height and setback of trees from property boundaries and roads; and 2. shading of houses; and 3. shading of roads; and 4. traffic safety; and 5. tree species.

⁵ Clause 16(2)

⁶ Clause 10(2)(b) relating to ECan [183.155]

⁷ Waipopo Huts [189.39]

APP4 - ~~Form confirming a commitment to~~ ~~adhering to an~~¹ Accidental Discovery Protocol

¹ Pye Group [35.1], NZDF [151.11], Alliance Group [173.46], Rooney Holdings [174.98], GJH Rooney [191.98], Rooney Group [249.98], Rooney Farms [250.98], Rooney Earthmoving [251.98] and TDL [252.98]

~~Name of person / company authorising the earthworks (landowner or~~

~~Name of person / company physically undertaking~~

~~Location at which works will occur:~~ _____

~~Methods to ensure awareness of and compliance with protocol:~~ _____

~~Contact details:~~ ~~Contact name:~~ _____

~~Contact number/s:~~ _____

~~Contact email:~~ _____

~~Agreed Accidental Discovery~~

In the event of an accidental discovery of any archaeological material (evidence of archaeological material can include oven stones, charcoal, shell middens, ditches, banks and pits, building foundations, artefacts of Māori and Non-Māori origin or human burials) during the undertaking of earthworks the following steps will be taken:

1. All work ~~on the site,~~ at the place of discovery and within 20m of the discovery, will cease immediately. The contractor/works supervisor/landowner² will shut down all equipment and activity.
2. The contractor/works supervisor/landowner will take immediate steps to secure the site (tape it off) to ensure the archaeological material is left undisturbed and the site is safe in terms of health and safety requirements.
3. The contractor/works supervisor/landowner will notify Heritage New Zealand, Te Rūnanga o Arowhenua and any required statutory agencies if this has not already occurred. If evidence of burials or human remains/kōiwi tangata are uncovered, Heritage New Zealand, the New Zealand Police and Te Rūnanga o Arowhenua will be contacted immediately. The area must be treated with discretion and respect and the kōiwi tangata/human remains dealt with according to law and tikanga.³
4. Site access will be provided to Heritage New Zealand and Te Rūnanga o Arowhenua to enable appropriate procedures and tikanga to be undertaken.
5. If the material is confirmed by Heritage New Zealand, or an appropriately qualified and experienced archaeologist, as being archaeological, under the terms of the Heritage New Zealand Pouhere Taonga Act, ~~the landowner will ensure that an archaeological assessment is~~ will be may need to be carried out by a qualified archaeologist. If required, and if appropriate ~~an archaeological authority is~~ will be must be obtained from Heritage New Zealand before work resumes.⁴

² Clause 16(2)

³ Clause 16(2)

⁴ Clause 16(2)

6. ~~If evidence of burials or human remains/kōiwi tangata are uncovered, following steps 1 to 2 being taken, Heritage New Zealand, the New Zealand Police and Te Rūnanga o Arowhenua will be contacted immediately. The area must be treated with discretion and respect and the kōiwi tangata/human remains dealt with according to law and tikanga.~~⁵
7. Works at the site area will not recommence until an archaeological assessment has been made, all archaeological material has been dealt with appropriately, and approval to recommence has been given by Heritage New Zealand, and, if human remains are involved, the New Zealand Police. All parties will work towards work being recommenced in the shortest possible timeframe while ensuring that archaeological and cultural requirements are complied with.

Note: It is an offence under section 87 of the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site without an authority from Heritage New Zealand irrespective of whether the works are permitted, or a consent has been issued under the Resource Management Act

~~I/we confirm that I/we have read and understood the information above and make a commitment to adhere to the Accidental Discovery Protocol as set out above when undertaking earthworks.~~

Signature: _____

Name (please print): _____

Date: _____

⁵ Clause 16(2)

Definitions

<u>COMMERCIAL FOREST OR COMMERCIAL FORESTRY</u>	<p><u>has the same meaning as in section 3 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017:</u></p> <p><u>means exotic continuous-cover forestry or plantation forestry.</u>¹</p>
<u>EXOTIC CONTINUOUS-COVER FOREST OR EXOTIC CONTINUOUS-COVER FORESTRY</u>	<p><u>has the same meaning as in section 3 of the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017:</u></p> <ul style="list-style-type: none"> a. <u>means a forest that is deliberately established for commercial purposes, being at least 1 ha of continuous forest cover of exotic forest species that has been planted and—</u> <ul style="list-style-type: none"> i. <u>will not be harvested or replanted; or</u> ii. <u>is intended to be used for low-intensity harvesting or replanted; and</u> b. <u>includes all associated forestry infrastructure; but</u> c. <u>does not include—</u> <ul style="list-style-type: none"> i. <u>a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or</u> ii. <u>forest species in urban areas; or</u> iii. <u>nurseries and seed orchards; or</u> iv. <u>trees grown for fruit or nuts; or</u> v. <u>long-term ecological restoration planting of indigenous forest species; or</u> vi. <u>willows and poplars space planted for soil conservation purposes.</u>²
<u>INTENSIVELY FARMED STOCK</u>	<p>Delete definition</p> <p>INTENSIVELY FARMED STOCK</p> <p>means:</p> <ul style="list-style-type: none"> a. cattle or deer grazed on irrigated land or contained for break-feeding of winter feed crops; and b. dairy cattle, including cows, whether dry or milking, and whether on irrigated land or not; and c. Pig farming (except pig farming for domestic self-subsistence home use); <p>any stock that is associated with an intensive primary production.³</p>
<u>TEMPORARY CULTURAL EVENT</u>	<p><u>which relates to the expression of Māori culture and the relationship that Kāti Huirapa have with places of customary importance, and includes Mahika kai activities and ceremonial activities.</u>⁴</p>
<u>SITE</u>	<p>Remove the link to the definition of 'site' where the word is used in the SASM Chapter (except where it is used in SASM-R1.1 PER1.1)⁵</p>

¹ TRoNT [185.105] - Evidence of Rachel Pull, paras 112-117.

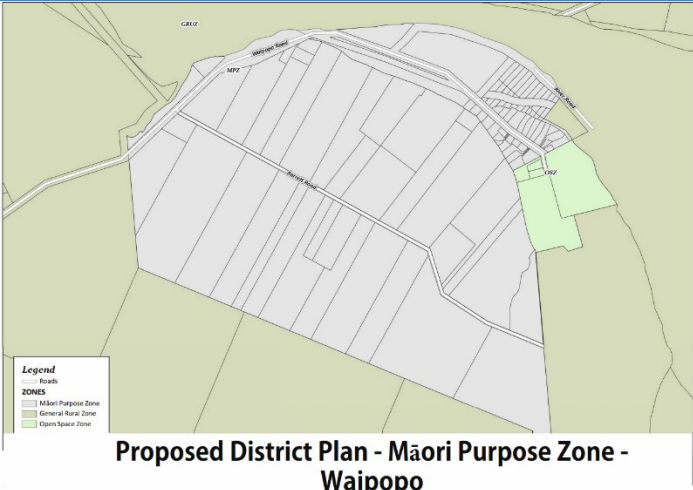
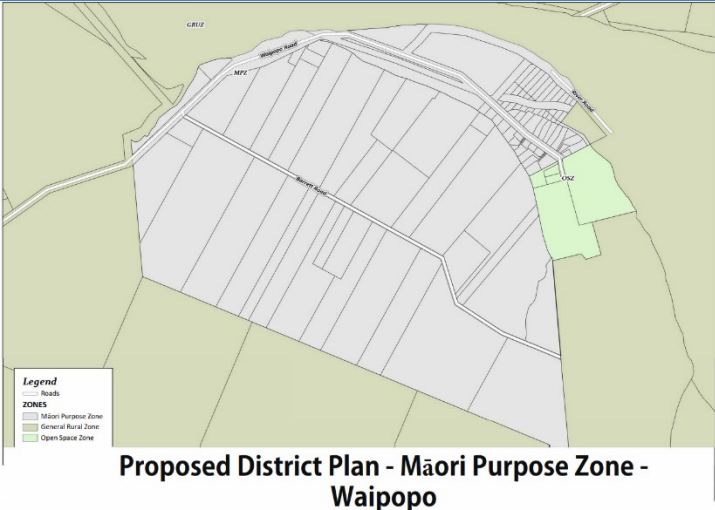
² TRoNT [185.105] - Evidence of Rachel Pull, paras 112-117.

³ EJAPS [4.2], Hargreaves, T [29.2], Beattie, D M [238.4], Pye Group [35.2], Fenlea Farms [171.31], Alliance Group [173.49], Rooney, A J [177.13], KJ Rooney [197.6], Bonifacio, P [36.24], Stack, D [50.8], Hart, J [58.7], Moore, D and J [100.6], Rangitata Dairies [44.15]

⁴ Clause 16(2)

⁵ Heritage NZ [114.30]

Map change

Layer	Description	Map
Zone	Rezone 550-582 Waipopo Road, as well as the other land to the north of Waipopo Road from OSZ to MPZ ⁶	 <p>Proposed District Plan - Māori Purpose Zone - Waipopo</p>
Precinct	Remove 550-582 Waipopo Road, as well as the other land to the north of Waipopo Road from Holiday Huts - PREC4 ⁷	 <p>Proposed District Plan - Māori Purpose Zone - Waipopo</p>

⁶ TDC [42.73], Waipopo Huts [189.1]

⁷ Waipopo Huts [189.8]

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

ECOSYSTEMS AND INDIGENOUS BIODIVERSITY

Introduction

The District contains a diverse range of habitats that support indigenous plants and animals, including at-risk, threatened, and endangered indigenous species. Many of these habitats are endemic, comprising forests, shrubland, herbfields, drylands, tussock grasslands, and waterbody margins.¹

The Council has a responsibility to maintain 'indigenous biodiversity' generally and in particular to recognise and provide for the protection of 'significant indigenous vegetation' and 'significant habitats of indigenous fauna'. The identified significant indigenous vegetation and habitats are collectively referred to as Significant Natural Areas (SNA's) having been assessed and listed in the Plan. In addition, there are likely to be a range of other areas not yet assessed, ~~but containing significant values that meet the APP5 Criteria for identifying Significant Natural Areas.~~²

Objectives

ECO-01 Protection of significant indigenous biodiversity

~~The values of s~~ **Areas of sSignificant**³ indigenous vegetation and significant habitats of indigenous fauna across the District are protected.⁴

ECO-02 Maintenance and enhancement of indigenous biodiversity

The indigenous biodiversity of the District is maintained or enhanced.

ECO-03 Recognition of Ngāi Tahu

The relationship of Ngāi Tahu whanui with indigenous biodiversity is recognised and provided for.

Policies

ECO-P1 Assessment and identification of significant indigenous biodiversity

Identify Significant Natural Areas by:

1. assessing areas of indigenous vegetation and habitats of indigenous fauna according to the criteria set out in APP5 - Criteria for Identifying Significant Natural Areas; and
2. including Significant Natural Areas on the Planning Maps and in SCHED7 - Schedule of Significant Natural Areas.

ECO-P2 Appropriate indigenous vegetation clearance in significant natural areas

Provide for the clearance of indigenous vegetation in Significant Natural Areas where it is appropriate for health and safety,⁵ wellbeing or customary reasons, or to allow for ongoing farming practises⁶, by enabling clearance:

1. for mahika kai and other customary uses, where this is undertaken in accordance with tikaka protocols; or

¹ Forest and Bird [156.97], Dir. General Conservation [166.30]

² Forest and Bird [156.97], Dir. General Conservation [166.30]

³ ECan [183.68] - Evidence of Deidre Francis

⁴ Forest and Bird [156.98]

⁵ Forest and Bird [156.102]

⁶ Clause 10(2)(b) relating to Hart, J R [149.2], Federated Farmers [182.104]

2. where it is causing imminent danger to human life, structures, or utilities, or affecting the safe operation of utilities⁷; or
3. where necessary to manage plant or animal pests or unwanted organisms; or
4. for flood protection works by appropriate authorities where those works are required to protect people and communities from the effects of flooding; or
5. for the operation, maintenance, ~~or~~ repair or minor upgrade⁸ of the National Grid; or
6. for the operation or maintenance of the electricity distribution network, rail network⁹ and public roads; or
7. arising from continued¹⁰ grazing within areas of improved pasture which form part of Significant Natural Areas¹¹.

ECO-P3 Protection of indigenous biodiversity in sensitive areas

Protect indigenous biodiversity by managing the clearance of indigenous vegetation in the following sensitive areas:

1. riparian ~~margins areas, wetlands~~¹² and springs; and
2. ~~coastal areas; and~~¹³
3. areas at higher altitude; and
4. areas on steep slopes.

ECO-P4 Protection for long-tailed bats

Protect long-tailed bats by:

1. Identifying important habitat for long-tailed bats as a Long-Tailed Bat Habitat¹⁴ Protection Area overlay on the Planning Maps; and
2. maintaining the habitat for long-tailed bats within this overlay.

ECO-P5 Protection of Significant Natural Areas

Except as provided for in ECO-P2¹⁵, ~~a~~Avoid the clearance of indigenous vegetation and earthworks within SNAs, unless these activities:

1. are outside the coastal environment and¹⁶ can be undertaken in a way that protects the identified ecological values; ~~and or~~¹⁷
2. are for regionally significant infrastructure and it can be demonstrated that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure or for the National Grid, EI-PX Managing adverse effects of the National Grid¹⁸.

ECO-PX Maintaining Indigenous Biodiversity¹⁹

Limit the clearance of indigenous vegetation outside areas identified in ECO-P1, ECO-P3 and ECO-PY, in order to maintain indigenous biodiversity, taking into account the value of such biodiversity.

⁷ Clause 10(2)(b) relating to Road Metals [169.20], Fulton Hogan [170.21]

⁸ Transpower [159.70]

⁹ Alpine [55.4], KiwiRail [187.54]

¹⁰ Speaking Notes of Forest and Bird, paras 8-13.

¹¹ Clause 10(2)(b) relating to Hart, J R [149.2], Federated Farmers [182.104]

¹² Clause 10(2)(b) relating to Federated Farmers [182.117]

¹³ Clause 10(2)(b) relating to Forest and Bird [156.5]

¹⁴ Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

¹⁵ ECan [183.75]

¹⁶ Forest and Bird [156.5]

¹⁷ Clause 10(2)(b)

¹⁸ Transpower [159.71]

¹⁹ Frank, H [90.23], Forest and Bird [156.3, 156.106, 156.107], Dir. General Conservation [166.29]

ECO-P6 Avoidance of risk species

Avoid the planting of species that are likely to adversely affect indigenous biodiversity values.

ECO-PY Indigenous Biodiversity in the Coastal Environment²⁰

In the coastal environment, except as provided for in ECO-P2, avoid adverse effects of activities on:

1. indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;
2. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;
3. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;
4. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
5. areas containing nationally significant examples of indigenous community types; and
6. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and

avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:

8. areas of predominantly indigenous vegetation in the coastal environment;
9. habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;
10. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
11. habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
12. habitats, including areas and routes, important to migratory species; and
13. ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

ECO-PZ Restoration of Indigenous Biodiversity²¹

Promote the restoration of indigenous biodiversity through a range of methods, including consent conditions, covenants, reserves, management plans and other initiatives, with prioritisation given to:

1. Significant Natural Areas whose ecological integrity is degraded;
2. threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems;
3. areas that provide important connectivity or buffering functions;
4. natural inland wetlands whose ecological integrity is degraded or that no longer retain their indigenous vegetation or habitat for indigenous fauna; and
5. areas of indigenous biodiversity on specified Māori land where restoration is advanced by the Māori landowners; and
6. any other priorities specified in regional biodiversity strategies or any national priorities for indigenous biodiversity restoration.

Rules

Note: Activities not listed in the rules of this chapter are classified as a permitted under this chapter. For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

²⁰ Forest and Bird [156.5]

²¹ Dir. General Conservation [166.38]

ECO-R1	Clearance of indigenous vegetation (except as provided for in ECO-R2 for flood protection works, or ECO-R3 for National Grid activities <u>or ECO-RX for restoration or enhancement of a Significant Natural Area</u>) ²²	
1 Significant Natural Areas Overlay	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The vegetation to be cleared is causing an imminent danger to human life, structures, or utilities, <u>or affecting the safe operation of utilities</u>,²³ and the clearance is undertaken in accordance with advice from a suitably qualified arborist; or</p> <p>PER-2 The clearance is carried out by the relevant Road Requiring Authority <u>or an agent authorised by them</u>²⁴:</p> <ol style="list-style-type: none"> 1. to install, <u>maintain or repair</u>²⁵ road safety assets for the purpose of reducing traffic risk within the road corridor, and the clearance is less than 5m² within a single SNA; or 2. to maintain existing roadside drainage; or <p>PER-2A <u>The clearance is for the purpose of maintaining the rail network and the clearance is less than 5m² within a single SNA; or</u>²⁶</p> <p>PER-3 The vegetation clearance is carried out by Ngāi Tahu whanui for the purposes of mahika kai or other customary uses, <u>in accordance with tikaka where it has been certified by Te Runanga o Arowhenua that the activity will meet tikanga protocol (Note: Te Runanga o Arowhenua will notify the Timaru District Council prior to such activities occurring)</u>²⁷; or</p> <p>PER-4</p>	Activity status where compliance not achieved: Non-complying

²² Clause 10(2)(b) relating to Silver Fern Farms [172.55] and Alliance Group [173.59], Rooney Holdings [174.32, 174.34], Rooney, GJH [191.32, 191.34], Rooney Group [249.32, 249.34], Rooney Farms [250.32, 250.34], Rooney Earthmoving [251.32, 251.34], TDL [252.32, 252.34]

²³ Road Metals [169.20], Fulton Hogan [170.21]

²⁴ Road Metals [169.20] and Fulton Hogan [170.21]

²⁵ Road Metals [169.20] and Fulton Hogan [170.21]

²⁶ KiwiRail [187.56]

²⁷ Clause 16(2) to align with ECO-P2 and ECO-R1.4 PER-1.3

	<p>The vegetation clearance is carried out to remove material infected by unwanted organisms as declared by the Minister for Primary Industries Chief Technical Officer, or an emergency declared under the Biosecurity Act 1993; or</p> <p>PER-5 The clearance is unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, or where this occurs as part of indigenous biodiversity restoration or enhancement.</p> <p>PER-6 The clearance occurs due as part of is <u>caused by</u>²⁸ grazing, (but not over-grazing/trampling), within an area of improved pasture, <u>where grazing has previously been undertaken</u>^{29, 30}.</p> <p><u>Advice Note</u> <u>This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry.</u>³¹</p>	
<p>2 <u>Within 50m of any wetland Riparian margins (excluding a river that is a HNWB)</u>³²</p> <p><u>In the Coastal Environment, within 20m of mean high</u></p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The vegetation to be cleared is causing an imminent danger to human life, structures, or utilities, <u>or affecting the safe operation of utilities</u>,³⁵ and the clearance is undertaken in accordance with advice from a suitably qualified arborist; or</p> <p>PER-2</p>	<p>Activity status where compliance not achieved: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. whether the indigenous vegetation is significant (when assessed against the APP5 — Criteria for Identifying Significant Natural Areas) and the <u>extent ability to which the proposal retain-protects</u>⁴⁵ any significant <u>biodiversity vegetation</u>⁴⁶; and 2. the condition and character of the indigenous vegetation; and

²⁸ Speaking notes of Forest and Bird, para 26.

²⁹ Speaking notes of Forest and Bird, para 26.

³⁰ Hart, J R [149.2], Speaking notes of Forest and Bird, para 26.

³¹ Port Blakely [94.7]

³² Clause 10(2)(b) relating to Federated Farmers [182.117]

³⁵ Clause 10(2)(b) relating to Road Metals [169.20], Fulton Hogan [170.21]

⁴⁵ Dir. General Conservation [166.41]

⁴⁶ Dir. General Conservation [166.41] - Evidence of Elizabeth Williams, paras 44-45.

<p>water springs³³</p> <p>Within 20m of the bank of any waterbody³⁴</p> <p>Within 20m of any waipuna (spring)</p> <p>At an altitude of 900m or higher</p> <p>Land with an average slope of 30° or greater</p>	<p>The clearance is within 2m, and for the purpose, of maintenance, repair or replacement of existing lawfully established fences, vehicle tracks, roads, <u>railway tracks, stock water or irrigation systems</u>,³⁶ walkways, firebreaks, drains, ponds, dams, waterlines, waterway crossings, or utilities, <u>or regionally significant infrastructure</u>,³⁷ <u>or for an upgrade in seal cover of an existing road</u>³⁸; or</p> <p>PER-3</p> <p>The vegetation clearance is carried out by Ngai Tahu whanui for the purposes of mahinga kai or other customary uses, <u>in accordance with tikaka where it has been certified by Te Runanga o Arowhenua that the activity will meet tikanga protocol (Note: Te Runanga o Arowhenua will notify the Timaru District Council prior to such activities occurring)</u>³⁹; or</p> <p>PER-4</p> <p>The clearance is of indigenous vegetation that:</p> <ul style="list-style-type: none"> a. has been planted and managed specifically for the purpose of harvesting, or b. has grown up under an area of lawfully established plantation forestry, or⁴⁰ c. has been planted and/or managed as part of a domestic or public garden or has been planted for amenity purposes as a shelterbelt, or d. is within an area of improved pasture <u>and:</u> <ul style="list-style-type: none"> i. <u>is caused by grazing, that is not over-grazing/trampling, where grazing has previously been undertaken; or</u> ii. <u>is for the purpose of maintaining improved pasture outside any</u> 	<ul style="list-style-type: none"> 3. whether the indigenous vegetation provides habitat for threatened, at risk or locally uncommon species; and 4. any adverse effects on indigenous vegetation and habitats of indigenous fauna due to the clearance; and 5. any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi tāoka values; and 6. whether species diversity would be adversely impacted by the proposal; and 7. the role the indigenous vegetation plays in providing a buffer to effects or an ecological corridor; and 8. any potential for mitigation or compensation of adverse effects on biodiversity values; and 9. the economic effects on the landholder of the retention of the vegetation; and 10. any site specific management factors to promote the restoration and enhancement of indigenous vegetation and habitats; and 11. the potential for use of other mechanisms that assist with the protection or enhancement of significant indigenous vegetation such as QE II covenants and the use of Biodiversity Management Plans; and 12. any benefits that the activity provides to the local community and beyond; <u>and</u> 13. <u>within the coastal environment, the management of effects in accordance with ECO-PY</u>.⁴⁷ 14. <u>where the clearance is within a riparian margin</u>⁴⁸: <ul style="list-style-type: none"> a. <u>the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and</u> b. <u>the nature of any proposed mitigation measures that contribute to the preservation, maintenance</u>
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³³ Clause 10(2)(b) relating to Forest and Bird [156.5]

³⁴ Clause 10(2)(b) relating to Federated Farmers [182.117]

³⁶ Clause 10(2)(b) relating to Rangitata Dairies [44.10], Connolly, S [136.2]

³⁷ Waka Kotahi [143.84]

³⁸ KiwiRail [187.59]

³⁹ Clause 16(2) to align with ECO-P2 and ECO-R1.4 PER-1.3

⁴⁰ Port Blakely [94.7]

⁴⁷ Clause 10(2)(b) relating to Forest and Bird [156.5]

⁴⁸ Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

originally rare ecosystems within the upper Rangitata and provided the clearance is not of any 'threatened' or 'at risk' indigenous species (in the New Zealand Threat Classification System lists); or⁴¹

PER-5

The clearance is unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993;⁴² or

PER-6

The clearance ~~where this occurs~~ as part of indigenous biodiversity restoration or enhancement, including vegetation clearance which is to restore or enhance the natural character or ecological values of the riparian margin⁴².

PER-7

The vegetation clearance is within a riparian margin and is associated with the replacement of, or expansion to, an existing building or structure, permitted under NATC-R5.⁴³

Advice Note

This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry.⁴⁴

- or enhancement of the natural character values of the area; and
- c. the extent to which alternative practicable options have been considered and their feasibility; and
- d. the extent to which any restoration or enhancement of the natural character of the area is proposed; and
- e. the extent to which the proposal has the potential to cause or exacerbate bank erosion; and
- f. whether there is a functional need, or in relation to infrastructure an operational need,⁴⁹ for the activity to locate in a riparian margin; and

15. where the proposed clearance is located within a site identified in in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa:

- a. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and
- b. the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and
- c. the nature of any effects on mahika kai and other customary uses; and
- d. the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and
- e. whether there are alternative methods, locations or designs that would avoid or mitigate the impact of works on the values associated with the site or area of significance; and
- f. the appropriateness of any mitigation measures proposed; and
- g. the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture,

⁴¹ Clause 10(2)(b) relating to Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29] - Evidence of Elizabeth Williams, paras 46-52; Speaking notes of Forest and Bird, para 27.

