IN THE MATTER AND IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Hearing of Submissions and Further Submissions on the Proposed Gore District Plan

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Gore District Plan - Decisions on Submissions

Topic 14: Mana Whenua

Hearings Panel Members

Keith Hovell

Glenys Dickson

Cliff Bolger

Maria Bartlett

Dates of Hearing
22 July 2024
5 and 6 December 2024
18 and 19 February 2025
7 April 2025

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1 Introduction

1.1 Scope of this Decision

1.1.1 This document details the evaluation and decisions of the Hearings Panel (the Panel) on submissions to the Mana Whenua (MW) chapter, and submissions that reference the way in which Māori relationships across the Gore district are reflected in plan provisions (including in relation to Sites and Areas of Significance to Māori (SASM)).

1.1.2 The subject of Māori relationships with the Gore district and relevant plan provisions was thoroughly canvassed during the hearing process, with multiple opportunities for submitters to provide evidence to the Panel. A key aspect of Panel deliberations and decision-making was to do with the appropriate location for provisions within the proposed Gore District Plan (PDP), as well as the content of those provisions.

1.1.3 There is a close relationship between this decision and that of Decision 43 - SASM, which means that the two decisions should be read together to understand the outcome for particular notified plan provisions and submission points. In addition, Decision 3 contains changes arising from this decision and Decision 43, particularly in relation to the "How the Plan Works" section of the plan. There is also a relationship between this decision, Decision 43 and a number of other decisions on provisions in various chapters that reference Ngāi Tahu values. In that respect, this decision and Decision 43 are fundamental to the workings of the plan as a whole and to achieving integrated management regarding Ngāi Tahu relationships with the district, to the extent that integrated management can be achieved within the scope of the notified plan, submissions and evidence.

1.1.4 The Hearings Commissioners comprising the Panel for all hearings that addressed the Mana Whenua chapter were Commissioners Cliff Bolger, Keith Hovell, Glenys Dickson and Maria Barlett. No member of the Hearings Panel identified any conflicts of interest.

1.1.4 Attached is the updated provisions for the Mana Whenua chapter. Changes made in response to submissions are shown in normal black font, with text either <u>underlined</u> for additions or as ~~strikethrough~~ for deletions. A reference is also provided of the submission giving rise to the changes.

1.1.5 Appendix A lists the submissions considered in this decision and their outcome, described as accepted, accepted in part or rejected. For convenience, the Panel has chosen to make decisions on original submissions only. By implication, but not explicitly, it has also made decisions in relation to further submissions.

1.2 Abbreviations used in the Decision

1.2.1 To facilitate writing of this Decision the following abbreviations have been used:

Full Term	Abbreviation
Director General of Conservation	Director General or DoC
Gore District Council	GDC, Council
Hearing Stream	HS
Heritage New Zealand Pouhere Taonga	HNZPT
Mana Whenua	MW
McNab Management Limited	MML
National Planning Standards 2019	National standards
Panel of appointed Hearing Commissioners	Panel or Hearings Panel
Proposed Gore District Plan	PDP

Report prepared under section 42A of the RMA	s42A Report
Resource Management Act 1991	RMA
RMA section	s
Sites & Areas of Significance to Māori	SASM
Southland Province of Federated Farmers of New Zealand	Federated Farmers
Southland Regional Policy Statement	RPS
Stoney Creek Station Limited	Stoney Creek
Transpower New Zealand Limited	Transpower
Wantwood Station (McLeod-Wantwood Trust)	Wantwood Station

1.3 Statutory considerations

1.3.1 Decision 1 – Statutory Overview sets out the legal framework and requirements for preparing a District Plan, as well as case law guidance for our consideration and recommendations. This framework will not be repeated in this Decision. Rather, this Decision should be read in conjunction with our Decision 1, and in particular section 3.5.1 of that decision (Māori relationships) and section 4.3 of that decision (section 32AA of the RMA).

1.3.2 The Panel is satisfied that decisions on the Mana Whenua chapter meet statutory requirements, including the purpose and principles in Part 2 of the RMA and directions contained in National Planning Standards, and that it appropriately gives effect to the RPS. The Panel is also satisfied that assessment has been undertaken in accordance with s32AA where necessary. Further discussion of statutory matters occurs in this decision where relevant to a particular aspect of the decision.

1.4 Procedural matters

1.4.1 Submissions relevant to this Decision were outlined in the s42A Report prepared by Courtney Bennett for the Mana Whenua chapter. Submissions on the chapter were heard on 22 July 2024, with evidence presented by Hokonui Rūnanga and Federated Farmers. Some prior discussion of matters pertaining to the chapter occurred in HS1.

1.4.2 As a consequence of matters raised during the 22July 2024 hearing, the Panel issued Minute 15, dated 6 August 2024, which identified that objectives and policies contained in the notified SASM chapter appeared to address matters relevant to the MW chapter, with reference to the National Planning Standards 2019 (the national standards), particularly directions 25 and 26 in section 7 of those standards. The Panel identified that national direction requires the MW chapter to contain "context and process related" provisions, which distinguishes it from other chapters that may address the effects of activities on the relationship of Māori with the district. Minute 15 sought consideration of the basis for introducing and/or re-locating objectives and policies to the MW chapter, as well as consideration of re-wording of a new policy proposed by Hokonui Rūnanga (SASM-PXX). The Panel required a response to the minute to be prepared according to the evidence schedule for the SASM chapter hearing, in order to inform that hearing.

1.4.3 A joint response to Minute 15, dated 29 October 2024, was provided by Courtney Bennett on behalf of the Council and Amy Beran on behalf of Hokonui Rūnanga. This response recorded that the planning experts met on 9 and 26 September 2024, and 4 October 2024, and corresponded to resolve matters. The planners left matters of scope to legal submissions. The planners found limited options to repurpose existing text of the Mana Whenua chapter to create provisions with legal weight (e.g. objectives, policies and rules), and that therefore additional text was required. Amy Beran

proposed minor amendments to the chapter to improve readability, update grammar for consistency and consequential amendments. The planners supported moving context and process related provisions from the SASM chapter to the Mana Whenua chapter but had differing views on how this should be done in terms of implications for the SASM chapter.

1.4.4 The Panel received a letter from Federated Farmers, dated 30 October 2024, that was originally sent to the Chief Executive of Gore District Council, requesting a delay to the SASM hearing (Hearing Stream 8 (HS8)) until April 2025, which was supported by Stoney Creek Station Limited (Stoney Creek). The Federated Farmers letter cited concerns about the well-being of rural submitters on the SASM chapter, and their ability to prepare for an early December hearing, arising from the stresses of a very wet spring.

1.4.5 The Panel responded to the letter from Federated Farmers through Minute 25, dated 6 November 2024, which provided for a split hearing timetable for the SASM hearing. The s42A reporting officer's advice to the Panel and evidence from Hokonui Rūnanga, incorporating responses to Minute 15, were scheduled to be heard on 5 December 2024, with evidence exchange to occur as required by Minute 5 (dated 16 April 2024). In addition, Minute 25 provided other submitters with an opportunity to advise the Panel by 13 December 2024 if they wished to present evidence on 10 February 2025 in response to the s42A Report and Hokonui Rūnanga evidence, otherwise opportunity would be provided on 6 December 2024. Those wishing to provide expert evidence for 10 February 2025 were given a deadline of 3 February 2025 for lodging evidence. Minute 25 emphasised that all submissions and evidence would be considered by the Panel in determining the outcome of the submissions lodged. The Panel was mindful, in issuing Minute 25, of the large number of lay submitters on the SASM chapter, and therefore the need to provide sufficient time to hear all those who may wish to be heard.

1.4.6 The Panel received a memorandum from legal counsel for the Council, dated 18 November 2024, highlighting natural justice issues arising for Council and Hokonui Rūnanga as a consequence of Minute 25. In particular, issues resulting from all expert evidence and legal submissions not being lodged at the same time, allowing some submitters an additional two months to provide expert evidence and legal submissions. The memorandum requested that further legal submissions be enabled for submitters at the December hearing by 5 February 2025, further s42A reporting officer response by 6 February 2025, further Council legal submissions by 10 February 2025, and ability for submitters at the December hearing to have the opportunity to also attend the February hearing. The memorandum suggested that submitters have an opportunity to respond to the proposed timetable by 25 November 2024.

1.4.7 The Panel issued Minute 28, dated 26 November 2024, acknowledging the need to ensure a fair process. The Panel proposed two potential hearing timetables, one that provided for a hearing on 10 February 2025 and one that provided for a hearing on 24 February 2025, both of which allowed Council advisors a week to respond to submitter evidence, Hokonui Rūnanga to provide rebuttal evidence a further week later, one week in advance of the hearing taking place, at which the Council advisors could respond to the totality of evidence received on the SASM topic. Submitters were invited to respond to these two options in advance of the commencement of the SASM hearing on 5 December 2024. No submitters responded prior to the hearing. A preferred timetable was discussed during the SASM hearing with those present.

1.4.8 The Panel received a memorandum from legal counsel for the Council, dated 12 December 2024, indicating a consolidated hearing timetable for 2025, in light of

changes that came through the SASM hearing process, as well as matters pertaining to Natural Character and Earthworks. This memorandum indicated 18 and 19 February 2025 as preferred dates for the resumption of the SASM hearing, whilst also noting that submitters who wanted to be heard in February had a further day to indicate their intentions. The memorandum signalled expectation of legal submissions to come from Hokonui Rūnanga by 19 December 2024, regarding provision of evidence arising from questions of the Panel at the hearing on 5 December 2024. The memorandum also signalled that expert evidence from submitters would be due on 28 January 2025, response from the s42A reporting officer by 4 February 2025, supplementary or rebuttal evidence and legal submissions from Hokonui Rūnanga by 13 February 2025 and any further response from the s42A reporting officer by 17 February 2025.

1.4.9 By 13 December 2024 the only submitters to confirm their attendance at the resumed February hearing of the SASM chapter were Transpower and Federated Farmers, with no lay submitters taking the opportunity to present to the Panel separately.

1.4.10 The Panel issued Minute 31, dated 16 December 2024, with the confirmed timetable for the resumption of the SASM hearing, which was considered to be a fair balance that allowed time for preparation of legal submissions and evidence, and time for the Panel members to prepare appropriately for the hearing. This timetable differed from that of the previous Memorandum of Counsel only in that rebuttal evidence and legal submissions from Hokonui Rūnanga were due two days earlier on 11 February 2025 and further response from the s42A reporting officer three days earlier on 14 February 2025, along with legal submissions on behalf of Council.

1.4.11 The Panel received a memorandum from Federated Farmers, dated 18 December 2024, requesting that the timetable for filing evidence be amended following a Gore District Council meeting scheduled for 18 February 2025. This memorandum noted that Stoney Creek had submitted a letter to Council, dated 16 December 2024, with the signatures of 117 other parties, seeking that all further action on the PDP be delayed for nine months to allow for law changes to be promulgated that would impact on the topics remaining to be considered by the Panel, including the SASM chapter. The Council resolved to consider its options on 18 February 2025. Federated Farmers were concerned that the resumed SASM hearing was the only one scheduled to occur before that Council meeting. They sought that the Panel issue new timetable directions on 19 February 2025.

1.4.12 The Panel received a memorandum from legal counsel for the Council, dated 19 December 2024, which noted that the request from Federated Farmers had been received one day before the RMA statutory shutdown period and that such a request would ordinarily be circulated to other submitters for comment, with a preference indicated of 15 working days. The memorandum noted that allowing the Federated Farmers request would affect the scheduled Wrap Up hearing and the release of decisions by the statutory deadline of 31 August 2025. The memorandum suggested that other submitters be given until 31 January 2025 to respond to the Federated Farmers request.

1.4.13 The Panel issued Minute 33, dated 19 December 2024, accepting advice contained in the Memorandum of Counsel and providing submitters until 31 January 2024 to comment on the request of Federated Farmers. No changes were made to the timetable for evidence included in Minute 31. The Panel committed to responding to the request of Federated Farmers in the week of 3 February 2025.

1.4.14 The Panel received a memorandum from the Director General, dated 23 December 2024, indicating that PDP timetabling had been factored into the departmental work

programme and capacity schedules, and that expert evidence was already under preparation, which would continue over the statutory shutdown period in order to meet the publicised timetable.

