

OFFICER'S REPORT FOR:

Hearings Panel:

SUBJECT:

Proposed Waimakariri District Plan: Ngā
whenua tapu o ngā iwi - Sites and Areas of
Significance to Māori

PREPARED BY:

Alan Matheson

REPORT DATED:

13 April 2023

DATE OF HEARING:

Stream 2: 17 – 18 May 2023

Executive Summary

1. This report considers submissions received by the District Council in relation to the relevant objectives, policies, rules, definitions, appendices and maps of the Proposed Plan as they apply to Sites and Areas of Significance to Māori (‘SASM’). The report outlines recommendations in response to the issues that have emerged from these submissions.
2. There were a number of submissions and three further submissions received on SASM. The submissions received were diverse and sought a range of outcomes. The following are considered to be the key issues in contention in the chapter:
 - Mapping replaced with indication of knowledge and risk or amended to exclude specific areas;
 - Interrelationship between the SASM and Energy and Infrastructure chapters (both at the policy and rule levels); and
 - Operational and functional need of infrastructure, and farming activities.
3. This report addresses each of these matters, as well as any other issues raised by submissions.
4. The SASM chapter is also subject to a number of consequential amendments arising from submissions to the whole of the Proposed Plan and other chapters.
5. I have recommended some changes to the Proposed Plan provisions to address matters raised in submissions and are summarised below:
 - removing the hyperlink to ‘site’ where it is not a definition; and
 - amend a rule to provide for existing infrastructure.
6. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed Plan should be amended as set out in section **Appendix A** of this report.
7. For the reasons set out in the Section 32AA evaluation and included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
 - achieve the purpose of the RMA where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
 - achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

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Interpretation

8. Parts A and B of the Officer's reports utilise a number of abbreviations for brevity as set out in Tables 1 and 2 below:

Table 1: Abbreviations

Abbreviation	Means
RMA	Resource Management Act 1991
District Council	Waimakariri District Council / territorial authority
Operative Plan	Operative Waimakariri District Plan
Proposed Plan	Proposed Waimakariri District Plan
ECan	Environment Canterbury/Canterbury Regional Council
NES	National Environmental Standard
NESAQ	National Environmental Standards for Air Quality 2004
NESCS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NESETA	National Environmental Standards for Electricity Transmission Activities 2009
NESF	National Environmental Standards for Freshwater 2020
NESPF	National Environmental Standards for Plantation Forestry 2017
NESSDW	National Environmental Standards for Sources of Drinking Water 2007
NESTF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Planning Standards
NPSET	National Policy Statement on Electricity Transmission 2008
NPSFM	National Policy Statement for Freshwater Management 2020
NPSUD	National Policy Statement on Urban Development 2020
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
RPS	Operative Canterbury Regional Policy Statement

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
CCC	Christchurch City Council
CDHB	Christchurch District Health Board
Chorus	Chorus New Zealand Ltd
CIAL	Christchurch International Airport Ltd
Corrections	Ara Poutama Aotearoa the Department of Corrections
DoC	Department of Conservation Te Papa Atawhai
ECan	Environment Canterbury / Canterbury Regional Council
Federated Farmers	Federated Farmers of New Zealand Inc.
FENZ	Fire and Emergency New Zealand
Fish and Game	North Canterbury Fish and Game Council

Abbreviation	Means
Forest and Bird	Royal Forest and Bird Protection Society
Heritage NZ	Heritage New Zealand Pouhere Taonga
Hort NZ	Horticulture New Zealand
Kainga Ora	Kainga Ora - Homes and Communities
KiwiRail	KiwiRail Holdings Limited
Mainpower	Mainpower New Zealand Ltd
MoE	Minister / Ministry of Education
Ngāi Tūāhuriri	Te Ngāi Tūāhuriri Rūnanga
NZDF	New Zealand Defence Force
Police	Minister of Police / NZ Police
QEII Trust	Queen Elizabeth the Second National Trust
Ravenswood	Ravenswood Developments Ltd
Spark	Spark New Zealand Trading Ltd
Tuhaitara Trust	Te Kohaka o Tuhaitara Trust
Transpower	Transpower New Zealand Ltd
Vodafone	Vodafone New Zealand Ltd / One.NZ
WDC	Waimakariri District Council (including as requiring authority)
Waka Kotahi	Waka Kotahi NZ Transport Agency

In addition, references to submissions includes further submissions, unless otherwise stated.

1 Introduction

1.1 Purpose

9. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on the Sites and Areas of Significance to Māori (‘SASM’) and to recommend possible amendments to the Proposed Plan in response to those submissions.
10. This report is prepared under section 42A of the RMA. It considers submissions received by the District Council in relation to the relevant objectives, policies, rules, definitions, appendices and maps as they apply to the SASM chapter in the Proposed Plan. The report outlines recommendations in response to the key issues that have emerged from these submissions.
11. This report discusses general issues or topics arising, the original and further submissions received following notification of the Proposed Plan, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the Proposed Plan provisions or maps based on the preceding discussion in the report.
12. The recommendations are informed by the evaluation undertaken by the author.
13. This report is provided to assist the Hearings Panel in their role as Independent Commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

1.2 Author

14. My name is Alan Matheson. My qualifications and experience are set out in **Appendix C** of this report.
15. My role in preparing this report is that of an expert planner.
16. I am the author of the chapters and the Section 32 Evaluation Reports for both the *Special Purpose Zone (Kāinga Nohoanga)* and *Sites and Areas of Significance to Māori*.
17. Although this is a District Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court January 2023. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
18. The scope of my evidence relates to SASM. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.
19. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
20. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.3 Key Issues in Contention

21. Fourteen (14) submissions and three (3) further submissions were received on the provisions to the SASM chapter. The submissions received were focussed primarily on the provision for other activities (mainly rural activities and infrastructure) to operate, and clarity around the implementation of the provisions.
22. I consider the following to be the key issues in contention in the chapter:
 - Mapping replaced with indication of knowledge and risk or amended to exclude specific areas;
 - Interrelationship between the SASM and Energy and Infrastructure chapters (both at the policy and rule levels); and
 - Operational and functional need of infrastructure, and farming activities.
23. I address each of these key issues in this report, as well as any other issues raised by submissions.

1.4 Procedural Matters

24. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this chapter.

2 Statutory Considerations

2.1 Resource Management Act 1991

25. The Proposed Plan has been prepared in accordance with the RMA and in particular, the requirements of:
- section 74 Matters to be considered by territorial authority, and
 - section 75 Contents of district plans,
26. There are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the Proposed Plan. These documents are discussed in detail within the Section 32 Evaluation Report: *SASM – Ngā whenua tapu o ngā iwi / Sites and areas of significance to Māori* (18 September 2021).

2.2 Section 32AA

27. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

28. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to SASM is contained within the assessment of the relief sought in submissions in section 3 of this report, as required by s32AA(1)(d)(ii).

2.3 Trade Competition

29. Trade competition is not considered relevant to the SASM provisions of the Proposed Plan.

30. There are no known trade competition issues raised within the submissions.

3 Consideration of Submissions and Further Submissions

3.1 Overview

31. The fifteen (15) original submissions raised a total of 56 submission points, with 25 submission points opposing or seeking amendment, and 31 submission points in support of provisions without amendment. There were 3 further submissions in support of 3 original submissions with respect to Policy 5 and the three matters of discretion.
32. The common theme arising in the submission in opposition or seeking amendment related to the manner in which infrastructure and farming activities were enabled, particularly in relation to the SASM earthwork provisions.

3.1.1 Report Structure

33. Submissions on SASM raised a number of issues which have been grouped into sub-topics within this report. Some of the submissions are addressed under a number of topic headings based on the topics contained in the submission. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submission(s) to which they relate.
34. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission by submission approach. I have organised the evaluation in accordance with the layout of chapters of the Proposed Plan as notified.
35. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission / further submission point are contained in **Appendix B**.
36. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in **Appendix B**. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the Chapter with recommended amendments in response to submissions as **Appendix A**.
37. This report only addresses definitions that are specific to this topic. Definitions that relate to more than one topic have been addressed in Hearing Stream 1.

3.1.2 Format for Consideration of Submissions

38. For each identified topic, I have considered the submissions that are seeking changes to the Proposed Plan in the following format:
 - Matters raised by submitters;
 - Assessment; and
 - Summary of recommendations

- Section 32AA evaluation.
39. The recommended amendments to the relevant chapter is set out in in **Appendix A** of this report where all text changes are shown in a consolidated manner.
40. I have undertaken a s32AA evaluation in respect to the recommended amendments in my assessment.
41. Note that there are further submissions that support submission points in their entirety:
- the further submission from Federated Farmers of New Zealand Inc [FS83] supports the submission point from Waimakariri Irrigation Ltd [210.13] in its entirety;
 - the further submission from Transpower New Zealand Ltd [FS92] supports the submission points from Waimakariri Irrigation Ltd [210.15, 210.16 and 210.17] in their entirety; and
 - the further submission from R&G Spark [FS37] supports the entirety of the submission from Bellgrove Rangiora Limited [408].
42. In these cases, recommendations in relation to these further submissions reflect the recommendations on the relevant primary submission.

3.2 General Submissions

3.2.1 Matters raised by submitters

43. MainPower New Zealand Limited [249.191] seeks that hyperlinks be inserted between the Energy and infrastructure chapter and the SASM chapter to assist plan users to navigate between the two chapters.
44. Federated Farmers of New Zealand Inc [414.99] seeks that the cultural mapping contained on the planning map of the Proposed Waimakariri District Plan, be replaced with a heat map or traffic light system that identifies knowledge and risk.

