



SECOND GENERATION DISTRICT PLAN

Manawhenua Decision of the Hearings Panel

**Proposed Second Generation Dunedin City
District Plan (2GP)**

7 November 2018



User guide to the decision reports and the marked-up decisions version of the 2GP

The decisions of the 2GP Hearings Panel are presented in 29 decision reports (one report per hearing topic).

The reports include the Panel's decisions and reasons and incorporate the requirements under s32AA.

At the end of each report a table has been included summarising all the decisions on provisions (Plan text) in that decision report.

Marked-up version of the Notified 2GP (2015)

The decisions include a marked-up version of the notified 2GP, which shows the amendments made to the notified plan in ~~strike-through~~ and underline. Each amendment has a submission point reference(s) or a reference to 'cl.16' if the amendment has been made in accordance with Schedule 1, clause 16(2) of the Resource Management Act. Schedule 1, clause 16(2), allows minor and inconsequential amendments to be made to the Plan.

Amendments to the Schedules below are not marked up as in other sections of the plan as they are drawn from a different source. Any changes to Schedules are detailed in the decision report for the relevant section.

Some very minor clause 16 changes such as typographical errors or missing punctuation have not been marked up with underline or strikethrough. More significant cl. 16 changes (such as where provisions have been moved) are explained using footnotes, and in some cases are also discussed in the decision.

Hearing codes and submission point references

As part of the requirement of the DCC to summarise all original submissions, all submission points were given a submission point reference, these references started with 'OS'. Further submissions were also summarised and given a submission point that started with 'FS'.

The submission points are made up of two numbers the first is the submitter number, which is followed by a full stop, the second part is the submission point number for that submitter.

For example, OS360.01 is submitter 360 and their first submission point.

The 2GP Hearings Panel has used these same submission point references to show which submission points different amendments were attributed to. However, to enable these changes to be linked to different decision reports, the reference code was changed to start with a decision report code, e.g. Her 308.244.

A list of hearing codes can be found on the following page.

It should be noted that in some cases where several submitters sought a similar change, the submission point reference may not include all of these submission points but rather include only one or say, for instance, "PO 908.3 and others".

Master summary table of all decisions

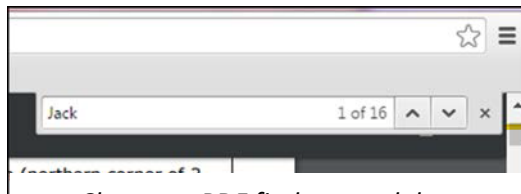
In addition to the summary table at the end of each decision report there is a master summary table that lists all decisions on provisions (Plan text), across all hearing topics, including details of the section(s) of the decision report in which that decision is discussed, and the relevant section(s) of the s42A reports. The s42A report sections will be helpful for appellants needing to identify which other parties have submitted on that provision, as notices of the appeal must be served on every person who made a submission on the provision or matter to which the appeal relates. The master summary table of decisions can be found on the decisions webpage of the 2GP website (2gp.dunedin.govt.nz).

List of hearing codes

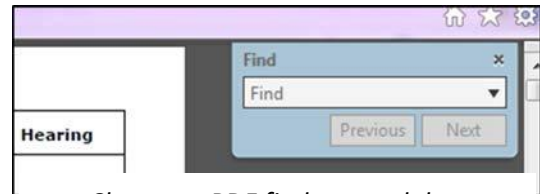
Hearing topic	Code
Commercial Advertising (cross plan hearing topic)	CP
Commercial and Mixed Use Zones	CMU
Community Correction Facilities (cross plan hearing topic)	CP
Defence Facilities and Emergency Services (cross plan hearing topic)	CP
Designations	Des
Earthworks	EW
Heritage	Her
Industrial Zones	Ind
Major Facilities (without Port and Mercy Hospital)	MF
Manawhenua	MW
Mercy Hospital	Mer
Natural Environment	NatEnv
Natural Hazards	NatHaz
Natural Hazard Mitigation	HazMit
Network Utilities	NU
Plan Overview and Structure	PO
Port Zone	Port
Public Amenities	PA
Public Health and Safety (PHS)	PHS
Quarries and Mining Activities (cross plan hearing topic)	CP
Recreation Zone	Rec
Residential Zones	Res
Rural Zones	RU
Rural Residential Zones	RR
Scheduled Trees	ST
Service Stations (cross plan hearing topic)	CP
Temporary Activities	TA
Transportation	Trans
Urban Land Supply	ULS

How to search the document for a submitter number or name

1. If you want to search for particular submitter name, submission point or Plan provision in any of the reports (decision report, marked-up version of the Plan, or s42A report) the easiest way to do this is to use the 'Find' function.
2. When you have the document open, press the keys CTRL and F (Windows) or CMND and F (Mac) to bring up the 'PDF Finder'.



Chrome – PDF finder search box



Chrome – PDF finder search box

3. Once the PDF search box appears (in the top left or right corner of your browser) type in the submission number or submitter name and press enter on your keyboard.
4. The PDF finder will search for all instances of this term. Depending on the size of the document and your internet connection it may take a minute or so.
5. Press on the up or down arrows (Chrome) or 'next' (Internet Explorer) in the search box to view the different instances of the term until you find the one you are looking for.
6. An 'advanced search' function is available under the Edit tab in some PDF viewers, this allows you to search 'whole words' only to look for exact strings of letters or numbers

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1.0 Introduction

1. This document details the decision of the Proposed Dunedin City District Plan Hearings Panel/Te Paepae Kaiwawao Motuhake O Te 2GP with regards to the submissions and evidence considered at the Manawhenua Hearing, held on June 1 and 2 2016 at the 2GP Hearings Centre.