1.4.15 The Panel received a memorandum from Transpower, dated 28 January 2025, requesting a two day extension for the filing of evidence until 30 January 2025, based on the workload of their expert witness, and also a change in the date for filing legal submissions in light of the Federated Farmers request.

1.4.16 The Panel issued Minute 35, dated 29 January 2025, granting the request of Transpower for an extension of time to file expert evidence until 30 January 2025, and requiring legal submissions by 1pm on 5 February 2025.

1.4.17 The Panel received a memorandum of legal counsel for Council which noted that the Federated Farmers request was the second adjournment request by them affecting the SASM topic, and that no consideration was given by Federated Farmers in the most recent request to the consequences, including on other parties, or on a potential amended timetable that could meet statutory requirements and process requirements. The memorandum emphasised section 21 of the RMA and requirement to issue decisions as promptly as reasonable in the circumstances, as well as section 18A which required timely, efficient, consistent and cost-effective processes. The memorandum indicated that special permission would be required from the Minister to extend the deadline for decisions beyond 31 August 2025. In addition, that natural justice principles applied because a timetable change would affect all participants in the hearing, and submissions and evidence already heard, not just topics yet to be heard. The memorandum indicated that new developments in the district would be delayed, awaiting decisions, and that rules with immediate legal effect at the time of notification of the PDP would continue to have legal effect until such time as they were amended by decisions. Counsel could not identify any feasible alternative timetable in order to satisfy the Federated Farmers request. The memorandum cautioned that regulatory functions needed to be kept separate from political matters, and noted that there was no indication that RMA reforms would result in the need for any urgent review of the PDP, based on an assessment of anticipated reforms and PDP chapter provisions included as Appendix 1 to the memorandum. This analysis anticipated no change required to the Mana Whenua chapter or the SASM chapter based on publicly available details of proposed reform.

1.4.18 The Panel received a memorandum from Hokonui Rūnanga, dated 31 January 2025, expressing concern that granting the Federated Farmers request would affect ability to meet the statutory deadline for decisions. This memorandum emphasised the need to avoid unreasonable delay under section 21 of the RMA, and that potential RMA reform was not an available reason for delay, therefore the Council would not be complying with its statutory obligations if it granted the request. The memorandum recorded that Hokonui Rūnanga had prepared evidence in good faith, and that an extension had already been granted in relation to the SASM topic. Hokonui Rūnanga requested that the publicised timetable be adhered to and that decisions be made without delay.

1.4.19 The Panel received a memorandum from McNab Management Limited (MML), dated 31 January 2025, that sought the same outcomes as Hokonui Rūnanga, also emphasising section 21 of the RMA, and indicating that a delay in decision-making would affect provision of rural residential and rural light industrial land for the Gore economy. This memorandum indicated that MML were receiving ongoing interest from

commercial operators awaiting the release of land for development, due to short supply, and that delays in decision-making would affect investment in the district.

1.4.20 The Panel issued Minute 37, dated 4 February 2025, which recorded that written responses to Minute 33 all sought that the request of Federated Farmers be rejected. Minute 37 determined that the request of Federated Farmers be declined in the interest of natural justice and fairness to all participants in the hearing process. The Panel cited: the complexity involved in identifying a new hearing timetable, which had not been proposed by any party and may not be feasible; existing commitments made by participants in the process, including time and resources; the requirement to meet the statutory deadline of 31 August 2025; the requirement under section 21 of the RMA to avoid unreasonable delay; and the on-going impact of rules that had legal effect at the time of notification, which have been recommended for amendment through the hearing process. The Panel considered the matter of RMA reform to be more relevant to the decision of Council regarding their preferences for the PDP process, rather than a matter for the Panel decision, which must be made in accordance with the law as it stands.

1.4.21 The Panel received a memorandum from Hokonui Rūnanga, dated 11 February 2025, seeking a two-day extension of time to file evidence, in order to allow the planning witness to address Panel questions in full (those arising from the 5 December 2024 hearing), in particular a gap analysis regarding Ngāi Tahu cultural values as they were managed across the plan.

1.4.22 The Panel issued Minute 38, dated 11 February 2025, granting an additional day to complete evidence, in order to allow time for the s42A reporting officer to review Hokonui Rūnanga evidence ahead of the hearing, and potentially provide a supplementary statement by 17 February 2025.

1.4.23 At the resumed SASM hearing during presentations to the Panel on 19 February 2025, legal counsel for Federated Farmers provided supplementary legal submissions expressing concern about the amount of evidence provided by Hokonui Rūnanga that their witnesses had not had sufficient time to analyse. They expressed concern that the process had been made unnecessarily difficult and that the timetable amendments had encroached on other topics scheduled to be heard. These submissions did not acknowledge the prior minutes of the Panel responding to various requests of Federated Farmers, which resulted in the substantial timetable changes subject of their 19 February legal submissions. The Panel, at the close of the 19 February hearing, indicated that Federated Farmers, and Transpower should they wish, would have the opportunity to respond in writing to the analysis of the Hokonui Rūnanga planning witness, Amy Beran, and that legal counsel for the Council would co-ordinate with the parties.

1.4.24 Legal counsel Shelley Chadwick, on instructions from the Panel, sent an e-mail dated 21 February 2025 that provided Federated Farmers and Transpower until 28 March 2025 to lodge a written response to the analysis of Amy Beran. Transpower indicated via e-mail on 7 March 2025 that upon review of the analysis they had no further comments to make. Federated Farmers supplied their written statement in response to the analysis of Amy Beran via e-mail on 28 March 2025 and requested to be able to speak to it at the Wrap Up hearing, which they did briefly on 7 April 2025 as part of their final appearance in front of the Panel. Neither Hokonui Rūnanga nor Transpower took part in the Wrap Up hearing.

1.4.25 The Panel, in responding to all of the various procedural requests regarding the SASM hearing and exchange of evidence, had a primary interest in receiving a full suite of evidence upon which to make decisions, in order to ensure the best possible result for the plan and the district. The Panel were cognisant of the high level of interest in the topic, as indicated by the number of submissions on the SASM chapter. The Panel were aware of substantial issues to address across the Mana Whenua and SASM chapters, and in relation to how effects on Ngāi Tahu values are managed in the Plan. The Panel is satisfied that all parties had sufficient opportunity to consider and respond to submissions, lay and expert evidence, and legal submissions, and that no party was disadvantaged in the process. All the submissions and evidence received has assisted the Panel to reach its conclusions regarding the Mana Whenua chapter and the notified SASM chapter.

2. Relief Sought

2.1 Submissions on Mana Whenua chapter

2.1.1 In her s42A Report Courtney Bennett summarised submissions on the Mana Whenua chapter and related plan wide submissions, identifying a total of 26 submissions and seven further submissions as relevant. She identified that over half of submitters opposed the way Ngāi Tahu values were reflected in the Plan, with many supporting matters raised in the submissions of Federated Farmers (S126) and Stoney Creek (S3) that indicated concerns with uncertainty and bureaucracy for Plan users. Others supported the Plan, and the Plan approach to managing SASMs (e.g. S146.008 Southland District Council), while some sought specific amendments, including Hokonui Rūnanga (S139).

2.1.2 The Panel adopts Courtney Bennett's summary of submissions, unless otherwise stated.

2.2. Submissions on SASM chapter

2.2.1 In her s42A Report Courtney Bennett summarised submissions on the SASM chapter and related plan wide submissions, identifying a total of 34 submissions and five further submissions as relevant. She identified that the majority of submissions opposed the SASM approach in the notified plan, equating it to placement of a SASM overlay across the whole of the district. Farmer submitters were concerned that such an approach would interfere with day-to-day farming operations. However, some supported the approach as consistent with mana whenua views. Hokonui Rūnanga sought amendment to better reflect how Ngāi Tahu values are present across the district and how effects on them should be managed. Courtney Bennett identified significant cross-over between submissions relevant to the SASM chapter and submissions relevant to the Mana Whenua chapter.

2.2.2 The Panel adopts Courtney Bennett's summary of submissions, unless otherwise stated.

2.3 Scope

2.3.1 The Panel has summarised legal advice on scope that was received during the hearing process in Report 1, section 3.4, and the approach taken in decisions. In relation to amendments to the Mana Whenua chapter and notified SASM chapter, the Panel is satisfied that scope exists for the decisions made between the notified version, submissions and evidence. In particular the Panel responds to legal submissions from Ms Jo Cook-Munro on behalf of Federated Farmers, determining that the amendments

made in this decision are "on" the plan, and fairly and reasonably within the range of options between what was originally notified and the relief requested in submissions. Amendments made by the Panel specifically respond to concerns raised in submissions and evidence about the role of the SASM chapter and improving certainty for Plan users. The Panel indicates submissions and evidence relied upon to make specific changes.

2.3.2 Ms Cook-Munro listed reasons why the Panel could not make proposed amendments to the Mana Whenua chapter[1], including that:

- submissions sought a variation to the Plan, not amendments to the notified Plan;
- no submission sought for objectives, policies and methods to be added, or for the particular wording proposed; and
- submissions refer to "sites of cultural significance" and could not anticipate that relief would result in amendments to the Mana Whenua chapter.

2.3.3 On the first point, the Panel has ability to amend the Plan in response to submissions, but have no power to initiate a variation to the Plan. The Panel therefore responds to submissions and evidence within its delegated functions, and dismisses submissions requesting a variation to the plan as outside the scope of the hearing process.

2.3.4 On the second point, the Panel rely on the advice of legal counsel for the Council, in particular that the approach taken through amendments to the Plan is not substantially different in outcome compared with the notified approach. Rather, the intent of the chapters is more clearly articulated for Plan users to enable them to understand the way the Plan works. The amendments identify processes that recognise Ngāi Tahu relationships within the district and provide for management of effects on Ngāi Tahu values. The Panel also considers that the amendments better reflect direction in higher order instruments, including the national standards.

2.3.5 Overall, in addition to ensuring the chapter appropriately gives effect to national direction, the Panel has made amendments to the chapter in relation to the following themes raised in submissions and evidence, in order to clarify matters for Plan users:

- the context for consideration of Ngāi Tahu values in the plan;
- the relevant Ngāi Tahu values that will need to be considered; and
- what is involved when Ngāi Tahu values need to be considered.

2.3.6 The Panel has been economical in its amendments to the Mana Whenua chapter and notified SASM chapter, making only those changes necessary to respond to matters raised in submissions and evidence, and ensuring amended text is succinct and clear for Plan users. The Panel has therefore resisted the urge to improve upon the notified wording of this chapter and the notified SASM chapter, either by using some of the thoughtful amendments put forward by Courtney Bennett and Amy Beran, or as a result of noticing other ways to make improvements, in instances where no basis in submissions was identified to support the improvement.

[1] Legal submissions on behalf of Federated Farmers of New Zealand (Incorporated) – Southland Province, 5 February 2025, para 3.20

3 Submissions, Evidence and Decisions

3.1 Decision approach

3.1.1 The Panel has determined that the best way to work through the amendments to the Mana Whenua chapter is by sections of the chapter, in order to record particular submissions and evidence relevant to each section and the decision of the Panel on each section. However, the Panel begins with amendments to the Interpretation section of the Plan arising from submissions and evidence on the Mana Whenua chapter.

3.1.2 The Panel considers provisions where evidence was received through the Mana Whenua and SASM hearings relevant to decisions on other chapters of the Plan at the end of Decision 43. Decisions on those other chapters of the plan will refer to that decision as necessary in order to incorporate changes into chapter provisions.

3.2 Interpretation

3.2.1 As summarised in the s42A report, Stoney Creek requested that the definition of "mahinga kai" be amended in the Interpretation section of the Plan to refer to the description provided in the Mana Whenua chapter (S3.097), as did a number of submitters that supported Stoney Creek, including Federated Farmers (FS17.098). There were also submissions in support of the definition as notified (e.g. the Director General (S109.008) and Hokonui Rūnanga (S139.093)).