3.2.2 Assessment

MainPower New Zealand Limited

45. With regard to the hyperlinks between chapters, I disagree with MainPower New Zealand Limited that this will assist plan users. This is due to the number of permutations and complexity of linkages, making it almost impossible to link every provision in the plan. Essentially, you would end up with linkages that were not relevant to your project or development, which would have the opposite outcome of assisting plan users.
46. Instead, and as is practice throughout resource management plans prepared under the National Planning Standards, linkages between chapters are provided through the Planning Map “Property Search” function and in the “Introduction” section for each chapter there is a list of “Other potentially relevant District Plan provisions”. The Energy and Infrastructure chapter lists the SASM chapter within a list of 12 other chapters.
47. The one chapter where a linkage to other chapters has been provided, is within the Special Purpose Zone (Kāinga Nohoanga) (‘SPZ(KN)’) as appendix SPZ(KN)-APP1. This is because the

zone is quite complex and navigation both within the zone and to other chapters was considered necessary.

48. Council has other methods of assisting plan users to navigate the plan including providing a duty planner service and practice notes.

Federated Farmers of New Zealand Inc

49. The suggestion by Federated Farmers of New Zealand Inc that a heat map or traffic light system be used is not supported. The SASM chapter has a schedule of sites and areas at the end of the chapter under the heading SASM-SCHED1- *Sites and areas of significance to Māori*, where the classification and description and other detail are set out. For many SASM, they are a ‘Silent File’ which indicates that the information is sensitive and not publicly available. Consultation with the relevant mana whenua is required to determine whether the proposed activity or development will have adverse effects on the values and whether they can be addressed. Accordingly, including some form of scale of importance to the sites and areas within the district plan is not supported.

3.2.3 Summary of recommendations

50. I recommend that the submissions from MainPower New Zealand Limited [249.191] and Federated Farmers of New Zealand Inc [414.99] be **rejected**.
51. I recommend that no change be made to the Proposed District Plan.

3.3 Introduction

3.3.1 Matters raised by submitters

52. Heritage New Zealand Pouhere Taonga [178.44] notes that where the word ‘site’ is used in the chapter, it automatically links to the NPS definition, which is not the correct definition when dealing with SASM.
53. Transpower New Zealand Limited [195.68] notes that there appears to be a contradiction between the Introduction sections of the SASM and Energy and Infrastructure chapters.

3.3.2 Assessment

Heritage New Zealand Pouhere Taonga

54. With regard to the term ‘site’, I agree with the submitter that hyperlinking it to the National Planning Standard definition of ‘site’ is incorrect.
55. I note that term ‘site’ as it relates to the SASM chapter, derives from s6(e) of the RMA that lists the following as a matter of national importance (my emphasis added):

*“(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, **sites**, waahi tapu and other taonga”*

56. Section 4 – *District Plan Structure Standard* of the NPS states at Mandatory Direction 3 that chapters that are in grey in Table 4 must be included, if relevant to the district plan, in the order shown and lists “*Sites and areas of significance to Māori*” as one of the chapters under the

heading “Historical and Cultural Values”. On first glance it would appear that there is a contradiction within the NPS. However, I also note that Section 14 – *Definitions Standard* of the NPS which sets out the “Mandatory directions” for the use of definitions in policy statements and plans includes the following under Mandatory Direction 1 (my emphasis added in bold):

“1. Where terms defined in the Definitions List are used in a policy statement or plan, **and the term is used in the same context as the definition**, local authorities must use the definition as defined in the Definitions List.”

57. Also, Mandatory Direction 7 of Section 1 – *Foundation Standard* sets out that links within a plan **may** be used. Accordingly, the NPS provides the flexibility needed for this situation where the word ‘site’ is part of a wider term being “sites and areas of significance to Māori”, and accordingly does not need to be linked to the definition.

3.3.3 Section 32AA evaluation

58. In my opinion, the amendments to the Introduction section is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions, in that it will remove a link to a definition that is not necessary. In particular, I consider that the change will be more efficient and effective than the notified provisions in achieving the objectives of the SASM chapter and hence the Proposed Plan.

59. The recommended amendments will not have any greater environmental, economic, social and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

Transpower New Zealand Limited

60. With regard to the potential conflict between the Introduction sections of the two chapters, the following is noted:

- a. the SASM Introduction directs that the provisions of the Energy and Infrastructure contain provisions relevant to protecting wāhi tapu sites;
- b. the Energy and Infrastructure Introduction directs that the SASM chapter contains provisions relevant to protecting SASM from adverse effects;
- c. Policy EI-P5(3)(e) identifies that new energy and infrastructure or major upgrades should seek to protect listed sensitive environments from significant adverse effects, including SASM and at Policy EI-P5(4) sets out the approach to be taken where infrastructure cannot locate outside those sensitive environments;
- d. then for example Rule EI-R4 identifies that the provisions of the SASM chapter do not apply to “*Customer connection between a building, other structure, site, and infrastructure*” and this complements Rule SASM-R4(1)(h) which references back to Rule EI-R4; and
- e. Rule EI-R20 *New infrastructure building* under part (3)(b) of the rule does not provide for new infrastructure building to be a permitted activity in a SASM, but is a discretionary activity (noting that this complements Policy EI-P5).

61. For the above reasons, it is incorrect to include the words “...and the rules in this chapter do not apply” as Rule SASM-R4 does apply.

3.3.4 Summary of recommendations

62. I recommend that the submission from Heritage New Zealand Pouhere Taonga [178.44] be **accepted**.
63. I recommend that the submission from Transpower New Zealand Limited [195.68] be **rejected**.
64. I recommend that the SASM chapter of the Proposed District Plan be changed by removing the hyperlink of “site” throughout the chapter where it should not be linked to the NPS definition.

3.4 Objective SASM-O1

3.4.1 Matters raised by submitters

65. Rolleston Industrial Developments Limited [326.245] and Federated Farmers of New Zealand Inc [414.100] support the objective.

3.4.2 Assessment

66. I concur with the comment made in the Federated Farmers of New Zealand Inc submission that the challenge will be integrating this objective with the policies and rules throughout the plan.

3.4.3 Summary of recommendations

67. I recommend that the submissions from Rolleston Industrial Developments Limited [326.245] and Federated Farmers of New Zealand Inc [414.100] be **accepted**.
68. I recommend that no change be made to the Proposed District Plan.

3.5 Policies SASM-P1 to SASM- P8

3.5.1 Matters raised by submitters

69. Heritage New Zealand Pouhere Taonga [178.45] and [178.46] supports policies SASM-P4 and SASM-P6 without any changes.
70. Rolleston Industrial Developments Limited [326.246] through to [326.253] supports all of the policies and seek that they be retained as notified.
71. Waimakariri Irrigation Limited [210.13] supports the intent of Policy SASM-P5 and seeks no changes to the policy. However, they are concerned that the ngā wai overlay extends to areas that are not ‘waterbodies’ or within ‘river beds’ as defined under the RMA. The submission is supported by the further submission from Federated Farmers of New Zealand (Inc) [FS83].
72. MainPower New Zealand Limited [249.192] seeks the inclusion of an additional policy to recognise the operational and functional need of infrastructure.
73. Federated Farmers of New Zealand (Inc) [414.101] and [414.102] seeks that Policy SASM-P4 include an additional clause to recognise everyday farming activities, and that Policy SASM-P5 be amended to remove aspects that are better located within a regional plan.

3.5.2 Assessment

Waimakariri Irrigation Limited

74. It is noted that the extent of ngā wai throughout the district covers areas of rivers, streams and land where Te Ngāi Tūāhuriri Rūnanga have expressed an interest in the health of water and the desire to manage the adverse effects of land uses and activities on the surface of water. Accordingly, the extent of ngā wai as shown on the planning maps will include land where Te Ngāi Tūāhuriri Rūnanga consider land management needs to be assessed.
75. Confirmation on the extent of the SASM boundaries was raised by Council officers during the preparation of the chapter and the identification of the features on the planning map. Ngāi Tahu on behalf of Te Ngāi Tūāhuriri Rūnanga confirmed the boundaries of the features as shown on the planning map. This will include areas outside waterbodies and river beds as defined in the RMA. In the absence of information provided by the submitter that the values of importance to Te Ngāi Tūāhuriri Rūnanga are not within the feature, then in my opinion, no change to Policy SASM-P5 or the extent of ngā wai is required.
76. The specific area of concern raised in the submission by Waimakariri Irrigation Limited is the Brown Rock intake structure and SASM 022 Ngā wai (awa/ngā manga), and this is shown in the planning map snapshot in Figure 1 below.



Figure 1: Brown Rock intake structure

MainPower New Zealand Limited

77. The submission seeks to essentially replicate Policy EI-P5 from the Energy and Infrastructure chapter, that clearly sets out the approach with respect to managing the effects of infrastructure on sensitive environments (refer to the discussion in Section 3.3.2 previously in this report). In my opinion, this policy does not need to be duplicated in the SASM chapter. I also note that this matter is addressed as a matter of discretion under SASM-MD1(6), SASM-MD2(9) and SASM-MD3(8).

Federated Farmers of New Zealand Inc

78. The submitter is concerned that SASM-P4(3) will trigger resource consent for earthworks associated with rural production and farming activities. However, I note that policies do not trigger resource consent requirements, that is the role of district plan rules. Rule SASM-R4 Earthworks and land disturbance associated with other activities provides for a range of permitted earthworks activities including:
- cultivation and other activities of previously disturbed earthworks;
 - cultivation to a maximum depth of 200mm; and
 - the drilling of a well or bore.
79. The submitter suggests that SASM-P4 needs to be amended to include management of earthworks through a farmer discovery protocol. In my opinion, such an addition is not required as this is covered in Policy SASM-P8 Engagement with rūnanga which encourages persons undertaking activities and/or applying for resource consent to engage with Te Ngāi Tūāhuriri. This policy would support the suggested farmer discovery protocol.
80. Federated Farmers of New Zealand Inc are also concerned that Policy SASM-P5 may be going beyond the scope of a district plan and is better located within a regional plan. In my opinion, no change to the policy is required, as the introductory words in the heading to the policy refers to both managing the effects of land uses and activities on the surface of water, both of which are district plan responsibilities. Also, the reference to the reinstatement of original watercourses in part (1) of the policy, is partly a district plan responsibility as it is likely to involve earthworks.