1.1 Scope of Decision

2. This Decision Report addresses the 114 original submissions and 55 further submissions addressed in the Manawhenua Section 42A Report (s42A).
3. In addition, it also addresses the following points:
 - *Ngā Runanga's* submissions (OS1071.103, 105) to amend Objective 30.2.3 and Policy 30.2.3.3, which were heard in the Earthworks Hearing; and
 - *Ngā Runanga's* submissions (OS1071.21) to correct a typographical error in section 1.3.2.3, which was heard in the Plan Overview Hearing.

1.1.1 Section 42A Report

4. The Manawhenua s42A Report addressed submissions on provisions that relate to activities that affect values of significance to Manawhenua. These provisions are found in the following sections of the 2GP:
 - Section 1: Plan Overview (including Section 1.4 definitions, Section 1.6 Outcomes sought by Kāi Tahu)
 - Section 2: Strategic Directions
 - Section 14: Manawhenua
 - Assessment and notification rules contained within city-wide activity sections (Part B, sections 3-8), and all management (Part D, sections 15-20) and major facility zones (Part E, sections 21-35)
 - Part F: Appendix A4 (descriptions of wāhi tūpuna)
5. Some decisions made in relation to the Natural Environment and Earthworks hearings are also relevant to this topic.

1.1.2 Structure of Report

6. The decision report is structured by issue. The report does not necessarily respond to every individual submitter or individual submission points; instead it discusses the matters raised in submissions and records our decisions and reasons on the provisions relevant to each matter¹. Appendix 2 at the end of the report summarises our decision on each provision where there was a request for an amendment. The table in Appendix 2 includes provisions changed as a consequence to decisions on other submission points on other parts of the plan.
7. Schedule 1 of the RMA outlines key aspects of the process that must be used to prepare and make decisions on a plan change (including the submission and hearing process)
8. Clause 16(2) of that schedule allows a local authority to make an amendment where the alteration "is of minor effect", and to correct any minor errors, without needing to go through the submission and hearing process.
9. This Decision includes some minor amendments and corrections that were identified by the DCC Reporting Officers and/or by us through the deliberations process. These amendments are referenced in this report as being attributed to "cl.16". These amendments are summarised in Section 5.0.

¹ In accordance with Schedule 1, section 10 of the RMA.

1.2 Section 32AA Evaluation

10. Section 32 of the Resource Management Act 1991 (RMA) establishes the framework for assessing proposed objectives, policies and rules. Section 32AA of the RMA requires a further evaluation to be released with decisions, outlining the costs and benefits of any amendments made after the Plan was notified.
11. The evaluation must examine the extent to which each objective is the most appropriate way to achieve the purpose of the RMA and whether, having had regard to their efficiency and effectiveness, the policies and rules proposed are the most appropriate for achieving the objectives. The benefits and costs of the policies and rules, and the risk of acting or not acting must also be considered.
12. A section 32AA evaluation has been undertaken for all amendments to the notified plan. The evaluation is incorporated within the decision reasons in section 3.0 of this decision.

1.3 Statutory Considerations

13. The matters that must be considered when deciding on submissions on a district plan review are set out in Part 2 (sections 5-8, purpose and principles) and sections 31, 32 and 72-75 of the RMA. District plans must achieve the purpose of the RMA and must assist the council to carry out its functions under the RMA.
14. The s42A Report provided a broad overview of the statutory considerations relevant to this topic. These include:
 - Section 75(3) of the RMA, which requires us to ensure the 2GP gives effect to any National Policy Statement (NPS) or National Environmental Standard (NES) that affects a natural or physical resource that the Plan manages. We note that there are no NPS or NES directly relevant to this particular topic
 - Section 74(2)(a) of the RMA, which requires us to have regard to the proposed Otago Regional Policy Statement (pRPS) and section 75(3)(c) of the RMA, which requires us to ensure the 2GP gives effect to the operative Otago Regional Policy Statement (oRPS). We note that the proposed RPS was notified on 23 May 2015, and decisions released on 1 October 2016. At the time of making these decisions on 2GP submissions some of the proposed RPS decisions are still subject to appeal, and therefore it is not operative
 - Section 74(2)(b)(i), which requires us to have specific regard to any other key strategies prepared under the Local Government Act. The s42A Report highlighted the Dunedin Spatial Plan 2012 as needing to be considered as this DCC strategic document sets the strategic directions for Dunedin's growth and development for the next 30 plus years.
 - Section 74(2A), which requires that we must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. The Kāi Tahu ki Otago Natural Resource Management Plan 2005 is such a document.
15. These statutory requirements have provided the foundation for our consideration of submissions. We note:
 - where submissions have been received seeking an amendment of a provision and that provision has not been amended, we accept the advice in the original s42A Report that the provision as notified complies with the relevant statutory considerations

- where a submitter has sought an amendment in order to better meet the statutory considerations, we have discussed and responded to these concerns in the decision reasons
- in some cases, while not specifically raised, we have made amendments to the Plan as the evidence indicated this would more appropriately achieve these statutory considerations, in these cases we have explained this in our decision reasons
- where we have amended the Plan in response to submissions and no parties have raised concerns about the provisions in terms of any statutory considerations, and we have not discussed statutory considerations in our decision, this should be understood to mean that the amendment does not materially affect the Plan's achievement of these statutory considerations.

