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

---

Gore District Plan - Decisions on Submissions

Topic 43: Sites and Areas of Significance to Māori (Māori Cultural Values)

Hearings Panel Members

Keith Hovell

Glenys Dickson

Cliff Bolger

Maria Bartlett

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

Index

1. Introduction

1.1 Scope of this Decision 1

1.2 Abbreviations used in this Decision 1

1.3 Statutory Considerations 1

1.4 Procedural matters 2

2. Relief Sought

2.1 Submissions on Mana Whenua Chapter 4

2.2 Submissions on SASM Chapter 4

2.3 Scope 5

3. Submissions, Evidence and Decisions

3.1 Decision approach 8

3.2 Notified SASM chapter as a whole 9

3.3 Notified SASM/Re-named MCV - Overview 12

3.4 Notified SASM/Re-named MCV - Objectives 15

3.5 Notified SASM/Re-named MCV - Policies 18

3.6 Ngāi Tahu Cultural Values provisions across the plan 26

Appendix A. Submissions (attached as a separate document)

Appendix B. Plan Chapter (attached as a separate document)

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 notified Sites and Areas of Significance to Māori (SASM) chapter, and submissions that reference the way in which Māori relationships across the Gore district are reflected in Plan provisions (including in relation to the Mana Whenua chapter).

1.1.2 There is a close relationship between this decision and that of Decision 14 Mana Whenua, 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 14, particularly in relation to the "How the Plan Works" section of the Plan. There is also a relationship between this decision, Decision 14 and a number of other decisions on provisions in various chapters that reference Ngāi Tahu cultural values. In that respect, this decision and Decision 14 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.

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

1.2 Abbreviations

1.2.1 To facilitate writing of this Decision the following abbreviations are 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
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

1.2.1 The Panel's Decision1 Preliminary Matters and Statutory Requirements Relevant to Decisions sets out the legal framework and requirements for preparing a District Plan,

as well as case law referred to in legal submissions and evidence provided to the Panel. This framework is not repeated in this Decision. Rather, this Decision should be read in conjunction with Decision1, and in particular section 3.5.1 of that decision (Māori relationships) and section 4.3 of that decision (section 32AA of the RMA).

1.2.2 The Panel are satisfied that decision on the notified SASM chapter meets 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 are also satisfied that assessment has been undertaken in accordance with section 32AA were 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 Decision 14 outlines in detail the procedural matters arising in relation to both the Mana Whenua chapter and the notified SASM chapter. Those details are not repeated in full in this decision, but are summarised and additional detail included as relevant to the notified SASM chapter.

1.4.2 The Panel issued Minute 15, dated 6 August 2024, which required responses to be included in evidence for the SASM hearing because of the relationship between the Mana Whenua chapter and the notified SASM chapter, and the need to clarify the role of each chapter, with reference to the National Standards.

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. The planners supported moving context and process-related provisions from the notified SASM chapter to the Mana Whenua chapter but had differing views on how this should be done in terms of implications for the notified SASM chapter. Courtney Bennett considered that minor amendments would suffice, whereas Amy Beran considered that it was not appropriate to call the chapter "Sites and Areas of Significance to Māori" because a geographic delineation approach was not supported by mana whenua and it caused confusion for submitters. Both identified that the chapter was concerned with the management of effects on Ngāi Tahu cultural values across the whole of the district. Amy Beran reviewed the National Standards and concluded that the notified SASM chapter was not mandatory under direction 17 of the standards and that, alternatively, the chapter could be titled "Ngāi Tahu Cultural Values (NTCV)" and remain within the historical and cultural values section of the plan, in accordance with direction 18 of the National Standards. Amy Beran preferred this option as she considered it more accurately reflected the approach taken in the notified plan.

1.4.4 The Panel received a letter from Federated Farmers, dated 30 October 2024, requesting a delay to the SASM hearing (Hearing Stream 8 (HS8)) until April 2025, which was supported by Stoney Creek Station Limited (Stoney Creek).

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.

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.

1.4.7 The Panel issued Minute 28, dated 26 November 2024, acknowledging the need to ensure a fair process. 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.

1.4.9 By 13 December 2024 the only submitters to confirm their attendance at the resumed February hearing of the notified 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.

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. 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. 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.

1.4.14 The Panel received a memorandum from the Director General, dated 23 December 2024, indicating that PDP timetabling had been factored in to 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.

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 outlining a range of reasons why the Federated Farmers request should be rejected by the Panel.

1.4.18 The Panel received a memorandum from Hokonui Rūnanga, dated 31 January 2025, requesting 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.

1.4.20 The Panel issued Minute 37, dated 4 February 2025, recording that all written responses to Minute 33 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.

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.

1.4.22 The Panel issued Minute 38, dated 11 February 2025, granting an additional day to complete evidence.

1.4.23 At the resumed SASM hearing, during presentations to the Panel on 19 February, 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. 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 notified SASM chapter. The Panel were aware of substantial issues to address across the Mana Whenua and notified 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 have assisted the Panel to reach its conclusions regarding the Mana Whenua chapter and the notified SASM chapter, as well as related provisions in the plan.

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, while some sought specific amendments, including Hokonui Rūnanga (S139).

2.1.2 The Panel adopts Courtney'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 notified 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 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 that Ngāi Tahu values are present across the district and how effects on them should be managed. Courtney 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'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 are satisfied that scope is provided between the notified version of the plan, submissions and evidence. In particular the Panel responds to legal submissions from 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 and evidence. 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.

2.3.2 Jo Cook-Munro listed limits on the Panel's scope to amend the notified SASM chapter[1], including that:

- submissions sought a more detailed description of effects to be avoided in relation to Ngāi Tahu values, to be incorporated within the SASM chapter; and
- no submitter sought deletion of the SASM chapter on the grounds that it had no relevance or that there are no sites of significance to Māori.

2.3.3 On the first point, the Panel has made amendments to clarify when Ngāi Tahu cultural values need to be considered in decision-making. This is different than consideration of "effects to be avoided" as referenced by Jo Cook-Munro. While avoidance may be one potential response to effects on Ngāi Tahu cultural values, a range of responses may be relevant to managing effects on Ngāi Tahu cultural values in the circumstances of a particular activity. The Panel finds no direction to *only* avoid effects on Ngāi Tahu cultural values in higher order instruments. The Panel also finds that effects of a particular activity in a particular part of the district need to be considered in that particular context, which is why the focus of the decision is on clarifying the circumstances when Ngāi Tahu cultural values need to be considered in deciding applications. The Panel received no evidence upon which to base an approach that uses an exhaustive list of particular effects (as opposed to values) and an exhaustive list of measures to respond to them, which would likely be an impractical exercise and one incongruous with te ao Māori and tikanga Māori. However, the Panel notes that the iwi management plan, Te Tangi a Tauira, and Te Kawa o te Taiao are available resources for applicants wanting to understand more about relevant Ngā Tahu values and ways to maintain or enhance those values[2], or indeed to seek to undertake

[1] Legal submissions on behalf of Federated Farmers of New Zealand (Incorporated) – Southland Province, 5 February 2025, para 3.20
[2] https://hokonuitaiao.org.nz/consent-applications/te-kawa-o-te-taiao/

development "*within a Te Ao Tahu framework where social and economic development occurs in ways which respect and restore the health of the whenua*"[3].

2.3.4 The Panel has considered all the evidence provided regarding relationship between farming activities and effects on Ngāi Tahu cultural values, finding that many of the concerns raised by Federated Farmers regarding potential impacts on day-to-day farming activities are unfounded. Rather, the Panel finds that there are limited circumstances when particular farming activities that require resource consent will need to consider effects on Ngāi Tahu cultural values as part of decision-making. This is further discussed in this decision in relation to particular provisions of the Plan, where relevant.

2.3.5 On the second point, the Panel finds that there are submissions seeking that the SASM chapter be entirely removed from the Plan (e.g. Groundswell, S66.002).

2.3.6 The Panel understands that a common submitter position is predicated on a preference for identification of geographically delineated sites and areas of significance to Māori in the Plan (e.g. Federated Farmers, S148.003). The Panel has received evidence from Hokonui Rūnanga that reflects an unchanged position throughout development of the Plan. This position is articulated within the text of the notified SASM chapter and within all submissions and evidence provided by Hokonui Rūnanga during the hearing process. Their position is that Ngāi Tahu are in relationship with the entirety of the district and have no wish to differentiate particular sites and areas within the district as being of greater significance than other sites or areas within the district. This has been presented to the Panel as a position based on the worldview of Hokonui Rūnanga, the organisation representing Ngāi Tahu interests in the district. The Panel concludes that identification of geographically delineated sites and areas of significance to Māori in the Plan can only occur *"where there is agreement by Māori to include this information"*, in accordance with direction 17 in section 7 of the National Standards. No such agreement exists and therefore the preference of the submitter, and other submitters with a similar preference, cannot be progressed by the Panel.