⁴² Shifted from NATC-R1 PER-6 (Clause 10(2)(b) relating to Federated Farmers [182.117])

⁴³ Te Kotare [115.29], Waipopo Huts [189.41]

⁴⁴ Port Blakely [94.7]

⁴⁹ Transpower [159.78]

		<p><u>history and identity associated with the site/area, and any potential to:</u></p> <ul style="list-style-type: none"> i. <u>affirm the connection between mana whenua and place; or</u> ii. <u>enhance the cultural values of the site/area; or</u> iii. <u>provide for the relationship of Kāti Huirapa with their taonga; or</u> iv. <u>maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance;</u> <p><u>commensurate with the scale and nature of the proposal.</u> ⁵⁰</p>
<p>3. Riparian margins of an HNWB ⁵¹</p>	<p><u>Activity status: Discretionary</u></p> <p><u>This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry.</u> ⁵²</p>	<p><u>Activity status where compliance not achieved: Not applicable</u></p>
<p>4. All areas not specified</p>	<p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u></p> <p><u>The clearance is for the purpose of:</u></p> <ul style="list-style-type: none"> 1. <u>the maintenance, repair or replacement of:</u> <ul style="list-style-type: none"> a. <u>existing fences, vehicle tracks, roads, walkways, firebreaks, dams, drains, man-made ponds, waterway crossings, or network utilities.</u> 	<p><u>Activity status where compliance not achieved: Restricted discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ul style="list-style-type: none"> 1. <u>whether the indigenous vegetation is significant (when assessed against the APP5 – Criteria for Identifying Significant Natural Areas) and the ability to retain any significant vegetation extent to which the</u>

⁵⁰ Clause 10(2)(b) relating to Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29]

⁵¹ Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

⁵² Port Blakely [94.7]

in 1. – 3. above⁵³

- and is limited to the area within 2m of these⁵⁴;
- b. any existing flood, erosion or drainage works administered by a Regional or Territorial Authority, limited to the area within the existing footprint of the works.
 - c. existing buildings, and is limited to within 2m from any existing exterior wall⁵⁵;
2. clearing vegetation that is causing an imminent danger to human life, structures, infrastructure, or important infrastructure.
 3. mahinga kai or other customary uses, where the clearance is by Ngāi Tahu whānui and in accordance with tikaknga protocols.
 4. clearing vegetation that has been managed as part of a domestic or public garden, for amenity purposes, or as a shelterbelt;
 5. protecting, maintaining, restoring, and accessing ecological values, and is carried out in accordance with:
 - a. a Reserve Management Plan approved under the Reserves Act 1977;
 - b. a registered protective covenant under the Reserves Act 1977, Conservation Act 1987 or Queen Elizabeth the Second National Trust Act 1977;
 - c. a national park management plan or conservation management plan or strategy prepared under the Conservation Act 1987.
 6. maintaining cultivated land, where cultivation has been undertaken within the past 15 years⁵⁶;
 7. grazing, that is not over-grazing/trampling, within an area of improved pasture.
 8. maintaining improved pasture by way of oversowing and/or topdressing.

- proposal protects any significant biodiversity⁵⁹; and
2. the condition and character of the indigenous vegetation; and
 3. whether the indigenous vegetation provides habitat for threatened, at risk or locally uncommon species or is more than 25 years old; and
 4. any adverse effects on indigenous vegetation and habitats of indigenous fauna due to the clearance; and
 5. any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi tāoka values; and
 6. whether species diversity would be adversely impacted by the proposal; and
 7. the role the indigenous vegetation plays in providing a buffer to effects or an ecological corridor; and
 8. any potential for mitigation or compensation of adverse effects on biodiversity values; and
 9. the economic effects on the landholder of the retention of the vegetation; and
 10. any site specific management factors to promote the restoration and enhancement of indigenous vegetation and habitats; and
 11. the potential for use of other mechanisms that assist with the protection or enhancement of significant indigenous vegetation such as QE II covenants and the use of Biodiversity Management Plans; and
 12. any benefits that the activity provides to the local community and beyond; and
 13. where the proposed clearance is located within a site identified in in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa:
 - a. whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to

⁵³ Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29]

⁵⁴ Statement of Rachel Thomas and Greg Anderson, para 29

⁵⁵ Statement of Rachel Thomas and Greg Anderson, para 29

⁵⁶ ECan [183.8] - Evidence of Deidre Francis, paras 47–58; Evidence of Jean Jack, paras 24-29.

⁵⁹ Dir. General Conservation [166.41] - Evidence of Elizabeth Williams, paras 44-45

	<p>a. <u>outside any depositional landforms originally rare ecosystems within the upper Rangitata; and</u></p> <p>b. <u>provided the clearance is not of any ‘threatened’ or ‘at risk’ indigenous species (in the New Zealand Threat Classification System lists);⁵⁷ and</u></p> <p>9. <u>biosecurity, and is necessary in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993, including the clearance of material infected by unwanted organisms.</u></p> <p><u>Advice Note</u> <u>This rule does not apply to the clearance of indigenous vegetation associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry.⁵⁸</u></p>	<p><u>which the proposal responds to, or incorporates the outcomes of that consultation; and</u></p> <p>b. <u>the proposal’s consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</u></p> <p>c. <u>the nature of any effects on mahika kai and other customary uses; and</u></p> <p>d. <u>the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and</u></p> <p>e. <u>whether there are alternative methods, locations or designs that would avoid or mitigate the impact of works on the values associated with the site or area of significance; and</u></p> <p>f. <u>the appropriateness of any mitigation measures proposed; and</u></p> <p>g. <u>the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:</u></p> <p>i. <u>affirm the connection between mana whenua and place; or</u></p> <p>ii. <u>enhance the cultural values of the site/area; or</u></p> <p>iii. <u>provide for the relationship of Kāti Huirapa with their taonga; or</u></p> <p>iv. <u>maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance; commensurate with the scale and nature of the proposal.⁶⁰</u></p>
ECO-R2	Clearance of indigenous vegetation for natural hazard mitigation works	
Significant Natural Areas Overlay	<p>Activity status: Permitted</p> <p>Where:</p>	<p>Activity status where compliance not achieved with PER-1: Controlled</p> <p>Matters of control are restricted to:</p>

⁵⁷ Evidence of Elizabeth Williams, paras 46-50.

⁵⁸ Port Blakely [94.7]

⁶⁰ Clause 10(2)(b) relating to Frank, H [90.23], Forest and Bird [156.3, 156.116], Dir. General Conservation [166.29]

<p>Within 50m of any wetland Riparian margins (excluding a river that is a HNWB)⁶¹</p> <p>In the Coastal Environment, within 20m of Mean High Water Springs⁶²</p> <p>Within 20m of the bank of any waterbody⁶³</p> <p>Within 20m of any waipuna (spring)</p> <p>At an altitude of 900m or higher</p> <p>Land with an average slope of 30° or greater</p>	<p>PER-1 The indigenous vegetation removed is only pohuehue (<i>muehlenbeckia australis</i>, <i>muehlenbeckia axillaris</i> or <i>muehlenbeckia complexa</i> only); and</p> <p>PER-2 The vegetation clearance is carried out solely by the Regional Council, Timaru District Council, or an agent authorised by one of these parties.</p>	<ol style="list-style-type: none"> 1. any adverse effects on indigenous vegetation and habitats of indigenous fauna and proposed mitigation measures; and 2. any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi taoka; and 3. opportunities for enhancement of indigenous vegetation or habitats of indigenous species; and 4. methods proposed to monitor or inspect the works undertaken; and 5. the ability to apply a management plan approach to the works and the content of any management plan; and 6. the timing of works to minimise adverse effects on significant indigenous species. <p><u>Activity status where compliance not achieved with PER-2 and the clearance is outside a Significant Natural Area: Restricted discretionary⁶⁴</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>whether the indigenous vegetation is significant (when assessed against the APP5 – Criteria for Identifying Significant Natural Areas) and the ability to retain any significant vegetation extent to which the proposal protects any significant biodiversity⁶⁵; and</u> 2. <u>the condition and character of the indigenous vegetation; and</u> 3. <u>whether the indigenous vegetation provides habitat for threatened, at risk or locally uncommon species; and</u> 4. <u>any adverse effects on indigenous vegetation and habitats of indigenous fauna due to the clearance; and</u> 5. <u>any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi tāoka values; and</u> 6. <u>whether species diversity would be adversely impacted by the proposal; and</u>
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⁶¹ Clause 10(2)(b) relating to Federated Farmers [182.117]

⁶² Clause 10(2)(b) relating to Forest and Bird [156.5]

⁶³ Clause 10(2)(b) relating to Federated Farmers [182.117]

⁶⁴ Alliance Group [173.58]

⁶⁵ **Dir. General Conservation [166.41] - Evidence of Elizabeth Williams, paras 44-45.**

7. the role the indigenous vegetation plays in providing a buffer to effects or an ecological corridor; and
8. any potential for mitigation or compensation of adverse effects on biodiversity values; and
9. the economic effects on the landholder of the retention of the vegetation; and
10. any site specific management factors to promote the restoration and enhancement of indigenous vegetation and habitats; and
11. the potential for use of other mechanisms that assist with the protection or enhancement of significant indigenous vegetation such as QE II covenants and the use of Biodiversity Management Plans; and
12. any benefits that the activity provides to the local community and beyond.
13. where the clearance is within a riparian margin.⁶⁶
 - a. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and
 - b. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and
 - c. the extent to which alternative practicable options have been considered and their feasibility; and
 - d. the extent to which any restoration or enhancement of the natural character of the area is proposed; and;
 - e. the extent to which the proposal has the potential to cause or exacerbate bank erosion; and
 - f. whether there is a functional need, or in relation to infrastructure an operational need,⁶⁷ for the activity to locate in a riparian margin.

Activity status where compliance is not achieved with PER-2 and the clearance is

⁶⁶ Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

⁶⁷ Transpower [159.78]

		<u>within a Significant Natural Area: Non-complying</u>
ECO-R3	Clearance of indigenous vegetation associated with the National Grid <u>or electricity distribution network</u>⁶⁸	
Significant Natural Areas Overlay	Activity status: Permitted	Activity status where compliance not achieved with PER-1: Restricted discretionary
Where:		
<u>Within 50m of any wetland Riparian margins (excluding a river that is a HNWB)</u>⁶⁹	PER-1 The vegetation clearance is to provide for the operation, maintenance or repair of the National Grid <u>or electricity distribution network</u> ⁷² , including maintenance of existing access to National Grid support structures; and	Matters of discretion are restricted to: 1. any adverse effects on indigenous vegetation and habitats of indigenous fauna and proposed mitigation measures; and 2. the necessity for the clearance and any alternate options that have been considered; and 3. the mitigation measures proposed to ensure that the values of the SNA are protected as far as practicable; and 4. any adverse effects on the mauri of the site, mahika kai, wāhi tāpu or wāhi taoka; and 5. opportunities for enhancement of indigenous vegetation or habitats of indigenous species; and 6. methods proposed to monitor or inspect the works undertaken; and 7. the ability to apply a management plan approach to the works and the content of any management plan; and 8. the timing of works to minimise adverse effects on significant indigenous species; <u>and</u> 9. <u>where the clearance is within a riparian margin:</u> ⁷⁴ a. <u>the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and</u> b. <u>the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of</u>
In the Coastal Environment, within 20m of Mean High Water Springs⁷⁰	PER-2 The vegetation clearance is carried out by or on behalf of Transpower New Zealand Limited <u>or Alpine Energy Limited</u> ⁷³ .	
<u>Within 20m of the bank of any waterbody</u>⁷¹		
Within 20m of any waipuna (spring)		
At an altitude of 900m or higher		
Land with an average slope of		

⁶⁸ Alpine Energy [55.5]⁶⁹ Clause 10(2)(b) relating to Federated Farmers [182.117]⁷⁰ Clause 10(2)(b) relating to Forest and Bird [156.5]⁷¹ Clause 10(2)(b) relating to Federated Farmers [182.117]⁷² Alpine Energy [55.5]⁷³ Alpine Energy [55.5]⁷⁴ Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])

30° or greater		<p><u>the natural character values of the area; and</u></p> <p>c. <u>the extent to which alternative practicable options have been considered and their feasibility; and</u></p> <p>d. <u>the extent to which any restoration or enhancement of the natural character of the area is proposed; and</u></p> <p>e. <u>the extent to which the proposal has the potential to cause or exacerbate bank erosion; and</u></p> <p>f. <u>whether there is a functional need, or in relation to infrastructure an operational need,⁷⁵ for the activity to locate in a riparian margin.</u></p> <p>Activity status where compliance not achieved with PER-2: Non-complying</p>
<u>Riparian margins of an HNWB</u> ⁷⁶	<u>Activity status: Discretionary</u>	<u>Activity status where compliance not achieved: Not applicable</u>
ECO-R4	Clearance of trees in the Long-Tailed Bat <u>Habitat</u>⁷⁷ Protection Area	
Long-tailed Bat <u>Habitat</u>⁷⁸ Protection Area Overlay	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The trees being cleared:</p> <ol style="list-style-type: none"> 1. were planted for timber production (plantation forest and woodlots); or 2. are within a domestic garden; or 3. are causing an imminent danger to human life, structures, or utilities and the clearance is undertaken in accordance with advice from a suitably qualified arborist; or <p>PER-2 The tree is:</p>	<p>Activity status where compliance not achieved: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. whether, upon specialist assessment by a suitably qualified <u>and experienced expert ecologist, or demonstrated (which may be supported through use of an automatic bat monitor)</u>,⁸¹ the tree/s proposed to be removed is habitat for long-tailed bats; and 2. the extent to which the removal of tree/s would impact on the ability of the

⁷⁵ Transpower [159.78]⁷⁶ Shifted from NATC-R1 (Clause 10(2)(b) relating to Federated Farmers [182.117])⁷⁷ Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]⁷⁸ Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]⁸¹ Port Blakely [94.8], Zolve [164.2]

	<ol style="list-style-type: none"> 1. a native tree with a trunk circumference of less than 31.5cm, when measured at 1.5m above ground level; or 2. an exotic tree, excluding willow, with a trunk circumference of less than 70cm, when measured at 1.5m above ground level greater⁷⁹; or 3. any willow tree with a trunk circumference of less than 120cm, when measured at 1.5m above ground level; <u>or</u> <p>PER-3 <u>Where PER-1 and PER-2 are not complied with, and:</u></p> <ol style="list-style-type: none"> 1. <u>The trees being cleared present a risk to the integrity of the public flood or erosion protection schemes administered by the Regional Council; and</u> 2. <u>The works are completed by the Regional Council or an agent authorised by the Regional Council; and</u> 3. <u>The works are assessed as being consistent with the Department of Conservation's Bat Roost Protocols (October 2024) by a suitably qualified and experienced expert; and</u> 4. <u>A written record of the assessment under PER-3.3, is provided to Timaru District Council and the Department of Conservation 10 working days prior to carrying out the works.</u>⁸⁰ 	<p>long-tailed bat <u>habitat</u>⁸² protection area to provide for the habitat needs of the bats; and</p> <ol style="list-style-type: none"> 3. the extent to which the long-tailed bat <u>habitat</u>⁸³ protection area has been previously modified by the removal of bat habitat; 4. the reasons for removal of the tree and any alternatives considered; and 5. any measures to avoid or mitigate the adverse effects.
ECO-R5	Earthworks in a Significant Natural Area <u>(except as provided for ECO-RX for restoration or enhancement of a Significant Natural Area)</u> ⁸⁴	
Significant Natural Areas Overlay	<p>Activity status: <u>Permitted</u> Restricted discretionary⁸⁵</p> <p>Where:</p>	<p>Activity status where compliance not achieved: Restricted <u>Discretionary</u>⁸⁸</p> <p>Where:</p>

⁷⁹ Clause 16

⁸⁰ ECan [183.79] - Summary of Evidence Statement of Jolene Irvine

⁸² Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

⁸³ Rooney Holdings [174.34], Rooney, GJH [191.34], Rooney Group [249.34], Rooney Farms [250.34], Rooney Earthmoving [251.34], TDL [252.34]

⁸⁴ Clause 10(2)(b) relating to Silver Fern Farms [172.55] and Alliance Group [173.59], Rooney Holdings [174.32, 174.34], Rooney, GJH [191.32, 191.34], Rooney Group [249.32, 249.34], Rooney Farms [250.32, 250.34], Rooney Earthmoving [251.32, 251.34], TDL [252.32, 252.34]

⁸⁵ Transpower [159.73], Federated Farmers [182.109]

⁸⁸ Forest and Bird [156.113], Federated Farmers [182.109]

	<p><u>RDISPER-1</u> The earthworks are within 2m, and <u>are required</u> for the purpose, of⁸⁶ the maintenance, repair or replacement of existing lawfully established vehicle tracks, roads, walkways, firebreaks, drains, ponds, dams, waterlines, waterway crossings, or utilities.</p> <p><u>This rule does not apply to earthworks within the beds of rivers.</u>⁸⁷</p> <p><u>Matters of discretion are restricted to:</u></p> <ul style="list-style-type: none"> 1. any adverse effects on indigenous vegetation and habitats of indigenous fauna and 2. the necessity for the earthworks and any alternate options that have been considered 3. the mitigation measures proposed to ensure that the values of the SNA are maintained; and 4. any adverse effects on the mauri of the site, mahika kai, wāhi tāpu or wāhi taoka; and 5. opportunities for enhancement of indigenous vegetation or habitats of indigenous species; and 6. methods proposed to monitor or inspect the works undertaken; and 7. the ability to apply a management plan approach to the works and the content of any management plan; and 8. the timing of works to minimise adverse effects on significant indigenous species. 	<p><u>DIS-1</u> The earthworks are to provide for activities associated with the National Grid and are carried out by or on behalf of Transpower New Zealand Limited; or</p> <p><u>DIS-2</u> The earthworks are for flood protection works and are carried out solely by the Regional Council, Timaru District Council, or an agent authorised by one of these parties.</p> <p><u>Activity status where compliance not achieved: Non-complying</u></p>
<u>ECO-RX</u>	<u>Clearance of indigenous vegetation and earthworks in a Significant Natural Area associated with the restoration or enhancement of the Significant Natural Area</u> ⁸⁹	
<u>Significant Natural Areas Overlay</u>	<p><u>Activity status: Restricted discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ul style="list-style-type: none"> 1. <u>the extent to which the values of the Significant Natural Area will be restored</u> 	<u>Activity status where compliance not achieved: Not Applicable</u>

⁸⁶ Speaking notes of Forest & Bird, para 32⁸⁷ Rooney Holdings [174.2], Rooney, GJH [191.2], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]⁸⁹ Silver Fern Farms [172.55] and Alliance Group [173.59], Rooney Holdings [174.32, 174.34], Rooney, GJH [191.32, 191.34], Rooney Group [249.32, 249.34], Rooney Farms [250.32, 250.34], Rooney Earthmoving [251.32, 251.34], TDL [252.32, 252.34]

	<p><u>or enhanced as part of the overall project; and</u></p> <p>2. <u>the necessity for the clearance or earthworks and any alternate options that have been considered; and</u></p> <p>3. <u>the mitigation measures proposed to ensure that the values of the SNA are protected; and</u></p> <p>4. <u>any adverse effects on the mauri of the site, mahika kai, wāhi tapu or wāhi taoka; and</u></p> <p>5. <u>methods proposed to monitor or inspect the works undertaken; and</u></p> <p>6. <u>the ability to apply a management plan approach to the works and the content of any management plan; and</u></p> <p>7. <u>the timing of works to minimise adverse effects on significant indigenous species.</u></p>	
ECO-R6	Subdivision of land containing a Significant Natural Area	
Sites containing a Significant Natural Area	Activity Status: Discretionary	Activity status where compliance not achieved: Not Applicable
ECO-R7	Planting of potential pest species	
All Zones	<p>Activity status: Non-complying</p> <p>Where:</p> <p>NC-1 The planting involves any of the following species:</p> <ul style="list-style-type: none"> a. <i>Acer pseudoplatanus</i> (sycamore) b. <i>Ammophila arenaria</i> (marram) c. <i>Berberis glaucocarpa</i> (barberry) d. <i>Buddleja davidii</i> (buddleia) e. <i>Cotoneaster simonsii</i> (Khasia berry) f. <i>Crataegus monoqyna</i> (hawthorn) g. <i>Erica lusitanica</i> (Spanish heath) h. <i>Fraxinus excelsior</i> (Ash) i. <i>Glechoma hederacea</i> (ground ivy) j. <i>Ilex aquifolium</i> (holly) k. <i>Salix cinerea</i> (grey willow) l. <i>Betula pendula</i> (Silver birch) m. <i>Ribes sanguineum</i> (Red-flowering currant) n. <i>Dryopteris filix-mas</i> (Male fern) o. <i>Populus alba</i> (White poplar) p. <u><i>Sorbus aucuparia</i> (rowan)</u> 	Activity status where compliance not achieved: Not Applicable

- q. Cotoneaster franchetii;
- r. Cotoneaster glaucophyllus;
- s. Cotoneaster lacteus;
- t. Cotoneaster microphylla⁹⁰ or

NC-2

The planting is undertaken above 300m asl and involves any of the following species:

- a. *Lupinus arboreus* (tree lupin)
- b. *Lupinus polyphyllus* (Russell lupin)
- c. *Salix fragilis* (crack willow)
- d. ~~*Sorbus aucuparia* (rowan).~~⁹¹

Note: Reference should also be made to species included in the Canterbury Regional Pest Management Plan. Under sections 52 and 53 of the Biosecurity Act 1993, any person is prevented from selling, propagating or distributing any pest species listed in that Plan.

⁹⁰ Frank, H [90.10]

⁹¹ Frank, H [90.10]

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

NATURAL CHARACTER

Introduction

The Council has a responsibility to recognise and provide for the preservation of the natural character of the coastal environment, wetlands, and lakes and rivers and their margins; and the protection of them from inappropriate subdivision, use and development.

A range of landuse and subdivision activities can have adverse effects on the natural character of rivers and wetlands. These include, but are not limited to subdivision; the construction of buildings and structures; earthworks and cultivation; ~~and the planting and removal of vegetation~~ and the removal of indigenous vegetation.¹ The provisions of this chapter seek to manage those activities within the riparian margins of rivers and wetlands to ensure that the elements, patterns, processes and experiential qualities that contribute to the natural character values of the District's rivers and wetlands are preserved. These riparian margins are defined, and the provisions in this chapter apply within these defined riparian areas. There are also provisions in the Ecosystems and Indigenous Biodiversity Chapter which apply to the clearance of indigenous vegetation within riparian areas.²

The provisions also seek to provide for land use activities which either enhance natural character values such as restoration planting and pest management practices; and/or enable the customary harvest of vegetation for mahika kai. Restoration and enhancement of natural character values is also encouraged and supported through plan rules or non-statutory methods.

Within the District, some specific areas have been identified in the Canterbury Land and Water Regional Plan as High Naturalness Water Bodies (HNWB), including the Havelock and Clyde Rivers, the upper Ōrāri River, Milford Lagoon and Ōrakipaoa Creek. The Rangitata River is also subject to³ the Water Conservation (Rangitata River) Order 2006 that identifies parts of the river as having outstanding characteristics and features. These parts of the river and its tributaries are identified in schedule 1 and 2 of the Water Conservation Order as having wild, scenic and other natural characteristics and amenity and intrinsic values. Accordingly, those parts of the Rangitata River and its tributaries, and the HNWB water bodies have been classified as High Naturalness Water Bodies in this District Plan.

The extent of these HNWB are shown on the planning maps. Because of their higher level of natural character values, a greater level of protection is provided through the provisions applying within the margins of these HNWB. All other waterbodies and wetlands within the district have varying degrees of natural character.

The rules within this Chapter enable the identification and assessment of natural character values on a case by case basis for activities requiring consent across the district. Provisions related to the preservation of the natural character of the coastal environment are included in the Coastal Environment Chapter.