2.0 Hearing Appearances and Evidence Presented

16. Submitters who appeared at the hearing, and the topics in this report under which their evidence is discussed, are shown below in Table 1. All evidence can be found on the 2GP Hearing Schedule webpage under the relevant Hearing Topic <https://2gp.dunedin.govt.nz/2gp/hearings-schedule/index.html>

Table 1: Submitters and their related topics

Submitter (submitter number)	Represented by	Expert evidence, submissions, or evidence tabled at the hearing	Topics covered by evidence
<i>AgResearch Ltd</i> (OS924)	Graeme Mathieson (environmental consultant)	Tabled evidence. Did not appear at the hearing.	Management of wāhi tūpuna sites
<i>Anthony Parata</i> (OS248)	Anthony Parata	Tabled evidence and appeared at the hearing.	<ul style="list-style-type: none"> • Management of papakāika • Minor changes to terminology and spelling
<i>Heritage New Zealand</i> (OS547)	Jonathan Howard (Area Manager)	Tabled evidence. Did not appear at the hearing.	Management of wāhi tūpuna sites
<i>Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou</i> ('Ngā Rūnanga') (OS1071, FS2456)	Tim Vial (planner, Kāi Tahu Ki Otago) Matapura Ellison (Chairperson of Kāti Huirapa Rūnaka ki Puketeraki)	Expert planning evidence tabled. Appeared at the hearing.	<ul style="list-style-type: none"> • Notification of Manawhenua • Management of resources valued by Manawhenua • Management of wāhi tūpuna sites • Changes to Appendices • Management of papakāika • Minor changes to terminology and spelling • Changes to definitions • Management of mahika kai
<i>Port Otago Limited</i> (FS2378)	Len Andersen (legal counsel) Lincoln Coe (General Manager Infrastructure) Mary O'Callahan (planning consultant)	Legal submissions. Evidence on Port operations tabled. Expert planning evidence pre-circulated. All appeared at hearing.	<ul style="list-style-type: none"> • Notification of Manawhenua • Management of wāhi tūpuna sites
<i>Oceana Gold (NZ) Ltd</i> (OS1088)	Jackie St John (legal counsel)	Tabled evidence and appeared at the hearing.	Management of wāhi tūpuna sites
<i>Rebecca Wilde</i> (OS471)	Robert Morris	Tabled evidence and appeared at the hearing.	Changes to Appendix A4
<i>RG & SM Morris Family Trust</i> (OS1054)	Robert Morris	Tabled evidence and appeared at the hearing.	Changes to Appendix A4

<i>Timothy Morris</i> (OS951)	Robert Morris	Tabled evidence and appeared at the hearing.	Changes to Appendix A4
<i>Transpower New Zealand Limited</i> (OS806)	Rebecca Eng (Senior Environmental Planner)	Tabled evidence (not pre-circulated). Did not appear at the hearing.	Management of resources valued by Manawhenua

17. Appearances for the Dunedin City Council were:

Emma Christmas, Reporting Officer

18. Evidence provided by Ms Christmas included:

- section 42A Report, responding to each submission point
- opening statement (tabled and verbal)
- revised recommendations (tabled and verbal), responding to each submitter that provided evidence.

19. Planning assistance to the hearing was provided by:

Anna Johnson, City Development Manager

3.0 Discussion on provisions sought to be amended

3.1 Background

3.1.1 Overview

20. The relationship of Maori and their culture and traditions with ancestral lands, water, sites, wāhi tapu and other taonga is a matter of national importance under section 6(e) of the RMA, while section 7(a) lists kaitiakitanga as one of the other matters which local authorities shall have regard to. Further, section 8 of the RMA requires that the principles of the Treaty of Waitangi be taken into account.
21. The s42A Report explains that 2GP Manawhenua provisions are primarily concerned with protection of wāhi tūpuna (landscapes and sites of ancestral significance), including mahika kai sites, management of culturally sensitive activities, and providing for papakāika (residential activity by descendants of the occupiers of original native reserves). These provisions allow Manawhenua to express kaitiakitanga, and implement section 6(e), 7(a) and 8 of the RMA (s42A Report, Section 1.1, p. 3).