3.2.2 Courtney Bennett supported the requested amendment, recommending deletion of the lengthy text in favour of a summarised description:

> **Mahinga Kai** means the same as outlined in MW – 2.3.3.3 and is an all-inclusive term that refers to the ability to access resources for harvesting, the site where gathering of these resources occurs, the act of gathering and using the resource, and the good health of the resource

3.2.3 There was no opposing evidence received in relation to this recommendation. The Panel therefore adopts the recommendation, and the s32AA analysis of Courtney Bennett in relation to this change. In particular, the Panel agrees that it is preferable to have a succinct definition. However, the Panel has determined that an advice note to refer to re-numbered MW-1.2.10.3 is preferable, and therefore the decision is for the Interpretation section to contain the following wording, accepting in part S109.008 DoC, S116.097 Nathan Bokser, S118.097 AW & JA Johnston Family Trust, S18.099 Reaby Downs Farm Limited, S19.099 Karen Temple, S113.097 Trudy Bokser, S3.097 Stoney Creek Station, S20.099 Sarah & Peter Barclay, S24.099 Helen McIntosh, S68.101 John Baynes, S127.133 Peters Farm Limited, S117.097 Greg Bokser[2]:

Mahinga Kai ~~means the same as outlined in MW- 2.3.3.3 and~~ is an all-inclusive term that refers to the ability to access resources for harvesting, the site where gathering of these resources occurs, the act of gathering and using the resource, and the good health of the resource. ~~As a result of this practical focus, mahinga kai is considered by Hokonui Rūnanga to be, in today's language, the principal 'environmental indicator' in natural systems. If mahinga kai is not present, or is unsafe to harvest, then that natural system is under stress and requires remedial action. Mahinga kai was and is central to the Ngāi Tahu and Hokonui way of life. The collection and processing of mahinga kai is an important social, cultural, environmental, and economic activity contributing to the overall well-being of Ngāi Tahu whānui. Mahinga kai practices rely on thriving and abundant biodiversity, safe and aesthetically pleasing places to practice, and the active transfer of knowledge between people. These attributes are dependent on the sustainable management of many other natural resources in the takiwā, especially~~

[2] Stoney Creek Station Limited (S3.097) and Schedule 1, Clause 16

~~waterbodies and the management of stormwater. Hokonui Rūnanga expect to be able to practice mahinga kai in our takiwā at multiple locations that are deliberately selected for the quality of the resource and its ability to sustain itself.~~

Advice Note: Further explanation of the meaning of mahinga kai can be found in section MW-1.2.10.3[3]

3.3 MW-1 Overview

3.3.1 The initial s42A Report did not recommend any changes to this section of the chapter, and neither did Rachel Thomas for Federated Farmers or Amy Beran for Hokonui Rūnanga in their evidence dated 8 July 2024. No changes were recommended in supplementary or reply evidence from Courtney Bennett on behalf of the Council in HS3.

3.3.2 In response to Minute 15, within Appendix D to the s42A Report produced for the SASM hearing, Courtney Bennett and Amy Beran proposed amendments to the Overview section in their joint response. Their proposal was to remove wording that set out the prescribed national standards and instead provided a condensed summary of the intent of the chapter and key sections within it. No further amendments were recommended to this section at the hearing.

3.3.3 Rachel Thomas for Federated Farmers did not specifically address amendments to the Overview, but expressed concern about reference to a "Ngāi Tahu Cultural Values" chapter. Ainsley McLeod for Transpower also did not specifically address amendments to the Overview, but considered the implications of the notified SASM chapter and the alternative "Ngāi Tahu Cultural Values" chapter approach. Both submitters favoured mapping Sites and Areas of Significance to Māori in the Plan.

3.3.4 The Panel has made decisions on the notified SASM chapter that have implications for the Mana Whenua chapter and vice versa. Decisions on the notified SASM chapter, including reasons for its renaming as the "Māori Cultural Values (MCV)" chapter, can be found in Decision 43.

3.3.5 In relation to the text of the Overview in the Mana Whenua chapter, the Panel agrees with Courtney Bennett and Amy Beran that reference to the requirements of the national standards is unnecessary and should be deleted. The Panel also agrees that a simple summary of the purpose of the chapter is all that is needed. The Panel did not consider a list of the sections in the chapter to be useful, and considered that a key purpose of the chapter was to provide overarching guidance on how the Plan recognises and provides for Ngāi Tahu interests throughout the district, and relationship with their ancestral lands, water, sites, wāhi tapu and other taonga, in accordance with section 6(e) of the RMA. The Panel has therefore further modified the Overview, using the recommendations of Courtney Bennett and Amy Beran as a starting point, and simplified the text. The Panel has also utilised the "MW" acronym to identify sections of the chapter, which will assist Plan users interpreting the Plan, in particular where the Plan references sections in the chapter, such as "MW-1.2" (which was the section notified as "MW-2.3").

3.3.6 The Panel considers that the first statement of the amended Overview summarises the direction in national standards for the purpose of the Mana Whenua chapter, which replaces the notified text that contained details of the directions in national standards for the content of the chapter. The second sentence of the amended Overview replicates some of the content in notified section 2.4 of the chapter, and picks up on

[3] Stoney Creek Station Limited (S3.097) and Schedule 1, Clause 16

wording contained in the proposed "NTCV" chapter overview in the Minute 15 response of Courtney Bennett and Amy Beran. The second paragraph is a consequential amendment arising from decisions on the notified SASM chapter and decisions on the Māori Purpose Zone (MPZ) chapter, and differentiates the different roles of each chapter specific to mana whenua interests. The third paragraph of the amended Overview draws from text in the notified Mana Whenua and SASM chapters to clarify that the two chapters work together to enable the plan to recognise and provide for a matter of national importance, as required by section 6(e) of the RMA. The final paragraph of the amended Overview remains largely unchanged from the notified version of the Plan. The Panel considers this suite of changes to be in the nature of consequential amendments and minor amendments under Clause 16 of Schedule 1 of the RMA, the primary purpose of which is to streamline the text and improve clarity for Plan users. In that respect, the Panel does not consider a further s32AA assessment to be necessary.

3.3.7 The Panel notes that in other chapters of the notified plan the Overview section is titled "Overview" rather than "Overview and Purpose" as used in the evidence of Courtney Bennett and Amy Beran, which the Panel prefers for consistency. The Panel also notes that other chapters of the notified plan did not number the Overview. The Panel therefore adopts the following amendments to the Overview section of the chapter, which in part accepts S85.067 Environment Southland:

Mana Whenua - MW

~~1.~~ Overview

~~The content of this Chapter has been prepared in accordance with the National Planning Standards to include:~~

~~1. Recognition of hapū and iwi~~
- ~~(a) A history of the hapū or iwi within the District;~~
- ~~(b) The relationship of hapū or iwi with their takiwā;~~
- ~~(c) Environmental management perspectives and values of hapū or iwi;~~
- ~~(d) A description of resources of significance to tangata whenua or mana whenua;~~
- ~~(e) Where agreed with the iwi authorities, a list of relevant iwi authorities. Where possible this should include links to iwi authority websites;~~
- ~~(f) where agreed with iwi authorities, a description of the relationship of hapū or iwi with ancestral lands, water, sites, wāhi tapu, and other taonga, and interests in resource management~~
- ~~(g) An explanation of how hapū or iwi values have been considered when preparing the Policy Statement or Plan, or are reflected in the Policy Statement or Plan;~~
- ~~(h) An overview of resource management arrangements from any Treaty settlement and post-Treaty settlement agreements;~~
- ~~(i) A list of any Statutory Acknowledgements for the District and Region, and a brief explanation of how they affect the Policy Statement or Plan and are reflected in Policy Statement or Plan Provisions. Where possible this should include a link to the relevant Statutory Acknowledgement Legislation;~~

~~2. Tangata whenua/mana whenua – Local Authority relationships~~
- ~~(a) A list of~~ formal relationships agreements between tangata whenua/mana whenua and the Local Authority as they relate to resource management functions. These may include memoranda of understanding, mana whakahono a~~rohe or iwi participation arrangements, comanagement agreements, joint management agreements, or transfer of powers under RMA section 33. Where~~

~~agreed with tangata whenua/mana whenua this list should include links to these relationship agreement documents;~~

~~3. Hapū and iwi planning documents~~

~~(a) A list of hapū or iwi planning documents lodged with the Local Authority. Where agreed with *tangata whenua/mana whenua* this should include links to the planning documents;~~

~~(b) A description of how the Local Authority has taken the hapū or iwi planning documents into account in the Policy Statement or Plan;~~

~~(c) An explanation of how hapū or iwi planning documents are used;~~

~~(d) If relevant and agreed, parts of the hapū or iwi planning documents;~~

~~4. Involvement and participation with tangata whenua/mana whenua~~

~~(a) Any specific involvement and participation or RMA consultation processes with *tangata whenua/mana whenua*: required by the RMA, in relationship agreements, or in hapū or iwi planning documents;~~

~~(b) A description of best practice involvement, participation or RMA consultation processes with hapū or iwi, as agreed with specific hapū or iwi. This may include a link or reference to external best practice processes documents;~~

~~(c) An explanation of the purpose of any involvement, participation or RMA consultation processes; and~~

~~(d) How the involvement, participation or RMA consultation processes are given effect to.~~

This introductory Mana Whenua chapter provides a location for context and process-related provisions relevant to mana whenua interests.[4] Hokonui Rūnanga has worked together with the Council to develop this chapter to ensure that mana whenua interests are accurately reflected.[5]

The Māori Cultural Values chapter relates to the management of activities that have the potential to impact on mana whenua values. In addition, the Māori Purpose Zone Chapter enables a range of activities to be undertaken in the Mana Whenua Māori Purpose Zones.[6]

~~This chapter contains no objectives, policies, rules or standards so~~ The overarching guidance provided in the Mana Whenua chapter and the Māori Cultural Values chapter is given effect to throughout the ~~other chapters of the District~~ Plan, directing the ways in which the Plan recognises and provides for Ngāi Tahu interests within the district, and their relationship with their ancestral lands, water, sites, wāhi tapu, and other taonga[7].

~~Note on dialect: In~~ The Plan uses the Ngāi Tahu/Kāi Tahu dialect, with 'k' used interchangeably with 'ng'. This plan has predominantly used the 'ng' spelling of words (e.g. mahinga kai), but it is also common and correct to see and use the 'k' spelling (e.g. mahika kai).

3.4 MW-2 Recognition of hapū and iwi

3.4.1 The evidence of Courtney Bennett dated 18 February 2025 recommend deletion of the paragraph describing the meaning of "mana whenua" that was part of notified MW-2.1 (following the pepeha) which was also recommended by Amy Beran in her supplementary statement of 12 February 2025. The Panel understands that "mana whenua" is already defined in the Plan, and that the paragraph contains generic

[4] Schedule 1 Clause 16, replaces reference to content of national standards
[5] Schedule 1 Clause 16, succinctly represents the content of notified MW-2.4, re-named MW-1.3
[6] Schedule 1 Clause 16, consequential amendments arising from decisions on the notified SASM and MPZ chapters
[7] Schedule 1 Clause 16, consequential amendments arising from decisions on the notified SASM chapter, with reference to paragraph three of the Overview of the notified SASM chapter, section 6(e) of the RMA and Policy TW.4 of the RPS

content of limited use. It also does not appear to belong in this section of the plan, and therefore does not particularly assist the Plan user. The Panel therefore agrees that the paragraph should be deleted.

3.4.2 The Panel asked questions during the hearing regarding the pepeha, notified MW-2.1, for which there is no direct English translation provided. Courtney Bennett advised that the content of the following section, notified MW-2.2, "Ngāi Tahu Whānui, Hokonui Rūnanga, and the Gore District" effectively describes what is contained in the pepeha. The Panel accepts this explanation, and for the benefit of future Plan users has included the addition of a single sentence at the conclusion of the first paragraph of re-numbered MW-1.1 that follows the pepeha, to read: "The pepeha above reflects those associations and relationships." The Panel has also removed numbering associated with the pepeha itself, and adjusted the word breaks in the pepeha so that names are all on one line.