The rules within this chapter also apply to Regionally Significant Infrastructure and other infrastructure. However, the objectives and policies of both this chapter and the Energy and Infrastructure Chapter apply to the consideration of any resource consent required under the rules in this Chapter for Regionally Significant Infrastructure.

Objectives

¹ Clause 10(2)(b) relating to Federated Farmers [182.117]

² Clause 10(2)(b) relating to Federated Farmers [182.117]

³ Clause 16(2)

NATC-O1 Protection of natural character

The natural character of the Timaru District's wetlands and rivers and their margins is preserved and protected from inappropriate subdivision, use and development, and where possible restored and/or⁴ enhanced.

Policies**NATC-P1 Natural character values**

~~Recognise that natural character values of wetlands and rivers and their margins are derived from:~~

- ~~1. the extent to which these are in, or close to, their natural state in terms of:~~
 - ~~a. the occurrence of natural elements, patterns and processes; and;~~
 - ~~b. riparian and aquatic ecology and biodiversity; and~~
 - ~~c. ecological, geomorphic and hydrological processes; and~~
 - ~~d. the absence of human modification; and~~
- ~~2. people's experience of the above elements, patterns and processes; and~~
- ~~3. the cultural values of the water body to Kāti Huirapa, including values associated with traditional and contemporary uses and the continuing ability of the water body to support taoka species and mahika kai activities.~~

Recognise the contribution of the following natural elements, patterns, processes and experiential qualities to the natural character values of wetlands, rivers, and their margins:

1. landforms and landscapes, biophysical, geologic, and morphological aspects;
2. hydrological and fluvial processes, including erosion and sedimentation;
3. indigenous biodiversity, habitats, and ecosystems;
4. water flow and levels, colour and clarity, and water quality;
5. the cultural values of the water body to Kāti Huirapa, including values associated with traditional and contemporary uses and the continuing ability of the waterbody to support taoka species and mahika kai activities.
6. absence of man-made modification to their natural state; and
7. people's experience of the above elements, patterns, and processes.⁵

NATC-P2 Restoration and enhancement

Provide for and encourage the restoration and/or enhancement of the natural character of wetlands and rivers where:

1. the natural character is degraded, and restoration and/or enhancement will achieve long-term improvement in natural character values; and/or
2. it will assist in the establishment or restoration of indigenous biodiversity or ecosystems, particularly for ecosystems that are threatened or unrepresented in protected areas; and/or
3. they provide existing trout or salmon habitat; and/or
4. it will enhance the taoka species and mahika kai and the ability of Kāti Huirapa to exercise kaitiakitanga; and/or
5. it will improve or establish connections between habitats and create corridors for indigenous species and their movement between areas; and/or
6. riparian margins provide a buffer from activities that may adversely affect the natural character values of the river or wetland; and/or
7. riparian margins provide spawning or other significant habitats for at risk or threatened species.

NATC-P3 Incentives

Encourage and support the restoration and enhancements of natural character values through such measures as:

1. reducing or waiving consent application costs; and/or
2. providing funding, grants and other incentives; and/or

⁴ Forest and Bird [156.119]

⁵ Forest and Bird [156.120]

3. providing expert advice.

NATC-P4 Preservation of natural character from inappropriate subdivision, use and development

Preserves⁶ the natural character values of riparian margins by only allowing subdivision, use and development that:

1. avoids, or if avoidance is not practicable possible⁷, minimises any adverse effects on the elements, patterns, processes and experiential qualities outlined in NATC-P1;
2. maintains natural character values which have been modified but are highly valued;
3. restores or enhances natural character values in circumstances identified in NATC-P2; and
4. avoids or, where that is not practicable possible⁸, does not exacerbate bank erosion; or
5. is regionally significant infrastructure, and it is demonstrated that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure, or for the National Grid, EI-Px Managing adverse effects of the National Grid^{9, 10}.

NATC-P5 Anticipated activities in riparian margins

Provide for activities in riparian margins which are appropriate for safety, enhancement, wellbeing or customary reasons, by enabling:

1. activities which are undertaken by a local authority for the purpose of natural hazard mitigation works, and where possible, any adverse effects on natural character are minimised;
2. ~~vegetation clearance to remove pest species~~¹¹
3. ~~vegetation clearance for mahika kai purposes~~; ¹²
4. planting of indigenous species that is for the purpose of restoration and enhancement activities; and
5. earthworks that are for the purpose of:
 - a. maintenance and repair of existing fences, tracks, roads, railways,¹³ stock water systems, irrigation systems¹⁴ or regionally significant infrastructure¹⁵;
 - b. the operation, maintenance, repair or minor upgrade of the National Grid;¹⁶ or
 - c. for limited new fencing and tracks.

NATC-P6 Buildings and structures in riparian margins

Ensure that the location, scale, design, and form of buildings and structures in riparian margins preserves natural character values.

Rules

Note: Activities not listed in the rules of this chapter are classified as a permitted under this chapter. For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

NATC-R1 Vegetation clearance¹⁷

⁶ Clause 16(2)

⁷ Transpower [159.74]

⁸ Transpower [159.74]

⁹ **Transpower [159.74]**

¹⁰ TDC [42.35], Waka Kotahi [143.86], Transpower [159.74], OWL [181.75]

¹¹ Federated Farmers [182.117]

¹² Clause 10(2)(b) relating to Federated Farmers [182.117]

¹³ KiwiRail [187.58],

¹⁴ Clause 10(2)(b) relating to Rangitata Dairies [44.10], Connolly, S [136.2]

¹⁵ Waka Kotahi [143.87], Transpower [159.75]

¹⁶ **Transpower [159.75]**

¹⁷ Clause 10(2)(b) relating to Federated Farmers [182.117]

<p>Riparian margins of a river that is not an HNWB</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The vegetation clearance only involves plant species identified in ECO R7, or pest plant species identified within a regional pest management plan or the Biosecurity Act 1993; or</p> <p>PER-2 The vegetation clearance is for customary harvest provided for in ECO R1.1 PER 3; or</p> <p>PER-3 The vegetation clearance is for the operation, maintenance or repair of the National Grid; or</p> <p>PER-4 The vegetation clearance is for the maintenance, repair, or upgrade in seal cover, of existing roads; or</p> <p>PER-5 The vegetation clearance is to restore or enhance the natural character or ecological values of the riparian margin; or</p> <p>PER-6 The vegetation clearance only includes exotic species in areas of cultivation existed prior to 22 September 2022.</p>	<p>Activity status when compliance not achieved with PER-1: Controlled</p> <p>Where:</p> <p>CON-1 The vegetation clearance is only for the purpose of natural hazard mitigation works and is carried out solely by the Canterbury Regional Council, Timaru District Council, or an agent authorised on their behalf.</p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. methods proposed to avoid or mitigate any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and 2. any measures proposed to assist with the preservation, maintenance, restoration or enhancement of the natural character values of the area; and 3. the extent to which alternative practicable options have been considered and their feasibility; and 4. mitigation measures proposed to avoid or mitigate bank erosion; and <p>Activity status when compliance not achieved with PER-2, PER-3, PER-4, PER-5, PER-6 or CON-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and 2. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area, particularly in and along an HNWB; and 3. the extent to which alternative practicable options have been considered and their feasibility; and 4. the extent to which any restoration or enhancement of the natural character of the area is proposed; and 5. the extent to which the proposal has the potential to cause or exacerbate bank erosion; and
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		6. whether there is a functional need for the activity to locate in a riparian margin.
Riparian margins of an HNWB	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
NATC-R2	Vegetation planting	
Riparian margins	Activity status: Permitted Where: PER-1 The planting: <ol style="list-style-type: none"> 1. includes indigenous species only; and 2. is to restore or enhance the natural character or ecological values of the riparian margin; or PER-2 The planting is within areas of cultivation existed prior to 22 September 2022.	Activity status when compliance not achieved with PER-1: Controlled CON-1 The vegetation planting is for the purposes of natural hazard mitigation works; and undertaken by (or on behalf of) a local authority only; Matters of control are restricted to: <ol style="list-style-type: none"> 1. measures to minimise adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and 2. measures to restore or enhance the natural character of the area. Activity status when compliance not achieved with PER-2 or CON-1: Restricted Discretionary Matters of discretion are restricted to: <ol style="list-style-type: none"> 1. the type and extent of planting proposed and the impact of this on natural character values; and 2. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and 3. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area, particularly in high naturalness water bodies; and 4. the extent to which alternative practicable options have been considered and their feasibility; and 5. the extent to which any restoration or rehabilitation of the natural character of the area is proposed; and 6. whether there is a functional need, <u>or in relation to infrastructure an operational</u>

		<p><u>need</u>,¹⁸ for the activity to locate in a riparian margin; <u>and</u></p> <p>7. <u>any benefits that the activity provides to the local community and beyond</u>.¹⁹</p>
NATC-R3	Earthworks	
1. Riparian margins of a river that is not an HNWB	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The earthworks are required for the maintenance and repair of existing fences, tracks, roads, railways²⁰, stock water systems, irrigation systems²¹ or natural hazard mitigation works; or</p> <p>PER-2 The earthworks are required to construct a new fence; or²²</p> <p>PER-3 The earthworks are required to construct a new track up to 3m in width; or</p> <p>PER-4 The earthworks are required for the operation, maintenance or repair of the National Grid <u>regionally significant infrastructure</u>; <u>or</u>.^{23 24}</p> <p>PER-5 <u>The earthworks are associated with the replacement of, or expansion to, an existing</u></p>	<p>Activity status when compliance not achieved: Controlled</p> <p>Where:</p> <p>CON-1 The earthworks are for the purposes of natural hazard mitigation works, and are undertaken by (or on behalf of) a local authority.</p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. measures to manage adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and 2. any measures to restore or rehabilitate the natural character of the area; and 3. erosion and sediment control measures. <p>Activity status when compliance not achieved with CON-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent of any adverse effects on the overall natural character of an area by reference to the values listed in NATC-P1; and 2. the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and

¹⁸ Transpower [159.78]

¹⁹ Transpower [159.70, 159.75] – Evidence of Ainsley McLeod, paras 46-54.

²⁰ KiwiRail [187.60]

²¹ Rangitata Dairies [44.10], Connolly, S [136.2]

²² Clause 16(2)

²³ Evidence of Julia Crossman, paras 2.2 and 3.5.

²⁴ Waka Kotahi [143.89]

	<p><u>building or structure, permitted under NATC-R5.</u>²⁵</p> <p><u>Advice Note</u></p> <p><u>This rule does not apply to earthworks associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry.</u>²⁶</p>	<ol style="list-style-type: none"> 3. the extent to which alternative practicable options have been considered and their feasibility; and 4. the extent to which any restoration or rehabilitation of the natural character of the area is proposed; and 5. whether there is a functional need, <u>or in relation to infrastructure an operational need,</u>²⁷ for the activity to locate in a riparian margin; and 6. the extent to which appropriate erosion and sediment control measures are to be implemented; <u>and</u> 7. <u>any benefits that the activity provides to the local community and beyond;</u>²⁸ 8. <u>where the earthworks are within a wai taoka or wai tapu overlay:</u> <ol style="list-style-type: none"> a. <u>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</u> b. <u>the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</u> c. <u>the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and</u> d. <u>whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the site or area of significance; and</u> e. <u>the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol; and</u> f. <u>the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:</u> <ol style="list-style-type: none"> i. <u>affirm the connection between mana whenua and place; or</u> ii. <u>enhance the cultural values of the site/area; or</u>
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²⁵ Te Kotare [115.30], Waipopo Huts [189.42]

²⁶ Port Blakely [94.10]

²⁷ Transpower [159.78]

²⁸ Transpower [159.70, 159.75] – Evidence of Ainsley McLeod, paras 46-54.

		<p>iii. <u>provide for the relationship of Kāti Huirapa with their taoka;</u> <u>or</u> iv. <u>maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance</u> <u>commensurate with the scale and nature of the proposal;</u> g. <u>where the earthworks will remove indigenous vegetation, the nature of any effects on mahika kai and other customary uses; and</u> h. <u>in respect of network utilities, the extent to which the proposed utility has functional needs or operational needs for its location.</u> ²⁹</p>
2 Riparian margins of an HNWB	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The earthworks are required for the maintenance and repair of existing fences, tracks, roads, <u>railways³⁰, stock water systems, irrigation systems³¹</u> or natural hazard mitigation works; or</p> <p>PER-2 The earthworks are required for the operation, maintenance or repair of <u>National Grid-regionally significant infrastructure³²</u>.</p> <p><u>Advice Note</u> <u>This rule does not apply to earthworks associated with a commercial forestry activity which is regulated under the National Environmental Standard for Commercial Forestry.</u> ³³</p>	<p>Activity status when compliance not achieved: Controlled</p> <p>Where:</p> <p>CON-1 The earthworks are for the purposes of natural hazard mitigation works; and are undertaken by (or on behalf of) a local authority.</p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> 1. measures to manage adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and 2. any measures to restore or rehabilitate the natural character of the area; and 3. erosion and sediment control measures. <p>Activity status when compliance not achieved with CON-1: Discretionary</p>
NATC-R4	Construction of fences	
Riparian margins of a river that is not an HNWB	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. the extent of any adverse effects on the overall natural character of an area by

²⁹ Clause 10(2)(b) relating to Westgarth et al [200.7] – Ms White Recommendation - Hearing E

³⁰ KiwiRail [187.60]

³¹ Rangitata Dairies [44.10], Connolly, S [136.2]

³² Clause 10(2)(b) relating to Waka Kotahi [143.87, 143.89], Transpower [159.75]

³³ Port Blakely [94.10]

	The fence is a post and wire, <u>or post and netting</u> ³⁴ fence only.	<p>reference to the values listed in Policy NATC-P1; and</p> <ol style="list-style-type: none"> the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and the extent to which alternative practicable options and designs have been considered and their feasibility; and whether there is a functional need for the fence to locate in a riparian margin.
Riparian margins of an HNWB	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
NATC-R5	Buildings and structures excluding fences	
Riparian margins of a river that is not an HNWB	<p>Activity status: Restricted Discretionary Permitted³⁵</p> <p><u>Where:</u></p> <p>PER-1 <u>The building or structure is a replacement of, or expansion to, an existing building or structure, and the footprint of the building or structure does not increase by more than 50m² or 25% (whichever is the lesser) from that existing at [date rule becomes operative].</u></p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> the extent of any adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and whether the location, scale and design of the proposal will assist in reducing the adverse effects on natural character values; and the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and the extent to which alternative practicable options have been considered and their feasibility; and 	<p>Activity status when compliance not achieved: Not applicable Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <u>the extent of any adverse effects on the overall natural character of an area by reference to the values listed in Policy NATC-P1; and</u> <u>whether the location, scale and design of the proposal will assist in reducing the adverse effects on natural character values; and</u> <u>the nature of any proposed mitigation measures that contribute to the preservation, maintenance or enhancement of the natural character values of the area; and</u> <u>the extent to which alternative practicable options have been considered and their feasibility; and</u> <u>the extent to which any restoration or rehabilitation of the natural character of the area is proposed; and</u> <u>whether there is a functional need, or in relation to infrastructure an operational need,³⁶ for the activity to locate in a riparian margin; and</u> <u>any benefits that the activity provides to the local community and beyond; and</u> <u>where the building or structure is within a wai tapu overlay;</u>

³⁴ Speirs, B [66.24]

³⁵ Te Kotare [115.31] and Waipopo Huts [189.43]

³⁶ Transpower [159.78]

	<p>5. the extent to which any restoration or rehabilitation of the natural character of the area is proposed; and</p> <p>6. whether there is a functional need for the activity to locate in a riparian margin.</p>	<p>a. <u>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</u></p> <p>b. <u>the proposal's consistency with the values identified in SCHED6 — Schedule of Sites and Areas of Significance to Kāti Huirapa; and</u></p> <p>c. <u>the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and</u></p> <p>d. <u>whether there are alternative methods, locations or designs that would avoid or mitigate the impact of earthworks on the values associated with the site or area of significance; and</u></p> <p>e. <u>the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol; and</u></p> <p>f. <u>the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:</u></p> <p>i. <u>affirm the connection between mana whenua and place; or</u></p> <p>ii. <u>enhance the cultural values of the site/area; or</u></p> <p>iii. <u>provide for the relationship of Kāti Huirapa with their taoka; or</u></p> <p>iv. <u>maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance commensurate with the scale and nature of the proposal;</u>³⁷ <u>and</u></p> <p>g. <u>in respect of network utilities, the extent to which the proposed utility has functional needs or operational needs for its location.</u>³⁸</p>
Riparian margins of an HNWB	Activity status: Discretionary	Activity status when compliance not achieved: Not applicable

³⁷ Clause 10(2)(b) relating to Westgarth et al [200.7] – Ms White Recommendation - Hearing E

³⁸ Transpower [159.70, 159.75] – Evidence of Ainsley McLeod, paras 46-54.

NATC-R6	Subdivision of land containing a riparian margin	
All zones except General Rural Zone and Rural Lifestyle Zones	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable

NATURAL FEATURES AND LANDSCAPES

Introduction

The Natural Features and Landscapes chapter contains provisions that relate to the Outstanding Natural Features (ONF), Outstanding Natural Landscapes (ONL), and Visual Amenity Landscapes (VAL), which are identified as overlays on the Planning Maps. The identification of these landscapes is in response to section 6(b) of the RMA, which requires outstanding natural features and landscapes to be protected from inappropriate subdivision, use and development, and to sections 7(c) and (f) of the RMA, which requires amenity values and the quality of the environment to be maintained and enhanced.

These overlays apply to areas which have been assessed and identified as having high levels of biophysical, sensory or associative landscape values, which makes them either outstanding (ONF or ONL) or deserving of identification as a VAL. These overlays also include land which provides habitat to indigenous flora or fauna, areas which have highly legible geological features, and sites that are of significance to mana whenua. The process supporting the identification of these overlays and the associated values is described in the Landscape and Coastal Natural Character Assessment, June 2020.

The District's ONLs are identified in SCHED8 — Schedule of outstanding natural landscapes and ONFs are identified in SCHED9 — Schedule of outstanding natural features which commonly have a high degree of naturalness. VALs are identified in SCHED10 — Schedule of visual amenity landscapes and tend to be more modified landscapes, with high aesthetic and scenic values.

The rules in this chapter set out how activities are managed in these overlays. The policies and matters of discretion provide direction on the criteria against which proposals requiring resource consent must be assessed. A non-complying activity status has been used where activities are not considered appropriate within these overlays, in particular where activities will have a significant impact on the identified values.

The rules within this chapter also apply to regionally significant infrastructure and other infrastructure. However, the objectives and policies of both this chapter and the Energy and Infrastructure chapter apply to the consideration of any resource consent required under the rules in this chapter for regionally significant infrastructure and other infrastructure.

Objectives

NFL-O1	Outstanding Natural Features and Outstanding Natural Landscapes
The landscape values <u>and characteristics</u> ¹ of the Outstanding Natural Features and Outstanding Natural Landscapes of the Timaru District are protected from inappropriate subdivision, use and development.	
NFL-O2	Visual Amenity Landscapes
The landscape <u>values and</u> character istics and visual amenity values ² of the visual amenity landscapes of the Timaru District are maintained or enhanced.	

Policies

NFL-P1	Identification of Outstanding Natural Features, Outstanding Natural Landscapes and Visual Amenity Landscapes
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¹ Clause 16(2).

² Te Rūnanga o Ngāi Tahu [185.81] - Statement of Rachael Pull, Appendix A.

Identify the District's landscapes by:

1. assessing the values and characteristics of the District's landscapes according to the following criteria:
 - a. biophysical (abiotic, biotic); and
 - b. sensory (legibility, naturalness, vividness, coherence, aesthetic, transient values); and
 - c. associative (shared and recognised values, mana whenua values, historic heritage associations); and
2. identifying landscapes, based on their values and characteristics, on the planning maps as Outstanding Natural Features, Outstanding Natural Landscapes or Visual Amenity Landscapes; and
3. describing the values and characteristics of each Outstanding Natural Feature, Outstanding Natural Landscape or Visual Amenity Landscapes within SCHED8 — Schedule of Outstanding Natural Landscapes and SCHED9 — Schedule of Outstanding Natural Features.

NFL-P2

Enabling appropriate use and development

Enable certain activities in Visual Amenity Landscapes, Outstanding Natural Features and Outstanding Natural Landscapes, including buildings and structures associated with existing non-intensive³ primary production, small scale earthworks, maintenance of existing tracks and fences, operation and maintenance of regionally significant infrastructure,⁴ and underground utilities, that are consistent with:

1. protecting the identified values and characteristics of the Outstanding Natural Landscapes and Outstanding Natural Features described in SCHED8 — Schedule of Outstanding Natural Landscapes and SCHED9 — Schedule of Outstanding Natural Features; and
2. maintaining or enhancing the identified values and characteristics of the Visual Amenity Landscapes described in SCHED10 — Schedule of Visual Amenity Landscapes.

NFL-P3

Maintaining and enhancing Visual Amenity Landscapes

Only allow subdivision, use and development within visual amenity landscapes, that is not provided for⁵ in NFL-P2, where it can be demonstrated⁶:

1. how the identified values and characteristics of the visual amenity landscapes described in SCHED10 — Schedule of visual amenity landscapes will be maintained or enhanced; and
2. that the capacity of the landscape has the capacity to absorb the change; and
3. that the proposal can be visually integrated into the landscape and will not break the skyline or ridgelines; or
- X. for Regionally Significant Infrastructure, that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure, or for the National Grid, EI-PX Managing adverse effects of the National Grid^{7,8}.

while taking into account:

4. the scale of modification to the landscape; and
5. any potential cumulative effects; and
6. the measures proposed to mitigate the effects on the values and characteristics, including the location, design, scale and finish of any buildings or structures or earthworks, and landscaping; and
7. ~~EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure.~~⁹

NFL-P4

Protecting Outstanding Natural Features and Outstanding Natural Landscapes

³ Federated Farmers [182.124]

⁴ Waka Kotahi [143.90]

⁵ Clause 16(2)

⁶ Clause 16(2)

⁷ Transpower [159.79]

⁸ Transpower [159.79]

⁹ Transpower [159.79]

Avoid subdivision, use and development within outstanding natural features and outstanding natural landscapes that area¹⁰ not provided in NFL-P2, unless it:

1. demonstrates how the identified values and characteristics of the outstanding natural landscapes and outstanding natural features described in SCHED8 — Schedule of outstanding natural landscapes and SCHED9 — Schedule of outstanding natural features will be protected; and
2. is located within a part of the outstanding natural feature or outstanding natural landscape that has capacity to absorb change; and
3. can be visually integrated into the landscape and will not break the skyline or ridgelines; and
4. will maintain natural landforms, natural processes and vegetation areas and patterns, or
- X. is regionally significant infrastructure, and it is demonstrated that adverse effects are managed in accordance with EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure, or for the National Grid, EI-PX Managing adverse effects of the National Grid^{11, 12}

while taking into account:

5. the scale of modification to the landscape; and
6. any potential cumulative effects; and
7. the measures proposed to mitigate the effects on the values and characteristics, including:
 - a. the location, design and scale of any buildings or structures, or earthworks; and
 - b. the intensity of any activity; and
 - c. the finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing; and
 - d. ~~EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure.~~

Rules

Note: Activities not listed in the rules of this chapter are classified as a permitted under this chapter. For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

NFL-R1	Buildings, structures (other than fences) and irrigators and associated earthworks
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¹⁰ Dir. General Conservation [166.60]

¹¹ Transpower [159.79]

¹² Waka Kotahi [143.91], Transpower [159.80]

<p>1. ONF overlay ONL overlay</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The building or structure is either:</p> <ol style="list-style-type: none"> 1. a farm building or structure associated with an existing non-intensive primary production <u>activity</u>¹³, including residential units permitted in the applicable zones, and including earthworks associated with the building/structure; or 2. a public amenity building, including earthworks associated the building; or <p>PER-2 The structure is an irrigator that is not a travelling, mobile or pivot irrigator; and</p> <p>PER-3 The activity does not require the clearance of any indigenous vegetation.¹⁴</p> <p>PER-4 NFL-S1, NFL-S2, NFL-S3, NFL-S4 and NFL-S5 are complied with.</p> <p><u>This rule does not apply to temporary buildings and structures within the beds of rivers.</u>¹⁵</p>	<p>Activity status when compliance not achieved with either of PER-1 or PER-2 or PER-3¹⁶: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 The activity is located within a holiday huts precinct; or</p> <p>RDIS-2 The structure is an¹⁷ irrigator; <u>or.</u></p> <p>RDIS-3 <u>The building or structure does not comply with NFL-S2.1.3, but is not located at any point above 900m above sea level.</u></p> <p>For RDIS-1, matters of discretion are limited to:</p> <ol style="list-style-type: none"> 1. the scale, design and form of the building or structure; and 2. the consistency of the building of the structure with the character and qualities of the Holiday hut precinct. 3. the impact of the development on views from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point; and 4. the extent to which the proposal will result in potential for adverse cumulative effects; and 5. the extent the proposal is consistent with maintaining the qualities of the Outstanding Natural Feature or Outstanding Natural Landscape as described in SCHED8 — Schedule of outstanding natural landscapes or SCHED9 — Schedule of outstanding natural features; and 6. any mitigation measures proposed.
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¹³ Federated Farmers [182.127]

¹⁴ Federated Farmers [182.127]

¹⁵ Rooney Holdings [174.2], Rooney, GJH [191.2], RDRML [234.1], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

¹⁶ Federated Farmers [182.127]

¹⁷ Clause 16(2)

For RDIS-2, matters of discretion are limited to:

1. the extent the proposal is consistent with maintaining the qualities of the outstanding natural feature or outstanding natural landscape as described in SCHED8 — Schedule of outstanding natural landscapes or SCHED9 — Schedule of outstanding natural features; and
2. any alternative options or locations available; and
3. the impact of the development on views from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point; and
4. the extent to which the proposal will result in potential for adverse cumulative effects; and
5. the extent to which the proposal has functional or operational needs for its location; and
6. any mitigation measures proposed.