3.5.3 Summary of recommendations

81. I recommend that the submissions from the following submitters be **accepted**:
- Heritage New Zealand Pouhere Taonga [178.45] and [178.46];
 - Waimakariri Irrigation Limited [210.13]; and
 - Rolleston Industrial Developments Limited [326.246], [326.247], [326.248], [326.249], [326.250], [326.251], [326.252] and [326.253].
82. I recommend that the submissions from the following submitters be **rejected**:
- MainPower New Zealand Limited [249.192]; and
 - Federated Farmers of New Zealand Inc [414.101] and [414.102].
83. I recommend that no change be made to the Proposed District Plan.

3.6 Rules SASM-R1, SASM-R2, SASM-R3, SASM-R4 and SASM-R5**3.6.1 Matters raised by submitters***SASM-R1 Maintenance of an existing fence*

84. Rolleston Industrial Developments Ltd [326.254] seek to retain the rule as notified.

85. Bellgrove Rangiora Limited [408.17] seeks clarity around the distance from Ngā Wai where the rule would apply to fences. The submission is supported in part by R&G Spark [FS37].
86. Federated Farmers of New Zealand Inc [414.103] is concerned that the rule will impede farmers from carrying out fencing of significant indigenous biodiversity and for other environmental benefits. They suggest additional wording to the permitted activity to recognise an agreed farmer discovery protocol.
- SASM-R2, SASM-R3 and SASM-R5*
87. Rolleston Industrial Developments Ltd [326.255], [326.256] and [326.258] seek to retain the rules as notified.
- SASM-R4 Earthworks and land disturbance associated with other activities*
88. Chorus New Zealand Limited, Spark New Zealand Limited and Vodafone New Zealand Limited [62.45] and Z Energy Limited [286.18] are concerned that the extent of the areas would mean all infrastructure would require resource consent where any earthworks are required (even where the earth has previously been disturbed), making the rule unworkable, unnecessary and inefficient.
89. Waimakariri Irrigation Limited [210.14] is concerned that the rule should enable the use, maintenance and upgrade of stockwater and irrigation infrastructure.
90. Bellgrove Rangiora Limited [408.18] seeks clarity as to the distance from ngā wai that these activities would be captured. The submission is supported in part by R&G Spark [FS37].
91. Federated Farmers of New Zealand Inc [414.104] is concerned that the definition of ‘other activities’ is unclear and seeks the deletion of the rule and its replacement with finer grained mapping with a heat map or traffic light system along with a farmer discovery protocol.
92. MainPower New Zealand Limited [249.193], Horticulture New Zealand [295.92], Rolleston Industrial Developments Ltd [326.257], Dairy Holdings Limited [420.3] supports the rule and seeks that it be retained as notified.

3.6.2 Assessment

SASM-R1 Maintenance of an existing fence

93. With regard to the submission from Bellgrove Rangiora Limited, the rule only applies within the overlay and there is no “buffer” distance from and around the overlay boundary.
94. With regard to the submission from Federated Farmers of New Zealand Inc, the clearance of vegetation for the purpose of fencing environmental features is provided for in the relevant chapters (such as permitted activity Rule ECO-R1(1)(b)(iv) in the Ecosystems and indigenous biodiversity chapter). Where the permitted activity standards cannot be met, the activity is a restricted discretionary activity. Matters of discretion SASM-MD2(6) and SASM-MD(6) provide for consideration as to the effect the activity will have on natural character values and processes, which would include water quality improvement and fencing of indigenous vegetation. Also matters of discretion SASM-MD1(1), SASM-MD2(1) and SASM-MD3(1) all require consideration of the outcomes of consultation with Te Ngāi Tūāhuriri Rūnunga and it is

this process where the development of farmer discovery protocol could be developed to address these matters.

95. In my opinion, the restricted discretionary activity status along with the matters of discretion provides the forum within which potentially conflicting values can be addressed.

SASM-R4 Earthworks and land disturbance associated with other activities

96. The concern of Bellgrove Rangiora Limited [408.18] that distances are not specified is not correct. The rules and mapping are clear that if you are within an overlay the rules apply and if you are outside the overlay the rules do not apply.

97. In my opinion, the concern of Federated Farmers of New Zealand Inc [414.104] around clarity of the rule is not borne out by reading of the rule. The heading to the rule states it only applies where Rules SASM-R1 to SASM-R3 do not apply, and the permitted activity provisions clearly set out the parameters of cultivation and other activities.

98. With regard to the ‘infrastructure submissions’, I note that Rule SASM-R4(1)(f) was included to provide for any “other activities” as a permitted activity where the land had already been disturbed, including the operation, maintenance and upgrading of various infrastructure. Due to the words “...limited to:” in the beginning of the rule, there is potential for an interpretation of “other activities” being limited to those that are similar to “cultivation, stopbanks, roadworks”. However, that was not the intention. Accordingly, it is recommended that the rule be amended as follows (additions shown in underlined):

- f. cultivation, stopbanks, roadworks and any other activities (including existing infrastructure) within land previously disturbed by previous earthworks to the depth already disturbed;

99. In my opinion, there is no need to add the operation, maintenance and upgrading to the rules as these are able to be undertaken within the land disturbance standard. Also, there is no need to list any specific infrastructure as infrastructure is defined in s2 of the RMA.

Section 32AA evaluation

100. In my opinion, the amendments to the rule is more appropriate in achieving the objectives of the Proposed Plan than the notified provisions, in that it will clarify the full intent of the rule to apply to any other activities. In particular, I consider that the change will be more efficient and effective than the notified provisions in achieving the objectives of the SASM chapter and hence the Proposed Plan.

101. The recommended amendments will not have any greater environmental, economic, social and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

3.6.3 Summary of recommendations

102. I recommend that the following submissions be **accepted**:

- Chorus New Zealand Limited, Spark New Zealand Limited and Vodafone New Zealand Limited [62.45];
- Waimakariri Irrigation Limited [210.14];

- MainPower New Zealand Limited [249.193];
- Z Energy Limited [286.18];
- Horticulture New Zealand [295.92];
- Rolleston Industrial Developments Ltd [326.254], [326.255], [326.256] [326.257] and [326.258]; and
- Dairy Holdings Limited [420.3].

103. I recommend that the following submissions be **rejected**:

- Federated Farmers of New Zealand Inc [414.103] and [414.104];
- Bellgrove Rangiora Limited [408.17] and [408.18]; and
- R&G Spark [FS37].

104. I recommend a change be made to Rule SASM-R4(1)(f) the Proposed District Plan as shown below (additions shown in underlined) and in the SASM chapter in **Appendix A**:

- f. cultivation, stopbanks, roadworks and any other activities (including existing infrastructure) within land previously disturbed by previous earthworks to the depth already disturbed;

3.7 Matters of Discretion SASM-MD1, SASM-MD2 and SASM-MD3

3.7.1 Matters raised by submitters

105. Waimakariri Irrigation Limited [210.15], [210.16] and [210.17] seek that the word ‘suitable’ in SASM-MD1(6), SASM-MD2(9) and SASM-MD3(8) be replaced with the word ‘practicable’. Transpower New Zealand Ltd [92] support all three submission points.
106. MainPower New Zealand Limited [249.194], [249.195] and [249.196] and Rolleston Industrial Developments Limited [326.259], [326.260] and [326.261] both support all three matters of discretion and seek that they be retained as notified.
107. Federated Farmers of New Zealand Inc [414.48] and [414.49] seeks that the farming operations in the rural zone be excluded from SASM-MD2 and SASM-MD3.
108. Director-General of Conservation Tumuaki Ahurei [419.70] seeks that SASM-MD3 be retained as notified.

3.7.2 Assessment

Waimakariri Irrigation Limited

109. The word ‘suitable’ was chosen for the matter of discretion with respect to the provision of infrastructure within a SASM, as the word encapsulates the concept of being right for/acceptable/good for/sits well within a particular situation. Accordingly, the intent was that an assessment be undertaken of alternative locations or layout/methodology to provide the infrastructure within an SASM, taking into account the functional or operational need of the infrastructure. The functional or operational need of the infrastructure already includes it being

practicable (ie realistic/feasible/reasonable). By changing the term to ‘practicable’ would essentially mean “double counting”.

Federated Farmers of New Zealand Inc

110. The submitter is concerned that the assessment of indigenous vegetation and restoring natural features may be inconsistent with the primary purpose of the rural zone and override private property rights. The two matters of discretion are (4) and (6) respectively of the SASM-MD2 Ngā tūranga tupuna and SASM-MD3 Ngā wai. They require an assessment of proposed mitigation measures where indigenous vegetation is removed; whether natural features and processes are maintained or restored and the extent of effects on the natural character values and natural processes of the water body.
111. These matters of discretion link to s6 RMA matters of national importance (refer to s6(a), s6(b), s6(c), and s6(e) RMA), and as such are relevant matters of discretion to be considered within SASM, as well as the use of the land for farming purposes. It is recognised that where there is no removal of indigenous vegetation or alteration of natural features and processes as part of a farming activity, then the matters of discretion do not come into play.

3.7.3 Summary of recommendations

112. I recommend that the following submissions be **accepted**:
- MainPower New Zealand Limited [249.194], [249.195] and [249.196];
 - Rolleston Industrial Developments Limited [326.259], [326.260] and [326.261]; and
 - Director-General of Conservation Tumuaki Ahurei [419.70].
113. I recommend that the following submissions be **rejected**:
- Waimakariri Irrigation Limited [210.15], 210.16] and [210.17]; and
 - Federated Farmers [414.48] and [414.49]
114. I recommend that the further submission from Transpower New Zealand Ltd [92] be **rejected**.
115. I recommend that no change be made to the Proposed District Plan.