3.1.2 General outline of Manawhenua provisions

22. The Reporting Officer explained that the 2GP acknowledges issues, sites and values of importance to Manawhenua, and manages adverse effects on those values by identifying both sites of significance (wāhi tūpuna) and threats on those sites, and general activities of concern such as cemeteries and landfills. Effects on Manawhenua values are assessed when consent is required for those activities, and Manawhenua are identified as affected parties in terms of sections 95A to 95E of the RMA (s42A Report, Section 2, pp. 4–5).
23. The assessment rules direct the plan user to relevant objectives and policies in Section 14. This section contains one objective, Objective 14.2.1, which states:

“The relationship between Manawhenua and the natural environment is maintained or enhanced, including the cultural values and traditions associated with:

 - a. *wāhi tūpuna;*
 - b. *mahika kai; and*
 - c. *occupation of native reserve land through papakāika”.*
24. Section 14 contains seven policies, which are concerned with managing adverse effects on wāhi tūpuna, managing activities which can have potential effects on Manawhenua values, and provision for papakāika.
25. The reporting Officer explained that the 2GP does not trigger any additional consents requirements in terms of the wāhi tūpuna overlay zones. Rather, it ensures that where resource consent is required in these areas the assessment covers effects on Manawhenua values.
26. The 2GP also provides for papakāika housing.

3.1.3 Submissions on overall appropriateness of Manawhenua section

27. The *University of Otago* (OS308.273) and *Otago Regional Council* (OS908.6) both sought to retain Section 14, acknowledging the role of Manawhenua and their relationship with the city. *Nga Rūnanga* (OS1071.8) wished to retain the section within the city-wide provisions section of the 2GP, to ensure the rules operate as they are intended to.
28. *Terry Wilson* (OS1001.1) sought the removal of Section 14, so that the only areas with special restrictions and subject to the decisions of Kāi Tahu are the lands that are legally

owned by Kāi Tahu and related groups. His view was that the values of the people of Dunedin should be considered with equal weighting.

29. *Transpower New Zealand Limited* (OS806.51), in its original submission, sought to remove Section 14; however, in tabled evidence the company acknowledged misunderstanding of the provisions and accepted the Reporting Officer's recommendation for the section to remain.
30. *Saddle Views Estate Ltd* (OS458), *Tussock Top Farm* (OS901) and *Blackhead Quarries Ltd* (OS874) sought a number of changes aimed at facilitating use of their existing quarries, recognising the benefits for the community from the supply and use of aggregates, and safeguarding opportunities to extract aggregates. *Saddle Views Estate Ltd* considered that the 2GP is not balanced, and the identification of wāhi tūpuna over private land is not appropriate.
31. The submitters sought either deletion of the entire Section 14, or its amendment to introduce balance between existing activities (including expansion) and protection of Manawhenua values. The amendments included deletion of Objective 2.5.3 and Policy 2.5.3.1, which concern the acknowledgement and protection of wāhi tūpuna, and the amendment of Policy 14.2.1.4 (which also concerns wāhi tūpuna) such that it does not apply to existing activities; the removal of Section 1.4.10 – Outcomes sought by Kai Tahu, which identifies ongoing quarrying at Saddle Hill as an issue; and deletion of the notification rule (16.4.4.), which identifies Manawhenua as an adversely affected party in relation to activities that affect cultural values.
32. The submitters also sought removal of specific wāhi tūpuna mapped areas. These submissions are considered in section 4.9.1 below.
33. The *Tussock Top Farm* and *Blackhead Quarries Ltd* submissions were supported by *Terry Wilson* (FS2425.6) on the grounds that the 2GP should not give preference to any particular religious, cultural or racial grouping, and racism should be opposed wherever it appears.
34. Most of these submissions were opposed by *Ngā Rūnanga* (FS2456), which considered it important to retain the Manawhenua provisions in general as they recognise and provide for Kai Tahu wellbeing and interests, pursuant to Part 2 of the RMA. *Ngā Rūnanga* noted that Section 1.4 sets up and provides background to the wāhi tūpuna provisions, which give effect to section 6(e) of the RMA.
35. The Reporting Officer noted that Section 6(e) of the RMA requires that the relationship of Māori and their culture and traditions with their ancestral lands, water sites, wāhi tapu and other taonga are recognised and provided for. For Kāi Tahu, the natural environment, and how they engage with it, is a critical component of their identity as a people and in maintaining their culture. The ability to keep alive traditional practices passed down by ancestors, in places traditionally used or occupied by descendants, provides a sense of belonging and continuity. Restoring, maintaining and enhancing the relationship between Kāi Tahu and their ancestral lands, water and taoka, requires the protection of these resources, and the ability of Manawhenua to be actively involved in decision-making processes to achieve environmental outcomes that recognise this relationship (s42A report, Section 4.3.7, pp. 17-18).
36. She recommended that submissions by the *University*, *ORC* and *Ngā Rūnanga* be accepted, and the remaining submissions rejected.
37. Mr Vial, in his tabled evidence, expressed the view that the provisions appropriately recognised and provided for Kai Tahu wellbeing and interests in Dunedin, pursuant to Part 2 of the RMA. He concurred with the recommendations of the s42A Report that no changes be made to the provisions.

3.1.3.1 Decision and decision reasons

38. We reject the submissions by *Terry Wilson* (OS1001.1) and *Saddle Views Estate* (OS458.16) seeking that Section 14 be removed. As noted in the s42A Report, Part 2 of

the RMA requires that, in achieving the purpose of the Act, the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga are recognised and provided for as a matter of national importance, particular regard shall be had to kaitiakitanga, and the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) shall be taken into account. Section 14 of the Plan and the associated provisions fulfil these requirements. The values stated above are not restricted under the RMA to land in Kāi Tahu ownership.