For RDIS-3, matters of discretion are limited to:

1. the extent the proposal is consistent with maintaining the qualities of the outstanding natural feature or outstanding natural landscape as described in SCHED8 — Schedule of outstanding natural landscapes or SCHED9 — Schedule of outstanding natural features; and
2. whether the proposal will visually integrate into the landscape; and
3. the appropriateness of the scale, form, design and finish (materials and colours) proposed; and
4. any alternative options or locations available; and
5. the impact of the development on views from public places and roads (including unformed legal roads), ease of accessibility to

		<p><u>that place, and the significance of the view point; and</u></p> <p>6. <u>the extent to which the proposal will result in potential for adverse cumulative effects; and</u></p> <p>7. <u>the extent to which the proposal has functional or operational needs for its location; and</u></p> <p>8. <u>any mitigation measures proposed.</u></p> <p>Activity status when compliance not achieved with PER-4, or neither RDIS-1, or RDIS-2 or RDIS-3: Non-complying</p>
<p>2. VAL overlay but excluding¹⁸ the area of VAL-3 Geraldine Downs that is within the Rural lifestyle zone</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The building or structure is either:</p> <ol style="list-style-type: none"> 1. a farm building / structure / irrigator associated with an existing non-intensive primary production <u>activity</u>¹⁹, including residential units, and including earthworks under the building/structure; or 2. a public amenity building, including earthworks under the building; and <p>PER-2 NFL-S1, NFL-S2, NFL-S3, NFL-S4 and NFL-S5 are complied with.</p> <p><u>This rule does not apply to temporary buildings and structures within the beds of rivers.</u>²⁰</p>	<p>Activity status when compliance is not achieved with PER-2: Restricted Discretionary</p> <p>Matters of discretion are limited to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard. <p>Activity status when compliance is not achieved with PER-1: Discretionary</p>
<p>3. The area of VAL-3 Geraldine Downs that is within the Rural lifestyle zone</p>	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 NFL-S1, NFL-S2, NFL-S3, NFL-S4 and NFL-S5 are complied with.</p> <p>Matters of discretion are limited to:</p>	<p>Activity status when compliance is not achieved with RDIS-1: Restricted Discretionary</p> <p>Matters of discretion are limited to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard; and 2. matters of discretion listed for RDIS-1.

¹⁸ Clause 16(2)

¹⁹ Federated Farmers [182.127]

²⁰ Rooney Holdings [174.2], Rooney, GJH [191.2], RDRML [234.1], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

	<ol style="list-style-type: none"> 1. effects on the identified values and characteristics for the visual amenity landscape described in SCHED10 — Schedule of visual amenity landscapes; and 2. any alternative locations or controls available; and 3. the matters of discretion of any relevant standard; and 4. any mitigation measures proposed. <p><u>This rule does not apply to temporary buildings and structures within the beds of rivers.</u>²¹</p>	
NFL-R2	Earthworks not listed in NFL-R1, NFL-R3 or NFL-R4	
1. ONF overlay ONL overlay	Activity status: Permitted Where: PER-1 The earthworks are for the purpose of maintenance and repair of any of the following: <ol style="list-style-type: none"> 1. existing fencing; or 2. existing farm tracks; or 3. existing walking/cycling tracks; or 4. existing roads; or 5. existing reticulated stock water systems including water troughs; or 6. existing natural hazard mitigation works; or <u>7. existing rock weirs; or</u> PER-2 The earthworks are for the purpose of sealing existing roads; and PER-3 NFL-S6 is complied with. <u>This rule does not apply to earthworks within the beds of rivers.</u> ²²	Activity status when compliance not achieved: Discretionary <u>Note: Where the earthworks are also located within the wāhi tūpuna overlay, engagement with Te Rūnanga o Arowhenua should be undertaken to understand the effects of the activity on the identified values of the site or area.</u> ²³
2. VAL overlay	Activity status: Permitted Where:	Activity status when compliance is not achieved with PER-3: Restricted Discretionary

²¹ Rooney Holdings [174.2], Rooney, GJH [191.2], RDRML [234.1], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

²² Rooney Holdings [174.2], Rooney, GJH [191.2], RDRML [234.1], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

²³ Clause 10(2)(b) relating to Westgarth et al [200.7] – Ms White Recommendation - Hearing E

	<p>PER-1 The earthworks are for the purpose of maintenance and repair of any of the following:</p> <ol style="list-style-type: none"> 1. existing fencing; or 2. existing farm tracks; or 3. existing walking/cycling tracks; or 4. existing roads; or 5. existing reticulated stock water systems including troughs; or 6. existing natural hazard mitigation works; or <p>PER-2 The earthworks are for the purpose of sealing existing roads; and</p> <p>PER-3 NFL-S6 is complied with.</p> <p><u>This rule does not apply to earthworks within the beds of rivers.</u>²⁴</p>	<p>Matters of discretion are limited to:</p> <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard. <p>Activity status when compliance is not achieved with either PER-1 or PER-2: Discretionary</p> <p><u>Note: Where the earthworks are also located within the wāhi tūpuna overlay, engagement with Te Rūnanga o Arowhenua should be undertaken to understand the effects of the activity on the identified values of the site or area.</u>²⁵</p>
NFL-R3	Network utilities including associated earthworks	
<p>1.</p> <p>ONF overlay</p> <p>ONL overlay</p> <p>VAL overlay²⁶</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The work involves the maintenance, upgrading or removal of existing network utilities; or</p> <p>PER-2 The installation of new or upgrading of underground network utilities where:</p> <p>1. within the ONF and ONL overlays, the installation does not include more than 1,000m² of temporary trenching / earthworks; and</p> <p>2. within the VAL overlay, the installation does not include more than 1,500m² of temporary trenching / earthworks in any 12-month period; and or</p>	<p>Activity status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion restricted to:</p> <ol style="list-style-type: none"> 1. the height, size, scale, external colour/finish, reflectivity and design of the network utility building, structure, or above ground utility line and support structure; and 2. the proposed location of the network utility building, structure or above ground network utility line and support structure and earthworks, specifically in relation to their impact on any landscape values; and 3. effects on landscape values, and qualities of the visual amenity landscape, outstanding natural feature or outstanding natural landscape as described in SCHED8 — Schedule of outstanding natural landscapes <u>or</u>;

²⁴ Rooney Holdings [174.2], Rooney, GJH [191.2], RDRML [234.1], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

²⁵ Clause 10(2)(b) relating to Westgarth et al [200.7] – Ms White Recommendation - Hearing E

²⁶ Connexa [176.73, 176.74, 176.75], Spark [208.73, 208.74, 208.75], Chorus [209.73, 209.74, 209.75], Vodafone [210.73, 210.74, 210.75] - Evidence of Tom Anderson, paras 12 – 25.

	<p>3. the installation does not require the clearance of any indigenous vegetation.²⁷</p> <p>PER-3 Telecommunications activities which are located within formed road reserve, where:</p> <ol style="list-style-type: none"> 1. the height of any pole does not exceed 8m; and 2. any panel antenna is no higher than 3.5m above the height of the pole; and 3. NFL-S5 is complied with.²⁸ <p>PER-2 of this rule does not apply to network utilities within the beds of rivers.²⁹</p>	<p>SCHED9 — Schedule of outstanding natural features or SCHED10 — Schedule of visual amenity landscapes; and</p> <ol style="list-style-type: none"> 4. alternative location and/or routes and designs available; and 5. any operational needs or functional needs or constraints; and 6. the benefits that the network utility provides to the local community and beyond; and 7. Mitigation measures.
<p>2.</p> <p><u>VAL overlay</u></p>	<p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u> The work involves the maintenance, upgrading or removal of existing network utilities; or</p> <p><u>PER-2</u> The installation of new or upgrading of underground network utilities where the installation does not include more than 1,500m² of temporary trenching / earthworks in any 12-month period; or</p> <p><u>PER-3</u> Telecommunications activities, where:</p> <ol style="list-style-type: none"> 1. the height of any pole and attached antenna (excluding lightning rods or GPS antenna) does not exceed 13m in any Rural Lifestyle Zone or 20m in any General Rural Zone; and 2. the diameter of the pole and all attachments does not exceed 1m; and 3. NFL-S5 is complied with.³⁰ <p>PER-2 of this rule does not apply to</p>	<p><u>Activity status when compliance not achieved: Restricted Discretionary</u></p> <p><u>Matters of discretion restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>the height, size, scale, external colour/finish, reflectivity and design of the network utility building, structure, or above ground utility line and support structure; and</u> 2. <u>the proposed location of the network utility building, structure or above ground network utility line and support structure and earthworks, specifically in relation to their impact on any landscape values; and</u> 3. <u>effects on landscape values, and qualities of the visual amenity landscape as described in SCHED10 — Schedule of visual amenity landscapes; and</u> 4. <u>alternative location and/or routes and designs available; and</u> 5. <u>any operational needs or functional needs or constraints; and</u> 6. <u>the benefits that the network utility provides to the local community and beyond; and</u> 7. <u>Mitigation measures.</u>

²⁷ Clause 10(2)(b) relating to Federated Farmers [182.127]

²⁸ Connexa [176.73, 176.74, 176.75], Spark [208.73, 208.74, 208.75], Chorus [209.73, 209.74, 209.75], Vodafone [210.73, 210.74, 210.75]

²⁹ Rooney Holdings [174.2], Rooney, GJH [191.2], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

³⁰ Connexa [176.73, 176.74, 176.75], Spark [208.73, 208.74, 208.75], Chorus [209.73, 209.74, 209.75], Vodafone [210.73, 210.74, 210.75] - Evidence of Tom Anderson, paras 12 – 25.

	<u>network utilities within the beds of rivers.</u> ³¹	
NFL-R4	Construction of fences, including earthworks	
ONF overlay	Activity status: Permitted	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion restricted to: <ol style="list-style-type: none"> 1. the matters of discretion of any infringed standard; and 2. effects on landscape values, and qualities of the visual amenity landscape, outstanding natural feature or outstanding natural landscape as described in SCHED8 — Schedule of outstanding natural landscapes, SCHED9 — Schedule of outstanding natural features or SCHED10 — Schedule of visual amenity landscapes; and
ONL overlay	Where:	
VAL overlay	<p>PER-1 The fence is a post and wire, <u>or post and netting</u>³² fence; and</p> <p>PER-2 There is no clearance of indigenous vegetation associated with the construction of the fence; and³³</p> <p>PER-3 NFL-S6 is complied with.</p>	

³¹ Rooney Holdings [174.2], Rooney, GJH [191.2], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

³² Zolve [164.5], Federated Farmers [182.130]

³³ Clause 10(2)(b) relating to Federated Farmers [182.127]

		<p>3. alternative designs, options or locations available; and</p> <p>4. any mitigation measures.</p>
NFL-R5	Tree planting, other than plantation forestry	
<p>1. ONF overlay</p> <p>ONL overlay</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The tree planting is for amenity planting and is located within 100m of an existing residential unit; or</p> <p>PER-2 The tree planting is of indigenous species and for restoration or conservation purposes.</p>	<p>Activity status when compliance not achieved: <u>Controlled</u>³⁴</p> <p><u>Where:</u></p> <p><u>CON-1</u> <u>The tree planting is for a shelterbelt within ONL-1 (Upper Rangitata Catchment) and is located below 500m above sea level.</u></p> <p><u>Matters of control are restricted to:</u></p> <p><u>1. effects on landscape values, and qualities of the outstanding natural feature or outstanding natural landscape as described in SCHED8 – Schedule of outstanding natural landscapes, SCHED9 – Schedule of outstanding natural features; and</u></p> <p><u>2. measures proposed to control any potential wilding spread.</u></p> <p><u>Activity status where compliance not achieved with CON-1: Restricted Discretionary</u></p> <p><u>Matters of discretion restricted to:</u></p> <p>1. effects on landscape values, and qualities of the outstanding natural feature or outstanding natural landscape as described in SCHED8 — Schedule of outstanding natural landscapes, SCHED9 — Schedule of outstanding natural features; and</p> <p>2. alternative planting options and locations available.</p>
<p>2. VAL overlay</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The tree planting is for amenity planting and is located within 100m of an existing residential unit; or</p> <p>PER-2</p>	<p>Activity status when compliance not achieved : Controlled</p> <p>Where</p> <p>CON-1 The tree planting is for erosion control or shelterbelts.</p> <p>Matters of control are restricted to:</p>

³⁴ Federated Farmers [182.131]

	The tree planting is of indigenous species and for restoration or conservation purposes.	<ol style="list-style-type: none"> 1. effects on landscape values, and qualities of the visual amenity landscape as described in SCHED10 — Schedule of Visual Amenity Landscapes; and 2. alternatives locations or species available. <p>Activity status when compliance not achieved with CON-1: Restricted Discretionary</p> <p>Matters of discretion restricted to:</p> <ol style="list-style-type: none"> 1. effects on landscape values, and qualities of the visual amenity landscape, as described in SCHED10 — Schedule of Visual Amenity Landscapes; and 2. alternative planting options and locations available.
NFL-R6	Primary production not listed in the Rules section of this chapter	
1. ONF overlay³⁵	<p>Note: Associated buildings and structures are provided in NFL-R1.</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The activity does not require the clearance of any indigenous vegetation.³⁶</p> <p>PER-2 The activity does not introduce any: <ol style="list-style-type: none"> 1. new areas of irrigation beyond those existing as of 22 September 2022, and/or 2. new areas of cultivation (by direct drilling, ploughing, discing, topdressing or oversowing or otherwise) beyond those existing as of 22 September 2022. </p>	<p>Activity status when compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The effects on landscape values, and qualities of the visual amenity landscape,³⁷ outstanding natural feature or outstanding natural landscape as described in SCHED8 — Schedule of outstanding natural landscapes and SCHED9 — Schedule of outstanding natural features; and 2. any mitigation measures. <p>Activity status when compliance not achieved with PER-2: Non-complying</p>
2. ONF overlay³⁸	<p>Note: Associated buildings and structures are provided in NFL-R1.</p>	Activity status where compliance not achieved with PER-1: Non-complying

³⁵ Federated Farmers [182.132]

³⁶ Clause 10(2)(b) relating to Federated Farmers [182.127]

³⁷ Clause 16(2)

³⁸ Federated Farmers [182.132]

	<p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u> <u>The activity does not introduce any:</u></p> <ol style="list-style-type: none"> <u>1. new areas of irrigation beyond those existing as of 22 September 2022, and/or</u> <u>2. new areas of cultivation (by direct drilling, ploughing, discing, topdressing or oversowing or otherwise) beyond those existing as of 22 September 2022</u> 	
NFL-R7	Afforestation	
1. VAL overlay	<p>Activity status: Controlled</p> <p>Matters of control are restricted to:</p> <ol style="list-style-type: none"> <u>1. the effects on visual amenity landscape values, and qualities of the Visual Amenity Landscape described in SCHED10 — Schedule of visual amenity landscapes, including any future effects from plantation forestry activities; and</u> <u>2. the location and extent of the afforestation; and</u> <u>3. any mitigation measures.³⁹</u> 	Activity status when compliance not achieved: Not applicable
2. ONF overlay ONL overlay	Activity status: Non-complying	Activity Status when compliance not achieved: Not applicable
NFL-R8	New roads, farm tracks and walking and cycling tracks	
ONF overlay ONL overlay VAL overlay	<p>Activity status: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <u>1. effects on landscape values, and qualities of the Visual Amenity Landscape, Outstanding Natural Feature or Outstanding Natural Landscape as described in SCHED8 — Schedule of outstanding natural landscapes, SCHED9 — Schedule of Outstanding Natural Features or SCHED10 — Schedule of visual amenity landscapes; and</u> <u>2. alternative routes and designs available; and</u> 	Activity status when compliance not achieved: Not applicable

³⁹ Port Blakely [94.11]

	3. any mitigation measures. ⁴⁰	
NFL-R9	Subdivision <u>(excluding boundary adjustments)</u> ⁴¹	
ONF overlay	Activity status: Discretionary	Activity status when compliance not achieved: Not applicable
ONL overlay		
VAL overlay		
NFL-R10	Mining and quarrying	
ONF overlay	Activity status: Non-complying <u>This rule does not apply to mining and quarrying within the beds of rivers.</u> ⁴² <u>Note: Where the mining or quarrying is located within the wāhi tūpuna overlay, engagement with Te Rūnanga o Arowhenua should be undertaken to understand the effects of the activity on the identified values of the site or area.</u> ⁴³	Activity status when compliance not achieved: Not applicable
ONL overlay		
VAL overlay		

Standards

NFL-S1	Maximum height	
1. ONF overlay	The maximum height of buildings and structures, above ground level shall be 5m.	Matters of discretion restricted to: Not applicable
ONL overlay		
2. VAL overlay	The maximum height of buildings and structures, above ground level shall be: <ol style="list-style-type: none"> 8m for farm buildings and structures; or 8m for any residential unit in VAL-3 <i>Geraldine Downs</i>; or 5m for any other building or structure. 	Matters of discretion restricted to: <ol style="list-style-type: none"> whether the proposal is consistent with maintaining or enhancing the qualities of the visual amenity landscape described in SCHED10 — Schedule of visual amenity landscapes; and whether the proposal will visually integrate into the landscape; and

⁴⁰ Rooney Holdings [174.38], Federated Farmers [182.133], Rooney, GJH [191.38], Rooney Group [249.38], Rooney Farms [250.38], Rooney Earthmoving [251.38], TDL [252.38]

⁴¹ Rooney Holdings [174.39], Rooney, GJH [191.39], Rooney Group [249.39], Rooney Farms [250.39], Rooney Earthmoving [251.39], TDL [252.39] - Evidence of Nathan Hole, paras 49 - 52.

⁴² Rooney Holdings [174.2], Rooney, GJH [191.2], Rooney Group [249.2], Rooney Farms [250.2], Rooney Earthmoving [251.2], TDL [252.2]

⁴³ Clause 10(2)(b) relating to Westgarth et al [200.7] – Ms White Recommendation - Hearing E

		<ol style="list-style-type: none"> 3. the appropriateness of the scale, form, and design proposed; and 4. any alternative options or locations available; and 5. the extent to which the proposal will result in adverse cumulative effects; and 6. the extent to which the proposal has functional needs or operational needs for its height; and 7. any mitigation measures.
NFL-S2	Location of buildings, structures and irrigators	
1. ONF overlay ONL overlay	Buildings and structures within ONF and ONL overlays shall not be located: <ol style="list-style-type: none"> 1. within a 20m vertical or 100m horizontal distance of any ridgeline; or 2. <u>for structures, at any point above 900m above sea level; or</u> 3. <u>for buildings, at any point above 500m above sea level</u>⁴⁴. 	Matters of discretion restricted to: Not applicable
2. VAL overlay	Buildings, structures and irrigators within VAL shall not be located: <ol style="list-style-type: none"> 1. within a 20m vertical or 100m horizontal distance of any ridgeline; or 2. at any point above 900m above sea level. 	Matters of discretion restricted to: <ol style="list-style-type: none"> 1. whether the proposal is consistent with maintaining or enhancing the qualities of the visual amenity landscape described in SCHED10 — Schedule of visual amenity landscapes; and 2. whether the proposal will visually integrate into the landscape; and 3. the appropriateness of the scale, form, design and finish (materials and colours) proposed; and 4. any alternative options or locations available; and 5. the extent to which the proposal will result in adverse cumulative effects; and 6. the extent to which the proposal has functional or operational needs for its location; any 7. mitigation measures.
NFL-S3	Proximity of new residential units, farm buildings and structures to existing buildings	
1. ONF overlay ONL overlay	New residential units, farm buildings and structures must be located within 50m of an existing farm building or residential unit.	Matters of discretion restricted to: Not applicable
2. VAL overlay	New residential units, farm buildings and structures must be located within 100m of an existing farm building or residential unit.	Matters of discretion restricted to: <ol style="list-style-type: none"> 1. whether the proposal is consistent with maintaining or enhancing the qualities of

⁴⁴ Frank, H [90.16]

		<p>the visual amenity landscape described in SCHED10 — Schedule of visual amenity landscapes; and</p> <ol style="list-style-type: none"> whether the proposal will visually integrate into the landscape; and the appropriateness of the scale, form, design and finish (materials and colours) proposed; and any alternative options or locations available; and the extent to which the proposal will result in adverse cumulative effects; and the extent to which the proposal has functional or operational needs for its location; and any mitigation measures.
NFL-S4	Footprint of buildings and structures and length of irrigators	
1. ONF overlay ONL overlay	<ol style="list-style-type: none"> The maximum footprint of any building or structure shall be: <ol style="list-style-type: none"> 40m² for public amenity buildings; 300m² for farm buildings or residential units; and 100m² for any other building or structure. 	Matters of discretion restricted to: Not applicable
2. VAL overlay	<ol style="list-style-type: none"> The maximum footprint of any building or structure shall be: <ol style="list-style-type: none"> 40m² for public amenity buildings; 500m² for farm buildings or residential units; and 200m² for any other building or structure. 	Matters of discretion restricted to: <ol style="list-style-type: none"> whether the proposal is consistent with maintaining or enhancing the qualities of the visual amenity landscape described in SCHED10 — Schedule of visual amenity landscapes; and whether the proposal will visually integrate into the landscape; and the appropriateness of the scale, form and design proposed; and any alternative options or locations available; and the extent to which the proposal will result in adverse cumulative effects; and the extent to which the proposal has functional or operational needs for its scale; and any mitigation measures.
NFL-S5	Colours and materials	
1. ONF overlay ONL overlay	The exterior surfaces of buildings and structures shall be constructed of materials and/or finished in a manner which achieves a light reflectance value not greater than 30%.	Matters of discretion restricted to: Not applicable

2. VAL overlay	The exterior surfaces of buildings and structures shall be constructed of materials and/or finished in a manner which achieves a light reflectance value not greater than 30%, <u>except that this standard shall not apply to any farm buildings and structures using unpainted corrugated iron.</u> ⁴⁵	Matters of discretion restricted to: 1. whether the proposal is consistent with maintaining or enhancing the qualities of the visual amenity landscape described in SCHED10 — Schedule of visual amenity landscapes; and 2. whether the proposal will visually integrate into the landscape; and 3. the appropriateness of the finish (materials and colours) proposed.
NFL-S6	Earthworks	
1. ONF overlay ONL overlay	Earthworks shall comply with all of the following: 1. the depth of the earthworks shall not exceed 42 ⁴⁶ m below the original surface of the ground; and 2. the depth of fill shall not exceed 1m above the original surface of the ground; and 3. the area of the earthworks shall not exceed 1,000m ² in any 12 month period.	Matters of discretion restricted to: Not applicable
2. VAL overlay	Earthworks shall comply with all of the following: 1. the depth of the earthworks shall not exceed 42 ⁴⁷ m below the original surface of the ground; and 2. the depth of fill shall not exceed 1m above the original surface of the ground; and 3. the area of the earthworks shall not exceed 1,500m ² ; in any 12 month period and 4. there shall be no change from unsealed surfacing of roads and tracks to sealed surfaces.	Matters of discretion restricted to: 1. the location, design, scale, timing and nature of any earthworks; and 2. the visibility of the earthworks on views from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point; and 3. whether the proposal is consistent with maintaining the qualities of the visual amenity landscape described in SCHED10 — Schedule of visual amenity landscapes; and 4. any alternative options or locations available; and 5. the any proposed mitigation measures.