3.4.3 The Panel has considered the deleted wording of the Overview in the notified SASM chapter and its relevance to the "context and process-related" provisions of the Mana Whenua chapter, as discussed in Decision 43. Once unnecessary references to Sites and Areas of Significance to Māori are removed from the first paragraph of the Overview (due to them not being identified in the Plan), the Panel has assessed the remaining wording as already forming part of notified MW-2.2. These concepts are more thoroughly expressed in the Mana Whenua chapter, which the Panel considers is the right location for this detail. The Panel has therefore not incorporated any wording from the notified SASM chapter Overview section into this part of the Plan.

3.4.4 The Panel discussed with Courtney Bennett at the hearing about the use of first person language in the contextual paragraphs of this section and some statements of relationship, which resulted in recommended revisions in her evidence of 18 February 2025, and that of Amy Beran in her evidence of 12 February 2025. The Panel accepts these revisions as appropriate, and has made further amendments wherever the issue arises.

3.4.5 The Panel disagrees with Ainsley McLeod of Transpower that it is necessary to revisit the values listed in notified MW-2.3, and therefore does not adopt the changes included in Amy Beran's evidence that responded to this Transpower position. No submission sought the removal of these values, including Transpower. Rather, submitters sought that only values in notified MW-2.3 should be considered in relation to impacts of activities. The Panel also considers that the values listed in the Mana Whenua chapter are both matters that may be impacted, in the way Transpower and other submitters have thought of them, and ways in which mana whenua inform decision-making processes. Also, no rationale has been provided by Hokonui Rūnanga for the removal of them. The paragraphs in notified MW-2.3 associated with "utu" and "te reo Māori" describe the relationship of these values with resource management. The Panel received evidence from Jo Brand on behalf of Hokonui Rūnanga further explaining the relevance of these values to resource management (8 July 2024, paragraphs 70-71 and 86). While Transpower may be concerned about how to apply these values, in any instance it will be for mana whenua to apply these values to the circumstances, either using values to inform assessments or assessing the actual or potential impact of activities on relevant values. The Panel also considers that inclusion of these values is consistent with giving effect to Policy TW.4(b) of the RPS and having regard to the iwi management plan, which contains guidance on te reo Māori (Te Kaupapa Akoako o Ngāi Tahu ki Murihiku, page 223, definition of Taonga, page 313).

3.4.6 The evidence of Courtney Bennett dated 18 February 2025 recommended deletion of the second paragraph in notified MW-2.4 that referenced the SASM chapter and replicated text from the Overview of the notified SASM chapter, as a consequence of preferring the proposed NTCV chapter. The evidence of Amy Beran dated 12 February 2025 also made the same recommendation, as well as deleting the subsequent paragraph that describes the MPZs and provision in the Plan for mahinga kai. The Panel supports these deletions as they are repetitious of material already covered in the Plan. A consequential amendment is also required as a consequence of Decision 43 to refer to the notified SASM chapter as the MCV chapter.

3.4.7 During the hearing, the Panel queried whether notified MW-2.4.1 should also refer to customary fisheries legislation as a consequence of the mātaitai on Mataura River. Courtney Bennett and Amy Beran agreed that additional text was needed to explain this relevant aspect of the Ngāi Tahu Settlement. Each of them in their February evidence incorporated wording to clarify this aspect of the Ngāi Tahu Settlement and its relationship with the Plan. The Panel adopts this wording, with some minor amendment, in order that the Plan is complete regarding statutory recognition of mana whenua in the district and applicable statutory mechanisms.

3.4.8 The Panel received no evidence seeking amendment to notified MW-2.4.2.

3.4.9 The Panel consider that there are no consequences of decision on this part of the Plan that give rise to the need for a further s32AA assessment. The Panel's decision is for notified MW-2, re-numbered MW-1, to read as follows, including acceptance of S128.007 Greenbriar, S126.054 Federated Farmers, S115.055 Kevin Robertson, S60.057 Ronald Crispin, S143.066 Rural Ratepayers Group, S148.067 Alistair & Bernadette Hunt and S68.175 John Baynes:

~~2.~~ MW-1 Recognition of hapū and iwi

~~2.1~~ Pepeha

Ko aku waka whakairo ko Takitimu ko Uruao

Kei runga ko Ōparure

Kei raro ko Mataura e rere ki te moana o

te Ara a Kiwa Ko Maruawai taku whenua

taurikura e takoto nei

Takoto mai ko Matamata, te mōkai tapu ō Rakitauneke, te taniwha

Ko Te Au-nui Pihapha Kanakana te rere

Ko Hoka-nui, Kowhaka-ruru, Tarahau-kapiti

ngā puke Ko Tūtemakohu raua ko

Te Rakitauneke ngā tīpuna

Tū mai ko O Te Ika Rama, te whakaruruhau o te mano

Tēnei te reo ō Waitaha, Ngāti Māmoe, Ngāti Kuri, Ngāi Tahu ngā iwi

~~The term 'mana whenua' refers to a specific Māori kinship group who have customary authority over, and a responsibility to, a particular geographic area and its resources. Mana whenua have a deep relationship with their natural environment, and specific rights and responsibilities to contribute to environmental decision-making, entrenched in tikanga Māori, Te Tiriti o Waitangi, and various legislation. It is this relationship and right that obligates mana whenua to advocate for and protect their natural environment.~~

~~In the context of the Gore District, Ngāi Tahu whānui are recognised as mana whenua, and are represented locally by Hokonui Rūnanga.~~[8]

~~2.2~~ MW-1.1 Ngāi Tahu Whānui, Hokonui Rūnanga, and the Gore District

Ngāi Tahu – and by extension, Hokonui Rūnanga - has centuries' long customary associations, rights, relationships and interests in the Gore District and its taonga/resources. These relationships are both historical and contemporary, and include whakapapa, place names, mahinga kai, tribal economic development, and landholdings. ~~In our takiwā (area)~~ Within the district, Hokonui Rūnanga represent *mana whenua*, so exercise rangatiratanga and kaitiakitanga for the taiao (*environment*), and those species that live within it, in formal processes, and support whānau members to exercise these rights and responsibilities in other contexts.

Ngāi Tahu ~~have a long history and relationship with the region spanning centuries~~ historic relationship with the district includes extended periods of settled occupation (e.g. Tuturau) coupled with seasonal practices (e.g. at Te Au Nui Pihapiha Kanakana/Mataura Falls). Tūpuna and their histories are eternally acknowledged in - in the form of wāhi ingoa, or place names that remain in the landscape. This connection also spans a continuum of time and whakapapa with metaphysical and physical elements binding ~~us~~ Ngāi Tahu whānui with the land, *waters*, and taonga/resources of the region. Hapū and whānau retain historical and contemporary links with mahinga kai sites in the region, especially where customary practices can be continued.

Ngāi Tahu history cloaks the landscape, comprising of many memories and layers that evolve with each generation. These memories build the collective connection to place, as well as associated cultural heritage and identity. This history is not static – it grows with each day.

One place of particular importance is the Hokonui Hills. The Hokonui Hills tell the story of the tupuna Te Rakitauneke, the Kāti Māmoe chief whose famous taniwha/spiritual guardian Matamata now forms the profile of the Hokonui Hills. Matamata formed the Hokonui Hills after he turned to stone on learning of the death of Te Rakitauneke. Another is Te Au Nui Pihapiha Kanakana/Mataura Falls. Whilst Paroparo Te Whenua, a historic Kāti Māmoe rangitira/leader, camped near Haumuri (modern-day Croydon Bush) it rained heavily, causing the Mataura River to flood. After the flood had receded, Paroparo Te Whenua noticed birds gathering at Te Au Nui Pihapiha Kanakana. He sent some of his people to investigate, and they found that the birds were feasting on a large number of kanakana/lamprey eels that had been left stranded by the receding flood waters. Since that time, generations of Waitaha, Kāti Māmoe, and Ngāi Tahu have gathered kanakana for their whānau from Te Au Nui Pihapiha Kanakana. Tuturau Māori Reserve also holds an important place in the landscape due to its status as an historic kaik/settlement and battle site.

Many important taonga tuku iho, sites, ara tawhito, and resources cross the region, and regardless of the condition they may now be in, or the value on which the wider community places on them, they remain important to Ngāi Tahu identity and ~~our~~ sense connection and relationship with place. Cultural and economic redress from the Ngāi Tahu Treaty Settlement in 1998, O Te Ika Rama Marae, and the establishment of the first *freshwater* mātaitai in New Zealand at Mataura, continue to build the modern history of Ngāi Tahu in the region - as do ~~our~~ long-standing Ngāi Tahu residents, and the contributions Hokonui Rūnanga make to the wider community.[9]

~~2.3~~ MW-1.2 *Mana Whenua* and Te Taiao Cultural Values

[8] Schedule 1 Clause 16, unnecessary repetition, extraneous content and incorrectly located
[9] Schedule 1 Clause 16, removal of first person references and clarification of content

Hokonui Rūnanga hold a range of overarching values for environmental decision-making. These overarching values are grounded in Ngāi Tahu cultural values. ~~Some of these are listed below~~ For the purpose of this plan, these are as follows[10]:

MW-1.2.1 Kaitiakitanga~~:~~

Kaitiakitanga governs the way humans interact with ecosystems. The notions of reciprocity and maintaining balance within nature underpin Ngāi Tahu uses and practices. Balance requires respect to be shown when interacting with the *environment* and use of the resource (within limits) afforded by healthy ecosystems. Ngāi Tahu whānui continue to have a duty to protect the natural world they are part of. Hokonui Rūnanga, as kaitiaki, work actively to ensure that ecological, spiritual, cultural, and mahinga kai values of ~~our~~ the takiwā are upheld and sustained for future generations.

MW-1.2.2 Whakapapa~~:~~

In a Māori worldview, everything has its own whakapapa (genealogy). Whakapapa is about the relationships between all life forms and phenomena, as well as to people and atua (deities). Whakapapa describes bonds, relationships, and connections: the linking of all things. No distinction is made between the inanimate and the animate, or between abiotic and biotic. Māori relationships with the world are part of this indivisible whakapapa linkage. For Hokonui Rūnanga, *water* is the medium flowing through the takiwā that makes these connections. Whakapapa is also central to mahinga kai activities, which like many other activities, are built around collective action when using sites.

MW-1.2.3 Mauri~~:~~

Mauri is a central component of Māori perspectives on the *environment*. It can be defined as the life principle, life supporting capacity, or life force present in all things. Protecting the mauri of a resource is a fundamental management principle for Māori. Hokonui Rūnanga treasure the mauri of *freshwater*, land, and other resources, and experience cultural harm, offence, and distress when that mauri is degraded. The overuse, depletion, or destruction of natural resources leads to a diminishment of mauri. This is unacceptable to ~~us~~Ngāi Tahu whānui. Any alteration of the natural *environment*, including impacts on flora and fauna, *water*, or earth will have an effect on their mauri. Mauri was historically protected through application of a complex system of specific cultural and spiritual practices, customs, and rules that were developed to manage and control the interactions between people and the natural world. The protection of the mauri of the *environment* is vital to Hokonui Rūnanga.

MW-1.2.4 Manaakitanga~~:~~

Showing manaaki (looking after visitors) is a key expression of Māori identity. Having the ability to manaaki visitors by supplying kai (food) sourced from ~~our~~ the takiwā is a major part of this expression. This means that the communal activities of fishing, eeling, and gathering other resources are acts that reinforce ~~our~~ identity. Conversely, the inability to manaaki guests and sustain relationships can lead to a loss of identity. Sustaining *waters*, lands, and resources - and thereby enabling *mana whenua* to manaaki others - is a strong driver for the participation of Hokonui Rūnanga in environmental management. Manaakitanga also includes caring and providing for those who live within ~~our~~ the takiwā, including mātāwaka Māori communities and their ability to engage in cultural practices whilst living in the Gore District.

MW-1.2.5 Wairua~~:~~

Whānau use different methods to feel spiritually connected with the ~~our~~the takiwā. Gathering kai with whānau at traditional fishing places ~~we know were named~~ that have been identified by ~~our~~ tīpuna and utilised by successive generations of ~~our~~ whānau is one way. Being able to contribute delicacies that ~~our~~ the takiwā is renowned for to

[10] Kevin Robertson (S115.078) and other similar submissions

cultural events, and to manaaki guests can also bring that connection. Conversely, being denied these opportunities can impact the spiritual wellbeing of ~~our~~ whānau.