3.8 Schedule SASM-SCHED1 – Sites and areas of significance to Māori

3.8.1 Matters raised by submitters

116. Waimakariri Irrigation Limited [210.12] seek that the boundary of Wāhi Taonga SASM 011 be amended so that it does not apply to the canal area at Warren Road.
117. Dairy Holdings Limited [420.33], [420.37], [420.38] and [420.41] seeks that the overlay be removed from the following of its properties and more broadly that the basis for the overlay is revisited:
- SASM 014 Kanuka/Centre/Malbon Dairy – 856 Thongcaster Road, Eyrewell;
 - SASM 014 and SASM 022 – Gorge Farm/Brown Rock – 1047, 1135 and 1453 Thoncaster Road, Burnt Hill, Oxford; and

- SASM 022 – Eagle Hill – 369 Waimakariri Hill Road.
118. Christchurch City Council [360.17] supports the identification of the Waimakariri River under SASM 011, SASM 013 and SASM 022 within the schedule.
119. Bellgrove Rangiora Ltd [408.16] seeks that the extent of ngā wai overlay SASM 025 be modified so that it does not extend into Bellgrove North (52 Kippenberger Avenue).

3.8.2 Assessment

Waimakariri Irrigation Limited

120. The canal area at Warren Road is covered by SASM 011 Wāhi taonga (ngā reporepo) and also by SASM 023 Ngā wai (awa/ngā manga) as shown in Figure 2 below from the Proposed Plan planning map. It is noted that the submission does not relate to SASM 023 Ngā wai.



Figure 2: Warren Road Canal area, SASM 011 and SASM 023

121. Te Ngāi Tūāhuriri Rūnanga identified the SASM and provided that information (along with the extent of the feature) to the Waimakariri District Council. In the absence of information from the submitter that SASM 011 does not hold ngā reporepo (wetland) values to Te Ngāi Tūāhuriri Rūnanga, then the feature cannot be altered
122. As set out in the s32 Report and the attached supporting report from Mahaanui Kurataiao Limited (‘MKT’), the approach adopted with respect to the identification of SASM has followed the same process as to the development of the corresponding provisions in the Christchurch

District Plan and the Proposed Selwyn District Plan. In summary, the first step is the identification of SASM including review of all relevant historical documentation, followed by discussions with Papatipu Rūnanga, then consideration by a representative appointed by Taumutu and Te Ngāi Tūāhuriri Rūnanga in collaboration with MKT. The SASM overlays acknowledge the history, cultural association and values of these places and features that are of importance to mana whenua in providing for their ancestral and enduring cultural relationships between mana whenu and their significant places.

123. Following the identification of the SASM, an exercise in ‘ground truthing’ was undertaken between Council officers and representatives of mana whenua through MKT to finalise the exact boundaries of each feature.
124. Subsequently, I along with the authors of other relevant chapters (such as Earthworks, and Energy and Infrastructure) and Ms Nicola Ryker (representative of mana whenua through MKT) worked through all the relevant activity rules and standards to determine which activities and what extent of standard (such as depth of earthworks in a wāhi tapu) could be provided before triggering the rules and standards in the SASM chapter. This needed to recognise the different imperatives of ‘protect’ in s6(f) with respect to wāhi tapu and wāhi taonga (historic heritage) and ‘recognise and provide for the relationship of Maori’ in s6(e) with respect to ngā tūranga tupuna and ngā wai. Particular consideration was given to providing for matters such as repair, maintenance and upgrading of critical infrastructure, enabling rural activities to continue and ensuring there was no ‘doubling up’ of resource consent requirements.
125. The process described in the previous paragraphs follows the process confirmed through the Man O’War Station Limited series of court cases (ending in the Court of Appeal). Those cases confirmed that the identification and mapping of features (in that case outstanding natural landscapes) is to be undertaken separately from the subsequent consideration afforded to the feature under the RMA and the rules (if any) that would subsequently apply.

Dairy Holdings Limited

126. The properties covered by overlays SASM 014 (Ngā Tūranga Tūpuna, ngahere manuka, The vast former manuka bush that occurred adjacent to the former course of the Waimakariri River’) and SASM 022 (Ngā wai, Waimakariri River, and tributaries (ngā awa me ngā manga) with Mahinga Kai environs, habitats and taonga species) are shown in Figures 3 - 8 below from the Proposed Plan Planning Map.



Figure 3: Kanuka/Centre/Malbon Dairy – 856 Thongcaster Road, Eyrewell - SASM 014



Figure 4: Gorge Farm/Brown Rock – 1453 Thongcaster Road, Burnt Hill, Oxford – SASM 014



Figure 5: Gorge Farm/Brown Rock – 1453 Thongcaster Road, Burnt Hill, Oxford – SASM 022



Figure 6: Gorge Farm/Brown Rock – 1035A Thongcaster Road, Burnt Hill, Oxford – SASM 022



Figure 7: Gorge Farm/Brown Rock – 1047 Thongcaster Road, Burnt Hill, Oxford – SASM 022



Figure 8: Eagle Hill – 369 Waimakariri Hill Road – SASM 022

127. Te Ngāi Tūāhuriri Rūnanga identified the SASM and provided that information (along with the extent of the feature) to the Waimakariri District Council. In the absence of information from the submitter that SASM 014 and SASM 022 do not hold ngā tūranga tupuna (cultural landscape) and ngā wai (awa/water) values to Te Ngāi Tūāhuriri Rūnanga, then the feature cannot be altered. Refer to the discussion in paragraphs 121 – 124 of this s42A report with respect to the submission from Waimakariri Irrigation Limited.

Christchurch City Council

128. Christchurch City Council support the identification of the Waimakariri River, noting it aligns with the approach in the Christchurch District Plan. No change is requested.

Bellgrove Rangiora Ltd

129. The extent of the property covered by SASM 025 (Ngā wai, Waimakariri River, and tributaries (ngā awa me ngā manga) with Mahinga Kai environs, habitats and taonga species) are shown in Figure 9 below from the Proposed Plan Planning Map.



Figure 9: 52 Kippenberger Avenue – SASM 025

130. There are two SASM overlays applying to the site, with the submission only concerned with SASM 025 being the overland flow path (Northern Flow Channel) crossing the northern corner of the property. The submitter considers it should be removed as it is dry.
131. In the absence of information from the submitter that SASM 025 does not hold ngā wai (awa/water) values to Te Ngāi Tūāhuriri Rūnanga, then the feature cannot be altered. Refer to the discussion in paragraphs 121 – 124 of this s42A report with respect to the submission from Waimakariri Irrigation Limited.

3.8.3 Summary of recommendations

132. I recommend that the submission from Christchurch City Council [360.17] be **accepted**.

133. I recommend that the following submissions be **rejected**:

- Waimakariri Irrigation Limited [210.12];
- Dairy Holdings Limited [420.33], [420.37], [420.38] and [420.41]; and
- Bellgrove Rangiora Ltd [408.16].

134. I recommend that no change be made to the Proposed District Plan.

3.9 Definition of ‘Land Disturbance’

3.9.1 Matters raised by submitters

135. Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited [276.37] and Horticulture New Zealand [295.43] both support the definition of ‘land disturbance’, noting it is the definition in the National Planning Standards.

3.9.2 Assessment

136. The submissions are concurred with.

3.9.3 Summary of recommendations

137. I recommend that the following submissions be **accepted**:

- Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited [276.37]; and
- Horticulture New Zealand [295.43].

138. I recommend that no change be made to the Proposed Waimakariri District Plan.

4 Conclusions


139. Submissions have been received predominantly in support of, and some in opposition to the SASM chapter of the Proposed Plan. None of the submissions seek any fundamental change to the chapter.
140. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that Proposed Plan should be amended as set out in **Appendix A** of this report.
141. For the reasons set out in the Section 32AA evaluation included at Section 3.3 *Introduction* of this report, I consider that the proposed provisions, with the recommended amendments, will be the most appropriate means to:
- achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
 - achieve the relevant objectives of the Proposed Plan, in respect to the proposed provisions.

Recommendations:

I recommend that:

1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in **Appendix B** of this report; and
2. The Proposed Plan is amended in accordance with the changes recommended in Appendix A of this report.

Signed:

Name and Title		Signature
Report Author Alan Matheson		

Appendix A. Recommended Amendments to SASM Chapter

I have recommend two changes in response to submissions, being the removal of the hyperlink from the word ‘site’ to the definition in the Definitions chapter and clarification of Rule SASM-R4(1)(f). These are shown as follows:

- Text recommended to be added to the Proposed Plan is underlined.
- Text recommended to be deleted from the Proposed Plan is ~~struck through~~.

THIS SECTION HAS RULES THAT HAVE LEGAL EFFECT. PLEASE CHECK THE EXPLANATION TO SEE WHAT THE LEGAL EFFECT IS OR SUBJECT TO APPEAL.

SASM - Ngā whenua tapu o ngā iwi - Sites and Areas of Significance to Māori

Introduction

This chapter relates to the management of ‘sites (remove hyperlink)’ and areas of cultural significance to Ngāi Tūāhuriri, who hold mana whenua status over the area within the District. It recognises and provides for the relationship of Ngāi Tūāhuriri mana whenua with their ancestral lands, water, ‘sites (remove hyperlink)’, wāhi tapu and other taonga, in the future development of the District.

For a fuller description of the history and relationship of Ngāi Tūāhuriri, refer to the chapter Tangata whenua/mana whenua in Part 1 - Introduction and General Provisions.

Ngā tūtohu whenua are the cultural landscapes which encompass entire catchments, including both the Rakahuri and Waimakariri River catchments, thereby encompassing the whole of the District. Ngā tūtohu whenua is the starting point for establishing the extent of areas of particular cultural interests, associations and sensitivity. There are no specific provisions applying to this broader ngā tūtohu whenua cultural landscape.