39. The s42A Report highlighted our responsibilities under section 6(e) of the RMA, noting that for Kāi Tahu, the natural environment, and how they engage with it, is a critical component of their identity as a people and in maintaining their culture. Restoring, maintaining and enhancing the relationship between Kāi Tahu and their ancestral lands, water and taoka, requires the protection of these resources, and the ability of Manawhenua to be actively involved in decision-making processes to achieve environmental outcomes that recognise this relationship.
40. In addition to applying these specific directives in the Act, we have also considered how best to promote the overall purpose of the Act set out in section 5 of the Act. That is to enable “people and communities” to use and protect resources to meet their needs. The evidence of Mr Ellison, Mr Vial and Mr Parata established the great significance of certain land and water bodies, and their use and protection, for Māori people in the City.
41. We consider that the Manawhenua section of the 2GP is the most appropriate method for providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga. We generally agree with the approach taken in the 2GP to acknowledging and protecting resources of significance to Manawhenua. This view sets the framework for our decisions throughout the rest of this report.
42. With regards to the requested changes to the various wāhi tūpuna objectives, policies and notification provisions, we agree with the reasoning in the s42A Report as noted above and reject the quarry operators’ submissions to remove or amend them (*Saddle Views Estate Ltd* (OS458.16, 27, 36), *Tussock Top Farm* (OS901.6, 30, 33, 36) and *Blackhead Quarries Ltd* (OS874.10, 37, 40, 43)).
43. In relation to the requested change to Policy 14.2.1.4, we note that there appears to be some confusion by the submitters between existing use rights (which would not be affected by the 2GP provisions), and new applications for new quarries or for expansions or changes in scale of existing operations. Those quarries that have existing use rights will not be affected by these plan provisions.
44. We also note in relation to Policy 14.2.1.4 that we have amended the word “possible” to “practicable” as a result of submissions considered in the Plan Overview decision.

3.2 Submissions on overall approach to wāhi tūpuna

45. *AgResearch Ltd* (OS924.20) sought a review of the necessity and effectiveness of the policy framework regarding wāhi tūpuna sites, including replacing the wāhi tūpuna sites in the 2GP with more specific key cultural sites or areas of concern to Kāi Tahu, which would trigger resource consent for any proposed activity in their vicinity (OS924.23). Their concern, explained in their submission and evidence tabled at the hearing, is that the wāhi tūpuna provisions themselves do not trigger resource consent; instead, there is only assessment of wāhi tūpuna values if a resource consent is triggered by another rule in the 2GP.
46. *AgResearch Ltd* questioned the effectiveness of this approach, which allows a permitted activity to become established without consideration of wāhi tūpuna values. The submitter considered it would be more effective if the 2GP maps showed key specific sites or areas of concern to Kāi Tahu, for which resource consent was required for any proposed activity.
47. The Reporting Officer explained in the s42A Report that it was identified that there was no need for specific rules in wāhi tūpuna: having identified the threats in each wāhi

tūpuna, it was apparent that consent was required for these activities under other rules (for example the landscape provisions or earthworks rules) and Manawhenua values could be assessed as part of those consent processes. The same outcome could therefore be achieved without having additional rules in the 2GP. The Reporting Officer acknowledged that the direct relationship between an activity and effects on Manawhenua values is less clear with the approach taken; however, this relationship becomes apparent when the assessment rules are considered (s42A Report, Section 4.3.12, p. 25).

48. *AgResearch Ltd's* tabled evidence acknowledged this explanation. The evidence further noted that the Invermay Campus is within the Whakaehu (Silverstream catchment) wāhi tūpuna (A4.50). Effects on cultural values need only be assessed for activities located within 5m of the Silverstream, or for buildings on ridgelines, neither of which apply within the Campus area. *AgResearch Ltd* consequently sought that the boundaries of the wāhi tūpuna be adjusted to exclude the Invermay Campus.
49. The Reporting Officer, in her Opening Statement, noted that the boundaries of the wāhi tūpuna were identified and confirmed by the rūnaka prior to notification of the 2GP, and were based on the area that is significant to them, not the development potential of a particular site. If no activities that are identified as a threat are undertaken, then the assessment rules would not be triggered (Opening Statement, p. 2).
50. She further noted that *AgResearch Ltd* is correct that the Invermay Campus is not immediately adjacent to a waterway and so the setback from water bodies performance standard (Rule 26.6.9) is therefore not strictly required within the Invermay and Hercus Zone. However, there is no submission to specifically remove it.

3.2.1 Decision and decision reasons

51. We reject the requests made in the submission by *AgResearch Ltd* (OS924.20).
52. We acknowledge the Reporting Officer's explanation of the way the 2GP is structured to manage activities that are within wāhi tūpuna. We do not consider that any changes are necessary, and so reject *AgResearch Ltd's* submissions seeking a review.
53. We also agree with the Reporting Officer's reasoning for retaining the Whakaehu wāhi tūpuna as mapped, and reject *AgResearch Ltd's* request to remove it. It may be appropriate in a future plan change to remove performance standard 26.6.9 from the Invermay and Hercus Zone. In the meantime, we note that to be consistent with elsewhere in the Plan, the restricted discretionary rule for contravention of the Setback from coast and waterbodies performance standard should be phrased "In a wāhi tūpuna mapped area, effects on cultural values of Manawhenua". We make this change under cl. 16.