2.3.7 On this matter, the Panel has also considered the legal submissions of Sarah Scott for Transpower and found that they do not assist to advance the issue because there is no lawful means by which the Panel can require Hokonui Rūnanga to identify sites and areas of significance to Māori and map them in the Plan. Neither does the Panel consider that "sites and areas of significance to Māori" can be limited to the six archaeological sites referenced by Sarah Scott. This matter was addressed in the cultural evidence of Terry Nicholas for Hokonui Rūnanga who indicated that there would likely be a lot of undiscovered material across the district because it was a thoroughfare for mana whenua, with multiple historic trails crossing through it. This was also a reason he cited for effects on Ngāi Tahu cultural values being a matter for consideration across the district and not just in parts of it, because of how extensively it has been used by Ngāi Tahu[4]. Evidence received by the Panel in the Historic Heritage hearing from Dr Chris Jennings, archaeologist representing the Council, corroborated that there has been very little archaeological exploration in the district and that there is a likelihood of unearthing material because of historic patterns of Ngāi Tahu use[5]. The Panel's decision on Historic Heritage, Decision 41, addresses how effects on known and undiscovered archaeological sites are managed in the Plan.

[3] Evidence of Terry Nicholas for Hokonui Rūnanga, 18 November 2024, para 10
[4] In answer to questions of the Panel at the hearing on 18 February 2025. Supported by evidence of Ailsa Cain in HS3.
[5] In answer to questions of the Panel at the hearing on 2 December 2025.

Hokonui Rūnanga have indicated, in written evidence and verbally at the hearing, their reliance on the Accidental Discovery Protocol when it comes to undiscovered archaeological material.

2.3.8 The Panel appreciates the concerns raised by Transpower about the implications for planning new development, that a desktop assessment cannot be relied upon to avoid sensitive areas. However, the Panel considers that consultation with Hokonui Rūnanga to understand how to best manage effects on Ngāi Tahu cultural values is an available path for Transpower, and a step identified in evidence as part of standard practice for the organisation. In addition, the Panel observes that there are available resources such as the iwi management plan and Treaty settlement mechanisms that can assist Transpower in its planning, ahead of consultation with Hokonui Rūnanga. The Panel also received evidence from Hokonui Rūnanga, at their first appearance in front of the Panel, that Ngāi Tahu ki Murihiku use an assessment tool that can be applied at the district-wide scale, Āpiti Hono Tātai Hono[6], which may be able to assist in guiding new development. The Panel does agree with Sarah Scott that improvements need to be made to specific provisions within the chapter, which is further discussed in relation to those provisions.

2.3.9 In reaching its decision the Panel has also considered the further submissions of Jo Cook-Munro on the matter of scope where she expressed concern that the notified SASM chapter is proposed to be deleted and replaced, which is not provided for within the scope of submissions[7]. She also asserts that the entire district had been identified as a site and area of significance by Hokonui Rūnanga at the time of notification, which the Panel infers means that Jo Cook-Muro considers that direction 17 in section 7 of the National Standards has been exercised and that the chapter is therefore appropriately titled "Sites and Areas of Significance to Māori", similar to the position of Sarah Scott for Transpower. The Panel does not agree with Jo Cook-Muro that changing the title of the chapter to "Ngāi Tahu Cultural Values" is equivalent to deleting the chapter. Neither does the Panel agree that direction 17 in section 7 of the National Standards has been exercised in the manner envisaged by that direction. The National Standards envisage "sites and areas", plural, whereas only one site or area was described in the notified Plan at the scale of the entire district. The Panel finds that Hokonui Rūnanga in fact subscribed equal significance to their relationship with all parts of the district and their takiwā, and did not determine that the Gore district is more significant to Ngāi Tahu than other districts in the Ngāi Tahu takiwā. The text of the notified SASM chapter began this way:

> "To ask how significant a specific site or area is for Ngāi Tahu whānui is a meaningless and redundant question. All landscapes and elements of the natural *environment* are significant …"

2.3.11 It is not for the Panel, or any other party, to dispute this understanding as it has been expressed by Hokonui Rūnanga.

2.3.12 The Panel agrees with Amy Beran that the notified title of the chapter, "Site and Areas of Significance to Māori", has caused confusion amongst submitters because there are no sites and areas identified within district (only relationship with the entirety of the district), nor is there any intention to identify and include them. The notified SASM chapter text identifies that Ngāi Tahu are in relationship with the entirety of the district,

[6] Written evidence of Ailsa Cain for Hokonui Rūnanga, 8 July 2024, and in answer to questions of the Panel on 22 July 2024

[7] Supplementary legal submissions on behalf of Federated Farmers of New Zealand (Incorporated) – Southland Province, 19 February 2025, section 3

and that the Plan seeks to manage the impacts of particular activities on Ngāi Tahu cultural values, guided by objectives and policies in the notified SASM chapter. Decisions of the Panel on this chapter have not altered these fundamental components of the notified SASM chapter, which together describe its basis and intent. The Panel has, however, shifted the more "context and process-related" content to the Mana Whenua chapter, to accord with direction 25 in section 6 of the National Standards.

2.3.13 The Panel has altered the title of the chapter to better reflect its basis and intent, which the Panel considers will reduce confusion for Plan users and better conform with the National Standards, particularly direction 17 and direction 18 in section 7 of those standards. The chapter is now titled "Māori Cultural Values" and the acronym "MCV" is used in place of "SASM" to refer to the chapter, its objectives and policies. Any other changes to the text of the notified SASM chapter are discussed in detail in the following section of this decision. The change in title of the chapter will alter its position in the Plan, to accord with the alphabetical order required by the National Standards. The chapter will therefore precede, rather than follow, the Notable Trees chapter within the Historical and Cultural Values section.

2.3.14 In terms of scope, the Panel disagrees with Jo Cook-Munro that there is no scope to amend the title of the chapter to better reflect its basis and intent (and consequentially its position within the Historical and Cultural Values section of the plan). The Panel finds it to be a prudent response to concerns raised in submissions and evidence, and a better fit with national direction. The Panel identifies relevant submissions and evidence relied upon for amendments to the chapter in the following section of the decision, including changes discussed in this section.

2.3.15 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, based on matters raised in submissions and evidence, in order to clarify matters for Plan users:

- the role of the notified SASM chapter in the plan;
- the types of activities and circumstances where effects on Ngāi Tahu values; will need to be considered when deciding applications;
- the relevant Ngāi Tahu values that will need to be considered; and
- what is involved when Ngāi Tahu values need to be considered.

2.3.16 The Panel has been economical in its amendments to the notified SASM chapter and Mana Whenua 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 Mana Whenua 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.

3 Submissions, Evidence and Decisions

3.1 Decision approach

3.1.1 The Panel begins with consideration of submissions and evidence on the whole of the notified SASM chapter, followed by the various sections of the chapter in sequence. Where evidence was received through the Mana Whenua and SASM chapter hearings that is relevant to decisions on other chapters of the plan, this is discussed at the end

of this decision. Decisions on those other chapters of the Plan will refer to this decision as necessary in order to incorporate changes into chapter provisions.

3.2 Notified SASM Chapter as a Whole

3.2.1 Some submitters supported the notified SASM chapter as a whole (e.g. the Director General, S109.046 and Mataura Marae (S23.007). Where the text of the notified SASM chapter is retained in the chapter or is utilised in the Mana Whenua chapter in order to support the role of that chapter (to better conform with National Standards), the Panel relies on submissions in support of the notified SASM approach, and the reasons for those submissions. For instance, the Director General supports the notified SASM chapter on the basis that the provisions provided in the plan "*recognise the relationship of Māori with the natural environment and the practicing of Māori cultural activities and the application of these objectives and policies throughout the district*". In that respect the Panel has accepted these submissions in part.

3.2.2 Some submitters sought amendment to the notified SASM chapter as a whole (e.g. Wantwood Station, S104.029). Wantwood Station expressed concern that classifying the entire district as a SASM created uncertainty for Plan users and that it wasn't clear what kinds of activities would trigger the need for a resource consent or a cultural effects assessment. Wantwood Station sought clarification as to why the entire district was identified as a SASM and certainty around which activities would trigger resource consents and cultural effects assessments. Similar concerns were raised by other submitters who opposed the SASM chapter, although the specific relief sought by many was for sites and areas of significance to Māori to be identified in the Plan (e.g. Stoney Creek, S3.001), which the Panel understands to mean by way of geographical delineation. As previously discussed in this decision, the Panel cannot grant the relief sought by submitters wanting that specific relief, namely identified SASMs within the district. The Panel is in a position to respond to the concerns raised by Wantwood Station, which are not dependent on specific relief, and in so doing has been able to address the similar concerns raised by other submitters. In that respect, the Panel has accepted the submission of Wantwood Station and accepted in part those other submissions.