⁴⁵ Rooney Holdings [174.42], Rooney, GJH [191.42], Rooney Group [249.42], Rooney Farms [250.42], Rooney Earthmoving [251.42], TDL [252.42]

⁴⁶ TDC [42.36]

⁴⁷ Clause 10(2)(b) relating to TDC [42.36]

APPENDIX C

Response to Specific Directions / Questions in Minute 24 - Sites and Areas of Significance to Māori and Māori Purpose Zone - Hearing E

Item	Direction	Officer's Response
(a)	<p>To assist the Panel in understanding how the SASM rules relate to the other provisions in the Plan to collectively regulate activities within SASM, and to determine what is the most appropriate, effective and efficient regulatory tool, please provide a comparative table that identifies and compares the SASM rules (both as notified and as recommended) in relation to:</p> <ul style="list-style-type: none"> - All other relevant zone rules in the Plan; - All other relevant overlay rules in the Plan; and - All other relevant district-wide rules in the Plan. 	<p>The comparison of SASM rules – as notified and with changes recommended in the s42A report - with other relevant rules in the PDP is set out in Appendix D.</p> <p>Red text is used in the comparison tables to distinguish the notified provisions from changes recommended in a s42A Report. For each activity managed in the SASM Chapter, the rules from other chapters that manage the same activity, and which are considered to be potentially relevant are set out. This includes areas (e.g. riparian margins) or overlays (e.g. ONLs and the Coastal Environment Overlay) which overlap spatially with SASMs. However, overlays which are not considered to have any relationship with SASM values have not been included (e.g. hazard overlays).</p>
(b)	<p>Provide a table that outlines the Canterbury Land and Water Plan (CLWP) rules that apply to SASM. Identify overlaps between the notified provisions, and your recommended changes to the PDP and the CLWP.</p>	<p>The comparison of SASM rules – as notified and with changes recommended in the s42A report - with rules in the CLWRP that manage the same activity, is set out in Appendix E. This was prepared in conjunction with Ms Deidre Francis from Environment Canterbury.</p> <p>This has not identified any additional overlaps (beyond those already addressed in the s42A Report) which I consider warrant further changes to the SASM Chapter.</p>
(c)	<p>In relation to (a) and (b) above, identify any gaps that may exist in</p>	<p>Having considered the comparisons in Appendices D & E, I have not identified any gaps existing in the PDP.</p> <p>I have however identified a conflict between the quarrying and mining rules in the GRUZ and in SASM-R5. Specifically, GRUZ-R16 permits quarrying and mining activities of up to 2,000m², subject to various conditions. This includes (PER-</p>

Item	Direction	Officer's Response
	terms of activities that should be managed within SASM.	2) that the quarry is not within 50m of a rock art site. However, under SASM-R5.2 (SASM-R5.3 as notified) quarrying and mining within mapped rock art areas (SASM8 and SASM9) - which as discussed earlier encompasses a wider 300m buffer around the rock art sites - is a non-complying activity. GRUZ-R16 PER-2 will therefore always be superseded by SASM-R5.2. To avoid confusion, I recommend that GRUZ-R16 PER-2 is deleted using clause 16(2).
(d)	<p>In relation to Appendices 5A and 5B of the s42A Report:</p> <ul style="list-style-type: none"> - Outline the context in which these were prepared. Specifically, were they prepared as part of an informed Plan Change 7 to the CLWP, and if so, how were they considered in the decision? - Please provide an explanation of how Appendices 5A and 5B were used to inform your recommendations. Specifically, how you applied them in the context of the Proposed Timaru District Plan, and what parts of these reports did you rely on to support your recommendations. What particular parts of Appendices 5A and 5B are you drawing on with respect to your recommendations on how SASM-8 and SASM-9 are managed, including your recommendation to reduce the buffer from 300m to 250m from 	<p>For ease, when referring to the reports that were attached as Appendices 5A and 5B to the s42A Report, I refer to them collectively as the 'Rock Art Reports', but when referring to them individually, I refer to them as the '2018 Guideline'¹ and the '2019 Report'².</p> <p><u>Genesis of Reports</u></p> <p>I have been advised by Treena Davidson (Senior Environmental Policy Advisor at AECL) that the Rock Art Reports were developed as a result of a funding request made to the MBIE Ngā Kete o Te Wānanga: Mātauranga, Science and Freshwater Management. The purpose of the funding request was to undertake work to understand the effects on rock art, which could then inform upcoming plans being developed at both regional and district council level.</p> <p>The 2019 report was also included as part of the supporting information for Plan Change 7 (PC7) to the Canterbury Land and Water Regional Plan (CLWRP) and was used to inform the drafting of the rock art provisions included in PC7. The inclusion of provisions to support rock art in PC7 was a result of the Opihi Temuka Pareora Zone committee process, which recommended, in the 2018 Zone Implementation Programme Addendum, the following:</p> <p>4.3.2 Recommendation: Tuhituhi Neherā Rock Art Sites</p> <p><i>I. The regional council and district councils work with Papatipu Rūnanga to develop provisions in statutory plans that identify and manage actual and potential effects on tuhituhi neherā sites from the taking, use, damming, diversion or discharge of water, the discharge of contaminants, and land use activities.</i></p> <p><i>II. The regional council and district councils work with Papatipu Rūnanga to develop non-statutory measures to protect and enhance tuhituhi neherā sites.</i></p> <p>PC7 introduced Rock Art Management Areas (RAMAs) in the Orari-Temuka-Opihi-Pareora sub-region. In terms of the consideration in the decision on PC7, I was unable to find any discussion relating to this matter in the decision; and it appears that the notified provisions relating to RAMA were largely accepted by the Panel. From the s42A Report, it</p>

¹ Guideline for implementing a land-based taonga risk and vulnerability assessment in the context of freshwater environments: Māori Rock Art. (November 2018). Gyopari, M. & Tipa, G. With contributions from Symon, A. & Scott, J.

² Māori rock art and associated freshwater taonga protection: A sensitivity-based knowledge convergence approach. (2019). Gyopari, M., Symon, A. & Tipa, G.

Item	Direction	Officer's Response
	a rock art site. It would also be helpful to understand what informed Council's decision to notify the plan with a 300m buffer.	<p>does not appear that the mapping of the RAMA was challenged in submissions³. However, I note that additional controls were added to some rules in relation to RAMA, (e.g. 145.17 was extended so that discharge of water or solid or liquid waste associated with the use of land for a farming activity must be outside a RAMA in order for the farming activity to be permitted).</p> <p>I also understand from AECL that the Rock Art Reports were also utilised by the Canterbury Regional Council in conjunction with consultation with the Ngāi Tahu Rock Art Trust to develop a manual for auditors to follow when auditing Farm Environment Plans for properties containing rock art.</p> <p><u>Recommendations for SASM-8 and SASM-9</u></p> <p>The Rock Art Reports identify that Māori rock art sites are intrinsically fragile and can be adversely affected by adjacent land use activities, including water use activities in the vicinity of rock art which can adversely affect both surface condition of vulnerable rock art pigments as well as nearby freshwater ecosystems which form part of the wider cultural landscape.⁴ The Rock Art Reports refer to the following "sensitivity zones" around rock art:</p> <ul style="list-style-type: none"> (a) Geological sensitivity zone - the limestone outcrop areas where rock art is typically located. The 2018 Guideline suggests this is based on a 100m buffer around limestone outcrops⁵; the 2019 Report instead suggests a 200m buffer for this zone <i>"to account for mapping resolution and the fact that art is often applied to detached limestone boulders that have carved off from the face of the outcrop."</i>⁶ The intent of this zone is to provide a broad-scale indicator of areas within which there is a high likelihood of rock art.⁷ (b) Hydrological effects sensitivity zone – an area which is based upon a calculated distance (a 300m radius around known rock art sites) for avoiding the effects of activities such as irrigation, water abstraction and construction activities on the rock art site. It is <i>"based upon calculation of the potential impact of hydrological and hydrogeological impacts associated with irrigation and groundwater abstraction"</i>.⁸ A summary of the modelling underpinning this is provided in the 2019 Report.⁹ The 2019 Report also states that this zone <i>"provides the appropriate specificity to be referenced in planning rules"</i>, with a resource consent pathway enabling an

³ Para 4.73

⁴ 2018 Guideline, page 3; 2019 Report, page 1

⁵ Page 3

⁶ Page 6

⁷ 2018 Guideline, page 3; 2019 Report, pages 6-7

⁸ 2018 Guideline, page 4

⁹ Pages 11-13

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		<p>assessment of the effects of the proposed activity on a rock art site and the identification of methods to protect the rock art.¹⁰</p> <p>(c) Wāhi tūpuna zone - the extent of the immediate cultural landscape and specific freshwater ecosystems intimately associated with a rock art shelter or group of rock art sites.¹¹</p> <p>The Rock Art Reports state that the first two zones are based on scientific evaluation, whereas the third is based on mātauranga Māori.¹² These sensitivity zones are not intended to exclude activities, but rather they provide a planning support tool to ensure that any land or water-related activities are duly assessed to ensure that they do not compromise these culturally significant sites.¹³</p> <p>In terms of specific activities that may affect rock art or wāhi tūpuna, the 2018 Guideline includes an example matrix identifying a number of activities affecting the water table and how these might affect both rock art, as well as the wider wāhi tūpuna freshwater environments and other tangata whenua values.¹⁴ This includes a number of water-based activities which are managed under the regional plan, but also includes forestry, tree clearance, removal or change in vegetation and quarrying activities. The 2019 Report also identifies the vulnerability of rock art sites to various activities, which again includes a number of water-based activities which are managed under the regional plan, but also includes quarrying/excavation and earthmoving activities which can affect groundwater levels, and which may generate dust that adversely affects rock art.¹⁵</p> <p>My understanding of these reports is that:</p> <p>(a) They promote the use of “Zones” or areas around rock art sites as a planning tool to consider activities that may present a threat to rock art sites.</p> <p>(b) They promote the identification of zones based on cultural and biophysical attributes / science and mātauranga Māori.</p>

¹⁰ Page 19

¹¹ 2018 Guideline, pages 4-5; 2019 Report, page 14

¹² 2018 Guideline, page 3; 2019 Report, page 6

¹³ 2018 Guideline, page 5; 2019 Report, page 1

¹⁴ Table 1, pages 9-11.

¹⁵ Page 5.

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		<p>(c) The intent of the zones is not to exclude activities from within these areas, but instead to allow for a more specific assessment of the effects of activities that present a risk to the rock art.</p> <p>(d) The majority of activities identified as presenting a risk fall within the jurisdiction of the regional council, but there are some activities that fall within that of the territorial authority.</p> <p>The Rock Art Reports have informed my recommendations, in terms of my preference for the mapped area to be based on an area surrounding the rock art site, within which a resource consent is triggered for activities which may impact on the rock art within these areas, as well as wider wāhi tūpuna freshwater environment. My recommendation to reduce the buffer was not specifically based on these reports, but based on the decision in Mackenzie District Plan Change 24 to map a 250m area around the rock art sites; in this regard, the reduced area would still function in the same way (as a trigger for consideration of specified activities within the area). However I note that retention of the 300m buffer would be consistent with the mapping in the CLWRP. I am therefore neutral as to whether the mapped extent is retained at 300m to be consistent with the CLWRP, or reduced to 250m for consistency with the Mackenzie District Plan. In terms of how activities are managed within the mapped area, I am relying on the report in relation to the retention of SASM-R8, which controls woodlot and commercial forestry within this area;¹⁶ and SASM-R5, which controls mining and quarrying activities.¹⁷ I note that the evidence of Ms Amanda Symon also further supports the approach taken with respect to afforestation.</p> <p>In terms of what informed Council's decision to notify the plan with a 300m buffer, I note that the methodology for the identification of sites is set out in the AECL Report¹⁸, which in turn references the Rock Art Management Areas mapped in Plan Change 7 to the CLWRP. This infers that the buffer chosen was to align with the CLWRP mapping.</p>
(e)	Wāhi Tapu, Wai Tapu, Wāhi Toaka, Wai Toaka and Wāhi Tupuna are defined and explained in different places across the Plan including the Glossary, SASM Chapter Introduction, SASM Schedule and Mana Whenua Chapter. There does not appear to be consistent language to make it easy for plan users to understand the difference	<p>My understanding is that the glossary provides a brief description or translation of these terms. The glossary itself then refers to the Mana Whenua chapter as providing further explanation for the term (as is the case with a number of terms included in the glossary). The SASM Chapter Introduction then provides a summary of each of these areas, which contains a similar description to that set out in the Mana Whenua Chapter. Within the SASM Schedule, the sites are grouped according to each category, with more specific description, for each individual site, of its type and value. I note that within the schedule, the title for each category of sites is linked to the glossary, which in turn is linked to the Mana Whenua Chapter.</p> <p>I do not consider that there is an inconsistency arising from the use of these terms in the Glossary, Mana Whenua Chapter and SASM Schedule, as they are clearly linked to, and expand on each term, from the broad meaning</p>

¹⁶ 2018 Guideline, Table 1, first row on page 10.

¹⁷ 2019 Report, page 5.

¹⁸ Aoraki Environmental Consultancy Ltd (2020). *Timaru District Plan Review: Report on Sites and Areas of Significance to Māori*, section 4.1

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	well. Please explain and consider whether amendments are recommended for consistency.	<p>(glossary) to an expanded explanation (Mana Whenua Chapter) which includes examples of particular types of sites that fall within each category, and then to a more specific description of each specific site (SCHED6) which sets out which type(s) it is within the wider category.</p> <p>I consider that the description of these areas in the Introduction to the SASM Chapter is broadly consistent with the explanation set out in the Mana Whenua Chapter. However, if the Hearing Panel have concerns about a further explanation being included in the Introduction, paragraphs 3-5 of the Introduction (as notified, now 4-6 as recommended,) could be deleted and replaced with the following:</p> <p><u><i>The sites and areas identified as being significant to Māori have been grouped in the following categories: wāhi tupuna, wāhi taoka, wai taoka, wāhi tapu and wai tapu. More detail on each of these is found in MW2.1.7 and MW2.1.9</i></u></p> <p>I do however note, that the glossary terms for 'wai taoka' and 'wai tapu' refer to MW2.1.7 and MW2.1.9 respectively. The glossary notes for wāhi tapu and wai tapu, that the former is the term used to refer to such places where they are land-based and latter is used to refer to waterways (and the same for wāhi toaka and wai toaka). However, MW2.1.7 and MW2.1.9 only refer to wāhi tapu and wāhi toaka (despite referring within them to examples of sites that are waterway-based). I therefore recommend that MW2.1.7 and MW2.1.9 are expanded to refer to wai taoka and wai tapu, i.e. to change "wāhi taoka" to "wāhi taoka/<u>wai taoka</u>" and "wāhi tapu" to "wāhi tapu/<u>wai tapu</u>" throughout these sections.</p> <p>In terms of s32AA, I consider that this addition will provide greater clarity for plan users.</p>
(f)	When using the EPlan search function, only words with correct use of macrons in Māori words are searchable. The word without the macron is not searchable. This may create a barrier for plan users to fully understand the term, especially given our question in 12(e) above.	Noted. This is expected to be addressed as part of the review of the use of Te Reo Māori in the PDP (refer Row (h) below).
(g)	Consider if your recommendations in relation to the application of rules to SASM located in the riverbed have changed in light of your interim reply recommendations relating to	I note that the Panel also directed (in para 8 of Minute 24) that Mr Lipinski "Review the gap analysis table prepared by Ms White in consultation with counsel for RDRML for Hearing D, and provide a similar analysis for SASM regarding any gaps, and particularly whether the CLWP frameworks enable consideration of cultural values that are protected in the Plan." The analysis undertaken by Mr Lipinski is set out in Table 1 below. I agree with Mr Lipinski that the CLWRP only permits small-scale earthworks. Although the PDP limits the area (rather than volume) of earthworks, I consider the 2,000m ² limit that I have recommended be applied in the PDP to be similar to (or greater than) the volume limit in the CLWRP. I therefore consider that the level of earthworks permitted under the CLWRP will not have a greater impact on SASMs than what I have already recommended. Where a consent pathway is triggered, the application is fully

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	this in the overlays considered in Hearing D.	<p>discretionary, and Mr Lipinski has highlighted relevant objectives and policies that provide direction for consideration of effects on SASMs. I also reviewed those fully discretionary decisions on applications made under the CLWRP that I reviewed as part of the Hearing D comparison exercise. I note that these applications were provided to AECL for comment, that they included an assessment of effects on tangata whenua values, and consent conditions to mitigate potential effects, taking into account comments received from AECL. I therefore consider that there is duplication between the rules in the CLWRP that apply to earthworks in riverbeds and those in the SASM Chapter. I therefore recommend excluding application of SASM-R1 to riverbeds.</p> <p>In terms of s32AA, I consider that excluding the application of SASM-R1 to riverbeds areas will not compromise the achievement of the relevant PDP objectives. This is because the analysis in Table 1 shows how the CLWRP rules and consenting framework contribute to the achievement of these objectives. Avoiding overlap and duplication in the consenting framework will reduce consenting costs for applicants and result in a much more efficient approach.</p>
(h)	Within SASM-O2 and throughout the Plan, reconsider the use of possessive apostrophe – e.g. Kāti Huirapa's; and provide an update on the review of the use of Te Reo in the Plan.	<p>This can be addressed by rewording SASM-O2 as follows:</p> <p><u>Kāti Huirapa's are able to Access to, maintain and use of resources and areas of cultural value by Kāti Huirapa, within identified Sites and Areas of Significance to Kāti Huirapa, for customary use and cultural purposes, is maintained and, where appropriate, enhanced.</u></p> <p>As this change does not alter the effect of what was originally recommended, the previous s32AA (in 8.5.21 of the s42A Report) still applies.</p> <p>I was unable to find any other use of a possessive apostrophe in the PDP provisions.</p> <p>With respect to undertaking a review of the use of Te Reo Māori in the PDP, I understand from Mr Hakkaart that for efficiency reasons, the Council intends to do this review once the decision version of provisions is released by the Hearings Panel. This will allow for any updates made under clause 16(2).</p>
(i)	Are the terms 'customary use' and 'cultural purposes' needed in SASM-P4 and SASM-O2 or are these activities implicit in 'access and use'. (Noting that the phrase is to be deleted in SASM P5). If they are to be included, do they require definition so that it is clear what component activities are	<p>The reason I consider that these activities should be expressly referred to is set out in para 8.5.19 in my s42A Report. I consider that inclusion of these provides greater clarity about the purpose of maintaining and enhancing access and use. This responds (in part) to a number of submitters who raised concerns about the provisions in the SASM Chapter that referred to access to SASMs.</p> <p>The reasons for the recommended deletion of this phrase from SASM-P5 (set out in para 8.6.25 in my s42A Report) is because I consider that access is more appropriately addressed in SASM-P4. I consider it appropriate to add the wording used in SASM-P5.3 as notified, to SASM-P4, because SASM-P5 relates to the ways in which the identified values of SASMs are to be protected; whereas I consider that the maintenance and enhancement of access is more about the ongoing connection with the values of these areas, than it is a method for protecting the values of these</p>

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	encapsulated in SASM-O2 and SASM-P2.	areas. I do not consider that these need to be defined where they are used at the objective and policy level. I do note that how they are given effect to is included in specific provisions in the PDP, for example, through provision for temporary cultural events in SASM-R4 and through provision for indigenous vegetation clearance carried out by Ngāi Tahu whanui for the purposes of mahika kai or other customary uses (SASM-R3 as notified, recommended to be shifted to ECO-R1).		
(j)	Amendment to APP4 – the header on the form still contains the wording that has been recommended to be deleted from the title of the ADP. Does this need to be corrected to achieve consistency?	<p>Yes, this has been corrected in Appendix B. For completeness I note that a consequence of the recommended changes to APP4 itself, that the title to the appendices in the EPlan will also need to be updated as follows:</p> <p>APP4 – Form confirming a commitment to adhering to an Accidental Discovery Protocol</p>		
(k)	Regarding paragraph 8.13.14 of the s42A Report - is it appropriate to include an exception into a definition rather than the provisions that use the definition? Is the term 'but' required in the last sentence of the recommended change to the definition? Note also that the e-definition of 'temporary event' is incorrectly spelt. Does there need to be a definition of 'temporary cultural event'?	<p>As noted in the s42A report, I have considered the proposed amendment to the definition only insofar as it relates to submissions on the rule relating to this definition in the SASM Chapter. The broader application of the definition has now been considered further in Hearing F, as the definition has a bearing on other provisions. However, no substantive changes have been recommended to this definition that affect my previous recommendation.</p> <p>While I do not have a general concern with an exception being provided in a definition, I consider that it in this instance – where the exception only applies to one rule - it will be easier for plan users if the exception is within the rule itself.</p> <p>With respect to the need for a definition of 'temporary cultural event', I consider the following definition would be appropriate, based on advice I have received from Ms Hall from AECL. In combination with the definition, I consider it appropriate to delete “<i>undertaken in accordance with tikanga</i>” from within PER-1 itself, as set out in the recommended changes to SASM-R4 below:</p> <table><tr><td><u>TEMPORARY CULTURAL EVENT</u></td><td><u><i>means an event undertaken by Kāti Huirapa in accordance with tikanga, which relates to the expression of Māori culture and the relationship that Kāti Huirapa have with places of customary importance, and includes Mahika kai activities and ceremonial activities.</i></u></td></tr></table> <p>As the use of the term is limited in the PDP to this rule, I consider that the definition can be added as a clause 16(2) amendment, in order to provide greater clarity as to when the rule applies.</p> <p>Taking into account the above, I recommend the following drafting for SASM-R4:</p>	<u>TEMPORARY CULTURAL EVENT</u>	<u><i>means an event undertaken by Kāti Huirapa in accordance with tikanga, which relates to the expression of Māori culture and the relationship that Kāti Huirapa have with places of customary importance, and includes Mahika kai activities and ceremonial activities.</i></u>
<u>TEMPORARY CULTURAL EVENT</u>	<u><i>means an event undertaken by Kāti Huirapa in accordance with tikanga, which relates to the expression of Māori culture and the relationship that Kāti Huirapa have with places of customary importance, and includes Mahika kai activities and ceremonial activities.</i></u>			

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		<p>SASM-R4</p> <p>Wāhi tapu, and wai tapu overlays (excluding SASM1c, SASM2 and SASM3a)</p>	<p>Temporary events</p> <p>Activity Status: Permitted</p> <p>Where:</p> <p>PER-1 Any temporary event where this is limited to a cultural event undertaken in accordance with tikanga; or</p> <p>PER-2 <u>Any planned social occasion; or</u></p> <p>PER-23 <u>Any temporary event within SASM8 or SASM9 that is undertaken outside a Significant Natural Area.</u></p>	<p>Activity status where compliance not achieved: Non-complying Restricted Discretionary</p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <u>whether Te Rūnanga o Arowhenua has been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation; and</u> <u>the proposal's consistency with the values identified in SCHED6 – Schedule of Sites and Areas of Significance to Kāti Huirapa; and</u> <u>the potential adverse effects, including on sensitive tangible and/or intangible cultural values; and</u> <u>the appropriateness of any mitigation measures proposed, including the need for an accidental discovery protocol; and</u> <u>the extent to which the proposed activity provides an opportunity to recognise Kāti Huirapa culture, history and identity associated with the site/area, and any potential to:</u> <ol style="list-style-type: none"> <u>affirm the connection between mana whenua and place; or</u> <u>enhance the cultural values of the site/area; or</u> <u>provide for the relationship of Kāti Huirapa with their taoka; or</u> <u>maintain or enhance the ability of Kāti Huirapa to access and use the Site or Area of Significance commensurate with the scale and nature of the proposal.</u> <p>Note: <u>Limited notification of Te Rūnanga o Arowhenua is likely to be required under this rule.</u></p>
		<p>As this change does not alter the effect of what was originally recommended, the previous s32AA (in 8.13.16 of the s42A Report) still applies.</p>		