3.3 Threats to be managed in wāhi tūpuna sites

3.3.1 Request to add natural hazard mitigation activities and subdivision to the list of threats to wāhi tūpuna sites

54. The 2GP defines wāhi tūpuna as:

"Landscapes and sites that embody the ancestral, spiritual and religious traditions of all the generations prior to European settlement.

For the purposes of the Plan, wāhi tūpuna have been mapped as a wāhi tūpuna mapped area."
55. The descriptions and values of the wāhi tūpuna mapped areas are found in Appendix A4 of the 2GP.
56. These threats are reflected in the policies under Objective 2.5 in the Strategic Directions section, which outlines the methods used in the plan with respect to Manawhenua provisions. Specifically, the policies list the activities managed in the 2GP to which the Manawhenua provisions apply.

57. Policy 2.5.3.1 is to:

"Identify wāhi tūpuna and protect them from identified threats through rules that manage:

a. buildings, structures, forestry, network utility structures, roading, mining and earthworks on the upper slopes and peaks of hills and mauka; and

b. earthworks in areas where there is high likelihood of archaeological remains."

58. *Nga Rūnanga* (OS1071.30) requested an amendment to add both natural hazard mitigation activities and subdivision to the list of threats in the policy, so these activities are managed where they occur within wāhi tūpuna (where they are listed as a threat).

59. The Reporting Officer recommended that the amendment proposed by *Nga Rūnanga* was appropriate (s42A Report, Section 4.3.8, p. 18).

3.3.1.1 Decision and decision reasons

60. We accept the submission from *Ngā Rūnanga*. Clearly natural hazard mitigation activities and subdivision have potential to adversely affect manawhenua values, so they should be included in Policy 2.5.3.1 as shown in Appendix 1 (MW 1071.30).

3.4 Request to add earthworks and natural hazard mitigation activities to Policy 2.5.4.1 Mahika kai

61. Policy 2.5.4.1 states:

"Identify wāhi tūpuna that have mahika kai areas and manage activities that have the potential to adversely affect those values, or adversely affect access to them, including:

- buildings, structures, and development activities adjacent to waterways and the coastal environment; and*
- vegetation clearance."*

62. Mahika kai is defined in the 2GP as, "The customary gathering of food or natural materials and the places where those resources are gathered".

63. *Ngā Rūnanga* (OS1071.31) sought to amend Policy 2.5.4.1.a to add "earthworks" and "natural hazard mitigation activities" to the list of activities that have the potential to adversely affect mahika kai values and/or access to mahika kai areas.

64. The s42A Report noted that "earthworks" is already included in the policy, as it is included in the "development activities" grouping. However, natural hazard mitigation activities should be included as these do not fall under the 2GP "buildings", "structures" or "development activities" definitions / activity groupings (s42A Report, Section 4.3.9, p. 19).

3.4.1 Decision and reasons

65. We accept the submission by *Ngā Rūnanga* to amend Policy 2.5.4.1.a and agree that these activities have the potential to affect mahika kai values. We note that changes we have made to the earthworks section mean that earthworks is now a city-wide activity, not a development activity, therefore reference should be made to both these activities in Policy 2.5.4.1. We have amended Policy 2.5.4.1 as shown in Appendix 1 (MW1071.31), for the same reason as given in the s42A Report, outlined above.

3.5 Activities in the Port Zone

3.5.1 Request to amend assessment rules in the Port Zone

66. *Ngā Rūnanga* (OS1071.107, 108, 109) requested that several assessment rules be included in Section 30 – Port Zone, as activities within this zone may have adverse effects on Manawhenua values and practices. These amendments would explicitly identify that effects on cultural values of Manawhenua must be considered for breaches of the sediment control performance standard (Rule 30.8.4.4) and earthworks that exceed the small-scale thresholds (Rules 30.9.2.1 and 2). They also requested general guidance for consideration of Manawhenua values for non-complying activities, following the standard format seen in other zones (Rule 30.11).
67. In addition, *Ngā Rūnanga* (OS1071.103, 105) sought that Objective 30.2.3 and Policy 30.2.3.3 be amended to include “adverse effects on cultural values of Manawhenua” to the list of potential adverse effects from earthworks that are to be avoided, or adequately mitigated. *Ngā Rūnanga* considered that the earthworks necessary for approved port land use and development require careful management to avoid, or adequately mitigate, any adverse effects on Manawhenua cultural values. These submission points were heard in the earthworks hearing.
68. *Port Otago Limited* (FS2378.13, FS2378.14) opposed the insertions in Rules 30.9 and 30.11. In respect of Rule 30.9, *Port Otago Limited* noted that the only restricted discretionary activity in the Port Zone that would potentially affect Manawhenua is large scale earthworks. The effects on Manawhenua of these earthworks should be specified within the rule, so there is certainty as to consent requirements.
69. The s42A Report concluded that the effect of concern is the risk of sediment entering the harbour, which is a wāhi tūpuna (site A4.23). The report noted that earthworks must comply with the sediment control performance standard (Rule 30.6.1.5), which requires that measures are undertaken to prevent sediment entering water bodies. The amendment proposed to Rule 30.8 by *Ngā Rūnanga* would require that breaches of this rule consider effects on Manawhenua values (s42A Report, Section 4.3.17, p. 41).
70. In relation to Rule 30.11 (non-complying activities), *Port Otago Limited* stated in their further submission that the proposed addition to Rule 30.11.2 is too general, and the threats to cultural values of non-complying activities should be identified to give certainty to the legitimate interests of Manawhenua.
71. The Reporting Officer noted that general assessment guidance has been (or was recommended to be) included in all zones, for discretionary and non-complying activities, to ensure that effects of concern are not inadvertently missed. She did not see any reason to take a different approach in this case and recommended that *Ngā Runanga’s* request be accepted (s42A Report, Section 4.3.17, p. 41).
72. *Port Otago Limited* raised no concerns in their tabled evidence to the Reporting Officer’s proposed amendments to assessment Rule 3.8. In relation to Rule 30.11, Mr Andersen, in his legal submissions for *Port Otago Limited*, argued that that general assessment guidance proposed to be inserted is not appropriate. His view was that the phrase, quoted below, suggests that Kāi Tahu has a right outside the realms of the resource consent application (i.e. does not need to make a submission), and that the Council must take into account that advice in granting or refusing the consent:
- “Kāi Tahu may advise the Council if it considers that the granting of consent would affect the integrity of the broader environment within which the wāhi tūpuna is located...”*
- He considered that the threats of concern to Manawhenua should be identified specifically.
73. Mr Vial, representing *Ngā Rūnanga*, supported the Reporting Officer’s recommendations in his tabled evidence.