3.2.3 The Panel understands that for many submitters from within the farming sector the heart of their concerns have been around the extent to which effects on Ngāi Tahu cultural values would be a trigger for resource consent for "day-to-day farming activities". This phrase and similar phrases are used in the text of submissions from 14 submitters (e.g. Trudy Bokser, S113.001), including Federated Farmers in their whole of Plan submission (S126.175).

3.2.4 The Panel received evidence from the s42A reporting officer, Courtney Bennett, assessing Plan provisions to identify circumstances where effects on Ngāi Tahu cultural values would be a trigger for resource consent, as well as circumstances where effects on Ngāi Tahu cultural values would be a matter of control or restricted discretion as part of a resource consent process, and therefore require an effects assessment[8]. Overall, Courtney Bennett identified one instance where Ngāi Tahu cultural values became a trigger for resource consent, in relation to earthworks and the Accidental Discovery Protocol. Otherwise, she identified a number of provisions that require assessment of effects on Ngāi Tahu cultural values for particular activities in particular circumstances, once resource consent has been triggered by other factors. The Panel understand this to be consistent with the notified SASM chapter overview that indicated

[8] Appendix C to the s42A Report of 7 November 2024

only the impacts of certain activities on Ngāi Tahu cultural values would be managed by the Plan. The notified overview text used the phrase "high-risk activities", resulting in some submitters wanting to know what those activities were, including Wantwood Station.

3.2.5 Courtney Bennett's evidence to the Panel was supplemented by the assessment of Plan provisions provided by Amy Beran for Hokonui Rūnanga[9], and by the analysis of Amy's evidence provided by Rachel Thomas and Bernadette Hunt for Federated Farmers[10]. Amy Beran for Hokonui Rūnanga provided specific amendments to notified provisions, determined in consultation with mana whenua, that narrowed the extent of provisions that would lead to an assessment of effects on Ngāi Tahu cultural values. Amy Beran also undertook a gap analysis that indicated that not all areas of the Plan contain provisions requiring assessment of effects on Ngāi Tahu cultural values, such that there was only around 50% coverage within the plan[11].

3.2.6 The evidence of Federated Farmers identified five chapters of the Plan of greatest interest to their members that contain provisions that would lead to assessment of Ngāi Tahu cultural values as a matter of discretion, namely Ecosystems and Indigenous Biodiversity, Earthworks, General Rural Zone, Rural Lifestyle Zone and Subdivision. Their evidence identified specific amendments to these chapters and provisions that would satisfy concerns of their members.

3.2.7 The Panel appreciates the efforts of Courtney Bennett, Amy Beran, Rachel Thomas and Bernadette Hunt to provide thorough analyses that have assisted the Panel to reach its conclusions. These analyses have enabled the Panel to consider relationship between the Mana Whenua chapter, notified SASM chapter and provisions in other chapters of the Plan, as these Plan provisions work together to recognise and provide for the matter of national importance in section 6(e), as well as section 6(f), of the RMA. Provisions specific to other chapters of the Plan are addressed at the end of this decision.

3.2.8 The Panel has responded to the relief sought by Wantwood Station by renaming the chapter to make it clear that:

(a) no sites and areas of significance to Māori have been identified in the district;

(b) no such sites and areas are expected to be identified within the life of the Plan (based on the position of Hokonui Rūnanga);

(c) Ngāi Tahu are in relationship with the entirety of the district; and

(d) the chapter is specifically concerned with managing effects on Ngāi Tahu cultural values from particular activities where they occur.

3.2.9 The second part of the relief sought by Wantwood Station is addressed in relation to specific provisions within the renamed Māori Cultural Values (MCV) chapter and within other chapters of the plan.

3.2.10 The Panel has not adopted the proposed "Ngāi Tahu Cultural Values"(NTCV) title for the chapter, preferring the more generic "Māori Cultural Values"(MCV). This is because although the majority of the notified SASM chapter is concerned specifically with Ngāi Tahu Cultural Values, notified SASM O1, notified SASM O2 and notified SASM-P4 are not specific to Ngāi Tahu. No submissions were received specifically on

[9] Appendix E and Appendix G in the evidence of Ms Beran, 12 February 2025
[10] Tables and Appendix 1 in the evidence of Federated Farmers, 28 March 2025
[11] Evidence of Ms Beran for Hokonui Rūnanga, 12 February 2025, para 37

SASM-O2 or SASM-P4. Both Hokonui Rūnanga and Mataura Marae supported the notified SASM chapter. While Hokonui Rūnanga sought specific amendments, their submission did not address the matter of whether objectives and policies should only refer to Ngāi Tahu or mana whenua, and not Māori more generally or tangata whenua as well. Courtney Bennett and Amy Beran addressed the matter in paragraph 44 of their joint response to Minute 15. They both considered the deletion of "tangata whenua" from the objectives and substitution of "mana whenua" for "Māori" in SASM-P4 to be consequential amendments associated with re-naming the chapter. The Panel does not agree that this is the correct approach. The Panel has focussed on amending the notified SASM chapter and the Mana Whenua chapter within the scope of submissions, and has taken great care to be consistent on matters of scope. While the Panel can appreciate the reasons why Courtney and Amy put forward these particular changes, the Panel does not consider them consequential amendments. This is in large part because there is a submitter affected who was not present at the hearing, Mataura Marae, and given that no submissions directly raised the matter, a natural justice issue arises. The Panel also considers that in practice, due to strong emphasis on Ngāi Tahu cultural values in this chapter, and in other chapters of the Plan (supported by the Mana Whenua chapter and Māori Purpose Zone chapter), the relationship of mana whenua with the district will be appropriately reflected in processes and decisions.

3.2.11 The Panel is satisfied that it is not appropriate to delete the notified SASM chapter. The Plan must manage effects on Ngāi Tahu cultural values and the Mana Whenua chapter can only address context and process-related provisions, in line with the National Standards. In the absence of full integration across the Plan, as evidenced by Amy Beran's gap analysis, the Panel consider that the renamed Māori Cultural Values (MCV) chapter is required to ensure that effects on Ngāi Tahu cultural values are considered in the context of discretionary and non-complying activities, and notices of requirement for a designation (a matter raised by Transpower, as a requiring authority[12]). Such an approach is consistent with Part 2 of the RMA, particularly sections 6(e), 7(a) and 8; and the RPS, in particular Objectives TW.2, TW.3 and TW.4, Policies TW.3 and TW.4, and Methods TW.5 and TW.9.

3.2.11 The Panel has taken into account Te Tangi a Tauira, the iwi management plan, in its decision-making (alongside resource management documents specific to Hokonui Rūnanga) as required by RPS direction and statute (section 74(2A) of the RMA). The Panel finds that the chapters identified by Federated Farmers that are of greatest interest to their members address topics for which there are sections and kaupapa specified in the iwi management plan. The Panel concludes from this that Ngāi Tahu cultural values are relevant to the matters addressed in those chapters, as supported in evidence from Hokonui Rūnanga. How effects on Ngāi Tahu cultural values are to be managed in relation to those matters is addressed in decisions on specific chapter provisions. The Panel also notes that the 2008 iwi management plan establishes Ngāi Tahu as having a relationship with the entire district, which is a point that also informs the Panel's decisions on this chapter and the Mana Whenua chapter.

3.2.12 The Panel does not consider that there is any need for a further s32AA assessment as a consequence of this approach, because the outcome is comparable to the notified Plan, while the content is clearer for Plan users.

[12] Evidence of Ms McLeod for Transpower, 30 January 2025, paras 8.36 – 8.41

3.3 Notified SASM/Re-named MCV - Overview

3.3.1 The initial s42A Report recommended minor amendment to this section of the chapter based on a submission from Federated Farmers (S126.075) that identified a typo, but otherwise retained the notified text, after considering other submissions variously in support of the Overview or seeking amendment (e.g. Environment Southland, S85.100).

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 substantial amendments to the Overview section in their joint response, incorporating material that they considered responded to concerns of submitters, including a sub-section called "Information for Plan Users and Resource Consent Applicants". This version of the re-named NTCV chapter Overview is included in Amy's evidence dated 18 November 2024, and in the recommendations of Courtney Bennett in her supplementary evidence dated 4 December 2024, which supports replacement of the notified SASM chapter with the re-named NTCV chapter.

3.3.3 Amy Beran's evidence dated 12 February 2025 included further amendment to the Overview section, including only text under the sub-section "Information for Plan Users and Resource Consent Applicants" and expanding on the text under this sub-section.

3.3.4 The Panel could not identify discussion specific to these amendments to the Overview section in the response to Minute 15 or in the various briefs of evidence of Courtney Bennett and Amy Beran.