The provisions of this chapter apply only to the following described cultural landscapes:

- wāhi tapu and wāhi taonga – are treasured places that include wāhi tapu, which are ‘sites (remove hyperlink)’ and places that are held in reverence due to their significance according to whakapapa (including urupā, pā, maunga tapu, kāinga, and tūranga waka). In addition to wāhi tapu, other places are treasured due to their high intrinsic values or their capacity to sustain the quality of life and provide for the needs of present and future generations (including areas important to support ecosystems and ‘sites (remove hyperlink)’ related to food gathering and cultural resources);
- ngā tūranga tūpuna – larger extents of land within which there is a concentration of wāhi tapu or taonga values, or which are of particular importance in relation to Ngāi Tūāhuriri cultural traditions, history or identity; and
- ngā wai – is water and represents the essence of all life, is integral to tribal identity, and source of mahinga kai.

The objectives, policies, rules, standards and matters of discretion in this chapter seek to protect wāhi tapu/wāhi taonga ‘sites (remove hyperlink)’ from the adverse effects that subdivision, use and development may have on the values of the ‘sites (remove hyperlink)’. They also seek to manage the adverse effects of activities on those ‘sites (remove hyperlink)’ and other ‘sites (remove hyperlink)’ of cultural significance including waterbodies, repo/wetlands, and coastal areas identified as ngā wai, and ngā tūranga tūpuna landscapes of Ngāi Tūāhuriri cultural significance.

The objectives and policies in this chapter are relevant to the assessment of any resource consent that may affect ‘sites (remove hyperlink)’ and areas of cultural significance to Māori, as set out in this chapter.

The provisions in this chapter are consistent with the matters in Part 2 - District Wide Matters - Strategic Directions, particularly strategic objective SD-O5 Ngāi Tahu mana whenua/Te Ngāi Tūāhuriri Rūnanga. The provisions also give effect to matters in Part 2 - District Wide Matters - Urban Form and Development.

Other potentially relevant District Plan provisions

As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to ‘sites (remove hyperlink)’ and Areas of Significance to Māori include:

- Earthworks: this chapter contains provisions for earthworks for different zones and activities.
- Natural Character of Freshwater Bodies: this chapter contains provisions that complement the Ngā wai provisions of the SASM chapter.
- Historic Heritage: this chapter contains policy in regard to archaeological sites.
- Energy and Infrastructure: this chapter contains provisions relevant to protecting wāhi tapu ‘sites (remove hyperlink)’.
- Special Purpose Zone (Kāinga Nohoanga): how the ‘Sites (remove hyperlink)’ and Areas of Significance to Māori provisions apply in the Special Purpose Zone (Kāinga Nohoanga) is set out in SPZ(KN)-APP1 to SPZ(KN)-APP5 of that chapter.
- Any other District wide matter that may affect or relate to the ‘site (remove hyperlink)’.
- Zones: the zone chapters contain provisions about what activities are anticipated to occur in the zones.

Objectives	
SASM-O1	Ngā tūtohu whenua The historic and contemporary cultural significance for Ngāi Tūāhuriri mana whenua, of and their relationship with ancestral lands, water, ‘sites (remove hyperlink)’, wāhi tapu, wāhi taonga and coastal environment is recognised and provided for.
Policies	
SASM-P1	Integrated management of land and water Adopt an integrated approach that reflects ki uta ki tai (from the mountains to the sea), by recognising the relationship between land use, ecosystems, natural processes and water.
SASM-P2	Urupā Protect urupā from disturbance, except for activities associated with the cultural use, identification and protection of such ‘sites (remove hyperlink)’ which are undertaken by Te Ngāi Tūāhuriri Rūnanga or their authorised agent.
SASM-P3	Wāhi tapu and wāhi taonga Protect wāhi tapu and wāhi taonga ‘sites (remove hyperlink)’ from development, disturbance, damage or destruction that would adversely affect

	the ‘sites (remove hyperlink)’ and their values and provide for enhancement of cultural and ecological values.
SASM-P4	<p>Ngā tūranga tūpuna</p> <p>Recognise the historic and contemporary relationship of Ngāi Tūāhuriri with the areas and landscapes identified as ngā tūranga tūpuna and:</p> <ol style="list-style-type: none"> 1. facilitate opportunities to provide information about the historic occupation or use of these areas and their associated values by Ngāi Tūāhuriri; 2. provide opportunities for representation of Ngāi Tūāhuriri's association and relationship with these areas through the design of public buildings and/or community facilities; 3. manage earthworks involving disturbance of soils through the implementation of a Te Ngāi Tūāhuriri Rūnanga/Heritage New Zealand Pouhere Taonga authorised accidental discovery protocol and opportunity for cultural monitoring; 4. facilitate opportunities to enhance mahinga kai and other customary use of taonga species through planting and landscaping; 5. enhance the natural character and cultural values of waterbodies, repo/wetlands and coastal waters; 6. ensure that natural processes are maintained and original water courses reinstated where practicable, when undertaking earthworks or when structures and infrastructure are located adjacent to or over waterbodies or within the coastal environment; 7. maintain, restore or enhance natural features with cultural values within these areas, such as ngā reporepo (wetlands); and 8. provide opportunities for the recognition of culture values within the design, location and installation of infrastructure, while enabling their safe, secure and efficient installation.
SASM-P5	<p>Ngā Wai</p> <p>Recognise the cultural significance of the waterbodies, repo/wetlands and those parts of the coastal environment identified as Ngā Wai, and manage the effects of land uses, and activities on the surface of water, to:</p> <ol style="list-style-type: none"> 1. protect the health of these waterbodies and associated coastal waters, including by maintaining their natural character where it is high and enabling enhancement where it is degraded, including through the reinstatement of original water courses where practicable; 2. recognise historic and contemporary Ngāi Tūāhuriri customary uses and values associated with these waterbodies and coastal waters and enhance opportunities for customary use and access; 3. ensure any land uses adjoining these ‘sites (remove hyperlink)’, or structures and activities on the surface of water do not adversely affect taonga species or Ngāi Tūāhuriri customary uses in these areas; 4. ensure new land uses do not create an additional demand for the discharge of sewage or stormwater directly into Ngā Wai, and where the opportunity arises, reduce the need for existing land uses to discharge untreated wastewater or stormwater into these areas; 5. protect the health, natural functions and processes of riparian margins and the coastal environment from the adverse effects of adjoining land use activities; and 6. provide for opportunities for the recognition of cultural values within the design, location and installation of infrastructure, while enabling their safe, secure and efficient installation.

SASM-P6	Archaeological sites Through the identification of ‘sites (remove hyperlink)’ and areas of cultural significance to Ngāi Tūāhuriri, assist Te Ngāi Tūāhuriri Rūnanga and HNZPT to protect identified and any unmarked or unrecorded archaeological sites from modification, disturbance, damage and destruction.
SASM-P7	Access for customary activities Support access of Ngāi Tūāhuriri to ‘sites (remove hyperlink)’ of cultural significance in order to undertake customary activities.
SASM-P8	Engagement with rūnanga Te Ngāi Tūāhuriri Rūnanga and the District Council to encourage engagement with the Rūnanga prior to persons undertaking activities and/or applying for resource consent where the activity has the potential to adversely affect identified ‘sites (remove hyperlink)’ or areas of Ngāi Tūāhuriri cultural significance. Where prior engagement with Te Ngāi Tūāhuriri Rūnanga has not been undertaken by an applicant for an activity that has the potential to adversely affect an identified ‘sites (remove hyperlink)’, the District Council will consult with the Rūnanga.

Activity Rules

How to interpret and apply the rules

1. Rules SASM-R1 to SASM-R4 **do not** apply to Māori Land within the Special Purpose Zone (Kāinga Nohoanga).
2. The following rules **do not** apply to SASM 011, areas shown as 'Ngā reporepo' (wetlands). If there is a resource consent required for an activity within or that would adversely affect reporepo, then the objectives and policies of this chapter would also need to be considered.

SASM-R1	Maintenance of an existing fence	
	<i>This rule applies to Wāhi Tapu/Wāhi Taonga, Ngā Tūranga Tūpuna and Ngā Wai in SASM-SCHED1.</i>	
Wāhi Tapu Overlay Wāhi Taonga Overlay Ngā Tūranga Tūpuna Overlay Ngā Wai Overlay	Activity status: PER Where: 1. for the maintenance of an existing fence, the extent and/or volume of land disturbance is limited to that necessary to replace existing fence posts in the existing post hole along its existing alignment.	Activity status when compliance not achieved: RDIS Matters of discretion are restricted to: SASM-MD1 - Wāhi tapu and wāhi taonga SASM-MD2 - Ngā Tūranga Tūpuna SASM-MD3 - Ngā Wai Notification An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to Te Ngāi Tūāhuriri Rūnanga and HNZPT, in respect of ‘sites (remove hyperlink)’ on the New Zealand Heritage List Rārangī Kōrero, where the consent authority considers this is required, absent their written approval.