MW-1.2.6 Whanaungatanga~~:~~

Whanaungatanga refers to the kinship, connectedness, and inter-dependence between all things within the natural world - including people. Whanaungatanga in its broadest context could be defined as the interrelationship with ancestors, whānau, hapū, and iwi, as well as the natural resources within the takiwā of Hokonui Rūnanga. *Sustainable management* seeks to sustain the health, wealth, and well-being of the natural *environment* while sustaining communities dependent upon it. Whanaungatanga is pervasive, and highlights the fact that relationships are everything. Therefore, having environmental management processes that provide for interrelationships is imperative for Hokonui Rūnanga.

MW-1.2.7 Utu~~:~~

Utu is sometimes referred to as the principle of reciprocity or equivalence, with some regarding its main purpose as maintaining relationships. In relation to a specific issue, utu can be thought of as restoring balance and thereby maintaining whanaungatanga. There are many pathways and responses by which utu is put into practice. Hokonui Rūnanga seek to explore the practice of utu in relation to environmental issues which may provide means of restoring balance in relationships and acknowledging the obligations on this generation to seek mutual benefits to achieve improved environmental outcomes.

MW-1.2.8 Mātauranga~~:~~

Interacting with the *environment* serves the functions of passing on traditional knowledge from one generation to the next. Mātauranga is developed and transmitted using natural resources, such as the practices of resource management, harvesting, and preparation. For example, a great deal of knowledge is needed to obtain kai: knowledge of techniques as well as ecosystems is vital. If populations of species and resources decline because of degraded *environments*, knowledge of the techniques of gathering these foods, along with the associated ecological and cultural knowledge, and the process of gathering, will likely also begin to disappear.

MW-1.2.9 Te Reo Māori~~:~~

Language use is instrumental to a culture. For Ngāi Tahu, this is reflected in the stories, waiata, and te reo Māori that pertain to uses and relationships with the *environment*. Te reo Māori contains knowledge and is another expression of culture and identity. Hokonui Runanga are actively supporting the revitalisation of te reo Māori in ~~our~~ the takiwā. ~~Again, using mahinga kai as an example, when a valued species disappears from a local ecosystem, or the activities.~~

MW-1.2.10 Ki Uta Ki Tai~~:~~

Ki uta ki tai is an environmental philosophy that recognises that everything is connected and must be managed as such. Ki uta ki tai reflects that *mana whenua* belong to the *environment* and are only borrowing the resources from ~~our~~ generations that are yet to come. Ki uta ki tai is the basis of Ngāi Tahu Iwi Management Plans (including Te Tangi a Tauira) and is recognised in the Southland Regional Policy Statement 2017 and National Policy Statement for Freshwater Management 2020.

In line with the philosophy of ki uta ki tai, Hokonui Rūnanga consider all natural features and their associated resources to be 'significant'. Ngāi Tahu, like other iwi, conceptualise the environment as an undivided entity. It is a cohesive system of lakes, rivers, wetlands, soils, plants, and animals (including humans), mountains and other terrestrial lands, and the relationships between them all. It is this holistic perspective that pervades mātauranga Māori: science based on observations, relationships, connections, and

management practices refined over generations. For the purposes of this district plan, three broad areas and their specific significances are highlighted:

~~2.3.1~~ MW-1.2.10.1 Wai / Water

Water is one of the most important elements within a Ngāi Tahu worldview. It gives life, can lift tapu, and links ~~our~~ the *environment* together from the mountains to the sea. Hokonui Rūnanga primary matters of interest in this area relate to *water* quality and quantity, and the current and historic mismanagement, *discharge*, and loss of pollutants into *groundwater*, waterways, and *wetlands*. These concerns also extend to Three Waters and their management. Hokonui Rūnanga expect transformational improvement to the management of *water* in ~~our~~ the takiwā to recognise the paramount importance of *water*. Te Mana o Te Wai is the fundamental concept for freshwater management in New Zealand, and provides a framework for the hauora of water, people, and the environment to be protected.

~~2.3.2~~ MW-1.2.10.2 Whenua / Land

Whenua is the embodiment of Papatūānuku – one of the primordial parents within Ngāi Tahu cosmology – and is of great significance to *mana whenua.* She is the sustainer of life, and plays a cleansing and grounding role within Ngāi Tahu tikanga. Most *land* in the Hokonui takiwā has been modified, predominantly for *primary production* which ~~is~~ can be a significant contributor to the degradation of *biodiversity*, soil, and *water*. Other *land* uses including forestry, general *earthworks*, mining, and waste and hazard management practices create similar issues if not appropriately managed. Hokonui Rūnanga supports the coupling of *land* use zoning with *land* capability to reduce the negative *effects* on soils from compaction, pollution/*contaminants*, *biodiversity* loss, and erosion. It is expected that improvements will be made across the district in *land* management practices to restore soil health with these improvements also having flow on *effects* for *water* and *biodiversity*. We also expect to see many of the systemic barriers to using Māori *land* reduced and removed, so that this land can be utilised to support whānau aspirations.

~~2.3.3~~ MW-1.2.10.3 Mahinga Kai

Mahinga kai is an all-inclusive term that refers to the ability to access resources for harvesting, the *site* where gathering of these resources occurs, the act of gathering and using the resource, and the good health of the resource. As a result of this practical focus, mahinga kai is considered by Hokonui Rūnanga to be, in today's language, the principal 'environmental indicator' in natural systems. If mahinga kai is not present, or is unsafe to harvest, then that natural system is under stress and requires remedial action. Mahinga kai was and is central to the Ngāi Tahu and Hokonui way of life. The collection and processing of mahinga kai is an important social, cultural, environmental, and economic activity contributing to the overall well-being of Ngāi Tahu whānui. Mahinga kai practices rely on thriving and abundant *biodiversity*, safe and aesthetically pleasing places to practice, and the active transfer of knowledge between people. These attributes are dependent on the *sustainable management* of many other natural resources in the takiwā, especially waterbodies and the management of *stormwater*. Hokonui Rūnanga expect to be able to practice mahinga kai in ~~our~~ the takiwā at multiple locations that are deliberately selected for the quality of the resource and its ability to sustain itself[11].

~~2.4~~ MW-1.3 *Mana Whenua* Recognition, & Involvement in Plan Preparation

Hokonui Rūnanga cultural values, concerns, rights and interests have been considered in preparation of the Plan through representation on the Gore District Council District Plan Review sub-committee, and through Hokonui Rūnanga co-drafting chapters of particular relevance to mana whenua (such as the Mana Whenua (MW), ~~Sites and Areas of Significance to Māori (SASM)~~Māori Cultural Values (MCV), and Māori Purpose Zone (MPZ) chapters). Input from

[11] Schedule 1 Clause 16, removal of first person references and consistent numbering

mana whenua has also been sought at a technical level on a matter-by-matter basis throughout the plan, and this input has informed the policy approach for these matters.

~~A specific example is the approach this plan has taken to acknowledging the relationships Ngāi Tahu hold with the natural environment is the SASM chapter. Instead of restricting the consideration of Ngāi Tahu cultural values to a discrete list of 'sites and Areas of Significance to Māori', the underlying relationship Ngāi Tahu hold with the natural environment is accounted for throughout the district via provisions spread throughout various chapters. These are then reinforced by objectives and policies in the SASM chapter. This ensures that this relationship is considered whenever a high-risk activity takes place – as opposed to considerations of Ngāi Tahu cultural values being restricted to selected locations. As per their Charter of Understanding Hokonui Rūnanga will provide expert advice to Council on if, and to what extent, a potential activity impacts on this relationship, and, where relevant, how a development or activity could be undertaken to be more responsive to the Ngāi Tahu cultural values that may be impacted.~~

~~The rights and interests of mana whenua, and cultural needs of tangata whenua, have also been recognised throughout the pPlan via the creation of Māori Purpose Zones in areas Māori communities have longstanding relationships with. These zones encompass O Te Ika Rama Marae, Mataura Marae, the Hokonui Rūnanga complex and the Hokonui Marae. Alongside this, Māori Customary Activities (such as mahinga kai activities) have been provided for in a wide range of locations throughout the district, and provision has been made to protect impacts mahinga kai values in and along waterways, and views to and between landmarks of Ngāi Tahu cultural significance.~~[12]

~~2.4.1~~ MW-1.3.1 Ngāi Tahu Claims Settlement Act 1998 & Statutory Acknowledgement Areas and Mātaitai

The Ngāi Tahu Claims Settlement Act 1998, in addition to recognising the rangatiratanga of Ngāi Tahu, includes specific provisions that provide for exercise of rangatiratanga and kaitiakitanga of mana whenua in respect to resource management matters. The instrument established in this Act that is particularly relevant to Resource Management Act decision-making is Statutory Acknowledgements. These recognise the relationships Ngāi Tahu have with identified areas, in order to improve the effectiveness of Ngāi Tahu participation in resource management. The NTCSA 1998 also identifies certain indigenous species as taonga species - however, this list is not exclusive, and Ngāi Tahu values all indigenous species as taonga.

The Mataura River is listed under the Ngāi Tahu Claims Settlement Act 1998 as a Statutory Acknowledgement Area (full listing available at: https://www.legislation.govt.nz/act/public/1998/0097/latest/DLM430875.html).

The Mataura River is an important mahinga kai, noted for its indigenous fishery. The Mataura Falls are particularly associated with the taking of kanakana (lamprey). When making decisions under the Resource Management Act 1991, Gore District Council must have regard to the statutory acknowledgement relating to the Mataura River in forming an opinion as to whether Te Rūnanga o Ngāi Tahu is a person who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting ~~directly~~ on, the statutory area. If Te Rūnanga o Ngāi Tahu is deemed to be potentially affected, Gore District Council must contact both Te Rūnanga o Ngai Tahu and Hokonui Rūnanga.

Sections 297 to 311 of the Ngāi Tahu Claims Settlement Act include provisions recognising Ngāi Tahu rights and interests in customary fisheries and provide for involvement in the management of these resources through the Conservation Act 1987 and the Fisheries Act 1996. The interests of Ngāi Tahu should be recognised and provided for when considering activities under the RMA that could impact on customary fisheries. Mātaitai are a mechanism under the Fisheries Act that provide for

[12] Schedule 1 Clause 16, consequential amendments from Decision 43 and minor amendments to reduce repetition in the plan

management of customary fisheries areas. Within the Gore District, ~~The~~ Mataura River is ~~also~~ home to the first *freshwater* mātaitai reserve in New Zealand, which centres on Te Au Nui Pihapiha Kanakana/Mataura Falls. This means that specific bylaws apply in this area under the Fisheries (South Island Customary Fishing) Regulations 1999. These are available at: https://gazette.govt.nz/notice/id/2009-go5831

~~2.4.2~~ MW-1.3.2 Relevant Iwi Authorities

Te Rūnanga o Ngāi Tahu is the mandated Iwi Authority for Ngāi Tahu whānui, and is governed by representatives from each of the 18 Ngāi Tahu Papatipu Rūnanga. Papatipu Runanga are modern representative bodies of the Ngāi Tahu whānau and hapū who hold mana whenua over a particular area and their associated resources. Each Papatipu Rūnanga affiliates to a specific area, determined by natural boundaries such as mountain ranges and rivers. These areas are called takiwā and are defined in the Te Rūnanga o Ngāi Tahu Act 1996. Within the boundaries of Gore District Council, Hokonui Rūnanga is the relevant Papatipu Rūnanga to engage with on matters relating to mana whenua. Hokonui Rūnanga are represented in district-level environmental planning processes by Hokonui Rūnanga Kaupapa Taiao. Their contact details are as follows:

Email: Hokonui.Office@ngaitahu.iwi.nz

Phone: 03 2087954

Address: 140 Charlton Road, Gore 9774

Website: https://www.hokonuirunanga.org.nz/

Gore District Council will engage with Hokonui Rūnanga in ways set out within the Charter of Understanding on all matters related to Ngāi Tahu cultural values and interests identified in this Plan, and will maintain regular and open communication regarding resource management matters and processes.[13]

3.5 MW-3 Mana Whenua – Local Authority Relationships

3.5.1 The evidence of Courtney Bennett dated 18 February 2025 recommended a minor amendment to section MW-3 to correct first person language. The evidence of Amy Beran dated 12 February 2025 also made a similar recommendation.