3.3.5 The Panel has assessed some of the text of the notified SASM Overview as being in the nature of "context and process-related provisions" that belong in the Mana Whenua chapter, in accordance with the National Standards. Decision 14 discusses instances where text has been absorbed from the Overview section of the notified SASM chapter, or where duplication has been identified that means text from the notified SASM chapter is not necessary. Where text from the notified SASM chapter has been considered redundant by the Panel because the chapter no longer unnecessarily references sites and areas of significance to Māori, this text is deleted and does not appear anywhere else in the plan. As a consequence, submission S128.020 Greenbriar Ltd stating no amendments are required to the Overview is rejected.

3.3.6 In particular, the Panel considers the entire first paragraph of the notified SASM chapter Overview to be a combination of "context and process-related provisions" and text that has become redundant because the chapter no longer unnecessarily references sites and areas of significance to Māori. The second and third paragraphs of the notified SASM chapter Overview are considered by the Panel to be relevant to the role of the chapter in the Plan in terms of managing effects on Ngāi Tahu cultural values. The Panel has amended the overview only to the extent necessary to: remove predominantly "context and process-related" text; remove confusion regarding references to sites and areas of significance to Māori; clarify the role of the chapter and the kinds of activities that require an assessment of effects on Ngāi Tahu values. The Panel accepts the submissions seeking that a typo be corrected (e.g. Federated Farmers, S126.075), and accepts the evidence of Rachel Thomas, Bernadette Hunt and Courtney Bennett[13] that reference to "high risk activities" should be amended to clarify that it is only those activities described in policy within the chapter.

[13] Evidence of Ms Thomas and Ms Hunt for Federated Farmers, 28 January 2025, paras 78-80; Evidence of Ms Bennett for GDC, 18 February 2025, para 25

3.3.7 The Panel has considered the amendments proposed by Ms Bennett and Ms Beran in their joint response to Minute 15 and in their subsequent evidence, but do not favour introduction of the sub-section "Information for Plan Users and Resource Consent Applicants", which appears to also generally be in the category of "context and process-related provisions" or to belong in the "How the Plan Works" section of the plan, which is discussed in Decision 3. The Panel has assessed the amended text preceding the proposed sub-section "Information for Plan Users and Resource Consent Applicants" in the joint response to Minute 15 and have treated that text in a similar way to the notified SASM chapter Overview text.

3.3.8 The Panel has considered the evidence received in relation to notified SASM-P2 and the potential for activities within the Plan that require consideration of Ngāi Tahu cultural values to be listed in policy. This is further discussed in the section on policies in this decision, and particularly SASM-P2. The Panel decision is to include the list that was provided in evidence from Courtney Bennett and Amy Beran as explanatory text in the Overview section of the chapter, which further addresses the matters raised by submitters around the term "high risk activities". The Panel has, however, amended this list to reflect decisions on other chapters of the Plan.

3.3.9 The Panel does not consider that there is any need for a further s32AA assessment as a consequence of the decision on this section of the Plan, which improves clarity for Plan users. The decision of the Panel is to include the following text in the Overview section of the re-named MCV chapter:

~~SITES AND AREAS OF SIGNIFICANCE TO MĀORI – SASM~~

MĀORI CULTURAL VALUES - MCV

~~To ask how significant a specific site or area is for Ngāi Tahu whānui is a meaningless and redundant question. All landscapes and elements of the natural environment are significant, given that within a Ngāi Tahu worldview all landscapes hold stories, histories, and whakapapa links to atua Māori (deities). For this reason, no specific sites or areas of 'significance' to Māori are singled out and listed within the Gore District Plan, as this implies that non-listed sites and areas are places that Ngāi Tahu do not hold a relationship with. Instead, all lands, waters, and natural features within Gore District are recognised as culturally significant to Ngai Tahu whānui - just at different intensities and for varied reasons. These reasons could include Māori concepts such as mana, tapu or mauri; relationships with Ngāi Tahu deities or creation narratives, historic events or cultural practices, sites recognised as part of the Ngāi Tahu Claims Settlement Act 1998, or contemporary Māori expressions of rangatiratanga or kaitiakitanga.~~[14]

The Gore District Plan manages the impacts of ~~high-risk~~ certain activities on Ngāi Tahu cultural values, as outlined in policy within this chapter[15], as opposed to[16] restricting a wide range of activities at specific locations. This allows decisions and, where relevant, controls to be meaningful and tailored to the relevant Ngāi Tahu cultural values that are being impacted. Where an activity (or approach to undertaking an activity) does not impact ~~place-based~~[17] Ngāi Tahu cultural values, then it will be enabled in the Plan, regardless of the location. For more information on Ngāi Tahu cultural values within the Gore District, please refer to the MW - *Mana Whenua* chapter.

[14] Alistair & Bernadette Hunt (S148.003) and similar submissions accepted in part, and Schedule One, Clause 16, with reference to the National Standards
[15] Wantwood Station (S104.029)
[16] Federated Farmers (S126.075)
[17] Schedule One, Clause 16, to improve clarity

The ~~SASM~~ Māori Cultural Values chapter consists of overarching objectives and policies that direct the ways the Gore District Plan recognises and protects the historic and contemporary relationship of Māori with the natural environment and places where cultural practices are undertaken within the Gore District. The rules that enable this recognition and protection are attached to specific activities throughout relevant chapters of this plan, and reinforced with objectives and policies that refer to the underlying relationship that Ngāi Tahu hold with the natural environment, or references to the practicing of Māori cultural activities. As indicated in other chapters, the ~~below~~ chapter objectives and policies apply to activities throughout the district.

In particular, impacts on Ngāi Tahu cultural values will be considered in resource management processes associated with:

- Buildings and structures within river and stream setbacks;
- Buildings and structures that exceed height limits in zones outside urban areas;
- Buildings and land use activities that do not meet servicing standards;
- Quarrying and mining activities in rural zones that require a resource consent in accordance with this plan or are proposed as part of a notice of requirement for a designation;
- Earthworks activities that require a resource consent in accordance with this plan or are proposed as part of a notice of requirement for a designation;
- Energy generating activities that require a resource consent in accordance with this plan or are proposed as part of a notice of requirement for a designation;
- Works associated with maintaining, upgrading or establishing infrastructure that require a resource consent in accordance with this plan, or are proposed as part of a notice of requirement for a designation, or adversely affect:
  - the Mataura River and its margins;
  - outstanding natural features and landscapes; or
  - archaeological sites;
- Activities that impede existing legal access to waterways for mahinga kai, including within the Mataura River Floodway;
- New, or extension to existing, significant hazardous facilities;
- Activities impacting scheduled Historic Heritage associated with Ngai Tahu cultural values or impeding existing legal access to mahinga kai;
- Indigenous vegetation clearance that requires a resource consent in accordance with this plan or as part of a notice of requirement for a designation;
- Activities within an Outstanding Natural Feature or Landscape area that require a resource consent in accordance with this plan or are proposed as part of a notice of requirement for a designation;
- Subdivision that is not a controlled activity;
- Activities on the surface of Mataura River and tributaries that require a resource consent in accordance with this plan or are proposed as part of a notice of requirement for a designation;
- Cultural Markers (signage) that require a resource consent in accordance with this plan;
- Temporary commercial filming, military or emergency services that require a resource consent in accordance with this plan; or
- Activities in the Gore West Residential Development Area (DEV2) that require a resource consent in accordance with this plan or are proposed as part of a notice of requirement for a designation.[18]

[18] Wantwood Station (S104.029) and Schedule One, Clause 16

3.4 Notified SASM/Re-named MCV - Objectives

3.4.1 The notified SASM chapter contained three objectives. The Panel considers the outcome for each of these objectives in turn, and in light of the role and purpose of the notified SASM chapter that has been re-named the MCV chapter, and in relation to the role and purpose of the Mana Whenua chapter.

3.4.2 Notified **SASM-O1** faced considerable opposition from submitters, as summarised in the s42A Report, largely because it reflected the approach that the entire district is equally significant to Ngāi Tahu. Many submitters (e.g. Stoney Creek, S3.002 and Hamish Weir S74.001) sought for the objective to be changed to only refer to *identified* sites and areas of significance to Māori. In addition, submitters, including Stoney Creek, sought that only those values identified in notified MW-2.3 within the Mana Whenua chapter should be considered in decision-making.

3.4.3 The s42A Report recommended deletion of notified SASM-O1 in response to submissions, and a new objective in the Mana Whenua chapter (MW-O2) to reflect that Ngāi Tahu are in relationship with the entirety of the Gore district, without any reference to sites and areas of significance to Māori. This position reflected the joint response of Courtney Bennett and Amy Beran to Minute 15.