SASM-R2	Structures that are ancillary to mahinga kai activity or other customary harvesting	
	<i>This rule applies to Wāhi Tapu/Wāhi Taonga, Ngā Tūranga Tūpuna and Ngā Wai in SASM-SCHED1.</i>	
Wāhi Tapu Overlay Wāhi Taonga Overlay Ngā Tūranga Tūpuna Overlay Ngā Wai Overlay	Activity status: PER	Activity status when compliance not achieved: N/A
SASM-R3	Earthworks associated with and structures ancillary to interments in an urupā, burial ground or cemetery	
	<i>This rule applies to Wāhi Tapu/Wāhi Taonga, Ngā Tūranga Tūpuna and Ngā Wai in SASM-SCHED1.</i>	
Wāhi Tapu Overlay Wāhi Taonga Overlay Ngā Tūranga Tūpuna Overlay Ngā Wai Overlay	Activity status: PER	Activity status when compliance not achieved: N/A
SASM-R4	Earthworks and land disturbance associated with other activities	
	<i>This rule applies to Wāhi Tapu/Wāhi Taonga, Ngā Tūranga Tūpuna and Ngā Wai in SASM-SCHED1 except where SASM-R1 to SASM-R3 apply.</i>	
Wāhi Tapu Overlay Wāhi Taonga Overlay Ngā Tūranga Tūpuna Overlay Ngā Wai Overlay	Activity status: PER Where: 1. the earthworks and land disturbance is limited to: a. planting of trees; b. gardening; c. building foundations, septic tank and swimming pool installations where the combined	Activity status when compliance not achieved or provided for: RDIS Matters of discretion are restricted to: SASM-MD1 - Wāhi tapu and wāhi taonga SASM-MD2 - Ngā tūranga tūpuna SASM-MD3 - Ngā wai Notification An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to Te Ngāi Tūāhuriri Rūnanga and HNZPT, in respect of ‘sites (remove hyperlink)’ on the

	<p>volume of earthworks is 350m³ or less;</p> <p>d. freestanding sign foundations to a maximum depth of 200mm or to the depth already disturbed (whichever is the greater);</p> <p>e. drain and track maintenance;</p> <p>f. cultivation, stopbanks, roadworks and <u>any</u> other activities (<u>including existing infrastructure</u>) within land previously disturbed by previous earthworks to the depth already disturbed;</p> <p>g. cultivation to a maximum depth of 200mm;</p> <p>h. a customer connection between a building, other structure, site, and infrastructure as per EI-R4; and</p> <p>i. the drilling of a well or bore.</p>	<p>New Zealand Heritage List Rārangī Kōrero, where the consent authority considers this is required, absent their written approval.</p>
SASM-R5	Construction of new community scale natural hazard mitigation works	
	<i>This rule applies to Wāhi Tapu/Wāhi Taonga , Ngā Tūranga Tūpuna and Ngā Wai in SASM-SCHED1.</i>	
<p>Wāhi Tapu Overlay Wāhi Taonga Overlay Ngā Tūranga</p>	<p>Activity status: RDIS Matters of discretion are restricted to:</p> <p>SASM-MD1 - Wāhi tapu and wāhi taonga</p> <p>SASM-MD2 - Ngā tūranga tūpuna</p>	<p>Activity status when compliance not achieved or provided for: N/A</p>

Tūpuna Overlay Ngā Wai Overlay	<p>SASM-MD3 - Ngā wai Notification</p> <p>An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to Te Ngāi Tūāhuriri Rūnanga and HNZPT, in respect of ‘sites (remove hyperlink)’ on the New Zealand Heritage List Rārangī Kōrero, where the consent authority considers this is required, absent their written approval.</p>	
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Matters of Discretion

SASM-MD1	<p>Wāhi tapu and wāhi taonga</p> <ol style="list-style-type: none"> 1. The potential adverse effects, including on sensitive tangible and/or intangible Ngāi Tūāhuriri values as determined by Te Ngāi Tūāhuriri Rūnanga through consultation, and how the development or activity responds to, or incorporates the outcome of that consultation. 2. Effects on ‘sites (remove hyperlink)’ of archaeological value, including consideration of the need to impose an accidental discovery protocol or have a cultural or archaeological monitor present (including the resourcing). 3. The extent to which ‘sites (remove hyperlink)’ of cultural significance are protected. 4. Any cultural impact assessment that has been undertaken by a Te Ngāi Tūāhuriri Rūnanga mandated writer and the proposal’s consistency with values and recommendations identified. 5. In respect of ‘sites (remove hyperlink)’ on the New Zealand Heritage List Rārangī Kōrero, whether HNZPT has been consulted and the outcome of that consultation. 6. In respect of infrastructure, the extent to which the proposed infrastructure has a functional need or operational need for its location, and whether alternative locations, layout or methodology would be suitable.
SASM-MD2	<p>Ngā tūrangā tūpuna</p> <ol style="list-style-type: none"> 1. Where Te Ngāi Tūāhuriri Rūnanga has been consulted, the outcome of that consultation, and how the development or activity responds to, or incorporates the outcome of that consultation, including the incorporation of mana whenua associations with areas/‘sites (remove hyperlink)’ within Ngā tūrangā tūpuna areas. 2. Whether and the extent to which the proposal will result in the disturbance of any culturally significant ‘sites (remove hyperlink)’ and proposed mitigation measures. 3. Effects of the proposal on Ngāi Tahu values and proposed mitigation measures.

	<ol style="list-style-type: none"> 4. Whether, and the extent to which, the proposed activity will result in the removal of indigenous vegetation and the proposed mitigation measures. 5. Adverse effects on mahinga kai and other customary uses, and access for these purposes. 6. Whether, and the extent to which, the proposal maintains or restores natural features and processes within these areas. 7. Effects on ‘sites (remove hyperlink)’ of archaeological value, including consideration of the need to impose an accidental discovery protocol or have a cultural or archaeological monitor present (including the resourcing). 8. The extent to which the proposed activity will affect the natural character and processes of Te Tai o Mahaanui (the coastal environment). 9. In respect of infrastructure, the extent to which the proposed infrastructure has a functional need or operational need for its location, and whether alternative locations or layout/methodology would be suitable.
SASM-MD3	<p>Ngā wai</p> <ol style="list-style-type: none"> 1. Where Te Ngāi Tūāhuriri Rūnanga has been consulted, the outcome of that consultation, and how the development or activity responds to, or incorporates the outcome of that consultation. 2. Effects on ‘sites (remove hyperlink)’ of archaeological value, including consideration of the need to impose an accidental discovery protocol or have a cultural or archaeological monitor present (including the resourcing). 3. Effects of the proposal on Ngāi Tahu values and proposed mitigation measures, including new planting and improved access for customary use. 4. Whether, and the extent to which, the proposed activity will result in the removal of indigenous vegetation and the proposed mitigation measures. 5. Adverse effects on mahinga kai and other customary uses, and access for these purposes. 6. The extent to which the proposed activity will affect the natural character values and natural processes of the water body and its margins, including those within the coastal environment. 7. The manner in which any wastewater system and stormwater infrastructure recognise the cultural significance of ngā wai and do not create additional demand to discharge directly to any water body. 8. In respect of infrastructure, the extent to which the proposed infrastructure has a functional need or operational need for its location, and whether alternative locations or layout/methodology would be suitable.

Schedules

SASM-SCHED1 - Sites and areas of significance to Māori



SASM ID	Classification	Sub-class	Location/Name	Description
SASM001	Wāhi Tapu	Silent File	Silent File 017	Silent File
SASM002	Wāhi Tapu	Silent File	Silent File 018	Silent File

SASM003	Wāhi Tapu	Silent File	Silent File 019	Silent File
SASM004	Wāhi Tapu	Silent File	Silent File 020	Silent File
SASM005	Wāhi Tapu	Silent File	Silent File 021	Silent File
SASM006	Wāhi Tapu	Silent File	Silent File 022	Silent File
SASM007	Wāhi Tapu	Silent File	Silent File WD1	Silent File
SASM008	Wāhi Tapu	Silent File	Silent File WD2	Silent File
SASM009	Wāhi Tapu	Maunga	Tawera	Tupuna Maunga - features in central tribal traditions
SASM010	Wāhi Tapu	Maunga	Puketeraki	Tupuna Maunga - features in central tribal traditions
SASM011	Wāhi Taonga	Ngā Reporepo		Wetlands. The rules in this chapter do not apply to areas shown as 'Ngā reporepo' (wetlands). If there is a resource consent required for an activity within or that would adversely affect ngā reporepo, then the objectives and policies of this chapter would also need to be considered
SASM012	Ngā Tūranga Tūpuna	Cultural Landscape	Tawera Maunga	Tawera, the Mt Oxford massif including its forests
SASM013	Ngā Tūranga Tūpuna	Cultural Landscape	Waimakariri ki Rakahuri	Cultural Landscape encompassing an area of high coastal settlement (in both contemporary and ancestral senses). It comprises

				significant clusters of recorded archaeology of Māori origin and silent files
SASM014	Ngā Tūranga Tūpuna	Cultural Landscape	Ngahere Manuka	The vast former manuka bush that occurred adjacent to the former course of the Waimakariri River
SASM015	Ngā Tūranga Tūpuna	Cultural Landscape	Ngahere a Hohoka	The former podocarp forest extent which centred on present day Ohoka
SASM016	Ngā Tūranga Tūpuna	Cultural Landscape	Ngahere a Rangiora	The former podocarp forest extent which centred on present day Rangiora
SASM017	Ngā Tūranga Tūpuna	Cultural Landscape	Ngahere a Okohana	The former podocarp forest extent which occurred half-way along the south-west portion of the Tuahiwi Reserve MR 873
SASM018	Ngā Tūranga Tūpuna	Cultural Landscape	Ngahere a Tuahiwi	The former podocarp forest extent which dominated the bottom half of the Tuahiwi Reserve MR 873
SASM019	Ngā Tūranga Tūpuna	Cultural Landscape	Ngahere a Opiha	A small, former podocarp forest extent which occurred adjacent to the western portion of the Tuahiwi Reserve MR 873

SASM020	Ngā Tūranga Tūpuna	Cultural Landscape	Pukenui	A named promontory in the upper District, likely to have been a navigational marker referenced during usage of the Ara Tawhito trail network
SASM021	Ngā Tūranga Tūpuna	Cultural Landscape	Pukeriki	A named promontory in the upper District, likely to have been a navigational marker referenced during usage of the Ara Tawhito trail network
SASM022	Ngā Wai	Awa/ngā manga	Waimakariri River (incl. tributaries)	River and tributaries (ngā awa me ngā manga) with Mahinga Kai environs, habitats and taonga species
SASM023	Ngā Wai	Awa/ngā manga	Waiarariki/Eyre River (incl. tributaries)	River and tributaries (ngā awa me ngā manga) with Mahinga Kai environs, habitats and taonga species
SASM024	Ngā Wai	Awa/ngā manga	Cam/Ruataniwha (incl. tributaries)	River and tributaries (ngā awa me ngā manga) with Mahinga Kai environs, habitats and taonga species
SASM025	Ngā Wai	Awa/ngā manga	Rakahuri (incl. tributaries)	River and tributaries (ngā awa me ngā manga) with