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(l)	The s42A Report has not addressed Te Rūnanga o Ngāi Tahu submission point 185.54 regarding DWP-R5 within the Māori Purpose Zone. Please provide an assessment and recommendation.	This submission point relates to the Drinking Water Protection Chapter, which is not part of Hearing E. It has been addressed in the s42A Report for that chapter by Mr Willis.
(m)	Te Rūnanga o Ngāi Tahu sought the addition of 'forest land' to Rule SASM-R8. Has this been addressed in the s42A summary report in 9(h)?	Yes. As noted in my s42A Report (at para 8.17.13) I was unclear what was being referred to in the submission, but this was clarified in Ms Pull's evidence. The recommended changes to SASM-R8 are set out in Appendix A.
(n)	Regarding the recommendation of the reduction in size for potable water storage in MPZ-S4 – was a technical review from relevant Council officers provided on this matter? Why is a reduction appropriate in this zone compared to other zones? Provide more explanation of the reasons for why this is accepted.	<p>A technical view from Council officers was not provided on this matter, but I did discuss it with Mr Hakkaart, the District Planning Manager, to see if a reduction in the potable water storage requirement was of concern. One of the reasons for this is that in a previous role, Mr Hakkaart provided planning advice to the Council's engineering team on District Plan matters, including input into various technical working groups. Mr Hakkaart was not aware of the specific reason for 45,000 litres being selected for the PDP, but he noted that there was a difference between requiring storage for household uses and for storage required to comply for firefighting standards. He noted that the MPZ standard as proposed does not specify a requirement for supply for firefighting, which is 45,000 litres for non-reticulated areas. Whilst 30,000 litres is short of the requirement for firefighting on an individual basis, the compressed nature of the MPZ means that there will be in excess of 45,000 litres in proximity to ensure that each dwelling meets the requirements for firefighting. As such, the notified 45,000 litre requirement is not needed to ensure adequate water supply for firefighting in this zone.</p> <p>I consider that the reduction in the water storage requirements in the MPZ is appropriate, because the submitter provided a report from Davis Ogilvie, which stated that storage of 30,000 litres was appropriate to ensure sufficient water supply reliability. As noted above, adequate supply for fire fighting purposes is provided through cumulative storage within the zone. I have also taken into account the evidence of Ms Stevenson that requiring a larger supply would frustrate the rebuilding of homes on land in this zone, given the current circumstances in this area. Having regard to the direction in the MPZ chapter, I therefore consider that the reduction in the storage requirement is more efficient and effective at achieving MPZ-O2, and still aligns with the direction in MPZ-P2 to enable the use and development of the Māori Purpose Zone for papakāika while ensuring the activities are adequately serviced.</p> <p>With respect to others zones, I note that the notified 45,000 litre requirement is applied in 3 places in the PDP: firstly, under SUB-S3.3, it applies outside the GRUZ and RLZ, to any zones where a reticulated drinking water supply network is not available, requiring a water supply with on-site storage of 45,000 litres of drinking water is provided to each allotment within a proposed subdivision. Secondly, in the SETZ, SETZ-S5 requires all activities to have on-site storage</p>

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		<p>of 45,000 litres of potable water (if not connected to either a community drinking water supply or private drinking water supply). Thirdly, in the MPZ, MPZ-S4 applies the same requirement to all residential units and habitable buildings. The reduction I have recommended is in response to a submission made on MPZ-S4. I was not the reporting officer for the SETZ Chapter, but I note in any case that there were no submissions made on SETZ-S5 related to the size of the requirement for potable water. I also was not the reporting officer for the Subdivision Chapter, but note the only relevant submission on SUB-S3.3 was from Waipopo Huts [189.50] seeking amendment of the standards to recognise the special case of the Trust's land and to allow the subdivision of this land as a controlled activity. For the reasons set out above, I consider that there are good reasons to reduce the requirement in the MPZ, given that the higher requirement might frustrate the development which is desired in this zone, and that adequate supply for fire fighting purposes can be provided through cumulative storage within the zone.</p>
(o)	<p>Advise whether you agree and why with the changes sought to SASM-O1 in Ms Pull's evidence regarding the inclusion of rakatirataka. Please have particular regard to Part 1 Overarching matters MW 2.1.5 Kaitiakitaka and MW 2.1.6 Rakatirataka.</p>	<p>As noted in the s42A Report (at para 8.4.3) the submitter supports SASM-O1 and sought its retention, while separately stating that changes are recommended to provide for rakatirataka and kaitiakitaka. In her evidence, Ms Pull says:</p> <p><i>The inclusion of rakatirataka and kaitiakitaka would create more clarity in the provision hierarchy as rakatirataka is identified in Policy SASM-P1 and kaitiakitaka is a matter to have particular regard to (s7 RMA) and isn't recognised elsewhere in this chapter. Therefore, inclusion in the objective will guide the related policy as well as give better effect to Part 2 matters.</i></p> <p>It is still not clear to me, however, what exact changes to the actual drafting (if any) of SASM-O1 are sought to "include" rakatirataka and kaitiakitaka.</p> <p>It is my view that the objective already encompasses these matters in any case, as the objective seeks that Kāti Huirapa are actively involved in decision making that affects the values of the identified Sites and Areas of Significance to Kāti Huirapa.</p> <p>'Rakatirataka' is set out in the glossary, which states that in the context of the RMA, "<i>rakatirataka includes the active involvement of mana whenua in resource management decision making processes</i>". As such, this aligns with what is already set out in SASM-O1.</p> <p>'Kaitiakitaka' is also set out in the glossary, as being the "<i>exercise of customary custodianship, in a manner that incorporates spiritual matters, by takata whenua who hold Mana whenua status for particular area or resource</i>". In this case, the objective already refers to Kāti Huirapa (the takata whenua who hold mana whenua status in the District), and I consider that active involvement in resource management decision-making already allows for customary custodianship to be exercised, in the context of that decision-making.</p>

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		Overall, I therefore consider that no changes are required to SASM-O1 to "include" rakatirataka and kaitiakitaka as these are already incorporated into the outcome sought.
(p)	<p>We have several questions related to SASM-R1. The Panel understands that SASM-R1(3) relates to earthworks in the Wāhi Tapu overlay and SASM-R1(1) relates to Wāhi Tupuna (outside ONL or VAL), Wāhi Toaka, Wai Toaka (outside a riparian margin) and Wai Tapu (outside a riparian margin) where they are also in a GRZ or RLZ. SASM-R1(3) PER2 restricts the permitted earthworks rule for SASM-1a (Te Wharetawhiti (Pig Hunting Creek), SASM-4a (Puhurau/Beach Road) and SASM-4c (Waiaeruati) which we understood the intent was to make earthworks more permissible in Wāhi Tapu overlay within existing urban areas. There are eight Wāhi Tapu overlays identified in schedule 6 of the Plan, three being part of PER2.</p> <p>- Is SASM-R1(3) more permissive in the Wāhi Tapu overlay than SASM-R1(1) and if so, what are the reasons and is this appropriate in the context of s32 of the Act?</p>	<p>I consider it important to note that the SASM earthworks rules apply <i>in addition to</i> the Earthworks chapter.</p> <p>In urban areas, SASM-R1.3 (as recommended) would permit earthworks when undertaken in accordance with the ADP, of up to 250m² (under EW-S1.2) in a GRZ or MRZ; and 2,000m² (under EW-S1.3) in the GIZ, and any Open Space and Recreation Zones. (Of the Wāhi Tapu sites located in urban areas, I note that SASM-1c is within the GIZ, GRZ, SARZ and OSZ; SASM-2 is within the GRZ; and SASM-3a is within the MRZ, SARZ and OSZ.) Therefore, I do not consider that SASM-R1.3, in which I have recommended a 2000m² limit, is "more permissive" than SASM-R1.1 in respect of the wāhi tapu sites located in the GRZ or MRZ; and for the wāhi tapu sites located in the GIZ, or any Open Space and Recreation Zones, I consider the control is no more or less permissive than SASM-R1.1. Under s32, I consider that relying on EW-S1.2 is a more efficient approach, which, in combination with the additional matters of discretion that I have recommended be added to EW-S1.2, is still effective at ensuring that the identified values of these areas are appropriately protected in accordance with SASM-P5 and SASM-O3.</p> <p>In SASM-8 and SASM-9, there are also controls on earthworks within those parts of the SASMs which are identified as SNAs. Earthworks are only permitted in SNAs where they are within 2m, and for the purpose of the maintenance, repair or replacement, of existing lawfully established vehicle tracks, roads, walkways, firebreaks, drains, ponds, dams, waterlines, waterway crossings, or utilities. In those parts of SASM-8 and SASM-9 which are outside of SNAs, I accept that SASM-R1.3 is more permissive than SASM-R1.1, in that under EW-S1, there is no limit on earthworks within these areas which is for any primary production activity, or falls within the definition of ancillary rural earthworks (whereas under SASM-R1.1, I have recommended a limit of 2000m² in any 12-month period per site is applied (under PER-1.1)). The basis for this recommendation was that as these particular wāhi tapu sites relate to rock art areas, the controls applying within these areas are focussed on activities that can impact on the rock art, and the Rock Art Reports do not identify a concern with earthworks in this respect.¹⁹ Under s32, I consider that the proposed approach will still be effective at recognising and protecting the identified values of these areas, and protecting them from inappropriate use and development (SASM-O3).</p> <p>The Iwi Management Plan of Kati Huirapa (1992) seeks that there be no scarring of mountains with tracks and roads. This is not relevant to the wāhi tapu sites, which are not mountains. It also directs that if any bones or artefacts are disturbed, then Runanga be contacted and Tikanga observed. This is consistent with the requirement in the PDP to adhere to an ADP.</p>

¹⁹ Where earthworks / excavation are discussed in the 2018 report, concerns are not identified with this activity in respect of the freshwater environments or wider tangata whenua values; with concerns focused on impacts on the rock art itself, in terms of stability and rock art panel integrity.

Item	Direction	Officer's Response									
	<p>- Of the remaining 5 sites that are not part of PER-2, are any outside of the existing urban area and therefore need to be included in the PER-2 or does a different rule framework apply? In particular consider SASM-8 and SASM-9.</p> <p>- Of the remaining 5 sites that are not part of PER-2, do the PER earthworks rules align with the Iwi Management Plan and if not, what are the conflicts or cultural values that would not be protected?</p>	<p>Te Whakatau Kaupapa (1990) seeks the protection of all Ngāi Tahu archaeological sites, with authority reserved to mana whenua as to whether and how a site may be excavated, and recognition that an archaeological site may be affected by work nearby as well as on the site itself (p. 4-31 to 4-32, Policies 1-10). Known archaeological sites are managed under the Heritage New Zealand Pouhere Taonga Act 2014, with requirements included in the PDP for managing accidental discoveries. Protection from disturbance of rock art sites that are of exceptional traditional, spiritual or scientific interest is also sought (page 4-32, Policy 1). As noted above, the Rock Art reports only identify a concern with impacts of earthworks on the rock art itself, in terms of stability and rock art panel integrity, not in relation to earthworks in the wider surrounding area. Direct disturbance of the rock art is also managed under the Heritage New Zealand Pouhere Taonga Act 2014, as the panels are considered to be archaeological sites.</p>									
(q)	<p>Liaise with Mr Willis in relation to which rules in the Energy and Infrastructure and Transport Chapters would be appropriate to include matters of discretion relating to effects on cultural values as requested by Te Rūnanga o Ngāi Tahu, and your reasons. If your view is that it is not appropriate to do so, please provide reasons.</p>	<p>In my Summary Statement (at paragraph 9(e)), I indicated support for adding matters of discretion relating to effects on cultural values to the activities identified by Ms Pull, being EI-R22, EI-R26, EI-40 and SW-R6. These rules pertain to chapters which Mr Willis was the reporting officer for. As indicated at the hearing, he had some reservations about the appropriateness of including a matter of discretion in these rules relating to cultural values, given the nature and focus of some of these rules. In liaison with Mr Willis, a further assessment of these rules is provided below:</p> <table border="1"> <thead> <tr> <th>Rule</th><th>Summary</th><th>Comment and Recommendation</th></tr> </thead> <tbody> <tr> <td>EI-R22</td><td> <p>Applies to the construction, maintenance, repair and upgrading of underground water supply, wastewater systems, and stormwater infrastructure.</p> <p>These are permitted where any pipe is not located on or within a waterbody, unless that pipe is attached to and/or incorporated within an existing bridge structure; or within an existing conduit or duct.</p> </td><td> <p>The purpose of this rule is to manage impacts on the values of the waterbody. Mr Willis and I are both comfortable adding cultural values as a matter of discretion for this, if the rule is retained.</p> <p>However, Mr Willis has advised me that some further changes to EI-R22 are being considered, which will be addressed in the EI, TRAN and SW Reply Report.</p> </td></tr> <tr> <td>EI-R26</td><td> <p>Applies to the construction of new underground and above ground water systems infrastructure, (e.g. water supply, wastewater systems and stormwater</p> </td><td> <p>The purpose of this rule is to manage adverse impacts. Mr Willis and I are both comfortable adding cultural values as a</p> </td></tr> </tbody> </table>	Rule	Summary	Comment and Recommendation	EI-R22	<p>Applies to the construction, maintenance, repair and upgrading of underground water supply, wastewater systems, and stormwater infrastructure.</p> <p>These are permitted where any pipe is not located on or within a waterbody, unless that pipe is attached to and/or incorporated within an existing bridge structure; or within an existing conduit or duct.</p>	<p>The purpose of this rule is to manage impacts on the values of the waterbody. Mr Willis and I are both comfortable adding cultural values as a matter of discretion for this, if the rule is retained.</p> <p>However, Mr Willis has advised me that some further changes to EI-R22 are being considered, which will be addressed in the EI, TRAN and SW Reply Report.</p>	EI-R26	<p>Applies to the construction of new underground and above ground water systems infrastructure, (e.g. water supply, wastewater systems and stormwater</p>	<p>The purpose of this rule is to manage adverse impacts. Mr Willis and I are both comfortable adding cultural values as a</p>
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Item	Direction	Officer's Response		
			<p>infrastructure; open drains and channels, pipes, water reservoirs, storage ponds; and other ancillary facilities and structures for the reticulation and storage of water for agricultural and horticultural activities).</p> <p>These are permitted where new buildings and structures comply with the setback, and height in relation to boundary for the zone; and a height limit of up to 5m above that otherwise applying in the zone.</p>	<p>matter of discretion for this, if the rule is retained.</p> <p>However, Mr Willis has advised me that some further changes to EI-R26 are being considered, which will be addressed in the EI, TRAN and SW Reply Report.</p>
		EI-R40	Applies to new landfills, excluding cleanfills within the Birdstrike Management Overlay	<p>The purpose of this rule is to manage the potential birdstrike effects that might arise from locating landfills within the identified overlay. This is not considered to relate to cultural values, as it about airport protection not about managing landfills per se.</p> <p>In any case, the rule applies a fully discretionary status and therefore does not include matters of discretion.</p>
		SW-R6	Applies to any maintenance or upgrading of a road that results in an increase of greater than 100m ² of impervious surfaces, or any new road (excluding footpaths and vehicle crossings and stormwater discharges that are authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant Regional Plan).	<p>The purpose of this rule is to manage the impact of run-off into the Council's network, and the Council's ability to accept discharges into their network to ensure that they in turn comply with the regional council consent. We do not consider that managing impacts of discharges <i>into</i> the Council's network relates to cultural values. The impacts on cultural values arising <i>from</i> the Council's network would instead be managed through the regional council consenting process.</p>
		<p>Taking this into account, I therefore do not recommend additional matters of discretion be added to EI-R40 or SW-R6. As noted above, Mr Willis' reply report will address the drafting of EI-R22 and EI-R26.</p>		

Item	Direction	Officer's Response
(r)	The Panel notes that Ms Pull offered her assistance to review the whole of the Plan to identify other rules where it may be appropriate to include matters of discretion, relating to effects on cultural values. We have directed Ms Pull to undertake this exercise and provide her analysis to Council for review. The Council can respond to that review as part of the final reply, including consideration of any scope issues that might arise.	Noted. A response will be provided on this matter in the final reply.

Table 1 –

PDP		CLWRP			Comment by Mr Lipinski
SASM-R1 (1)	<p>PER 1: Earthworks in Wāhi Tūpuna, Wahi taoka, Wai taoka, Wai tapu overlays [the latter three being suggested amendments in the s42A report] are permitted if associated with:</p> <ul style="list-style-type: none"> New buildings and structures or those associated with installation of infrastructure/network utilities that do not exceed 750m² in footprint. maintenance of existing roads, tracks or mitigation works if in existing footprint; or those authorised by CRC for maintenance of existing rock weirs to the same level and extent as occurring as at 1 Jan 2000 [suggested inclusion in s42A report]. <p>PER 2: Adherence to accidental discovery protocol unless Archaeological Authority [suggested change in s42A report]</p>	Rules	Objectives		<p>Small scale earthworks that are permitted under the CLWRP are likely to have minimal impacts on sites and areas of significance to Māori (for downstream of the RDR intake these are set at a maximum of 20m³ within 12 consecutive months and not more than 10m³ in any given month). For larger earthworks, consent would be required as a restricted discretionary activity (R 5.150). I note that several recent (2024) decisions by CRC in relation to applications for discretionary activities have considered an assessment of the effects on cultural values. Ultimately, I consider that a similar stance to that taken for the NFL rules should be taken here, and that the earthworks provisions in the SASM rules should specifically exclude earthworks within the beds of rivers.</p>
		<p>5.148 <i>The extraction of gravel from the bed of a lake or river including the deposition of substances on the bed and excavation or other disturbance of the bed of a lake or river, but excluding the diversion of water within the bed of a river, is a permitted activity provided the following conditions are met:</i></p> <p>...</p> <p>4. <i>The volume excavated by any person or on behalf of any person, organisation, or corporation:</i></p> <p>a. <i>in the bed of any river or lakes does not exceed 5m³ in any 12 consecutive months.</i></p> <p>b. ...</p> <p>c. <i>between 1 February and 31 August, in beds listed in Schedule</i></p>	3.1	<p><i>Land and water are managed as integrated natural resources to recognise and enable Ngāi Tahu culture, traditions, customary uses, and relationships with land and water.</i></p>	
			3.20	<p><i>Gravel in riverbeds is extracted to maintain floodway capacity and to provide resources for building, construction, and maintenance, while the natural character of braided rivers and not adversely affecting water quality, ecosystems or their habitats, access to or the quality of mahinga kai [emphasis added] or causing or exacerbating erosion.</i></p>	

			<p>15 [which includes the area downstream of the RDR intake], <i>does not exceed 10m³ per month and not more than 20m³ in any consecutive 12 month period.</i></p> <p>...</p> <p>Except in the case of incredibly small earthworks a consent will be required.</p>			
		5.150	<p><i>The extraction of gravel from the bed of a lake or river including the ancillary deposition of substances on the bed or other disturbance of the bed that does not meet conditions 1, 2, 3, 6, 7, 9 or 10 of Rule 5.148 or condition 1 of Rule 5.149, but excluding the diversion of water within the bed of a river, is a discretionary activity.</i></p>	<p>Policies</p> <p>4.86</p>	<p><i>Activities in Beds of Lakes and Rivers</i></p> <p><i>Activities that occur in the beds or margins of lakes, rivers, wetlands, hāpua, coastal lakes and lagoons are managed or undertaken so that:</i></p> <p>...</p> <p><i>(b) sites and areas of significant indigenous biodiversity values or of cultural significance to Ngāi Tahu are protected [emphasis added].</i></p>	

				...	
				4.95	<p><i>Gravel Extraction</i></p> <p><i>For all gravel removal from the beds of rivers:</i></p> <p>...</p> <p><i>(b) the activity is undertaken in ways which do not include erosion (except for flood management purposes) and minimise adverse effects on water quality, significant indigenous biodiversity, wildlife habitat, sites of cultural significance to Ngāi Tahu, affect public access, and recreational values [emphasis added].</i></p>

APPENDIX D

Comparison of SASM Chapter with Other Chapters in the PDP - Hearing E

ACTIVITY - EARTHWORKS

SASM Chapter - Notified PDP Rule	SASM Chapter - S42A Recommended Rule	Earthworks Chapter	ECO Chapter	NATC Chapter	NFL Chapter	CE Chapter	Other
Wāhi Tūpuna (SASM-R1.1) - Permitted up to 750m ² or for maintenance of listed items within existing footprint / modified ground + ADP form lodged	Wāhi Tūpuna (in GRUZ and RLZ only) (SASM-R1.1) - Permitted up to 2000m ² or for maintenance / repair / replacement of listed items (list extended) within existing footprint / modified ground + ADP applies <i>In other zones, rely on Earthworks Chapter rules, but with additional SASM matters of discretion.</i>	Permitted , (EW-R1) subject to: - ADP form lodged (recommendation to apply ADP not require form) - Volumes based on zone, as set out below (EW-S1) - Max depth/height of 1.5m above/below ground level (EW-S2) - Not exceeding 0.5m in depth/height within 1.5m of any site boundary (EW-S3)	Within an SNA (ECO-R5) Permitted, only: - within 2m, and for the purpose, of the maintenance, repair or replacement of existing lawfully established vehicle tracks, roads, walkways, firebreaks, drains, ponds (ECO-RX) RDIS where associated with the restoration or enhancement of the Significant Natural Area Otherwise non-complying	N/A	Within an ONF, ONL or VAL Permitted: - where associated with a permitted building or structure (NFL-R1) - for the purpose of maintenance and repair of existing fencing, farm tracks, walking/cycling tracks, roads, reticulated stock water systems including water troughs or natural hazard mitigation works (NFL-R2.1 and 2.2) - for the purpose of sealing existing roads - earthworks associated with permitted network utilities (NFL-R3) - construction of a post and wire or post and netting fence (NFL-R4)	Within the Coastal High Natural Character Area Overlay Permitted (CE-R5), where: - they are for the purpose of maintenance and repair of existing fence lines, roads or tracks and located within 2m of the fence, line, road or track, or - they are for the purpose of installation of underground network utilities and ancillary structures, or - are otherwise up to 100m ³ or 100m ² per year <i>Note – no additional earthworks controls in Coastal Environment Area Overlay.</i>	<i>Note – there are other rules across the PDP controlling earthworks in certain areas (e.g. EI-R28 –within the National Grid Yard; NH-R1 & NH-R9 – within a Flood Assessment Area Overlay; HH-R4 – within a heritage setting; and TREES-R3 - in the root protection area of a notable tree), but these are not considered to be relevant to or overlap with the SASM chapter.</i>
Wāhi Taoka / Wai Taoka (SASM-R1.2) – Permitted for maintenance and replacement (of same nature, character and scale) of listed items within existing footprint / modified ground + ADP form lodged	Wāhi Taoka / Wai Taoka (outside riparian margin) (SASM-R1.1) Permitted up to 2000m ² or for maintenance / repair / replacement of listed items (list extended) within existing footprint / modified ground + ADP applies <i>In other zones, rely on Earthworks Chapter rules, but with additional SASM matters of discretion</i>	- Requirements on rehabilitation (EW-S4) - Additional restrictions when in specified distances from National Grid structures (EW-S5) Volumes: GRUZ & RLZ (EW-S1.1) = no limit for any permitted primary production activity or ancillary rural earthworks, otherwise 2,000m ² (per 12 months per site)	As above , (ECO-R5) but not applied to earthworks within the beds of rivers.	Within riparian margins (not HNWB) (NATC-R3.1) Permitted only for: - maintenance and repair of existing fences, tracks, roads or natural hazard mitigation works and railways, stockwater systems and irrigation systems; or - construction of a new track up to 3m in width. Within riparian margins of HNWB (NATC-R3.2) Permitted only for: - maintenance and repair of existing fences, tracks, roads or natural hazard mitigation works and railways, stockwater systems and irrigation systems; or - for the operation, maintenance or repair of the National Grid and regionally significant infrastructure.			
Wāhi Tapu / Wai Tapu (SASM-R1.3)– RDIS	Wai Tapu (outside riparian margin) (SASM-R1.1) Permitted up to 2000m ² or for maintenance / repair / replacement of listed items (list extended) within existing footprint / modified ground + ADP applies <i>In other zones, rely on Earthworks Chapter rules, but with additional SASM matters of discretion</i>		As above , (ECO-R5) but not applied to earthworks within the beds of rivers.				
	Wāhi Tapu (SASM-R1.3)– Permitted in SASM-1a, SASM-4a and SASM-4c (located in GRUZ) for maintenance / repair / replacement of listed items (list extended) within existing footprint / modified ground + ADP applies. Otherwise RDIS. <i>For other sites, permitted + ADP applies</i>	GRZ & MRZ (EW-S1.2) = 250m ² (per 12 months per site) SETZ, CMUZ, GIZ, OSRZ, PORTZ, MPZ (EW-S1.3) = 2,000m ² (per 12 months per site)	As above (ECO-R5)	N/A			