3.5.2 The Panel considers the reference to a "revitalised Te Tiriti-based relationship" as unnecessarily time bound, so has simplified this introductory sentence to the present tense.

3.5.3 The Panel received evidence on methods proposed in response to Minute 15, from Courtney Bennett and Amy Beran, as well as Rachel Thomas and Bernadette Hunt on behalf of Federated Farmers. This evidence is discussed in detail further on in this decision where the matter of methods in the chapter is covered. The Panel has resolved that proposed method MW-M3 is better suited to explanatory text and that re-numbered section MW-2 in the Mana Whenua chapter is the best location for this contextual information, because it pertains to implementation of the Charter of Understanding between the Gore District Council and Hokonui Rūnanga.

3.5.4 The Panel considers that there are no consequences of decision on this part of the Plan that give rise to the need for a further s32AA assessment. The Panel's decision is for notified MW-3, re-numbered MW-2, to read as follows, which in part accepts S85.067 Environment Southland:

[13] Schedule 1 Clause 16, consequential amendments from Decision 43, minor amendments to reduce repetition in the plan and ensure complete coverage of relevant Ngāi Tahu Settlement mechanisms

~~3.~~ MW-2 **Mana Whenua – Local Authority Relationships**

Gore District Council is ~~entering into a revitalised~~ in a Te Tiriti-based relationship with Hokonui Rūnanga – their Treaty Partner. This relationship is grounded in partnership, collaboration, respect, and an acknowledgement of one another's roles, responsibilities, and mana within the region. The purpose of this relationship is to uphold each other's obligations under Te Tiriti o Waitangi, so that together, both the Council and Hokonui Rūnanga can positively contribute towards outcomes that benefit ~~our~~ the shared communities.

~~3.1~~**MW-2.1 Formal Relationship Agreements**

In 2021, Gore District Council and Hokonui Rūnanga signed a Charter of Understanding. This charter is underpinned by an agreed set of principles, understanding of each other's roles and responsibilities, and an implementation plan. As part of this Charter, Hokonui Rūnanga have the right to address any committee meeting or meeting of the full Council, and Hokonui Rūnanga will also extend invitations to Council representatives to attend Hokonui Rūnanga meetings to discuss matters relevant to the Charter and their relationship. Further to this, the Charter sets out methods for Hokonui Rūnanga to help inform Council's development of policies, plans, procedures, and have input into cultural matters at a project-specific level.

The Charter also confirms that Council will provide adequate resources to Hokonui Rūnanga to effectively facilitate their involvement in Council business as provided for in the Charter, and that both Parties will commit to, and support each other's, upskilling to learn more about the other and to explore common areas of interest.

This Charter of Understanding has also been implemented through a Service Level Agreement between Gore District Council and Hokonui Rūnanga Kaupapa Taiao, to further cement the way both parties work together on day-to-day district planning matters.

Gore District Council is also a member of Te Rōpū Taiao, and is a signatory of its Charter of Understanding alongside Environment Southland, Invercargill City Council, Southland District Council, and the four Papatipu Rūnanga with mana whenua status in Murihiku Southland (of which Hokonui Rūnanga is one). Te Rōpū Taiao focuses on regional strategy and policy direction, and makes agreements regarding budget setting, accessing resources, and commitments for members.

As part of implementing the Charter of Understanding, the Council will provide capability and capacity tools for staff to undertake education and training programmes to improve awareness and knowledge of Hokonui Rūnanga relationships and associated values within the district and the Council's obligations under legislation, including (but not limited to):

(a) Environmental matters of interest to Hokonui Rūnanga;

(b) Ngāi Tahu cultural values;

(c) Use of iwi and hapū management plans; and

(d) Accidental Discovery Protocol.

The Gore District Council also has requirements under the Local Government Act 2002 that requires this knowledge.

3.6 MW-4 Hapū and iwi planning documents

3.6.1 The Panel received evidence seeking amendment to notified MW-4.1 in relation to the Accidental Discovery Protocol (ADP). In her supplementary evidence of 12 February 2025 Amy Beran preferred deletion of the text that describes the ADP process on the basis that the content should be included in notified EW-S7 as part of an ADP that combines the content of notified MW-4.1 with the notified version of EW-S7. Courtney Bennett in her evidence of 18 February 2025 preferred to retain the content in notified MW-4.1.

3.6.2 Due to not identifying a submission point that would enable deletion of the text and the blending of MW-4.1 and EW-S7 in the way proposed by Amy Beran, the Panel has decided to retain the text in notified MW-4.1, re-numbered as MW-3.2. The Panel has focussed on ensuring that there is no discrepancy between re-numbered MW-3.2 and notified EW-S7, renumbered EW-S6. The Panel addresses decisions on notified EW-S7 and further evidence about the importance of the ADP in Decision 37 for the Earthworks chapter and in Decision 41 for the Historic Heritage chapter.

3.6.3 Both Courtney Bennett and Amy Beran recommended some additional text in notified MW-4.1 to guide plan users about engaging with Hokonui Rūnanga in the event of an accidental discovery. While there is no submission point seeking this amendment, the Panel consider that it is a useful addition to the section and can be incorporated as a minor amendment because it clarifies the role of Hokonui Rūnanga at the time of an accidental discovery, in line with the Ngāi Tahu ki Murihiku Accidental Discovery Protocol referenced in the notified Plan.

3.6.4 The Panel considers it preferable to have reference to the Ngāi Tahu ki Murihiku Accidental Discovery Protocol in a section headed "Te Tangi a Tauira", because the protocol is contained in Te Tangi a Tauira, and because notified MW-4 is initially concerned with Te Tangi a Tauira. The Panel also considers that the majority of notified section 5.1 is best included in this section of the chapter because it is primarily referencing the hapū management plan document Te Kawa o Te Taiao.

3.6.5 The Panel considers there are no consequences of the decision on this part of the Plan that give rise to the need for a further s32AA assessment. The Panel decision is for notified MW-4, re-numbered MW-3, to read as follows, which in part accepts S85.067 Environment Southland:

~~4.~~ MW-3 Hapū and iwi planning documents

MW-3.1 Te Tangi a Tauira

The following Iwi Authority-mandated planning document is relevant within the Gore district. Under sections 74(2A), and 104(1)(c) of the Resource Management Act 1991, these documents are relevant for Gore District Council to have regard to in resource consent application and district plan change processes.

• Te Tangi a Tauira: Ngāi Tahu ki Murihiku Natural Resource & Environmental Management Plan 2008 (https://www.es.govt.nz/repository/libraries/id:26gi9ayo517q9stt81sd/hierarchy/about-us/plans-and-strategies/regional-plans/iwi-managementplan/documents/Te%20Tangi%20a%20Tauira%20-%20The%20Cry%20of%20the%20People.pdf)

This document has been taken into account during the drafting of policies within this district plan by incorporating Ngāi Tahu cultural values into the development of plan provisions.

Te Tangi a Tauira contains the Ngai Tahu ki Murihiku Accidental Discovery Protocol.

~~4.1~~ MW-3.2 Accidental Discovery Protocols

Hokonui Rūnanga welcomes the opportunity to assist with any possible discoveries made in the district. If in doubt, please contact the Hokonui Rūnanga office directly to report a potential discovery by phone on: 03 208 7954 or email hokonui.office@ngaitahu.iwi.nz

~~As stated in Te Tangi a Tauira, there is the Ngai Tahu ki Murihiku Accidental Discovery Protocol.~~ This is the process that must be followed if burial sites, or Ngāi Tahu artifacts are uncovered during earthworks or other activities~~. It is~~, as follows:

Kōiwi *accidental discovery*. If Kōiwi (human skeletal remains) are discovered, then work shall stop immediately, and Hokonui Rūnanga Kaupapa Taiao will be advised. They will arrange a site inspection by the appropriate tangata whenua and their advisers, including statutory agencies, who will determine whether the discovery is likely to be extensive and whether a thorough site investigation is required. In recognition of Section 6 of the Resource Management Act (1991) and legal requirements under the ~~Historic Places Act (1993)~~ Heritage New Zealand Pouhere Taonga Act 2014 there is a requirement to consult the ~~New Zealand Historical Places Trust~~ Heritage New Zealand Pouhere Taonga when archaeological sites are disturbed without authorisation previously obtained. The New Zealand Police also need to be consulted if the discovery includes Kōiwi or human remains. Materials discovered will be handled and removed by Iwi responsible for the tikanga appropriate to their removal or preservation.

Taonga or artefact *accidental discovery*: Taonga or artefact material (e.g., pounamu / greenstone artefacts) other than Kōiwi will be treated in a similar manner so that their importance can be determined, and the environment recorded by qualified archaeologists alongside the appropriate tangata whenua.

In-situ (natural state) pounamu/greenstone *accidental discovery*: Pursuant to the Ngāi Tahu (Pounamu Vesting) Act 1997, all-natural state pounamu/greenstone in the Ngāi Tahu tribal area is owned by Te Rūnanga o Ngāi Tahu. The Ngāi Tahu Pounamu Resource Management Plan provides for the following measures:

1. Any in–situ (natural state) pounamu / greenstone accidentally discovered should be reported to the Pounamu Protection Officer of Te Rūnanga o Ngāi Tahu as soon as is reasonably practicable. The Pounamu Protection Officer of Te Rūnanga o Ngāi Tahu will in turn contact the appropriate Kaitiaki Rūnanga Papatipu; and
2. In the event that the finder considers the pounamu is at immediate risk of loss such as erosion, animal damage to the site or theft, the pounamu/greenstone should be carefully covered over and / or relocated to the nearest safe ground. The find should then be notified immediately to the Pounamu Protection Officer.

For further information please refer to the HNZPT Accidental Discovery Protocol and EW-S6.

MW-3.3 Te Kawa o Te Taiao

Hokonui Rūnanga Kaupapa Taiao has published guidance on environmental matters[14]. This guidance is applicable to both Gore District Council and the wider public and is based on a range of themes relating to meaningful Treaty-based partnership. It also includes a list of Key Focus Areas for those planning to engage with Hokonui Rūnanga Kaupapa Taiao.

3.7 MW-5 Involvement and participation with Mana Whenua

3.7.1 The Panel did not receive any evidence seeking amendment to this section of the Plan. However, the Panel considers that much of notified section MW-5.1 was better located in the preceding section, and so retains only the best practice engagement aspects in re-numbered section MW-4.1.

3.7.2 The Panel has considered proposed method NTCV-M1/NTCV-P4 in the evidence of Amy Beran dated 12 February 2025, and the proposed explanatory text in the evidence of Courtney Bennett dated 18 February 2025, each of which address cultural impact assessments. This matter is further discussed in relation to methods later in this report, and in Decision 43. The Panel has resolved that the proposed method, first introduced

[14] https://www.hokonuirunanga.org.nz/kaupapa-taiao/te-kawa-o-te-taiao/

in response to Minute 15, is better suited to explanatory text and that notified MW-5 in the Mana Whenua chapter, re-numbered MW-4, is the best location for this contextual information. Similarly, the Panel prefers that proposed method MW-M2 from the joint response to Minute 15 and proposed policy NTCV-P2 from Amy Beran's evidence of 12 February 2025 are accommodated as explanatory text in this section of the Plan. The Panel has therefore also included wording regarding the development of information resources and engagement processes in re-numbered MW-4.

3.7.3 The Panel considers that there are no consequences of the decision on this part of the Plan that give rise to the need for a further s32AA assessment. The Panel decision is for notified MW-5, re-numbered MW-4, to read as follows, which in part accepts S85.067 Environment Southland:

~~5.~~ MW-4 Involvement and participation with Mana Whenua

The Resource Management Act 1991 (RMA) imposes a number of statutory duties on the Gore District Council with respect to engagement with mana whenua, and recognition of cultural values and interests in resource management decision-making. These include:

- ~~1.~~ Section 6(e) where persons exercising functions and powers under RMA must recognise and provide for the relationship of Māori and their cultureand traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga;
- ~~2.~~ Section 7 (a) where decision makers must have particular regard to kaitiakitanga;
- ~~3.~~ Section 8 where persons exercising functions under the RMA shall take into account the principles of the Treaty of Waitangi;
- ~~4.~~ Schedule 1, clauses 3 and 3B where local authorities must consult with iwi authorities in preparing plans or plan changes; and
- ~~5.~~ Schedule 1, clause 4A where, before notifying a proposed plan, a local authority must provide a copy to iwi authorities and have particular regard toany advice received from those iwi authorities.