				Mahinga Kai environs, habitats and taonga species
SASM026	Ngā Wai	Awa/ngā manga	Te Akeake/Saltwater Creek (incl. tributaries)	River and tributaries (ngā awa me ngā manga) with Mahinga Kai environs, habitats and taonga species
SASM027	Ngā Wai	Awa/ngā manga	Makirikiri/Makerikeri River (incl. Tributaries)	River and tributaries (ngā awa me ngā manga) with Mahinga Kai environs, habitats and taonga species
SASM028	Ngā Wai	Awa/ngā manga	Ōkuku River (incl. tributaries)	River and tributaries (ngā awa me ngā manga) with Mahinga Kai environs, habitats and taonga species
SASM029	Ngā Wai	Awa/ngā manga	Te Tai o Mahaanui	Coastal dune systems, coastal waters (ngā waitai). This feature extends into the CMA. Rules in this chapter only apply to the landward extent of SASM 029
SASM030	Ngā Tutohu Whenua	Cultural Landscape/Catchment	Rakahuri	Mahaanui IMP 2013 section 6.3 Waimakariri (Pg.202-210)
SASM031	Ngā Tutohu Whenua	Cultural Landscape/Catchment	Waimakariri	Mahaanui IMP 2013 section 6.4 Waimakariri (Pg.213-225)

Appendix B. Recommended Responses to Submissions and Further Submissions

The recommended responses to the submissions made on this topic are presented in Table B 1 below.

Table B 1: Recommended responses to submissions and further submissions

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
3.2 General							
249.191	MainPower New Zealand Limited	General	Insert appropriate hyperlinks from the EI Chapter to the relevant Sites and Areas of Significance to Māori rules contained in the Sites and Areas of Significance to Māori Chapter.	3.2	Reject	Providing linkages across the plan would be complex and potentially create the opposite outcome of assisting plan users. Other methods are more effective in assisting plan users to navigate.	No
414.99	Federated Farmers of New Zealand Inc	General	Replace cultural mapping with a heat map or traffic light system that identifies knowledge and risk more appropriately on the cultural landscape maps	3.2	Reject	For many SASM, they are a 'Silent File' which indicates that the information is sensitive and not publicly available. Consultation with the relevant mana whenua is required	No
3.3 Introduction							
178.44	Heritage New Zealand Pouhere Taonga	Introduction	Remove any reference to 'site' when used in relation to wāhi tapu/wāhi taonga sites, and replace with the full term 'wāhi tapu/wāhi taonga site'.	3.3	Accept	The word 'site' is part of a wider term being "sites and areas of significance to Māori", and accordingly does not need to be linked to the definition	Yes
195.68	Transpower New Zealand Limited	Introduction	Amend 'Other potentially relevant District Plan provisions' in chapter introduction: "As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to Sites and Areas of Significance to Māori include: ... - Energy and Infrastructure: this chapter contains provisions relevant to protecting wāhi tapu sites <u>and the rules in this chapter do not apply.</u> ..."	3.3	Reject	It is incorrect to include the words "...and the rules in this chapter do not apply" as Rule SASM-R4 does apply.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
3.4 Objective SASM-O1							
326.245	Rolleston Industrial Developments Limited	SASM-O1	Retain SASM-O1 as notified.	3.4	Accept	Submissions do not seek any changes.	No
414.100	Federated Farmers of New Zealand Inc	SASM-O1	Support SASM-O1 as notified.	3.4	Accept		No
3.5 Policies SASM-P1 to SASM-P8							
178.45	Heritage New Zealand Pouhere Taonga (HNZPT)	SASM-P4	Retain SASM-P4 as notified.	3.5	Accept	Submissions do not seek any changes.	No
178.46	Heritage New Zealand Pouhere Taonga (HNZPT)	SASM-P6	Retain SASM-P6 as notified.	3.5	Accept		No
210.13	Waimakariri Irrigation Limited	SASM-P5	Retain SASM-P5 as notified, but amend the Ngā Wai overlay so that the boundary is consistent with the Resource Management Act 1991 definition of 'river bed' and excludes the intake infrastructure at Browns Rock.	3.5	Accept in part	The extent of ngā wai as shown on the planning maps will include land where Te Ngāi Tūāhuriri Rūnanga consider land management needs to be considered. This will include areas outside waterbodies and river beds as defined in the RMA.	No
FS83	Federated Farmers of New Zealand Inc		Support	3.5	Accept in part		No
249.192	MainPower New Zealand Limited 249.192	General	Insert a new policy: "Recognise that critical infrastructure may have an operational need and functional need to locate within areas and site of significance to Māori where there are no other reasonable alternatives."	3.5	Reject	This policy does not need to be duplicated in the SASM chapter. I also note that this matter is addressed as a matter of discretion under SASM-MD1(6), SASM-MD2(9) and SASM-MD3(8)	No
326.246	Rolleston Industrial Developments Limited [326.246]	SASM-P1	Retain SASM-P1 as notified.	3.5	Accept		Submissions do not seek any changes.
326.247	Rolleston Industrial Developments Limited [326.246]	SASM-P2	Retain SASM-P2 as notified.	3.5	Accept	Submissions do not seek any changes.	No
326.248	Rolleston Industrial Developments Limited [326.246]	SASM-P3	Retain SASM-P3 as notified.	3.5	Accept	Submissions do not seek any changes.	No
326.249	Rolleston Industrial Developments Limited [326.246]	SASM-P4	Retain SASM-P4 as notified.	3.5	Accept	Submissions do not seek any changes.	No
326.250	Rolleston Industrial Developments Limited [326.246]	SASM-P5	Retain SASM-P5 as notified.	3.5	Accept	Submissions do not seek any changes.	No
326.251	Rolleston Industrial Developments Limited [326.246]	SASM-P6	Retain SASM-P6 as notified	3.5	Accept	Submissions do not seek any changes.	No
326.252	Rolleston Industrial Developments Limited [326.246]	SASM-P7	Retain SASM-P7 as notified	3.5	Accept	Submissions do not seek any changes.	No
326.253	Rolleston Industrial Developments Limited [326.246]	SASM-P8	Retain SASM-P8 as notified	3.5	Accept	Submissions do not seek any changes.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
414.101	Federated Farmers of New Zealand Inc.	SASM-P4	Amend SASM-P4 to provide for a farmer information protocol and channel that communicates the values that might be present on site along with how to respond if something is found. Add additional clause (4): "... <u>manage earthworks involving the disturbance of soils as part of rural production activity through a farmer discovery protocol</u> ; ..."	3.5	Reject	Rule SASM-R4 <i>Earthworks and land disturbance associated with other activities</i> provides for a range of permitted earthworks activities	No
414.102	Federated Farmers of New Zealand Inc.	SASM-P5	Delete aspects of SASM-P5 that duplicated or restate similar provisions in the Canterbury Land and Water Regional Plan. Amend SASM-P5: "... 1. protect the health of these waterbodies and associated coastal waters, including by maintaining their natural character where it is high and enabling enhancement where it is degraded, including through the reinstatement of original water courses where practicable ..."	3.5	Reject	The heading to the policy refers to both managing the effects of land uses and activities on the surface of water, both of which are district plan responsibilities	No
3.6 Rules SASM-R1 and SASM-R4							
62.45	Chorus New Zealand Limited, Spark New Zealand Limited and Vodafone New Zealand Limited	SASM-R4	Amend SASM-R4 to provide for further exemptions for telecommunications infrastructure works within roads, as well as exemptions outside of	3.6	Accept	Rule SASM-R4(1)(f) was included to provide for any "other activities" as a permitted activity where the land had already been disturbed, including the operation, maintenance and	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			roads for poles, cabinets and underground lines and associated earthworks.			upgrading of various infrastructure.	
210.14	Waimakariri Irrigation Limited	SASM-R4	Amend SASM-R4 to provide for the essential earthworks that must be carried out for the operation, maintenance and upgrading of its race network, for example through the following amendment: "... e. drain, <u>race</u> and track maintenance and <u>upgrading</u> ; ..."	3.6	Accept	Rule SASM-R4(1)(f) was included to provide for any "other activities" as a permitted activity where the land had already been disturbed, including the operation, maintenance and upgrading of various infrastructure.	Yes
249.193	MainPower New Zealand Limited	SASM-R4	Retain SASM-R4 as notified	3.6	Accept	Rule SASM-R4(1)(f) was included to provide for any "other activities" as a permitted activity where the land had already been disturbed, including the operation, maintenance and upgrading of various infrastructure.	Yes
286.18	Z Energy Limited	SASM-R4	Amend SASM-R4 to permit earthworks which provide for the maintenance or upgrade or operation of existing infrastructure and services, by including the following new clause, or any other relief that achieves the purpose of this submission: "... h) a customer connection between a building, other structure, site, and infrastructure as per E1-R4; and i) the drilling of a well or bore; and j) the maintenance or	3.6	Accept	Rule SASM-R4(1)(f) was included to provide for any "other activities" as a permitted activity where the land had already been disturbed, including the operation, maintenance and upgrading of various infrastructure.	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<u>upgrade or operation of existing infrastructure, critical infrastructure and services."</u>				
295.92	Horticulture New Zealand	SASM-R4	Retain SASM-R4 as notified.	3.6	Accept	Submission does not seek any changes	No
326.254	Rolleston Industrial Developments Ltd	SASM-R1	Retain SASM-R1 as notified.	3.6	Accept	Submission does not seek any changes	No
326.255	Rolleston Industrial Developments Ltd	SASM-R2	Retain SASM-R2 as notified.	3.6	Accept	Submission does not seek any changes	No
326.256	Rolleston Industrial Developments Ltd	SASM-R3	Retain SASM-R3 as notified.	3.6	Accept	Submission does not seek any changes	No
326.257	Rolleston Industrial Developments Ltd	SASM-R4	Retain SASM-R4 as notified.	3.6	Accept	Submission does not seek any changes	No
326.258	Rolleston Industrial Developments Ltd	SASM-R5	Retain SASM-R5 as notified.	3.6	Accept	Submission does not seek any changes	No
408.17	Bellgrove Rangiora Limited	SASM-R1	Clarify in SASM-R1 the distance from a Ngā Wai waterway in which any fencing would be captured by this provision.	3.6	Reject	the rule only applies within the overlay and there is no "buffer" distance from the overlay boundary	No
FS37	R&G Spark		<i>Support in part</i>	3.6	<i>Reject</i>		<i>No</i>
408.18	Bellgrove Rangiora Limited	SASM-R4	Clarify in Rule SASM-R4 the distance from a Ngā Wai waterway in which any earthwork and land disturbance would be captured by this provision.	3.6	Reject	The rules and mapping are clear that if you are within an overlay the rules apply and if you are outside the overlay the rules do not apply	No
FS37	R&G Spark		<i>Support in part</i>	3.6	<i>Reject</i>		<i>No</i>
414.103	Federated Farmers of New Zealand Inc.	SASM-R1	Amend SASM-R1: "Where: 1. <u>the maintenance of an existing fence is a permitted activity where, a farmer discovery protocol has been circulated and is understood.</u> " Delete restricted discretionary activity status.	3.6	Reject	Where the permitted activity standards cannot be met, the activity is a restricted discretionary activity. Matters of discretion SASM-MD2(6) and SASM-MD(6) provide for consideration as to the effect the activity will have on natural character values and processes, which would include water quality improvement and fencing of indigenous vegetation. The matters of discretion require consideration of the outcomes of consultation with mana whenua	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
414.104	Federated Farmers of New Zealand Inc	SASM-R4	Delete SASM-R4, and replace with finer grained mapping using a heat map, or traffic light approach, along with a farmer discovery protocol.	3.6	Reject	The heading to the rule states it only applies where Rules SASM-R1 to SASM-R3 do not apply, and the permitted activity provisions clearly set out the parameters of cultivation and other activities	No
420.3	Dairy Holdings Limited (DHL)	SASM-R4	Retain SASM-R4 as notified.	3.6	Accept	Submission does not seek any changes	No
3.7 Matters of Discretion SASM-MD1, SASM-MD2 and SASM-MD3							
210.15	Waimakariri Irrigation Limited	SASM-MD1	Amend SASM-MD1 and replace 'suitable' with 'practicable' to read as follows: "... 6. In respect of infrastructure, the extent to which the proposed infrastructure has a functional need or operational need for its location, and whether alternative locations, layout or methodology would be suitable practicable."	3.7	Reject	The word 'suitable' was chosen for the matter of discretion with respect to the provision of infrastructure within a SASM, as the word encapsulates the concept of being right for/acceptable/good for/sits well within a particular situation. Accordingly, the intent was that an assessment be undertaken of alternative locations or layout/methodology to provide the infrastructure within an SASM, taking into account the functional or operational need of the infrastructure. The functional or operational need of the infrastructure already includes it being practicable (ie realistic/feasible/reasonable).	No
FS92	Transpower New Zealand Ltd		Allow the submission	3.7	Reject		No
210.16	Waimakariri Irrigation Limited	SASM-MD2	Amend SASM-MD2 to replace 'suitable' with 'practicable' so that it reads as follows: "... 6. In respect of infrastructure, the extent to which the proposed infrastructure has a functional need or operational need for its location, and whether alternative locations, layout or methodology would be suitable practicable. ..."	3.7	Reject		No
FS92	Transpower New Zealand Ltd		Allow the submission	3.7	Reject		No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
210.17	Waimakariri Irrigation Limited	SASM-MD3	Amend SASM-MD3 and replace 'suitable' with 'practicable' so that it reads as follows: "... 6. In respect of infrastructure, the extent to which the proposed infrastructure has a functional need or operational need for its location, and whether alternative locations, layout or methodology would be suitablepracticable. ..."	3.7	Reject		
FS92	Transpower New Zealand Ltd		Allow the submission	3.7	Reject		No
249.194	MainPower New Zealand Limited	SASM-MD1	Retain SASM-MD1 as notified.	3.7	Accept	Submission does not seek any changes	No
249.195	MainPower New Zealand Limited	SASM-MD2	Retain SASM-MD2 as notified.	3.7	Accept	Submission does not seek any changes	No
249.196	MainPower New Zealand Limited	SASM-MD3	Retain SASM-MD3 as notified.	3.7	Accept	Submission does not seek any changes	No
326.259	Rolleston Industrial Developments Limited	SASM-MD1	Retain SASM-MD1 as notified.	3.7	Accept	Submission does not seek any changes	No
326.260	Rolleston Industrial Developments Limited	SASM-MD2	Retain SASM-MD2 as notified.	3.7	Accept	Submission does not seek any changes	No
326.261	Rolleston Industrial Developments Limited	SASM-MD3	Retain SASM-MD3 as notified.	3.7	Accept	Submission does not seek any changes	No
414.48	Federated Farmers of New Zealand Inc.	SASM-MD2	Amend SASM-MD2 to exclude farming operations in the rural zone.	3.7	Reject	The matters of discretion link to s6 RMA matters of national importance (refer to s6(a), s6(b), s6(c), and s6(e) RMA), and as such are relevant matters of discretion to be considered within SASM, as well as the use of the land for farming purposes.	No
414.49	Federated Farmers of New Zealand Inc.	SASM-MD3	Amend SASM-MD3 to exclude farming operations in the rural zone.	3.7	Reject		No
419.70	Department of Conservation	SASM-MD3	Retain SASM-MD3 Ngā wai as notified.	3.7	Accept	Submission does not seek any changes	No
3.8 Schedule SASM-SCHED1 – Sites and areas of significance to Māori							
210.12	Waimakariri Irrigation Limited	SASM-SCHED1	Delete or amend the Wāhi Taonga SASM011 overlay at Warren Road.	3.8	Reject	In the absence of information from the submitter that SASM 011 does not hold ngā	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
						reporepo (wetland) values to Te Ngāi Tūāhuriri Rūnanga, then the feature cannot be altered. Rather, and as set out in SASM-SCHED1, the relevant objective and policies of the SASM would be a matter for consideration for any resource consent application	
420.33 420.37 420.38 420.41	Dairy Holdings Limited	SASM-SCHED1	Amend the following overlays so as not to apply to its properties: <ul style="list-style-type: none"> SASM 014 Kanuka/Centre/Malbon Dairy – 856 Thongcaster Road, Eyrewell; SASM 014 and SASM 022 – Gorge Farm/Brown Rock – 1047, 1135 and 1453 Thoncaster Road, Burnt Hill, Oxford; and SASM 022 – Eagle Hill – 369 Waimakariri Hill Road. 	3.8	Reject	In the absence of information from the submitter that SASM 014 and SASM 022 do not hold ngā tūranga tupuna (cultural landscape) and ngā wai (awa/water) values to Te Ngāi Tūāhuriri Rūnanga, then the feature cannot be altered.	No
408.16	Bellgrove Rangiora Ltd	SASM-SCHED1	Amend overlay SASM 025 so that it does not apply to its property at 52 Kippenberger Avenue	3.8	Reject	In the absence of information from the submitter that SASM 025 does not hold ngā wai (awa/water) values to Te Ngāi Tūāhuriri Rūnanga, then the feature cannot be altered.	No
360.17	Christchurch City Council	SASM-SCHED1	Continuing to work with the Waimakariri District Council on matters relating to the Waimakariri River to ensure its ongoing protection.	3.8	Accept	Christchurch City Council support the identification of the Waimakariri River, noting it aligns with the approach in the Christchurch District Plan	No
3.9 Definition of 'Land Disturbance'							
276.37	Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited	Definitions	Retain 'land disturbance' definition as notified.	3.9	Accept	Submission does not seek any changes	No
295.43	Horticulture New Zealand	Definitions	Retain Definition of 'land disturbance' as notified.	3.9	Accept	Submission does not seek any changes	No