3.5.1.1 Decision and decision reasons

74. Amendment of Rule 30.8 (assessment of non-compliance with the sediment control performance standard) was not opposed by *Port Otago Ltd*, which acknowledged, through Mr Andersen, that this was a relevant matter of concern to *Ngā Rūnanga*, as sediment could enter Otago Harbour (a wāhi tūpuna site – A4.23 – Ōtākou Harbour) and affect water quality. We agree with *Ngā Rūnanga* that this amendment should be made and we accept this submission (OS.1071.107).
75. We note that Rule 30.8 (assessment of restricted discretionary performance standard contraventions) has moved to the new Earthworks section 8A, and therefore the amendment to this rule is shown in Rule 8A.6.2.4 (submission reference MW 1071.107). This assessment rule refers back to Section 14 for assessment of the effects on cultural values, and so as a consequential change, a new assessment rule is added into Rule 14.3.2 (assessment of restricted discretionary performance standard contraventions). This refers to Policy 14.2.1.4 for guidance on assessing a breach of the sediment performance standard.
76. Rule 30.9 relates to restricted discretionary activities. In the Earthworks decision, in response to a submission from Port Otago, we have amended the earthworks rules such that earthworks in the Port Zone are always considered small-scale earthworks. These are permitted, subject to performance standards. Amendments to rules 30.9.2.1 and 30.9.2.2 are therefore not necessary. In addition, as discussed above, we note the parties are in agreement that earthworks themselves are not the issue; rather it is whether the works result in sediment discharge into the coastal marine area. Consequently, we reject the submission from *Ngā Rūnanga* (OS1071.108).
77. With respect to Rule 30.11 (non-complying activities assessment rule), we agree with Mr Andersen that the following clause is unnecessary:
- "If located outside a wāhi tūpuna mapped area, Kai Tahu may advise the Council if it considers that the granting of consent would affect the integrity of the broader environment within which the wāhi tūpuna is located."*
78. We also agree with him that the first part of the guidance (shown below) is appropriate and sufficient to ensure that the concerns of Manawhenua are considered during consent processes:
- "In assessing the significance of effects, consideration will be given to: maintaining the relationship between Manawhenua and the natural environment, including the cultural values and traditions associated with:*
- 1. wāhi tūpuna; and*
- 2. the customary use of mahika kai (Objective 14.2.1)."*
79. However, as discussed in section 3.6.2, we consider that this guidance, which is repeated in many sections within the Plan, is more appropriately located within Section 14. We have added it to both section 14.5.2.1 (discretionary activities assessment) and 14.6.2.1 (non-complying activities assessment), with guidance referring the Plan user back to Section 14 in other Plan sections as required. We therefore accept *Ngā Rūnanga's* submission OS1071.109 in part, and have added guidance to Rule 30.11 that refers the use to Rule 14.6.2.1. This guidance uses standard wording found elsewhere in the Plan: "See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects related to cultural values of manawhenua".
80. With regard to the requested change to Objective 30.2.3 and Policy 30.2.3.3, we note that there are already policies within the Manawhenua section which are relevant. These include Policy 14.2.1.1 and Policy 14.2.1.4, which (as amended by other decisions) are to:
- Policy 14.2.1.1: "Only allow activities in or adjacent to wetlands and coastal and riparian areas that are wāhi tūpuna and are identified as having mahika kai values in Appendix*

A4, where adverse effects on mahika kai are avoided, or if avoidance is not practicable, are no more than minor."