In terms of sections 6(e), 7(a), and 8, engagement directly with mana whenua is recommended to ensure there is a shared understanding between the Gore District Council and mana whenua of how these statutory duties are being upheld. In terms of Schedule 1 matters, there is already clear direction that the Gore District Council must engage directly with mana whenua on these matters.

The Charter of Understanding and Service Level Agreement signed between the Gore District Council and Hokonui Rūnanga gives further direction to the nature of mana whenua involvement and participation in Resource management at a day-to-day level. As discussed in MW-2~~3.1~~, these documents confirm that Hokonui Rūnanga Kaupapa Taiao is the mandated organisation that the Gore District Council will engage directly with on all resource management matters impacting mana whenua. Hokonui Rūnanga Kaupapa Taiao is then responsible for ensuring that their services accurately reflect the rights, interests, and aspirations of Ngāi Tahu whānui in the Gore District. The specific forms of engagement for different resource management matters will be jointly determined on a case-by-case basis, in line with both the Charter of Understanding and Service Level Agreement. Whilst the form of mana whenua engagement or participation may differ across various projects, the purpose always remains the same: to ensure mana whenua perspectives are accurately and meaningfully represented in Council decision-making for resource management matters, as per their duties under both legislation and the Charter of Understanding.

Council will work with Hokonui Rūnanga to develop information resources to communicate with plan users about matters pertaining to mana whenua.

Council will maintain or establish processes:

a. That enable landowners and those seeking resource consent in accordance with this plan or a notice of requirement for a designation to engage with Hokonui Rūnanga, prior to undertaking activities and/or making an application where Ngāi Tahu cultural values need to be considered.

b. For Council to consult with Hokonui Rūnanga when prior engagement has not been undertaken by those seeking resource consent in accordance with this plan or a notice of requirement for a designation

~~5.1~~MW4.1 Best Practice Engagement

Hokonui Rūnanga Kaupapa Taiao has published gGuidance on how to best practice engagement ~~with them on environmental matters. This guidance is applicable to both Gore District Council and the wider public and is based on a range of themes relating to meaningful Treaty-based partnership. It also includes a list of a list of Key Focus Areas for those planning to engage~~ with Hokonui Rūnanga ~~Kaupapa Taiao to adhere to. This guidance~~ can be found on pages 15-17 of Te Kawa o Te Taiao, the hapū planning document referenced in MW-3.3, and is available ~~here~~at: https://www.hokonuirunanga.org.nz/kaupapa-taiao/te-kawa-o-te-taiao/[15]

~~5.2~~MW-4.2 Ngāi Tahu Cultural Values Assessments

Cultural value reports document mana whenua cultural values, interests and associations with an area or natural resource in the district, and assess how a proposed activity might impact on identified cultural values. It may also recommend measures to mitigate the effects of the proposed activity. Cultural values reports are an effective means of providing cultural input, mainly with respect to resource consent applications, and also other processes under the RMA. Such reports can form part of a resource consent application's assessment of environmental effects. While reports may be requested by an applicant as part of pre-resource consent consultation or a resource consent assessment of effects, it is Hokonui Rūnanga that will advise if a cultural values report is required. The costs associated with preparing the report are met by the applicant.

Where an authorisation is required for any activity identified in policy MCV-P2 and impacts on Ngai Tahu cultural values need to be considered, Hokonui Rūnanga will consider the following key matters in determining the appropriateness of preparing a cultural values report:

(a) Whether the application is for a large, intensive or complex project;

(b) Whether an activity is not anticipated at the proposed location or zone and may be precedent setting;

(c) Whether an application does not include sufficient information to determine potential impacts on Ngāi Tahu cultural values; or

(d) Whether new or additional research is required to determine impacts on Ngāi Tahu cultural values.[16]

Cultural values assessment reports or cultural impact assessment reports will be utilised by Council to inform decision-making where they are made available by Hokonui Rūnanga.

3.8 MW - Objectives

3.8.1 There were no objectives in the notified Plan. Courtney Bennett and Amy Beran considered whether there were "context and process related provisions" in the notified SASM chapter that would be better placed in the Mana Whenua chapter, in joint response to Minute 15 from the Panel, amongst other matters raised by the Panel in that Minute. Courtney Bennett and Amy Beran left the matter of scope for legal submissions and provided options for the Panel to consider. They provided two

[15] Schedule 1 Clause 16, minor amendments that support readability of the plan
[16] Peters Farm Ltd, Karen Peters (S127.029), amongst other similar submissions, and Schedule 1 Clause 16, minor amendments that support readability of the plan and consequential amendments

objectives, based on their review of the content of the Mana Whenua chapter and the provisions of the notified SASM chapter, as follows:

> MW-O1 Resource management in the Gore District reflects the collaborative and transparent working relationship between Council and mana whenua, prioritising the prosperity of the district, alongside the ability for mana whenua to exercise their rangatiratanga and kaitiakitanga responsibilities.
>
> MW- O2 Resource management decisions in the Gore District reflect the relationships mana whenua hold with all land, waterbodies, natural features, and their affiliated cultural developments (such as marae, urupā, Māori Purpose Zones) within the district.

3.8.2 Rachel Thomas for Federated Farmers, in her evidence dated 28 January 2025, opposed the introduction of these objectives because of the scale of the changes to the chapter. Rachel Thomas considered the introduction of "rangatiratanga" in the proposed objective MW-O1 to be particularly problematic, and considered that the objective was not expressed as an objective or goal. Rachel Thomas proffered that a more appropriate objective may be to ensure that the principles of Te Tiriti o Waitangi are given effect to in resource management processes and decisions. Rachel Thomas also opposed the proposed objective MW-O2 because she considered that it conflicts with the purpose of the RMA which enables people and communities to provide for their social, cultural and economic well-being. She considered that it elevated sections 6(f), 6(e) and 7(a) over other Part 2 matters in all circumstances which would be inappropriate.

3.8.3 In her amended recommendations of 12 February 2025, Amy Beran recommended abandoning proposed MW-O1 because she had incorporated the decision-making element in her recommended changes to re-named and re-numbered NTCV-O1 (notified SASM-O2, as discussed in Decision 43). Courtney Bennett in her supplementary evidence retained the drafting of MW-O1 from the joint response to Minute 15.

3.8.4 The Panel is grateful for the efforts of Courtney Bennett and Amy Beran in thoroughly exploring the questions posed in Minute 15. The Panel acknowledges the point of Rachel Thomas regarding the extent of change from the notified version of the Plan. The Panel has benefited from extensive legal submissions on scope from which to consider all options presented in evidence. The preference of the Panel has been to work with text already present in the notified Plan as much as possible.

3.8.5 The Panel disagrees with the assessment of Rachel Thomas in relation to "rangatiratanga". Rangatiratanga is recognised in notified MW-2.2 (relationship of Ngāi Tahu with the Gore district), and notified MW-2.4.1, which cites the Ngāi Tahu Claims Settlement Act 1998. The Overview of the notified SASM chapter also referenced contemporary expressions of rangatiratanga or kaitiakitanga by Ngāi Tahu within the district. The Panel received legal submissions on the lower weighting to be given explanatory text in comparison to provisions such as objectives, policies and rules. The Panel considers, however, that the Overview section of the notified SASM chapter and the text of the Mana Whenua chapter have some influence, as these sections guide interpretation of the objectives, policies and rules. In summary, the Panel considers that the notified Plan appropriately recognises the rangatiratanga of Ngāi Tahu in the Gore District, as established by the Crown through Treaty Settlement with Ngāi Tahu, and that this sets the context for decision-making under the Plan.

3.8.6 Rachel Thomas has assisted the Panel to identify that the definition of "rangatiratanga" in the Glossary incorrectly references notified MW-2.3, which does not contain an

explanation of "rangatiratanga". There is a definition contained in the RPS, which is the same as that contained in Te Tanga a Tauira, the iwi management plan. Amy Beran provided a definition of "Tino Rangatiratanga" from Hokonui Rūnanga in her evidence of 12 February 2025. The Panel considers this evidence of Amy Beran to be helpful, but beyond what can be incorporated into the Plan at this time, at least in part because "Tino Rangatiratanga" is not a term used in the Plan, only "rangatiratanga". Preference of the Panel is to delete reference to "rangatiratanga" in the Glossary. This provides for Plan users to look to the RPS and the iwi management plan for guidance.

3.8.7 The Panel considers that MW-O1 as proposed by Courtney Bennett and Amy Beran in their joint response to Minute 15 is beyond the scope of submissions and would need to be introduced through a plan change/variation process. While the Panel understands the intent of what was proposed, which reflects evidence received from Hokonui Rūnanga, the content of the recommended objective has not been identified as having a clear relationship with the themes in submissions that have guided decisions about amendments to the Mana Whenua chapter and the notified SASM chapter, as outlined in section 2.3 of this decision. The Panel has favoured amendments that draw from existing wording in the notified Plan. The Panel therefore supports Amy Beran's amended recommendation to abandon introduction of the objective, but for different reasons.

3.8.8 The Panel has considered the value of retaining wording from notified SASM-O1 as a "context and process-related" objective in the Mana Whenua chapter, as discussed in Decision 43. This objective received a lot of opposition, connected with opposition to the idea that the district as a whole had been identified as a site and area of significance to Māori. The decision of the Panel is to delete the objective from the re-named MCV chapter and introduce it to the Mana Whenua chapter, without text relating to "significance" because that is deemed not to be relevant to the function of the Plan. The Panel favours retaining the text that reflects section 6(e), Policy TW.4 of the RPS and notified MW-2.2 in the Mana Whenua chapter of the Plan. The Panel considers that amending the objective in this way responds to the concerns of submitters, whilst continuing to provide important context for decision-making in the plan.

3.8.9 Rather than adopt the wording proposed for MW-O2 by Courtney Bennett and Amy Beran in their joint response to Minute 15, the Panel has preferred to work more closely with the text of the notified Plan, and reflect wording in the RPS, particularly Policy TW.4. The Panel does not refer to tangata whenua because this objective is specific to mana whenua, located within the Mana Whenua chapter, and is therefore also only relevant to mana whenua marae (to be consistent with decisions on the MPZ chapter, as discussed in Decision 19). The nature of the relationship that is to be "recognised and provided for" is described in re-numbered MW-1.

3.8.10 The Panel therefore introduces the following objective to the Mana Whenua chapter:

MW-O1 Recognise and provide for the relationship of mana whenua with land, waterbodies, natural features, and mana whenua marae within the district.[17]

3.8.11 The Panel has considered the placement of notified SASM-O2 within the Mana Whenua chapter, as discussed in Decision 43. The Panel has determined this objective to be a "context and process-related" provision that is more appropriately located in the Mana Whenua chapter because it directs for mātauranga and

[17] Accept in part Director General (S109.046) and others in support of retaining as notified and accept in part Alan Taylor (S142.001) and other submitters in opposition to the notified SASM-O1, and utilising Schedule One, Clause 16, with reference to the national standards

kaitiakitanga to be recognised and provided for in decision-making processes. The Panel interpret this to mean in the context of the Plan, when applying the policy and rule framework contained in the Plan (rather than more broadly in terms of Council decision-making). As discussed in Decision 43, there are no submissions seeking amendment to the text of this objective and so the Panel has not adopted the changes recommended by Courtney Bennett and Amy Beran in their joint response to Minute 15. Neither does the Panel support deletion of the objective, as recommended in the supplementary evidence of Amy Beran, 12 February 2025, because the objective gives effect to Policy TW.4 of the RPS. The Panel has noticed a typo and added the word "to", which was not picked up in submissions but is an amendment made in accordance with Schedule 1, Clause 16 of the RMA. The Panel therefore introduces the following objective to the Mana Whenua chapter, labelled MW-O2.