3.4.4 The evidence of Ainsley McLeod for Transpower reiterated the support of Transpower for a range of submissions, including that of Stoney Creek, which sought specific amendments to notified SASM-O1, including that sites of significance to Māori be identified, and that only those values identified in notified MW-2.3 apply in decision-making.

3.4.5 Rachel Thomas for Federated Farmers supported deletion of notified SASM-O1, but also recommended replacement of the text of SASM-O1 with wording based on identification of sites and areas of significance to Māori, and accompanied by a new objective, as follows:

> SASM-O1 Sites and areas of significance to Māori are recognised and identified for their cultural significance.
>
> SASM-OX All landowners within the Gore District have access to the information regarding significant areas on their land which require protection from land use activities.

3.4.6 Amy Beran in her evidence of 12 February 2025 continued to support deletion of notified SASM-O1. She provided an option for the Panel to consider that relocated objectives that were proposed for the Mana Whenua chapter into the re-named NTCV chapter, in response to concerns of Federated Farmers about introduction of objectives into the Mana Whenua chapter. This included proposed MW-O2 that was focussed on the relationship of mana whenua with the entirety of the Gore district, which was an original component of notified SASM-O1. She proposed the following wording, and re-numbered the objective as NTCV-O2:

> To provide for mana whenua participation in resource management decision making that impact on their connections and values with land, water, wāhi tapu and other taonga.

3.4.7 For the reasons already outlined in relation to the notified SASM chapter as a whole and the Overview section, the Panel does not support the proposals advanced by Ainsley McLeod and Rachel Thomas that rely on identifying sites and areas of significance to Māori. In doing so the Panel has considered the evidence of Ainsley McLeod regarding the relationship of the objective with the NESETA. The Panel observes that identification of sites and areas of significance to Māori is not mandatory,

and not the only way that aspects of the environment valued by mana whenua can be managed. It is the combination of the Historic Heritage chapter managing archaeological sites and the MCV chapter managing Ngāi Tahu cultural values that will enable protection, where protection is necessary to protect values, including historic heritage. The Panel notes that the broad definition of "historic heritage" in the RMA is not only dependent upon identification of sites and areas of significance to Māori. The Panel also has considered the matter raised by Rachel Thomas of availability of information for landowners, which is further discussed in relation to other proposed provisions.

3.4.8 For reasons already outlined, the Panel does not support the proposal of Amy Beran to bring proposed objective MW-O2 back in to the chapter, which is considered by the Panel to be a "context and process-related provision" because it is primarily about participation in decision-making.

3.4.9 The Panel supports deletion of notified SASM-O1 from the re-named MCV chapter, and therefore accepts in part submissions that expressed concern with the objective because it did not require identification of sites and areas of significance to Māori. The Panel accepts the submission of Port Blakeley Limited (S138.006) that recognises Ngāi Tahu as considering all elements of the environment culturally significant, but also acknowledges the uncertainty and lack of clarity for other landowners inherent in the objective. Port Blakeley Limited did not participate in the SASM hearing despite expressing a desire to be involved in the conversation. The Panel supports relocation of text from notified SASM-O1 to the Mana Whenua chapter to retain recognition of the relationship of Ngāi Tahu with the entirety of the district, which is further discussed in Decision 14. This is because the Panel considers this aspect of notified SASM-O1 to be "context and process-related", and to also be important context for decision-making under the Plan as a whole, having been included as part of the notified Plan on that basis. The Panel therefore accepts in part submissions that supported notified SASM-O1 as part of the overall notified SASM chapter approach to Ngāi Tahu relationship with the district. The Panel also accepts in part those submissions that sought amendment to notified SASM-O1 or opposed it.

3.4.10 Notified **SASM-O2** did not attract submissions. It was initially recommended to be retained as worded, although the s42A Report re-numbered it as SASM-O1 due to Courtney Bennett's recommendation that notified SASM-O1 be deleted.

3.4.11 In Courtney Bennett and Amy Beran's response to Minute 15 the objective was re-named NTCV-O1, and an amendment was proposed to only refer to "mana whenua" rather than "mana whenua and tangata whenua" because the chapter focussed on Ngāi Tahu cultural values and not Māori values more broadly. Courtney Bennett supported the wording of the joint response to Minute 15 in her supplementary evidence dated 4 December 2024. She noted that this likely differed from the way Mataura Marae understood the notified SASM chapter, as indicated in their submission.

3.4.12 Neither Ainsley McLeod for Transpower nor Rachel Thomas for Federated Farmers provided evidence on notified SASM-O2. Ainsley McLeod addressed notified SASM-O3 in her evidence, but called it SASM-O2 based on the re-numbering proposed by Courtney Bennett (although Ainsley McLeod did not use the NTCV pre-fix).

3.4.13 Amy Beran in her supplementary evidence of 12 February 2025 recommended further amendments to the objective, re-ordering the wording, amending the list of environmental elements mana whenua are in relationship with and introducing the words "in decision-making" at the end of the objective, as follows:

> To recognise, retain and strengthen mana whenua relationships and associated values with land, water, wāhi tapu and other taonga in decision-making.

3.4.14 The Panel does not support introduction of the words "in decision-making" or re-ordering of the wording of the objective as proposed by Amy Beran because this changes the focus of the objective, which becomes more "context and process-related" as a result. The notified objective is clear that the objective is for relationship outcomes, they are recognised, retained and strengthened.

3.4.15 The Panel does not accept the need to substantially amend notified SASM-O2 given that there were no specific submissions on this objective and it is not material to the key themes identified by the Panel as necessitating changes based on submissions (see section 2.3 of this decision). The Panel has considered that "retain" is different to "strengthen" in terms of one requiring retention of what exists while the other seeks improvement, so the Panel saw that it would be beneficial to replace "and" with "or" in the objective in order to reduce ambiguity and improve clarity for Plan users. However, the objective may be interpreted to mean that either is achieved in particular circumstances, rather than both simultaneously, so the Panel has left the objective as it is in the absence of a relevant submission point. The Panel has also considered that the term "cultural structures" is not used anywhere else in the Plan, but in the absence of submissions on the objective has also not sought to correct this phrase. The Panel has re-named and re-numbered the objective based on the decision to re-name the chapter and the decision to delete notified SASM-O1 from the chapter.

3.4.16 Notified **SASM-O3** did not receive any specific submissions, however the s42A Report recommended amendments, reflecting the joint response of Courtney Bennett and Amy Beran to Minute 15. Their recommended amendments to notified SASM-O3, re-named NTCV-O2, included: re-ordering the wording to improve readability; substitution of "kaitiakitanga" with "rangatiratanga"; reference to mana whenua; reference to activities relevant to the consideration of impacts on Ngāi Tahu cultural values (as contained in their recommendations for a new MW-P1); and a list of relevant values from notified MW-2.3. This recommendation remained the same in the supplementary evidence of Courtney Bennett dated 4 December 2024.

3.4.17 In her evidence dated 30 January 2025, Ainsley McLeod for Transpower queried the proposed amendments to notified SASM-O3, re-named NTCV-O2. In particular she raised concerns that: the objective read more like a policy; there was no explanation given for replacement of "kaitiakitanga" with "rangatiratanga"; and values from the Mana Whenua chapter are introduced without consideration as to their relationship with RPS Policy TW.4 and section 6(e) of the RMA. Ainsley McLeod recommended further redrafting based on these considerations.

3.4.18 In response to questions of the Panel at the February hearing it was explained by Courtney Bennett that "kaitiakitanga" was replaced with "rangatiratanga" because "kaitiakitanga" was also a listed value in notified MW-2.3.

3.4.19 In her evidence of 12 February 2025 Amy Beran recommended deletion of notified SASM-O3, re-named NTCV-O2, on the basis of edits made to the Mana Whenua chapter and exchanges with the Panel at the hearing. In particular, clarifying in the Mana Whenua chapter that the list of values in notified MW-2.3 is exhaustive. Removal of the objective was also a response to concerns raised by submitters about duplication of Ngāi Tahu cultural values throughout various PDP provisions, and potential confusion.

3.4.20 The Panel does not accept the need to substantially amend notified SASM-O3 given that there were no particular submissions on this objective and it is not material to the key themes identified by the Panel as necessitating changes based on submissions (see section 2.3 of this decision). The Panel considers that the objective gives effect to Policy TW.4 of the RPS. The Panel also considers this objective to be "context or process-related" and therefore it belongs in the Mana Whenua chapter, which is further discussed in Decision 14. In that respect the Panel agrees with Amy Beran that it can be removed from this chapter. The Panel does not make any particular changes to the objective as notified because there were no submissions seeking amendment to the text of the objective itself and it is not ambiguous in its direction that mātauranga and kaitiakitanga are to be recognised and provided for in decision-making. This is considered by the Panel to be consistent with policy in the notified SASM chapter that also has a "context and process-related" flavour.