Appendix C. Report Author's Qualifications and Experience

I hold the following qualifications: Diploma in Regional and Resource Planning (1983). I am a member of the New Zealand Planning Institute. I have 39 years' experience in working as a planner for local and central government, and planning consultancies. My work experience includes, amongst other matters, providing policy advice for the preparation of district and regional plans to the following councils:

- a. Hauraki District Council (Operative 1st and 2nd generation District Plans) – consultant planner responsible for the development of both plans;
- b. Waipa District Council (Operative District Plan) – consultant planner with Beca responsible for the development of the plan;
- c. Christchurch City Council (Operative District Plan) – team leader and lead planner responsible for the development and processing of the plan through the Independent Hearings Panel process following the devastating series of earthquakes;
- d. Waikato District Council (Proposed District Plan) – consultant planner responsible for the development of the draft plan into a proposed plan, along with the preparation of the s32 reports. Alan subsequently prepared and presented s42A reports with respect to four chapters (Strategic Directions, Residential Zones, Business Zones and Industrial Zones, and Lakeside) to the Independent Hearing Panel;
- e. Nelson City Council (Draft Unitary Plan) – initially as Principal Planner and then as Technical Lead responsible for the overall development of the Draft Nelson Unitary Plan and supporting s32 reports, that includes the regional policy statement, coastal plan, air plan, regional plan and district plan. The further development of the unitary plan has been placed on hold pending the RMA reforms;
- f. Queenstown Lakes District Council (Proposed District Plan) – Acting Policy Manger for 4 months overseeing the progress of the proposed plan through appeals and plan changes/variations.

I have been employed by the Waimakariri District Council as a consultant planner since July 2019 as a member of the Internal Review Group responsible for review and development of all chapters and supporting s32 reports, and chapter lead for ‘*Sites and areas of significance to Māori*’ and ‘*Special Purpose Zone – Kāinga Nohoanga*’ of the Proposed Waimakariri District Plan.