MW-O2 Recognise and provide for the mātauranga and kaitiakitanga of mana whenua in decision-making relating to impacts on the underlying relationship Ngāi Tahu hold with the natural environment.[18]

3.8.12 While the Panel has decided to introduce two objectives to the Mana Whenua chapter that were not present in the notified version of the plan, these objectives have been re-located from the notified SASM chapter. These objectives do not give rise to any new considerations that would warrant a further s32AA assessment, primarily because one is unmodified and the other, while modified, does not significantly alter the basis for consideration of Ngāi Tahu cultural values in the plan, only better describes that basis.

3.9 MW - Policies

3.9.1 There were no policies in the Mana Whenua chapter at the time of notification. Courtney Bennett and Amy Beran considered whether there were "context and process related provisions" in the notified SASM chapter that would be better placed in the Mana Whenua chapter, in joint response to Minute 15 from the Panel, amongst other matters raised by the Panel in that Minute. Courtney and Amy left the matter of scope for legal submissions and provided options for the Panel to consider. They provided three policies, based on their review of the content of the Mana Whenua chapter and the provisions of the notified SASM chapter. The proposed policy MW-P1 is discussed in Decision 43 as it relates to notified SASM-P1 and proposed policy MCV-P1. The other two proposed policies from the joint response to Minute 15 are as follows:

MW-P2

Council will maintain or establish processes that:

a) Give effect to the Charter of Understanding held between Council and Hokonui Rūnanga;

b) Enable Hokonui Rūnanga to actively contribute to decision-making in an efficient manner from the earliest stage practicable; and

c) Where appropriate, facilitate efficient and effective processes for resource consent applicants to engage with Hokonui Rūnanga in a best practice manner, including by actively encouraging preapplication engagement.

MW-P3

[18] Accept in part Director General (S109.046) and others in support of retaining as notified, and relocate in accordance with national standards, utilising Schedule One, Clause 16

Where Ngai Tahu values must be considered, mātauranga Māori and mana whenua perspectives will be incorporated into decision-making by:

a) Taking into account relevant iwi and hapū planning documents; and

b) Requiring an Accidental Discovery Protocol to be adopted as part of earthworks related resource consents (see MW-4.1); and

c) Considering advice received from Hokonui Rūnanga regarding potential impacts of activities, such as those listed in MW-P1, on Ngāi Tahu values, and potential mitigation options.

3.9.2 Amy Beran in her evidence of 18 November 2024 recommended amending MW-P2, removing the phrase “including by actively encouraging preapplication engagement”.

3.9.3 Rachel Thomas and Bernadette Hunt for Federated Farmers supported the intent of MW-P2 but considered that the policy could not require consultation with Hokonui Rūnanga and therefore the policy could not state that Hokonui Rūnanga are enabled to actively contribute to decision-making, which would contravene section 36A of the RMA. They considered that delegations under section 33 of the RMA could require that to occur. They also supported the intent of policy MW-P3, but recommended that only those values listed in SASM-O3, as proposed in the joint response of Courtney and Amy, apply. They provided recommended amendments to the wording of MW-P2, as follows:

MW-P2

Council will maintain or establish processes that:

a) Give effect to the Charter of Understanding held between Council and Hokonui Rūnanga;

c) Encourage and facilitate consultation and engagement between landowners/applicants with Hokonui Rūnanga prior to applying for consent and/or undertaking activities where assessment against Ngai Tahu cultural values listed in SASM-O3 may be required.

d) Enable Hokonui Rūnanga, in consultation with landowners, to identify and map sites of significance to Maori in a future plan variation.

3.9.3 Amy Beran in her evidence of 12 February 2025 narrowed the intent of policy MW-P2, modelling it on a Christchurch District Plan policy, to specify that the Council will consult with Hokonui Rūnanga where prior engagement has not occurred. She considered that there would be no difficultly implementing the policy in the district because of the existing working relationship between the Council and Hokonui Rūnanga. She moved the policy to the recommended NTCV chapter, based on accommodating all policies in that chapter and amended the wording as follows:

NTCV-P2

Council will maintain or establish processes that:

a. Enable landowners and resource consent applicants to engage with Hokonui Rūnanga, prior to undertaking activities and/or applying for resource consent resource consent where Ngāi Tahu cultural values need to be considered.

b. Where prior engagement has not been undertaken Council will consult with Hokonui Rūnanga.

3.9.4 Courtney Bennett did not further revise her position in her evidence of 17 February 2025.

3.9.5 As discussed in Decision 43, notified SASM-P2 is considered by the Panel to be largely "context and process-related", so has been moved to the Mana Whenua chapter and labelled as MW-P1. The only change made to the policy is the one requested by submitters that sought for only those values listed in notified MW-2.3 to apply. The Panel notes that Rachel Thomas and Bernadette Hunt sought to add additional text to notified SASM-P2 to also state "the Council and landowners", but this was not requested in their original submission. The Panel considers this policy to be consistent with RPS Policy TW.2, and section MW-3 and section MW-5 of the PDP. The policy is therefore worded as follows:

MW-P1 The impact of proposed activities on Ngāi Tahu cultural values listed in MW-1.2[19], and their underlying relationship with the natural environment, is determined in partnership with Hokonui Rūnanga.[20]

3.9.5 As discussed in Decision 43, the Panel has identified notified SASM-P3 as "context and process-related". There were no submissions seeking amendment of notified SASM-P3, therefore the Panel decision is to move notified SASM-P3 to the Mana Whenua chapter and re-name it MW-P2, with no further amendment.

MW-P2 Mātauranga relating to Ngāi Tahu cultural values is cared for as a taonga by Hokonui Rūnanga, and shared with Gore District Council on a case-by-case basis, as needed to support Council decision-making.[21]

3.9.6 The Panel has considered the amended wording of proposed NTCV-P2 from Amy's evidence of 12 February 2025, in terms of it being "context and process-related" and therefore better suited to the Mana Whenua chapter. The Panel notes that the policy is supported by Federated Farmers in their evidence. However, the Panel favours working with the text of the Plan as notified as far as possible, and where new elements are recommended, preference of the Panel is to include those elements in explanatory text. The Panel has added wording to re-numbered MW-4 regarding engagement processes.

3.9.7 The Panel has considered whether policy is needed regarding cultural impact assessments in response to submitters wanting to understand when they will need to be obtained (e.g. Wantwood Station, S104.029), and with reference to the evidence of Amy Beran dated 12 February 2025 and her recommended NTCV-P4/NTCV-M1. The Panel favours introduction of explanatory text in re-numbered MW-4.2.

3.9.8 The Panel has considered evidence regarding the development of information resources for Plan users, including evidence on proposed MW-M2. The Panel supports a clear and simple reference in the Plan in response to submitters concerns (e.g HNZPT, S123.004 and David Pullar, S133.002), and in accordance with the RPS (e.g. Methods TW.7, TW.9 and TW.10). While the reference could be included as a method, the preference of the Panel is to include it within explanatory text given that there are no other methods specified in the Plan, in order to achieve a more consistent Plan approach (further discussed in the following section of this decision). The Panel determines that the wording added to re-numbered MW-4 is sufficient, and that the

[19] Stoney Creek Station Limited (S3.004)
[20] Accept in part Director General (S109.046) and others in support of retaining as notified, and relocate in accordance with national standards, utilising Schedule One, Clause 16
[21] Accept in part Director General (S109.046) and others in support of retaining as notified, and relocate in accordance with national standards, utilising Schedule One, Clause 16

Charter of Understanding can be relied upon to assist with the development of information resources.

3.9.9 While the Panel has decided to introduce two policies to the Mana Whenua chapter that were not present in the notified version of the Plan, these policies have been re-located from the notified SASM chapter. These policies do not give rise to any new considerations that would warrant a further s32AA assessment, primarily because one is unmodified and the other, while modified, narrows the focus of potential assessment of Ngāi Tahu cultural values to only those listed in re-numbered MW-1.2, as requested by submitters.

3.10 MW - Methods

3.10.1 There were no methods in the Mana Whenua chapter at the time of notification. Courtney Bennett and Amy Beran considered whether there were "context and process related provisions" in the notified SASM chapter that would be better placed in the Mana Whenua chapter, in joint response to Minute 15 from the Panel, amongst other matters raised by the Panel in that Minute. Courtney Bennett and Amy Beran left the matter of scope for legal submissions and provided options for the Panel to consider. They could not agree on the introduction of methods to the Plan, with Courtney Bennett not recommending their introduction, relying instead on policy, and Amy recommending three methods, as follows:

MW-M1 Cultural Impact Assessment Requirements

Where resource consent is required for any activity identified in MW-P1 and impacts on Ngai Tahu Values need to be considered, Hokonui Rūnanga will consider the following key matters in determining the appropriateness of preparing a Cultural Impact Assessment report:

a. The application is for a large, intensive or complex project.

b. The activity is not anticipated at the proposed location or zone and may be precedent setting.

c. The application does not include sufficient information to determine potential impacts on Ngāi Tahu cultural values.

d. New or additional research is required to determine impacts on Ngāi Tahu cultural values.

Cultural impact assessment reports are an effective means of providing cultural input, mainly with respect to resource consent applications under the RMA. Such reports can form part of a resource consent application's assessment of environmental effects. While reports may be requested by an applicant as part of pre-resource consent consultation or a resource consent assessment of effects, it is Hokonui Rūnanga that will advise if a cultural impact assessment is required. The costs associated with preparing the report are met by the applicant.

MW-M2 Information Resources

The Council and Hokonui Rūnanga will work together to develop information resources (such as a information brochure and/or a website page), to communicate to plan users (including resource consent applicants):

1. the approach that has been taken in the Plan to recognise and provide for mana whenua values held within the Gore district; and

2. the process for resource consent applicants to engage with Hokonui Runanga.

MW-M3 The Council will encourage staff to undertake education and training programmes to improve awareness and knowledge of tikanga and mana whenua relationships and associations with the district, including in:

1. Accidental discovery protocol;
2. Ngāi Tahu cultural values;
3. Te taiao matters of interest to mana whenua;
4. Iwi Management Plans.

3.10.2 Rachel Thomas and Bernadette Hunt for Federated Farmers supported the intent of the methods and disagreed with Courtney that they were matters better addressed outside the Plan. They considered that provisions in the Plan would improve accountability. They supported the intent of MW-M1 that cultural impact assessments (CIA) would not always be required, and considered that effective engagement between landowners and Rūnanga would mitigate the need for CIA. They proposed a traffic light system for consenting. They fully supported MW-M2 as drafted by Amy Beran and considered that completed CIAs and mapped sites and areas of significance to Māori should be publicly available. They considered that MW-M3 was too broadly drafted and need to be clearer that it applied to resource consents. In particular, they saw value in staff being properly equipped to advise applicants on what information to include that could help to address effects on Ngāi Tahu cultural values, which would save applicants money if it meant a CIA would not be required. They recommended the following changes to proposed MW-M1:

MW-M1 Cultural Impact Assessment Application

Where resource consent is required for any activity identified in MW-P1 and impacts on Ngai Tahu Values need to be considered, the Council will consider the following key matters in determining whether it is appropriate to prepare a Cultural Impact Assessment report:

a. The extent to which the activity does not comply with permitted activity standard(s)
b. The activity is not anticipated at the proposed location or zone and may be precedent setting.
c. The application does not include sufficient information to determine potential impacts on Ngāi Tahu cultural values.
d. New or additional research is required to determine impacts on Ngāi Tahu cultural values.

Cultural impact assessment reports are an effective means of providing cultural input, mainly with respect to resource consent applications under the RMA. Such reports can form part of a resource consent application's assessment of environmental effects. The cultural impact assessment will be provided within ten working days of the request being received. In the event that the cultural impact 31 assessment is not provided within this timeframe the consent can continue to be processed.

3.10.3 Ainsley McLeod for Transpower cautioned that methods may not be appropriate if they directly impose an obligation on a party other than the Council.

3.10.4 The Panel agrees with Courtney that it is preferable not to introduce methods in this chapter when there are no methods elsewhere in the Plan, for the sake of consistency. The Panel has endeavoured to address the matters incorporated into proposed methods as part of decisions on explanatory text and policy in the Mana Whenua and MCV chapters. This recognises the usefulness of these amendments to the Plan in

addressing concerns raised by submitters about the processes involved in managing impacts on Ngāi Tahu cultural values.