3.4.21 The Panel has identified a need to ensure that notified policy SASM-P1, which is recommended for amendment (as discussed in the next section of this decision) has a clear link at the objective level, to help Plan users readily understand the aims of the chapter, as described in the Overview. A range of submitters expressed uncertainty about the purpose of the chapter and how it functioned. The Panel has added a new objective that utilises the wording in SASM-P1 to address that concern and assist to overcome any confusion, which has been named MCV-O2.

3.4.22 The Panel decision is for the objectives in the chapter to be worded as follows:

~~SASM-O1 All land, *waterbodies*, natural features, and *marae* within Gore District are recognised as *sites* and areas of cultural significance to *manawhenua* and/or tangata whenua, and are afforded appropriate considerations in relation to their management, development, and use.~~[19]

~~SASM-O2~~

MCV-O1[20] Traditional and contemporary *mana whenua* and *tangata whenua* relationships with land, waterbodies, natural features, and cultural structures are recognised, retained, and strengthened.

~~SASM-O3 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.~~[21]

MCV-O2 Adverse effects on Ngāi Tahu cultural values are avoided, remedied or mitigated when providing for subdivision, use and development.[22]

3.5 Notified SASM/Re-named MCV - Policies

3.5.1 The notified SASM chapter contained five policies. The Panel considers the outcome for each of these policies in turn, and in light of the role and purpose of the notified SASM chapter that has been re-named the MCV chapter, and in relation to the role and purpose of the Mana Whenua chapter.

[19] 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 to amend and relocated, with reference to the National Standards
[20] Schedule One, Clause 16, consequential amendment
[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
[22] Jet Boating NZ (S64.024), Wantwood Station (S105.029) and S127.029 Peters Farm Ltd - Karen Peters accepted in part, Southland District Council (S146.034) accepted in part, and Schedule One, Clause 16 consequential amendment to support policy

3.5.2 Notified **SASM-P1** faced considerable opposition from submitters, as summarised in the s42A Report, largely because submitters were concerned about the impact on existing use rights so wanted addition of the word "new" at the outset of the policy and recognition of the benefits of the activity, such as pest control (e.g. Stoney Creek, S3.003). Others wanted to know that only those values listed in notified MW-2.3 would be considered (e.g. Federated Farmers, S126.077).

3.5.3 The s42A Report recommended rejecting submissions seeking addition of the word "new" on the basis that existing use rights are already provided for under section 10 of the RMA, and therefore supported the further submission of Hokonui Rūnanga on this point (FS20.024). Courtney Bennett supported submissions seeking clarity around which values would be relevant when considering an activity, and confining the list of relevant values. The s42A Report, based on recommended changes to SASM-O3 to have the objective reference notified MW-2.3, changed SASM-P1 to include a list of the applicable Ngāi Tahu cultural values, which were all those listed within notified MW-2.3, so that the objective and the policy reinforced one another. Courtney Bennett also considered that this would be easier for Plan users because the values would be named in the chapter and not rely on users going to the Mana Whenua chapter to find them. Courtney Bennett did not support reference to the benefits of proposed activities on the basis that these would be assessed in practice anyway, and may be counted as having a positive impact on Ngāi Tahu cultural values. Her recommended wording for notified SASM-P1 was as follows:

> SASM-P1 Use, subdivision, and development is enabled where adverse effects on Ngāi Tahu cultural values listed in SASM-O2 are avoided, remedied or mitigated.

3.5.4 Amy Beran in her evidence dated 18 November 2024 broadly agreed with the recommendations of the s42A Report, but sought that the policy be re-named NTCV-P1 to recognise that no sites and areas of significance to Māori are identified in the Plan and to incorporate it into the re-named NTCV chapter. She referenced the joint response of herself and Courtney to Minute 15 as an appendix, which contained the following re-wording of the policy:

> NTCV-P1 Enable land use, development and subdivision where adverse effects on Ngāi Tahu cultural values (listed in NTCV-O2) are avoided, remedied or mitigated.

3.5.5 Rachel Thomas and Bernadette Hunt for Federated Farmers agreed that existing use rights were provided for already under the RMA, and so sought an advice note to make that clear, to read as follows:

> Note – the provisions in this chapter do not override the provisions of s10 of the Resource Management Act 1991. Under s10, existing use rights apply if the use was lawfully established before the Plan was notified and the effects are the same or similar in character, intensity and scale.

They did not further address the list of values included in notified MW-2.3.

3.5.6 The evidence of Ainsley McLeod for Transpower reiterated the support of Transpower for a range of submissions, including that of Federated Farmers, which sought that only those values identified in notified MW-2.3 apply in decision-making. However, in paragraph 8.10(c) of her evidence Ainsley McLeod questioned the necessity and appropriateness of the values, particularly "utu" and "te reo Māori" because she could not see a link to RPS Policy TW.4 and section 6(e) regarding the role of the district plan. She acknowledged that it is for mana whenua to choose how their relationship with their ancestral lands and waters are reflected in the Plan but considered that

choice should be made in the context of the statutory framework and higher order planning instruments.

3.5.7 In her evidence of 12 February 2025, Amy Beran recommended replacing NTCV-P1 with proposed objective NTCV-O3, worded as follows:

> NTCV-O3 To provide for land use, development and subdivision where adverse effects on Ngāi Tahu cultural values are avoided, remedied or mitigated.

Amy Beran also recommended removing the values "utu" and "te reo Māori" from notified MW-2.3 in response to concerns raised by Ainsley McLeod, although she did not provide rationale for this amendment in her evidence. These changes were not mentioned in relation to minor amendments referenced at her paragraphs 31 and 32.

3.5.8 Courtney Bennett, in her evidence of 18 February 2025, retained her support for the wording in the joint response to Minute 15. She deferred to Hokonui Rūnanga regarding removal of the values "utu" and "Te Reo Māori" from notified MW-2.3, but noted that: S6(e) of the RMA specifically refers to 'taonga'; te reo Māori is considered a taonga as per WAI262 and the Māori Language Act 2016; and that the Ngāi Tahu cultural values listed in the PDP are consistent with the Hokonui Rūnanga cultural values listed in their resource management document, Te Kawa o Te Taiao (at her paragraph 46).

3.5.9 The Panel rejects submissions seeking recognition for existing use rights in the policy, or addition of the word "new", and agrees with the planning witnesses that it is unnecessary in light of s10 of the RMA.

3.5.10 The Panel rejects submissions seeking reference to benefits of activities and agrees with the s42A reporting officer on this point, noting that benefits are a matter to be considered under s104(1)(a) of the RMA.

3.5.11 The Panel accepts submissions seeking that only those values listed in notified MW-2.3 be referenced in the policy, which is a position Hokonui Rūnanga accepted through their evidence to the Panel, such that the Ngāi Tahu cultural values referenced in the Plan are exhaustive. The Panel acknowledges that this means Hokonui Rūnanga have adopted a position that restricts their consideration of effects and the values they will reference in assessing the impact of activities. The Panel understands that these values may not be all values relevant in a te ao Māori worldview but represent those important to the nature of assessments to be undertaken in resource management processes within the district.

3.5.12 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, for the reasons discussed in Decision 14. The Panel also does not support the recommended changes of Courtney Bennett and Amy Beran to notified SASM-O3 in their joint response to Minute 15, determining that specific reference to Ngāi Tahu cultural values in notified MW-2.3 is best left at the policy level.

3.5.13 The Panel has retained the wording of notified SASM-O3, although it has been moved to the Mana Whenua chapter as it is considered "context and process-related". This reflects the themes guiding Panel amendments to the Plan as discussed in section 2.3 of this decision. The Panel has therefore also retained notified SASM-P1, with amendment made to the policy in response to submissions and evidence. The Panel has, with the exception of introduction of the word "new", adopted the wording proposed by a range of submitters (e.g. Rural Ratepayers Group, S143.089), accepting their submissions in part. The Panel has re-named the policy MCV-P1

consistent with overall decisions for the chapter, and changed the reference from notified MW-2.3 to re-numbered MW-1.2 as a consequence of Decision 14.

3.5.14 Notified **SASM-P2** also faced considerable opposition from submitters, as summarised in the s42A Report, based on a position that required: mapping of sites and areas of significance to Māori; reference to only those values listed in notified MW-2.3; taking into account the benefits of activities; and deleting the phrase "and their underlying relationships with the natural environment" (e.g. Sarah & Peter Barclay, S20.005).