ACTIVITY – BUILDINGS & STRUCTURES

Notified PDP Rule	S42A Recommended Rule	Zone Chapters	NATC Chapter	NFL Chapter	CE Chapter	Other
Wāhi Taoka (SASM-R2.1) – Permitted (outside RESZ, CMUZ, GIZ, PORTZ) up to 5m in height, away from ridgelines, below 900m, up to 300m ²	Wāhi Taoka (SASM-R2.1) – Permitted (outside RESZ, CMUZ, GIZ, PORTZ) up to 9m in height, away from ridgelines, below 900m , up to 300m ²	<i>Note – summary here relates to zones in which wāhi taoka, wahi tapu and wai tapu are located. Not all built form standards for each zone are listed – just those relating to height and scale.</i>		Within an ONF or ONL (NFL-R1.1) Permitted: - where it is a farm building or structure associated with an existing non- intensive primary production activity, including residential units (if permitted in the zone); or - a public amenity building; or - an irrigator (but not a travelling, mobile or pivot irrigator). But not applied to temporary buildings and structures within the beds of rivers.	Within Coastal Environment Area Overlay in Urban Areas – Permitted (CE-R4.1) Within Coastal Environment Area Overlay outside Urban Areas – Permitted (CE-R4.2), up to max floor area of 150m ² ; height = 4m, or as per zone rules in GIZ (CE-S1); max area of 500m ² on sites of less than 20ha, or 500m ² per 20ha for sites of 20ha or more, up to 2,000m ² maximum (CE-S2). Within Coastal High Natural Character Overlay – Permitted (CE-R4.3), up to max floor area of 10m ² ; RDIS up to max floor area of 150m ² ; otherwise non-complying.	Within the Versatile Soil Overlay / Highly Productive Land (VS-R1) – Limits on the maximum area covered by buildings and impervious surfaces. <i>Note – there are a number of other district-wide rules that control buildings, but they are not considered to be relevant to the SASM Chapter.</i>
Wāhi Taoka / Wai Taoka – N/A (No rule applies)	(No change)	GRZ – Residential units (GRZ-R2), and other buildings and structures associated with or ancillary to a permitted activity (GRZ-R9) are permitted, subject to meeting built form standards. Height = 9m (GRZ-S1); max building coverage of 40% (GRZ-S5); max gross floor area = 550m ² (GRZ-S6). MRZ – Residential units (MRZ-R2), and other buildings and structures associated with or ancillary to a permitted activity (MRZ-R9) are permitted, subject to meeting built form standards. Height = 12m (GRZ-S1); max building coverage of 50% (GRZ-S5); no limit on total size. GRUZ – Residential units (GRUZ-R4), and other buildings and structures associated with or ancillary to a permitted activity (GRUZ-R13) are permitted, subject to meeting built form standards. This includes a minimum site size /density for residential units (GRUZ-R4), height = 9m for residential units, 25m for silos and 15m for other buildings and structures (GRUZ-S1); no limit on total building size or building / site coverage. NCZ - Buildings and structures associated with or ancillary to a permitted activity (NCZ-R3) are permitted, subject to meeting built form standards. Height = 10m (NCZ-S1); no limit on total building size or building / site coverage. GIZ - Buildings and structures which form part of a permitted activity (GIZ-R1, GIZ-R2, GIZ-R3) are permitted, subject to meeting built form standards. Height = 15m, or 35m in height specific control area, or 10m in the Washdyke Industrial Expansion Precinct within 25m of the GRZ boundary (GIZ-S2); no limit on total building size or building / site coverage. NOSZ - Buildings and structures associated with or ancillary to a permitted activity (NOSZ-R5) are permitted, subject to meeting built form standards. Height = 4m (NOSZ-S1); max GFA of 10m ² on sites of less than 2ha, or 50m ² on sites of 2ha or more (NOSZ-S2); max site coverage of 2.5% (NOSZ-S4). OSZ - Buildings and structures associated with or ancillary to a permitted activity (OSZ-R10) are permitted, subject to meeting built form standards. Height = 8m (or 4m in Holiday Hut Precinct) (OSZ-S3); max GFA of 10m ² (OSZ-S2); max site coverage of 35% (OSZ-S6). SARZ - Buildings and structures associated with or ancillary to a permitted activity (SARZ-R7) are permitted, subject to meeting built form standards. Height = 15m (SARZ-S3); max GFA of 150m ² (SARZ-S2); max site coverage of 60% (SARZ-S6).	Within riparian margins (not HNWB) (NATC-R5) – RDIS / Permitted where for replacement of, or expansion to, an existing building or structure, and the footprint of the building or structure does not increase by more than 50m ² or 25% Within riparian margins of HNWB (NATC-R5) RDIS	Within a VAL but not VAL-3 (NFL-R1.2 and 2.2) As per above, but any irrigator permitted Within VAL-3 (NFL-R1.3) RDIS But not applied to temporary buildings and structures within the beds of rivers.		
Wāhi Tapu / Wai Tapu (SASM-R2.2) – RDIS	Do not apply to wai tapu or to SASM1c, SASM2, SASM3a, SASM-R8 and SASM-R9					

ACTIVITY – INDIGENOUS VEGETATION CLEARANCE

Notified PDP Rule	S42A Recommended Rule	ECO Chapter	NATC Chapter	NFL Chapter
<p>Wāhi Tūpuna - N/A (No rule applies)</p> <p>Wāhi Taoka / Wai Taoka / Wāhi Tapu / Wai Tapu (SASM-R3) – Permitted in listed circumstances:</p> <ul style="list-style-type: none"> - Carried out by Ngāi Tahu whanui for the purposes of mahika kai or other customary uses - causing an imminent danger to human life, structures, or utilities - maintenance, repair or replacement of existing lawfully established listed items - planted and managed specifically for the purpose of harvesting, as part of a domestic or public garden, for amenity purposes, or as a shelterbelt - necessary in the course of removing pest plants and pest animals - for natural hazard mitigation works 	<p>(No change)</p> <p>Deleted- Rules in ECO Chapter relied on</p>	<p>Within SNAs -</p> <p>Permitted, only where:</p> <ul style="list-style-type: none"> - vegetation to be cleared is causing an imminent danger to human life, structures, or utilities, or affecting the safe operation of utilities, and the clearance is undertaken in accordance with advice from a suitably qualified arborist - clearance is carried out by the relevant Road Requiring Authority and relates to road safety assets or roadside drainage - For the purpose of maintaining the rail network and subject to limits - carried out by Ngāi Tahu whanui for the purposes of mahika kai or other customary uses in accordance with tikaka - to remove material infected by unwanted organisms - Unavoidable in the course of removing pest plants and animals - Is caused by grazing within an area of improved pasture <p>Otherwise non-complying (ECO-R1.1)</p> <p>Clearance within 50m of a wetland riparian margins (not HNWB); in the Coastal Environment within 20m of the MHWS; within 20m of the bank of any waterbody; within 20m of any waipuna (spring); at an altitude of 900m or higher; on land with an average slope of 30° or greater:</p> <p>Permitted, only where:</p> <ul style="list-style-type: none"> - vegetation to be cleared is causing an imminent danger to human life, structures, or utilities, or affecting the safe operation of utilities, and the clearance is undertaken in accordance with advice from a suitably qualified arborist - is within 2m, and for the purpose of maintenance, repair or replacement of existing fences/tracks/roads etc - carried out by Ngāi Tahu whanui for the purposes of mahika kai or other customary uses - has been planted as part of a garden or shelterbelt - Is caused by grazing within an area of improved pasture; or for maintaining improved pasture outside originally rare ecosystems - Unavoidable in the course of removing pest plants and animals - Is part of a restoration or enhancement measures - is within a riparian margin and is associated with the replacement of, or expansion to, an existing building or structure, permitted under NATC-R5 <p>Otherwise RDIS (ECO-R1.2).</p> <p>Within riparian margins of an HNWB – Discretionary (ECO-R1.3)</p> <p>In all other areas, is permitted where:</p> <ul style="list-style-type: none"> - for the purpose of the maintenance, repair or replacement of specified structures/works - vegetation to be cleared is causing an imminent danger to human life, structures, or infrastructure - mahinga kai or other customary uses, where the clearance is by Ngāi Tahu whānui and in accordance with tikakga protocols - has been planted as part of a garden or shelterbelt - Is part of a restoration or enhancement measures - Is for the maintenance of cultivated land or grazing within improved pasture areas (within specified limits) - Unavoidable in the course of removing pest plants and animals <p>Otherwise RDIS (ECO-R1.4).</p>	<p>Within riparian margins (not HNWB) (NATC-R1) – permitted only where:</p> <ul style="list-style-type: none"> - is to remove identified pest species - is for customary harvest - is for the operation, maintenance or repair of the National Grid - is for the maintenance, repair, or upgrade in seal cover, of existing roads - is to restore or enhance the natural character or ecological values of the riparian margin - only includes exotic species in areas of cultivation existed prior to 22 September 2022 <p>Otherwise RDIS</p> <p>Within riparian margins of HNWB (NATC-R1) – Discretionary</p> <p>NATC-R1 recommended to be deleted (and shifted into ECO-R1.2)</p>	<p>Within an ONF or ONL (NFL-R1.1, NFL-R3, NFL-R4)</p> <p>Indigenous vegetation clearance associated with a permitted building or structure; or network utility; or fence; or primary production activities not otherwise listed – RDIS</p> <p>PER standards from above rules recommended to be deleted (and managed under ECO-R1.4)</p>

ACTIVITY – TEMPORARY EVENTS

Notified PDP Rule	S42A Recommended Rule	TEMP Chapter	ASW Chapter	NATC Chapter	NFL Chapter	CE Chapter
Wāhi Tūpuna / Wāhi Taoka / Wai Taoka - N/A (No rule applies)	(No change)	Permitted (TEMP-R3) – subject to: - duration not more than 7 days - site not used more than twice per year for a temporary event - ancillary buildings or structures erected and removed within 7-day period of event starting/finishing - no permanent or mechanical excavation	Where a temporary event involves the use of non-motorised craft on rivers for non-commercial recreational uses – permitted, subject to limits on specified rivers (ASW-R1, ASW-R3, ASW-R4, ASW-R5, ASW-R6)	Any temporary buildings / structures will be subject to buildings /structures rule set out above. Any earthworks will be subject to earthworks rules set out above.	Any temporary buildings / structures will be subject to buildings /structures rule set out above. Any earthworks will be subject to earthworks rules set out above.	Any temporary buildings / structures will be subject to buildings /structures rule set out above. Any earthworks will be subject to earthworks rules set out above.
Wāhi Tapu / Wai Tapu (SASM-R4) – Permitted where it is a cultural event undertaken in accordance with tikanga, otherwise non-complying	Wāhi Tapu / Wai Tapu (SASM-R4) – Permitted where it is a cultural event undertaken in accordance with tikanga, or within SASM8 or SASM9 and not in an SNA; otherwise restricted discretionary					

ACTIVITY – MINING & QUARRYING

Notified PDP Rule	S42A Recommended Rule	Zone Chapters	ECO Chapter	NATC Chapter	NFL Chapter	CE Chapter
Wāhi Tūpuna (SASM-R5.1) - Permitted up to 750m ² + ADP form lodged	Wāhi Tūpuna (outside ONL or VAL only) (SASM-R5.1) - Permitted up to 750m ² + ADP applies	GRUZ – Up to 2,000m ² – permitted (GRUZ-R16). Must not be within 50m of a rock art site (PER-2). Expansion of existing quarry (GRUZ-R23) – RDIS Other mining and quarrying – discretionary (GRUZ-R24) RLZ – Non-complying (RLZ-R3) GRZ – non-complying (GRZ-R17) MPZ - Non-complying (MPZ-R17) In all other zones – Discretionary (as an activity not otherwise listed)	Within an SNA (ECO-R5) – Non-complying as do not fall within permitted earthworks.	Within riparian margins (not HNWB) RDIS (NATC-R3.1) as do not fall within permitted earthworks.	Within an ONF, ONL or VAL Non-complying (NFL-R10)	Coastal High Natural Character Area Overlay – Farm quarries permitted up to 500m ² (CE-R14.1), otherwise RDIS Within Coastal High Natural Character Area Overlay – Non-complying (CE-R14.2)
Wai Taoka (SASM-R5.2) – Permitted in riverbed where authorized by ECan + excavated materials removed from bed after 10 days	(SASM-R5A) Restricted discretionary where outside the bed of a river <i>Within bed of a river, no rules applies</i>			Within riparian margins of HNWB (NATC-R3.2) – Discretionary (as do not fall within permitted earthworks)		
Wāhi Taoka / Wāhi Tapu / Wai Tapu (SASM-R5.3) – Non-complying	(No change, but now numbered SASM-R5.2)					

ACTIVITY – INTENSIVELY FARMED STOCK *Note – “Intensively Farmed Stock” is only used in SASM Chapter. The summary below in relation to other chapters of the PDP relates to primary production activities more broadly.*

Notified PDP Rule	S42A Recommended Rule	Zone Chapters	ECO Chapter	NATC Chapter	NFL Chapter	CE Chapter
Wāhi Tūpuna - N/A (No rule applies)	(No change)	GRUZ - Primary production and intensive primary production not otherwise listed – permitted (GRUZ-R1). Limits on permitted pig production and keeping of poultry, beyond which activity is discretionary (GRUZ-R2 & GRUZ-R3) RLZ – Listed primary production activities – including intensive primary production, extensive pig framing and free range poultry farming beyond permitted limits (in RLZ-R4 and RLZ-R5) – Discretionary Other primary production permitted (RLZ-R3). SETZ – Only grazing permitted (SETZ-R6). Otherwise primary production – discretionary (SETZ-R14) GRZ – primary production – non-complying (GRZ-R16) OSZ – grazing and growing and harvesting of grass – permitted (OSZ-R5). Otherwise primary production – discretionary (OSZ-R13) MPZ - Primary production not otherwise listed – permitted (MPZ-R3). Limits on permitted pig production and keeping of poultry, beyond which activity is discretionary (MPZ-R4 & MPZ-R5). Intensive indoor primary production, intensive outdoor primary production, and pug farming or free range poultry farming not listed in MPZ-R4 & R5) – non-complying (MPZ-R19) In all other zones – Discretionary (as an activity not otherwise listed)	Rules relating to indigenous vegetation clearance (see above) will apply where grazing will result in the clearance or removal of indigenous vegetation.	Within Riparian Margins Rules relating to indigenous vegetation clearance (see above) will apply where grazing will result in the clearance or removal of indigenous vegetation (NATC-R1). Deleted	Within an ONF or ONL (NFL-R6) Primary production permitted provided it does not include new areas of irrigation or cultivation	Within Coastal Environment Overlay , not specified below - N/A (No rule applies) Within Coastal High Natural Character Area Overlay – Discretionary where no irrigation or intensive primary production, otherwise non-complying
Wai Taoka – (SASM-R6.1) Restricted Discretionary	Deleted					
Wāhi Taoka / Wāhi Tapu / Wai Tapu (SASM-R6.2) – Non-complying	Deleted					

ACTIVITY – SUBDIVISION

Notified PDP Rule	S42A Recommended Rule	SUB Chapter	ECO Chapter	NATC Chapter	NFL Chapter	CE Chapter	Other
Wāhi Tūpuna - N/A (No rule applies)	(No change)	Boundary adjustments (SUB-R1) – Controlled where density met Subdivision not otherwise specified (SUB-R3) – RDIS - Includes consideration of “ <i>the response to the site’s and surrounding areas natural and physical features, character, amenity, constraints and vegetation</i> ”.	Subdivision of land containing a Significant Natural Area (ECO-R6) Discretionary (Rule shifted to subdivision chapter)	Subdivision of land containing a riparian margin (excluding GRUZ and RLZ) (NATC-R6) Discretionary (Rule shifted to subdivision chapter)	Within an ONF, ONL or VAL (NFL-R9) Discretionary (Rule shifted to subdivision chapter)	Within the Coastal Environment Overlay (CE-R11.1) – RDIS Within the Coastal High Natural Character Area Overlay (CE-R11.3) – Discretionary (Rules shifted to subdivision chapter)	<i>Note – there are other subdivision rules across the PDP controlling subdivision in certain areas (e.g. EI-R29 – for within the National Grid Subdivision Corridor and NH-R8 – for subdivision within Flood Assessment Area Overlay), but these are not considered to be relevant to or overlap with the SASM chapter.</i>
Wāhi Taoka / Wai Taoka / Wāhi Tapu / Wai Tapu (SASM-R7) – Discretionary	(No change) (Rule shifted to subdivision chapter)						

ACTIVITY – PLANTING

Notified PDP Rule	S42A Recommended Rule	Zone Chapters	ECO Chapter	NATC Chapter	NFL Chapter	CE Chapter
Wāhi Tūpuna / Wāhi Taoka / Wai Taoka / Wāhi Tapu (other than SASM8 and SASM9) / Wai Tapu - N/A (No rule applies)	(No change)	GRUZ – Forestry - Permitted (GRUZ-R1) – as a primary production not otherwise listed Shelterbelts – Permitted (GRUZ-R15) RLZ – Forestry – Permitted (RLZ-R3) as a primary production not otherwise listed NOSZ – Planting permitted only where indigenous (NOSZ-R3) Māori Purpose Zone – Plantation Forestry – Non-complying (MPZ-R18) In all other zones – Discretionary (as an activity not otherwise listed)	Planting of identified pest species (ECO-R7) – Non-complying	Planting within riparian margins Only permitted where (NATC-R2): - it is of indigenous species, and is to restore or enhance the natural character or ecological values of the riparian margins; or - It is within areas of existing cultivation.	Within VALs (NFL-R7.1) – Afforestation is controlled. Within ONLs / ONFs (NFL-R7.2) – Afforestation is non-complying.	Within the Coastal Environment Area Overlay - Amenity planting and horticultural planting (CE-R1.1) – Permitted - Plantation forestry (CE-R2.1) - Permitted / Restricted Discretionary - Planting of trees and/or vegetation for conservation, restoration, natural hazard mitigation works or enhancement purposes, limited to indigenous species (except for natural hazard mitigation works) (CE-R3) - Permitted Within the Coastal High Natural Character Area Overlay - Amenity planting and horticultural planting (CE-R1.2) – RDIS - Plantation forestry (CE-R2.2) - Non-complying
Wāhi Tapu (SASM8 and SASM9) (SASM-R8) - Shelterbelts, woodlots, plantation forestry – Non-complying	Wāhi Tapu (SASM8 and SASM9) (SASM-R8) - Shelterbelts , woodlots, plantation forestry – Non-complying / RDIS					

APPENDIX E

Comparison of SASM Chapter with CLWRP Rules - Hearing E

Activity	Notified PDP Rule	S42A Recommended Rule	CLWRP Rule	Comment
SASM-R1 Earthworks (not including quarrying and mining)	Wāhi Tūpuna (SASM-R1.1) - Permitted up to 750m ² or for maintenance of listed items within existing footprint / modified ground + ADP form lodged	Wāhi Tūpuna (in GRUZ and RLZ only) (SASM-R1.1) - Permitted up to 2000m ² or for maintenance / repair / replacement of listed items (list extended) within existing footprint / modified ground + ADP applies <i>In other zones, rely on Earthworks Chapter rules, but with additional SASM matters of discretion.</i>	Rule 5.161 - Reducing the area of a wetland for the operation, maintenance or repair of existing infrastructure or construction of new infrastructure for transport, electricity or water distribution or reticulation, including vegetation clearance and earthworks and the taking, use, damming or diversion (including draining) of water and the associated discharge of any water onto land or into a river, lake, artificial watercourse or wetland is a restricted discretionary activity. <i>The exercise of discretion is restricted to the following matters:</i> ... 5. Any adverse effects on Ngāi Tahu values or on sites of significance to Ngāi Tahu, including wāhi tapu and wāhi taonga. Rule 5.162 Reducing the area of a wetland by the taking, use, damming or diversion (including draining) of water or other means, including vegetation clearance, cultivation, burning or earthworks, except as provided for in Rule 5.161 is a non-complying activity 5.168 The use of land for earthworks outside the bed of a river or lake or adjacent to a wetland boundary but within: (a) 10 m of the bed of a lake or river or a wetland boundary in Hill and High Country land or land shown as High Soil Erosion Risk on the Planning Maps; or (b) 5 m of the bed of a lake or river or a wetland boundary in all other land not shown as High Soil Erosion Risk on the Planning Maps or defined as Hill and High Country; and any associated discharge of sediment or sediment-laden water in circumstances where sediment may enter surface water is a permitted activity, provided the following conditions are met: 1. Except in relation to recovery activities, or the establishment, maintenance or repair of network utilities and fencing, the extent of earthworks within the riparian margin: (a) does not at any time exceed: (i) an area of 500 m ² , or 10% of the area, whichever is the lesser; or (ii) a volume of 10m ³ on land shown as High Soil Erosion Risk on the Planning Maps; or (b) is undertaken in accordance with a Farm Environment Plan that has been prepared in accordance with Schedule 7 Part A; or (c) for plantation forestry activities is undertaken in accordance with the Environmental Code of Practice for Plantation Forestry (ECOP) 2007 and the NZ Forest Road Engineering Manual (2012); and 2. Except in relation to recovery activities or the establishment, maintenance or repair of network utilities and fencing, the concentration of total suspended solids in the discharge does not exceed: (a) 50g/m ³ where the discharge is to any Spring-fed river, Banks Peninsula River, or to a lake, except when the background total suspended solids in the waterbody is greater than 50g/m ³ in which case the Schedule 5 visual clarity standards shall apply; or (b) 100g/m ³ where the discharge is to any other river or to an artificial watercourse except when the background total suspended solids in the waterbody is greater than 100g/m ³ in which case the Schedule 5 visual clarity standards shall apply; and 3. The activity does not occur adjacent to a salmon spawning area listed in Schedule 17, or in any inanga spawning habitat during the period of 1 January to 1 June inclusive, or in any Critical Habitat; and 4. Except in relation to recovery activities or the establishment, maintenance or repair of network utilities and fencing, any earthworks or cultivation is not within 5 m of any flood control structure without the prior written permission of the person or agency responsible for maintaining that flood control structure; and 5. From 5 September 2015, and in the riparian margins of Clarence, Waiau, Hurunui, Waimakariri, Rakaia, Rangitata, and Waitaki rivers, earthworks or cultivation do not result in a reduction in the area or diversity of existing riparian vegetation, unless the works have been authorised by a land use consent granted by the relevant territorial authority and conditions 1 to 4 above are met, or the activity is for the purpose of the installation, operation, maintenance, upgrade or repair of infrastructure. 5.169 Vegetation clearance and earthworks outside the bed of a river or lake or adjacent to a wetland boundary but within:	The CLWRP rules relating to earthworks in wetlands (5.161 and 5.162) are narrow in focus, and limited to those which result in a reduction of a wetland - and therefore will not apply to earthworks in the wider SASM area, or earthworks in wetlands that do not result in a reduction in the area of the wetland. I consider that because of the narrow focus of the CLWRP rules, there is very limited overlap, i.e. the PDP and CLWRP rules will only both apply where earthworks are proposed which will reduce the extent of a wetland, the wetland is also located within a SASM, and a consent requirement is also triggered under the PDP. The CLWRP rules relating to earthworks in specified distances of rivers and wetlands (5.168 and 5.169) will also apply to riparian areas in identified wai taoka and wai tapu sites. The s42A recommendation is to not apply the rules in the SASM chapter to the defined riparian margin, to avoid overlap between earthworks rules applying in this area under the NATC Chapter. With respect to the CLWRP rules relating to earthworks in High Soil Erosion Risk areas (5.170 and 5.171), it is my view that these rules are targeted at managing effects from erosion in higher risk areas, and while some of these areas may overlap with SASMs, the purpose of the rules in the PDP differ. I further note that any overlap between the PDP and CLWRP rules in these areas will also arise where the High Soil
	Wāhi Taoka / Wai Taoka (SASM-R1.2) – Permitted for maintenance and replacement (of same nature, character and scale) of listed items within existing footprint / modified ground + ADP form lodged	Wāhi Taoka / Wai Taoka (outside riparian margin) (SASM-R1.1) Permitted up to 2000m ² or for maintenance / repair / replacement of listed items (list extended) within existing footprint / modified ground + ADP applies <i>In other zones, rely on Earthworks Chapter rules, but with additional SASM matters of discretion</i>		
	Wāhi Tapu / Wai Tapu (SASM-R1.3)– RDIS	Wai Tapu (outside riparian margin) (SASM-R1.1) Permitted up to 2000m ² or for maintenance / repair / replacement of listed items (list extended) within existing footprint / modified ground + ADP applies <i>In other zones, rely on Earthworks Chapter rules, but with</i>		