3.5.15 Courtney Bennett recommended rejecting submissions seeking reference to identified sites and areas of significance to Māori on the same basis as for notified SASM-O1, and reference to benefits on the same basis as for notified SASM-P1. She supported restricting values to those listed in notified MW-2.3. In the joint response of Courtney Bennett and Amy Beran to Minute 15 this was re-named NTCV-P2 and referenced Ngāi Tahu cultural values listed in re-named and re-drafted NTCV-O2. That objective was recommended to list all values present in notified MW-2.3, as reinforced in Amy's evidence of 18 November 2024. The joint response to Minute 15 also recommended deletion of the phrase "and their underlying relationships with the natural environment".

3.5.16 Rachel Thomas and Bernadette Hunt for Federated Farmers requested amendment to notified SASM-P2 and the recommended wording from the joint response to Minute 15 on the basis that the policy appeared to apply to all activities and not just particular activities, even though they understood that it was only particular activities that would require assessment of effects on Ngāi Tahu cultural values. They worked with the recommendations of the joint response to Minute 15 and proposed the following wording for the policy:

> SASM-P2 The impact of activities listed in MW-P1 on cultural sites of significance to Maori on Ngāi Tahu cultural values listed in SASM-O3 is determined in partnership with Hokonui Rūnanga, the Council and landowners.

3.5.17 Ainsley McLeod for Transpower expressed concern regarding MW-P1 proposed in the joint response to Minute 15, as discussed in Decision 14. While she acknowledged that the listed activities for which assessments of effects on Ngāi Tahu cultural values would be required were drawn from provisions in the notified plan, she was concerned that the list was poorly worded and did not consider a situation where a notice of requirement for a designation was involved. In those circumstances the policy would be divorced from the resource consenting rule framework and would need to stand on its own to enable a requiring authority such as Transpower, and decision-makers, to understand and apply the policy direction. Ainsley McLeod considered the list of activities in the policy to be more suited to explanatory text, and the wording to be ambiguous to the point that it could not achieve the certainty for Plan users that the drafters were seeking to achieve in response to submissions. She therefore considered the impact and effectiveness of the policy, in practice, to be limited. Non-complying and discretionary activities would need to consider impacts on Ngāi Tahu cultural values anyway, and rules that include "effects on Ngāi Tahu cultural values" as a matter of control or restricted discretion would not be further assisted by the policy.

3.5.18 Amy Beran in her evidence of 12 February 2025 re-named and re-numbered the policy as NTCV-P1, as a consequence of: recommending deletion of notified SASM-P1; drawing from wording that had been proposed as MW-P1 in the joint response to Minute 15; and moving proposed objectives and policies out of the Mana Whenua chapter. She recommended amending the wording of each sub-clause to improve specificity, and provided her amended wording in her Appendix B and Appendix H,

which incorporated refinements to the rule framework that had been made in collaboration with mana whenua, as included in her Appendix G.

3.5.19 In her statement of evidence dated 18 February 2025, Courtney Bennett retained the wording of proposed MW-P1 from the joint response to Minute 15.

3.5.20 At the November and February hearings the Panel went through the listed activities in proposed MW-P1 from the joint response to Minute 15 with the planning witnesses, sharing concerns about the vague nature of the wording, its origins and intent. For example, the proposed sub-clause (c) in the initial drafting that read: "some activities breaching bulk, location or height standards". The Panel understood the desire of Courtney Bennett and Amy Beran to respond to the concerns of submitters who wanted to know which activities would be affected by requirement to consider effects on Ngāi Tahu cultural values. The planners had searched the Plan for provisions that referenced effects on Ngāi Tahu cultural values and summarised them in proposed MW-P1, so that the policy linked to all areas in the notified Plan where assessment would be required to determine effects on Ngāi Tahu cultural values. The further refinement undertaken by Amy Beran, in collaboration with Hokonui Rūnanga, assisted the Panel to understand the improvements recommended and determine the outcome for proposed MW-P1, re-named proposed NTCV-P1.

3.5.21 The Panel acknowledges the support of Rachel Thomas and Bernadette Hunt for the approach taken by Courtney Bennett and Amy Beran to attempt to resolve the concerns of submitters. The Panel agrees that it was helpful to provide this list of activities to make it clear for Plan users, and agree with Ainsley McLeod that it is better suited to explanatory text. The Panel also considers that the phrase "in partnership with Hokonui Rūnanga" is in the category of "context and process-related" so the policy has been moved to the Mana Whenua chapter, re-named MW-P1, as discussed in Decision 14. The focus of the policy within that chapter is therefore the partnership process, while the focus of the MCV chapter is potential effects on values. The Panel has introduced the list of activities in the Plan that will require consideration of Ngāi Tahu cultural values to the Overview section, as noted in that section of this decision.

3.5.22 Table 1 provides a guide to the origins of the decision on each sub-clause of the proposed policy and the wording introduced to the Overview section. Where the decision wording is the same as that of the joint response or Amy Beran's February evidence the decision reference appears in blue text, otherwise, the proposed sub-clause has been further amended by the Panel in the Overview section and an explanation provided as to the reason.

3.5.23 The Panel considered the evidence of Ainsley McLeod and agrees that the circumstances where effects on Ngāi Tahu cultural values would need to be assessed include discretionary and non-complying activities, notices of requirement for a designation, and controlled and restricted discretionary activities where such effects are specified as a matter of control or a matter of restricted discretion. The Panel considered that specifying this in policy would go some way to clarify for Plan users the circumstances when an assessment of effects on Ngāi Tahu cultural values would be required. Consequently, the Panel accepts in part those submissions seeking that the policy only apply to specified activities and accepts in part those

Courtney Bennett and Amy Beran, Joint Response to Minute 15	Amy Beran 12 February 2025	Decision wording in Overview	Reason
(a)	(a)	Buildings and structures within river and stream setbacks;	The Panel relies on river and stream setbacks in plan provisions to address effects on Ngāi Tahu cultural values
(c)	(b)	Buildings and structures that exceed height limits in zones outside urban areas	The Panel considers this wording to be clearer than the proposed wording of Amy Beran
unclear	(c)	Buildings and land use activities that do not meet servicing standards	Reference to "where relevant in a zone" is considered by the Panel to be unnecessary, and preference is for "do not meet" over "breach" because it is less emotive
(l)	(d)	Quarrying and mining activities in rural zones that require a resource consent in accordance with this plan or are proposed as part of a notice of requirement for a designation	The Panel did not consider that the phrase "breach activity requirements and standards" was the right description and that values would be relevant to all processes requiring an application and decision
(b)	(e)	Earthworks activities that require a resource consent in accordance with this plan or are proposed as part of a notice of requirement for a designation	The Panel considers this wording to be clearer than the proposed wording of Amy Beran, closer to the wording in the joint response, responsive to the concerns of Transpower, and consistent with other decisions on the proposed policy
unclear	(f)	Energy generating activities that require a resource consent in accordance with this plan or are proposed as part of a notice of requirement for a designation	The Panel considers this wording to be clearer than the proposed wording of Amy Beran, responsive to the concerns of Transpower, and consistent with other decisions on the proposed policy
(e), (f), (i), (j), (k)	(g) (h)	Works associated with maintaining, upgrading or establishing infrastructure that require a resource consent in accordance with this plan or are proposed as part of a notice of requirement for a designation, or adversely affect: i. the Mataura River and its margins; ii outstanding natural features and landscapes; or iii archaeological sites	The Panel considers that the term "infrastructure" includes the transport network such that (h) in Amy Beran's evidence is unnecessary
unclear	(i)	Activities that impede existing legal access to waterways for mahinga kai, including within the Mataura River Floodway	The Panel considered that the primary natural hazard being referred to was flooding and therefore could be left out since the primary floodway is specifically mentioned
unclear	(j)	New, or extension to existing, significant hazardous facilities	The Panel accepts this is clear and appropriate and has only made minor amendment

Courtney Bennett and Amy Beran, Joint Response to Minute 15	Amy Beran 12 February 2025	Decision wording in Overview	Reason
unclear	(k)	Activities impacting scheduled Historic Heritage associated with Ngai Tahu cultural values or impeding existing legal access to mahinga kai	The Panel considered "works associated with" to be too vague and prefers "activities impacting", and determined that this is relevant to scheduled heritage items with a Ngāi Tahu association
unclear	(l)	Indigenous vegetation clearance that requires a resource consent in accordance with this plan or proposed as part of a notice of requirement for a designation	The Panel considers this wording to be clearer than the proposed wording of Amy Beran, responsive to the concerns of Transpower, and consistent with other decisions on the proposed policy
(e)	(m)	Activities within an Outstanding Natural Feature or Landscape area that require a resource consent in accordance with this plan or are proposed as part of a notice of requirement for a designation	The Panel considers this wording to be clearer than the proposed wording of Amy Beran, responsive to the concerns of Transpower, and consistent with other decisions on the proposed policy
(m)	(n)	Subdivision that is not a controlled activity	The Panel considers this wording to be clearer than the proposed wording of Amy Beran, whilst indicating the same outcome
unclear	(o)	Activities on the surface of Mataura River and tributaries that require a resource consent in accordance with this plan or are proposed as part of a notice of requirement for a designation	The Panel considers this wording to be clearer than the proposed wording of Amy Beran, responsive to the concerns of Transpower, and consistent with other decisions on the proposed policy
(n)	(p)	Cultural markers that require resource consent in accordance with this plan	The Panel considers this wording to be clearer than the proposed wording of Amy Beran, and consistent with other decisions on the proposed policy. The Panel does not see relevance in relation to designations.
(g)	(q)	Temporary commercial filming, military or emergency services that require resource consent in accordance with this plan	The Panel considers this wording to be clearer than the proposed wording of Amy Beran, and consistent with other decisions on the proposed policy. The Panel does not see relevance in relation to designations.
unclear	(r)	Activities in the Gore West Residential Development Area (DEV2) that require authorisation that require a resource consent in accordance with this plan or are proposed as part of a notice of requirement for a designation	The Panel considers this wording to be clearer than the proposed wording of Amy Beran, responsive to the concerns of Transpower, and consistent with other decisions on the proposed policy

Table 1: Activities requiring assessment of Ngāi Tahu cultural values

submissions that supported the Plan, chapter and policy as notified. The Panel also changes the reference from notified MW-2.3 to re-numbered MW-1.2 as a result of Decision 14.

3.5.24 Notified **SASM-P3** was not the subject of specific submissions, other than those relevant to the chapter or Plan generally, and therefore was not discussed in the s42A Report, or amended in the recommendations in Appendix A of the report. The joint response to Minute 15 also made no amendments to the policy, other than to re-name it NTCV-P3.

3.5.25 Amy Beran in her evidence of 12 February 2025 recommended deleting the policy in favour of amended wording for proposed MW-P3, as discussed in Decision 14, because that proposed policy addressed the same matters as notified SASM-P3.

3.5.26 Courtney Bennett did not change her position in her evidence of 17 February 2025.

3.5.27 The Panel agrees with Amy regarding the overlap of notified SASM-P3 with proposed MW-P3, and have assessed the policy as being in the category of "context and process-related" and therefore belonging in the Mana Whenua chapter. Given that no submitters sought to amend the notified policy SASM-P3 in any way, the Panel is shifting it entirely into the Mana Whenua chapter, to be re-named MW-P2. The Panel further discusses these matters in Decision 14.

3.5.28 Notified **SASM-P4** was not the subject of specific submissions, other than those relevant to the chapter or Plan generally, and therefore was not discussed in the s42A Report, or amended in the recommendations in Appendix A of the report. The joint response to Minute 15 also made no amendments to the policy, other than to re-name it NTCV-P4.

3.5.29 Amy Beran in her evidence of 12 February 2025 recommended deleting the policy because she considered that it was better provided for in specific provisions in the Plan.

3.5.30 Courtney Bennett made an amendment in her evidence of 17 February 2025, changing "Māori" to "mana whenua" in the policy.

3.5.31 The Panel does not agree with Courtney that the policy should be amended to refer to "mana whenua". The Panel has focussed on amending the notified SASM chapter and the Mana Whenua chapter within the scope of submissions. Such a change would affect Mataura Marae, a submitter not present at the hearing, and given that no submissions directly raised the matter, a natural justice issue arises. The Panel also considers that application of the policy will naturally bring tikanga into play. The Panel makes no amendment to the policy, other than to re-name and re-number it as MCV-P3, due to notified SASM-P3 being moved to the Mana Whenua chapter.

3.5.32 Notified **SASM-P5** was not the subject of specific submissions, other than those relevant to the chapter or Plan generally, and therefore was not discussed in the s42A Report, or amended in the recommendations in Appendix A of the report. The joint response to Minute 15 also made no amendments to the policy, other than to re-name it NTCV-P5.

3.5.33 Amy Beran in her evidence of 12 February 2025 recommended deleting the policy because she considered that it was better provided for in specific provisions in the plan.

3.5.34 Courtney Bennett made no amendment in her evidence of 17 February 2025.

3.5.35 The Panel has focussed on amending the notified SASM chapter and the Mana Whenua chapter within the scope of submissions, and therefore makes no amendment to the policy, other than to re-name and re-number it MCV-P4, due to notified SASM-P3 being moved to the Mana Whenua chapter.

3.5.36 The Panel considers that no further s32AA assessment is required in relation to the changes made to policies within this chapter because the outcome is comparable to that of the notified plan. The Ngāi Tahu cultural values to be considered when applying the Plan have also been narrowed in response to submissions. In light of the above, the Panel decision for the wording of policies in the re-named MCV chapter is as follows:

~~SASM~~MCV-P1	Use, *subdivision*, and development is enabled where adverse *effects* on Ngāi Tahu cultural values~~, including those~~ listed in MW-~~2.3~~1.2, are avoided, remedied or mitigated[23].
~~SASM-P2~~	~~The impact of proposed activities on Ngāi Tahu cultural values, and their underlying relationship with the natural environment is determined in partnership with Hokonui Rūnanga.~~[24]
MCV-P2	Impacts on Ngāi Tahu cultural values identified in MW-1.2 will be considered in resource management processes associated with: (a) discretionary and non-complying resource consent applications; (b) notices of requirement for a designation; and (c) and resource consent applications for controlled and restricted discretionary activities where Ngāi Tahu cultural values are listed as a matter of control or matter of restricted discretion.[25]
~~SASM-P3~~	~~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.~~[26]
~~SASM-P4~~MCV-P3	The ability for Māori to engage in cultural practices in culturally appropriate places is recognised and provided for.[27]
~~SASM-P5~~MCV-P4	Where appropriate, Ngāi Tahu cultural values and histories are incorporated into urban design of publicly accessible spaces.[28]

3.6 Ngāi Tahu Cultural Values provisions across the plan

3.6.1 The Panel received evidence through the Mana Whenua chapter and SASM hearings on other chapters of the Plan, where Ngāi Tahu cultural values are referenced. The Panel primarily discusses objectives and policies as they relate to Ngāi Tahu cultural values within the context of each chapter of the plan, with reference to the evidence received through the Mana Whenua chapter and SASM hearings as relevant. However, in order to develop some consistency of approach in the rule framework

[23] Federated Farmers (S126.077) and consequential amendments under Schedule One, Clause 16
[24] Accept in part Director General (S109.046) and others in support of retaining as notified, and Stoney Creek Station Limited (S3.004), and relocate in accordance with National Standards, utilising Schedule One, Clause 16
[25] Wantwood Station (S104.029) and Schedule One, Clause 16
[26] 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
[27] Schedule One, Clause 16, consequential amendment, re-named and re-numbered
[28] Schedule One, Clause 16, consequential amendment, re-named and re-numbered

across the plan, the Panel references evidence received on various rules and standards through the Mana Whenua chapter and SASM hearings in this decision and resolves some matters in this decision.

3.6.2 The Panel received evidence on other provisions in the Plan as part of the Mana Whenua chapter and SASM hearings within:

- the s42A Report for MW, dated 24 June 2024, Appendix 1
- supplementary evidence of Courtney Bennett, dated 22 July 2024, Appendix 1
- the s42A Report for SASM, dated 11 November 2024, Appendix C
- Courtney Bennett and Amy Beran response to Minute 15, dated 29 December 2024, Appendix 1
- supplementary evidence of Amy Beran, dated 12 February 2025, Appendix E & G
- supplementary evidence of Rachel Thomas and Bernadette Hunt, dated 28 March 2025

3.6.4 The Panel has determined the need to use a standard phrase, similar to the proposal of Hokonui Rūnanga in their whole of Plan submission point S139.091. The Panel preference is to be consistent with the wording in decision on MCV-P1 and MCV-P2, and to therefore use the phrase “Ngāi Tahu cultural values listed in MW-1.2” to replace the variety of phrases used in the Plan to refer to collective Ngāi Tahu cultural values, as opposed to specific values. Decisions on each chapter of the Plan record where this amendment is made as a consequential amendment arising from this decision. Where the Hokonui Rūnanga whole of Plan submission point S139.040 is relevant to evidence received in the Mana Whenua chapter and SASM hearings, regarding specific Ngāi Tahu cultural values, this is discussed in the relevant decisions.

3.6.5 A consequential amendment is needed to remove reference to a “site or area of significance to Māori” wherever this appears in the Plan, because of this decision and due to there being no such sites or areas geographically delineated in the Plan. This is referenced in decisions on other chapters of the Plan where relevant.

3.6.6 Decisions on other chapters of the Plan also reference evidence received in the Mana Whenua chapter and SASM hearings where relevant to particular provisions. This is to ensure that a cohesive decision is made on other chapters of the Plan, influenced by all evidence received.