Activity	Notified PDP Rule	S42A Recommended Rule	CLWRP Rule	Comment
		<p><i>additional SASM matters of discretion</i></p> <p>Wāhi Tapu (SASM-R1.3)– Permitted in SASM-1a, SASM-4a and SASM-4c (located in GRUZ) for maintenance / repair / replacement of listed items (list extended) within existing footprint / modified ground + ADP applies. Otherwise RDIS.</p> <p>For other sites, permitted + ADP applies</p>	<p>(a) 10 m of the bed of a lake or river or a wetland boundary in Hill and High Country land and land shown as High Soil Erosion Risk on the Planning Maps; or (b) 5 m of the bed of a lake or river or a wetland boundary in all other land not shown as High Soil Erosion Risk on the Planning Maps or defined as Hill and High Country; and any associated discharge of sediment or sediment-laden water in circumstances where sediment may enter surface water that does not comply with one or more of the conditions in Rules ... 5.168 is a restricted discretionary activity.</p> <p><i>The exercise of discretion is restricted to the following matters:</i></p> <p>...</p> <p>4. The actual and potential adverse environmental effects on areas of natural character, outstanding natural features or landscapes, areas of significant indigenous vegetation, indigenous biodiversity and significant habitats of indigenous fauna, mahinga kai areas or sites of importance to Tangata Whenua; and ...</p> <p>5.170 Within the area shown as High Soil Erosion Risk on the Planning Maps and outside any riparian margin, the use of land (excluding any works for which a building consent has been obtained from the relevant local authority) for... [various activities listed, including (f) earthworks within a production forest undertaken in accordance with NZ Forest Road Engineering Manual (2012); (j) earthworks associated with the establishment, repair or maintenance of pipelines, electricity lines, telecommunication lines and radio communication structures and fences; or (k) Other earthworks where (i) the volume is less than 10 m³ per site or per hectare (whichever is the greater); and (ii) the maximum depth of cut or fill is 0.5 m; and any associated discharge of sediment or sediment-laden water in circumstances where sediment may enter surface water is a permitted activity, provided the following conditions are met:</p> <p>1. Any cleared areas are stabilised and where it is not put to its final use shall be revegetated within 6 months from the date of the commencement of the vegetation clearance or earthworks; and</p> <p>2. Any cultivation is across the contour of the land; and</p> <p>3. When firebreaks, roads, or tracks are constructed or maintained the maximum depth of cut or fill is 0.5 m; and</p> <p>4. the concentration of total suspended solids in the discharge shall not exceed:</p> <p>a. 50 g/m³, where the discharge is to any Spring-fed river, Banks Peninsula river, or to a lake except when the background total suspended solids in the waterbody is greater than 50 g/m³ in which case the Schedule 5 visual clarity standards shall apply; or</p> <p>b. 100 g/m³ where the discharge is to any other river or to an artificial watercourse except when the background total suspended solids in the waterbody is greater than 100 g/m³ in which case the Schedule 5 visual clarity standards shall apply.</p> <p>5.171 Within the area shown as High Soil Erosion Risk on the Planning Maps and outside any riparian margin, the use of land for vegetation clearance, cultivation and earthworks that does not comply with one or more of the conditions in Rule 5.170, or vegetation clearance, cultivation or earthwork activities not listed in Rule 5.170(a) to (k), and any associated discharge of sediment or sediment-laden water in circumstances where sediment may enter surface water is a restricted discretionary activity.</p> <p><i>The exercise of discretion is restricted to the following matters:</i></p> <p>...</p> <p>3. The actual and potential adverse environmental effects on areas of natural character, outstanding natural features or landscapes, areas of significant indigenous vegetation, indigenous biodiversity and significant habitats of indigenous fauna, mahinga kai areas or sites of importance to Tangata Whenua; and ...</p> <p><i>Note - rules applying within the beds of rivers and lakes have been considered separately in Row G and Table 1 of Appendix C.</i></p>	Erosion Risk areas overlap with ONLs or SNAs.
Buildings & Structures	Wāhi Taoka (SASM-R2.1) – Permitted (outside RESZ, CMUZ, GIZ, PORTZ) up to 5m in height, away from ridgelines, below 900m, up to 300m ²	Wāhi Taoka (SASM-R2.1) – Permitted (outside RESZ, CMUZ, GIZ, PORTZ) up to 9m in height, away from ridgelines, below 900m , up to 300m ²	<p>14.5.38 The damming of water in the bed of the Pareora River, and the associated take, use and diversion of water and the maintaining and operating of dam structures for the purpose of a lawfully established community water supply scheme is a restricted discretionary activity, provided ... conditions are met: The exercise of discretion is restricted to the following matters:</p> <p>8. Any adverse effects of the use of water on Ngāi Tahu values or on sites of significance to Ngāi Tahu, including wāhi tapu and wāhi taonga; and</p>	There is some overlap between the notified rule applying to buildings and structures in a wai tapu area and Rule 14.5.38, as the Pareora (Pareora) River is identified as a wai tapu area. However, the s42A report recommends that the rule is amended so as not to apply to wai tapu areas.
	Wāhi Taoka / Wai Taoka – N/A (No rule applies)	(No change)		

Activity	Notified PDP Rule	S42A Recommended Rule	CLWRP Rule	Comment
	Wāhi Tapu / Wai Tapu (SASM-R2.2) – RDIS	Do not apply to wai tapu or to SASM1c, SASM2, SASM3a, SASM-R8 and SASM-R9		
Indigenous Vegetation Clearance	Wāhi Tūpuna - N/A (No rule applies)	(No change)	<p>Rule 5.161 - Reducing the area of a wetland for the operation, maintenance or repair of existing infrastructure or construction of new infrastructure for transport, electricity or water distribution or reticulation, including vegetation clearance and earthworks and the taking, use, damming or diversion (including draining) of water and the associated discharge of any water onto land or into a river, lake, artificial watercourse or wetland is a restricted discretionary activity. <i>The exercise of discretion is restricted to the following matters:</i> ... 5. Any adverse effects on Ngāi Tahu values or on sites of significance to Ngāi Tahu, including wāhi tapu and wāhi taonga.</p> <p>Rule 5.162 Reducing the area of a wetland by the taking, use, damming or diversion (including draining) of water or other means, including vegetation clearance, cultivation, burning or earthworks, except as provided for in Rule 5.161 is a non-complying activity</p> <p>5.169 The use of land for vegetation clearance outside the bed of a river or lake or adjacent to a wetland boundary but within: (a) 10 m of the bed of a lake or river or a wetland boundary in Hill and High Country land or land shown as High Soil Erosion Risk on the Planning Maps; or (b) 5 m of the bed of a lake or river or a wetland boundary in all other land not shown as High Soil Erosion Risk on the Planning Maps or defined as Hill and High Country; and any associated discharge of sediment or sediment-laden water in circumstances where sediment may enter surface water is a permitted activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> Except in relation to recovery activities, the area of bare ground resulting from vegetation clearance: <ol style="list-style-type: none"> does not at any time exceed 10% of the area within the relevant riparian margin at any time; is undertaken in accordance with a Farm Environment Plan that has been prepared in accordance with Schedule 7 Part A; or for plantation forestry activities is undertaken in accordance with the Environmental Code of Practice for Plantation Forestry (ECOP) 2007 and the NZ Forest Road Engineering Manual (2012); and Except in relation to recovery activities, the vegetation clearance is not on land above 900 m above sea level Except in relation to recovery activities or the establishment, maintenance or repair of network utilities and fencing, the concentration of total suspended solids in the discharge does not exceed: <ol style="list-style-type: none"> 50g/m³ where the discharge is to any Spring-fed river, Banks Peninsula River, or to a lake, except when the background total suspended solids in the waterbody is greater than 50g/m³ in which case the Schedule 5 visual clarity standards shall apply; or 100g/m³ where the discharge is to any other river or to an artificial watercourse except when the background total suspended solids in the waterbody is greater than 100g/m³ in which case the Schedule 5 visual clarity standards shall apply; and The felling of trees, or any part of a tree, is away from any lake, river or wetland, except where it is not practicable to do so to ensure human safety, and no logs or tree trunks are dragged through or across the bed of a lake or a permanently flowing river, or a wetland; and The activity does not occur adjacent to a salmon spawning area listed in Schedule 17, or in any inanga spawning habitat during the period of 1 January to 1 June inclusive, or in any Critical Habitat; and The vegetation is not flood or erosion control vegetation; and <p>5. From 5 September 2015, and in the riparian margins of Clarence, Waiau, Hurunui, Waimakariri, Rakaia, Rangitata, and Waitaki rivers, earthworks or cultivation do not result in a reduction in the area or diversity of existing riparian vegetation, unless the works have been authorised by a land use consent granted by the relevant territorial authority and conditions 1 to 6 above are met, or the activity is for the purpose of the installation, operation, maintenance, upgrade or repair of infrastructure.</p> <p>5.169 Vegetation clearance and earthworks outside the bed of a river or lake or adjacent to a wetland boundary but within: (a) 10 m of the bed of a lake or river or a wetland boundary in Hill and High Country land and land shown as High Soil Erosion Risk on the Planning Maps; or</p>	<p>It is my view that while there may be some overlap between the rules managing indigenous vegetation clearance in SASMs in the PDP, and those managing vegetation clearance in the CLWRP, they do not result in duplication, because the CLWRP rules are related to matters which the PDP does not address, e.g. effects of vegetation clearance on the quality of water bodies and aquatic ecology, and the potential for vegetation clearance to result in erosion.</p> <p>I further note that the overlap is reduced by the s42A recommendation to remove indigenous vegetation clearance rules from the SASM Chapter.</p>
	Wāhi Taoka / Wai Taoka / Wāhi Tapu / Wai Tapu (SASM-R3) – Permitted in listed circumstances: <ul style="list-style-type: none"> - Carried out by Ngāi Tahu whanui for the purposes of mahika kai or other customary uses - causing an imminent danger to human life, structures, or utilities - maintenance, repair or replacement of existing lawfully established listed items - planted and managed specifically for the purpose of harvesting, as part of a domestic or public garden, for amenity purposes, or as a shelterbelt - necessary in the course of removing pest plants and pest animals - for natural hazard mitigation works 	Deleted- Rules in ECO Chapter relied on		

Activity	Notified PDP Rule	S42A Recommended Rule	CLWRP Rule	Comment
			<p>(b) 5 m of the bed of a lake or river or a wetland boundary in all other land not shown as High Soil Erosion Risk on the Planning Maps or defined as Hill and High Country; and any associated discharge of sediment or sediment-laden water in circumstances where sediment may enter surface water that does not comply with one or more of the conditions in Rules ... 5.168 is a restricted discretionary activity.</p> <p><i>The exercise of discretion is restricted to the following matters:</i></p> <p>...</p> <p>4. The actual and potential adverse environmental effects on areas of natural character, outstanding natural features or landscapes, areas of significant indigenous vegetation, indigenous biodiversity and significant habitats of indigenous fauna, mahinga kai areas or sites of importance to Tangata Whenua; and ...</p> <p>5.170 Within the area shown as High Soil Erosion Risk on the Planning Maps and outside any riparian margin, the use of land (excluding any works for which a building consent has been obtained from the relevant local authority) for... [various activities listed, including (c) Vegetation clearance of species (including by spraying) listed in the Biosecurity NZ Register of Unwanted Organisms or the Canterbury Regional Pest Management Plan; (j) vegetation clearance associated with the establishment, repair or maintenance of pipelines, electricity lines, telecommunication lines and radio communication structures and fences; ... and any associated discharge of sediment or sediment-laden water in circumstances where sediment may enter surface water is a permitted activity, provided the following conditions are met:</p> <p>1. Any cleared areas are stabilised and where it is not put to its final use shall be revegetated within 6 months from the date of the commencement of the vegetation clearance or earthworks; and</p> <p>2. Any cultivation is across the contour of the land; and</p> <p>3. When firebreaks, roads, or tracks are constructed or maintained the maximum depth of cut or fill is 0.5 m; and</p> <p>4. the concentration of total suspended solids in the discharge shall not exceed:</p> <p>a. 50 g/m³, where the discharge is to any Spring-fed river, Banks Peninsula river, or to a lake except when the background total suspended solids in the waterbody is greater than 50 g/m³ in which case the Schedule 5 visual clarity standards shall apply; or</p> <p>b. 100 g/m³ where the discharge is to any other river or to an artificial watercourse except when the background total suspended solids in the waterbody is greater than 100 g/m³ in which case the Schedule 5 visual clarity standards shall apply.</p> <p>5.171 Within the area shown as High Soil Erosion Risk on the Planning Maps and outside any riparian margin, the use of land for vegetation clearance, cultivation and earthworks that does not comply with one or more of the conditions in Rule 5.170, or vegetation clearance, cultivation or earthwork activities not listed in Rule 5.170(a) to (k), and any associated discharge of sediment or sediment-laden water in circumstances where sediment may enter surface water is a restricted discretionary activity.</p> <p><i>The exercise of discretion is restricted to the following matters:</i></p> <p>...</p> <p>3. The actual and potential adverse environmental effects on areas of natural character, outstanding natural features or landscapes, areas of significant indigenous vegetation, indigenous biodiversity and significant habitats of indigenous fauna, mahinga kai areas or sites of importance to Tangata Whenua; and ...</p>	
Temporary Events	Wāhi Tūpuna / Wāhi Taoka / Wai Taoka - N/A (No rule applies)	(No change)	Not covered in CLWRP	
	Wāhi Tapu / Wai Tapu (SASM-R4) – Permitted where it is a cultural event undertaken in accordance with tikanga, otherwise non-complying	Wāhi Tapu / Wai Tapu (SASM-R4) – Permitted where it is a cultural event undertaken in accordance with tikanga, or within SASM8 or SASM9 and not in an SNA; otherwise restricted discretionary		

Activity	Notified PDP Rule	S42A Recommended Rule	CLWRP Rule	Comment
Mining and Quarrying	Wāhi Tūpuna (SASM-R5.1) - Permitted up to 750m ² + ADP form lodged	Wāhi Tūpuna (outside ONL or VAL only) (SASM-R5.1) - Permitted up to 750m ² + ADP applies	<p>5.148 The extraction of gravel from the bed of a lake or river including the deposition of substances on the bed and excavation or other disturbance of the bed of a lake or river, but excluding the diversion of water within the bed of a river, is a permitted activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. The activity is not undertaken in, on, or under the bed of any river or lake listed as a high naturalness waterbody in Sections 6 to 15; and 2. No part of the activity occurs within flowing water; and 3. The activity does not include the deposition of any substance, other than bed material, on the bed; and 4. The volume excavated by any person or on behalf of any person, organisation or corporation: <ol style="list-style-type: none"> a. in the bed of any river or lake does not exceed 5 m³ in any 12 consecutive months; or b. between 1 February and 31 August, in the beds listed in Schedule 14, does not exceed 5 m³ per month and not more than 10 m³ in any 12 consecutive months period; or c. between 1 February and 31 August, in the beds listed in Schedule 15, does not exceed 10 m³ per month and not more than 20 m³ in any 12 consecutive months period; and 5. Any excavated material (other than surplus or reject material) is removed from the bed within 10 days of the material being excavated; and 6. Unless undertaken by owner of the structure, or written permission from the owner of the structure has been obtained, the activity is undertaken more than 50 m from any lawfully established dam, weir, culvert crossing, bridge, surface water intake plant or network utility pole or pylon, more than 150 m from any lawfully established water level recorder and more than 7.5 m from any existing defences against water; and 7. The activity and any associated equipment, materials or debris does not obstruct or alter access to or the navigation of the lake or river; and 8. The activity does not include screening or any other processing of the gravel within the bed of the lake or river; and 9. The activity is not undertaken in a salmon spawning site listed in Schedule 17, or in any inanga spawning habitat during the period of 1 January to 1 June inclusive, or in any Critical Habitat; and 10. Excavation shall not occur within 100 metres of birds which are nesting or rearing their young in the bed of the river. <p>5.149 The extraction of gravel from the bed of a lake or river, including the ancillary deposition of substances on the bed and excavation or other disturbance of the bed that does not meet condition 4, 5, or 8 of Rule 5.148, but excluding the diversion of water within the bed of a river, is a permitted activity, provided the following condition is met:</p> <ol style="list-style-type: none"> 1. The extraction of gravel is undertaken by or on behalf of the CRC in conformance with the current version of the Canterbury Regional Gravel Management Strategy prepared to give effect to Policy 10.3.4 of the Canterbury Regional Policy Statement. <p>5.150 The extraction of gravel from the bed of a lake or river including the ancillary deposition of substances on the bed and excavation or other disturbance of the bed that does not meet condition 1, 2, 3, 6, 7, 9 or 10 of Rule 5.148 or condition 1 of Rule 5.149, but excluding the diversion of water within the bed of a river, is a discretionary activity.</p> <p>5.175 The use of land to excavate material is a permitted activity, provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. Over the Coastal Confined Gravel Aquifer System, as shown on the Planning Maps: <ol style="list-style-type: none"> a. there is more than 1 m of undisturbed material between the deepest part of the excavation and Aquifer 1; and b. if more than 100 m³ of material is excavated, the excavation does not occur within 50 m of any surface waterbody; or 2. Over an unconfined or semi-confined aquifer: <ol style="list-style-type: none"> a. the volume of material excavated is less than 100 m³; or b. the volume of material excavated is more than 100 m³ and: <ol style="list-style-type: none"> (i) there is more than 1 m of undisturbed material between the deepest part of the excavation and the highest groundwater level; and (ii) the excavation does not occur within 50 m of any surface waterbody. <p>5.176 The use of land to excavate material that does not comply with one or more of the conditions of Rule 5.175 is a restricted discretionary activity. The exercise of discretion is restricted to the following matters:...</p> <ol style="list-style-type: none"> 5. Any adverse effects on Ngāi Tahu values or on sites of significance to Ngāi Tahu, including wāhi tapu and wāhi taonga. 	The potential duplication between the notified rules in wai taoka overlay, and those of the CLWRP have been addressed through the recommendation to amend SASM-R5 so that it does not apply to the beds of rivers.
	Wai Taoka (SASM-R5.2) – Permitted in riverbed where authorized by ECan + excavated materials removed from bed after 10 days	(SASM-R5A) Restricted discretionary where outside the bed of a river Within bed of a river, no rules applies		
	Wāhi Taoka / Wāhi Tapu / Wai Tapu (SASM-R5.3) – Non-complying	(No change, but now numbered SASM-R5.2)		
Intensively Farmed Stock	Wāhi Tūpuna - N/A (No rule applies)	(No change)	Rules that may apply, depending on the nature of the activity include:	The potential duplication between the notified rules in the SASM overlays, and those of the CLWRP have been addressed through the recommendation to delete SASM-R6.
	Wai Taoka – (SASM-R6.1) Restricted Discretionary	Deleted	Rule 5.29 – Discharge of solid animal waste permitted provided conditions are met – including meeting specified distances from waterbodies.	
	Wāhi Taoka / Wāhi Tapu / Wai Tapu (SASM-R6.2) – Non-complying	Deleted	Rule 5.30 – Discharge of solid animal waste into or onto land, or into or onto land in circumstances where a contaminant may enter water that does not meet one or more of the conditions in Rule 5.29 is a discretionary activity.	

Activity	Notified PDP Rule	S42A Recommended Rule	CLWRP Rule	Comment
			<p>5.31 The use of land for a stock holding area is a permitted activity provided conditions are met – including meeting specified distances from a surface water body.</p> <p>5.32 The use of land for a stock holding area that does not meet one or more of the conditions of Rule 5.31 is a discretionary activity.</p> <p>5.33 The use of land for the collection, storage and treatment of animal effluent is a permitted activity provided conditions are met – including meeting specified distances from a surface water body.</p> <p>5.34 The use of land for the collection, storage and treatment of animal effluent that does not meet one or more of the conditions of Rule 5.33 is a discretionary activity.</p> <p>5.68 The use and disturbance of the bed (including the banks) of a lake, river or a wetland by stock and any associated discharge to water is a permitted activity, provided conditions are met.</p> <p>5.69 The use and disturbance of the bed (including the banks) of a lake, river or a wetland by stock and any associated discharge to water that does not meet one or more of the conditions of Rule 5.68, excluding condition 1, and is not listed as a non-complying activity under Rule 5.70 or a prohibited activity under Rule 5.71 is a discretionary activity.</p> <p>5.70 Unless categorised as a prohibited activity under Rule 5.71, the use and disturbance of the bed (including the banks) of a lake, a river that is greater than 1 m wide or 100 millimetres deep (under median flow conditions), or a wetland, by intensively farmed stock and any associated discharge to water is a non-complying activity.</p> <p>5.71 The use and disturbance of the bed (including the banks) of a lake or river by any farmed cattle, farmed deer or farmed pigs and any associated discharge to water is a prohibited activity in specified areas (salmon spawning sites, Community Drinking-water Protection Zone, In the bed of a river within 1,000 m upstream of a freshwater bathing site listed in Schedule 6, or in the bed of a lake within 500m of a freshwater bathing site listed in Schedule 6; or in the bed (including the banks) of a spring-fed plains river.</p> <p>14.5.13 The use of land for a farming activity on a property 10 hectares or less in area is a permitted activity.</p> <p>14.5.18 The use of land for a farming activity on a property greater than 10 hectares in area is a permitted activity where specified conditions are met, including registration in the Farm Portal; preparation of a Management Plan, irrigation and winter grazing are within specified limits/locations; there is no irrigation or discharge of water or solid or liquid waste on the part of the property within the Rock Art Management Area;</p> <p>14.5.19 The use of land for a farming activity on a property greater than 10 hectares in area that does not comply with one or more of conditions 6 or 7 of Rule 14.5.18 (relation to irrigation and winter grazing) is a controlled activity, where specified conditions are met.</p> <p>14.5.20 The use of land for a farming activity on a property greater than 10 hectares in area that does not comply with one or more of conditions 1, 2, 3, 4 or 5 of Rule 14.5.18 or one or more of conditions 2 or 3 of Rule 14.5.19 is a restricted discretionary, , where specified conditions are met.</p> <p>14.5.15 The use of land for a farming activity on a property greater than 10 hectares in specified circumstances is a discretionary activity, where specified conditions are met (relating to nutrient management)</p> <p>14.5.16 The use of land for a farming activity on a property greater than 10 hectares is a non-complying activity, in specified circumstances and where a Farm Environment Plan has not been prepared.</p> <p>14.5.17 The use of land for a farming activity on a property greater than 10 hectares is a prohibited activity, in specified circumstances and where the nitrogen loss calculation exceeds the nitrogen baseline or the Equivalent Baseline GMP Loss Rate and Equivalent Good Management Practice Loss Rate for the farming activity have not been calculated.</p>	
Subdivision	Wāhi Tūpuna - N/A (No rule applies)	(No change)	Not covered in CLWRP	
	Wāhi Taoka / Wai Taoka / Wāhi Tapu / Wai Tapu (SASM-R7) – Discretionary	(No change) (Rule shifted to subdivision chapter)		
Planting	Wāhi Tūpuna / Wāhi Taoka / Wai Taoka / Wāhi Tapu (other than SASM8 and SASM9) / Wai Tapu - N/A (No rule applies)	(No change)	Not covered in CLWRP (rules relating to planting apply only to beds of lakes and rivers, and therefore do not apply wāhi tapu areas.	
	Wāhi Tapu (SASM8 and SASM9) (SASM-R8) - Shelterbelts, woodlots, plantation forestry – Non-complying	Wāhi Tapu (SASM8 and SASM9) (SASM-R8) - Shelterbelts , woodlots, plantation		

Activity	Notified PDP Rule	S42A Recommended Rule	CLWRP Rule	Comment
		forestry – Non-complying / RDIS		