Policy 14.2.1.4: *"Only allow activities that are identified as a threat to wāhi tūpuna in Appendix A4, where adverse effects on the relationship between and the wāhi tūpuna are avoided, or if avoidance is not possible, are no more than minor".*

81. These citywide policies apply across the plan. Therefore, we do not agree that there is any need for additional policies within the earthworks section. As previously discussed, the issue of concern with earthworks in the Port Zone is the discharge of sediment into the coastal marine area, and our other amendments ensure that this effect can be adequately managed. Consequently, we reject the *Rūnanga's* submissions OS1071.103 and 105.
82. In summary, we have made the following amendments:
- amend Rule 8A.6.2.4 – to add new matter of discretion – effect on cultural values of Manawhenua (MW 1071.107)
 - amend non-complying assessment rule (Rule 30.11) to add guidance referring to rule 14.6 (MW 1071.109)
 - add new assessment rule to Rule 14.3.2 – contravention of sediment control performance standard (MW 1071.107)

3.5.2 Request to amend notification rules in Port Zone section

83. Related to the change to the assessment rules above, *Ngā Rūnanga* (OS1071.102) requested the notification rules in the Port Zone section be reinforced by amending Rule 30.4 to add the following:

"With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:

- i. all restricted discretionary activities that list 'effect on cultural values of Manawhenua' as a matter for discretion; and*
- ii. discretionary and non-complying activities in a wāhi tūpuna mapped area where the activity is identified as a threat in Appendix A4."*

84. This submission was opposed by *Port Otago Limited* (FS2378.12) on the grounds that the rule would create an unnecessary administrative burden if written approval is required for activities where Manawhenua have no genuine interest, because there is no precision in the rule as to what activities are included.
85. The Reporting Officer noted that the rule would apply only in limited circumstances, and those are well defined. Her recommendation was that it is inserted into the 2GP (s42A Report, Section 4.3.18, p. 47).
86. Ms O'Callahan, in her tabled evidence for *Port Otago Limited*, noted that the issue of notification is intrinsically linked with consent requirements within the zone. She considered that the control of sediment performance standard (Rule 30.6.1.5, now Rule 8A.5.7) is uncertain as a permitted activity standard, as it is not possible to know what level of control is necessary to satisfy the rule. She was also concerned with the low permitted earthworks thresholds in the zone, as defining very small-scale earthworks as "large-scale earthworks" would raise sedimentation concerns and the potential for debate on whether the performance standard was satisfied or not. She had no concerns with Manawhenua being identified as an affected party when clear and sensible permitted activity thresholds were breached.
87. Mr Andersen, in his legal submissions for *Port Otago Limited*, argued that the requested notification rule was too broad, and would lead to uncertainty as to whether Manawhenua is an affected person, with possible legal challenges to consents where Manawhenua has not been notified. He considered that the specific areas of concern requiring notification of Manawhenua should be identified in Rule 30.4, as follows:

- earthworks from which sediment will or may enter the harbour,
 - earthworks which change the topography of the land,
 - the activity could prevent public access to the coastline.
88. In her revised recommendations, the Reporting Officer had no objection to re-wording the notification rule as there are specific issues in this zone that could be addressed individually.

3.5.2.1 Decision and decision reasons

89. We accept *Ngā Rūnanga's* submission (OS1071.102) in part.
90. Under the rule proposed by *Ngā Rūnanga*, the only relevant matter for notification in the Port Zone would be the discharge of sediment of Otago Harbour.
91. We accept Mr Andersen's submission that a revised notification rule is appropriate for the Port Zone, as the issues are well defined.
92. However, as the earthworks provisions have been consolidated into a separate section (section 8A, discussed in the Earthworks Decision Report), the notification rule is now located at 8A.4. This covers earthworks in all zones and is worded as follows:
- "With respect to resource consent applications for the following activities, Manawhenua will be considered an affected person in accordance with section 95B of the RMA where their written approval is not provided:*
- a. large scale earthworks in a wāhi tūpuna mapped area where the activity is identified as a threat; and*
- b. activities that contravene the sediment control performance standard in a wāhi tūpuna."*
93. As there are no large-scale earthworks activities in the Port Zone, the only restricted discretionary earthworks activity that might apply is breach of the sediment control performance standard. This rule therefore achieves the outcomes sought by both *Nga Runanga* and *Port Otago*, albeit in a different form.
94. In response to Ms O'Callahan's concerns about the certainty of the sediment control performance standard, this matter was discussed in both the Earthworks and Natural Environment Hearing. Changes have been made to the relevant policy (Policy 8A.2.1.2) and the sediment control performance standard (Rule 8A.5.7) as a result.
95. We also note that our decision from the Earthworks Hearing is to consider all earthworks in the Port Zone to be small scale earthworks. These do not need to comply with the setback from the coast and water bodies performance standard, although the other earthworks performance standards remain.

3.6 Assessment rules

96. Rules governing activities that may affect values of significance to Manawhenua are contained within the individual zones and city-wide activities sections of the 2GP. Where appropriate, the assessment rules within these sections then refer the plan user to Section 14, for further detail on consideration of effects on Manawhenua values. These links are specific to particular activities, and in some cases, particular locations (e.g. in wāhi tūpuna mapped areas).
97. The assessment rules in Section 14 refer to the relevant objectives and policies to be considered.
98. In addition, there is general assessment guidance provided for discretionary and non-complying activities, which refers to maintaining the relationship between Manawhenua and the natural environment and references Objective 14.2.1. The Reporting Officer noted in the s42A Report that this was inserted as a 'back-up' to ensure that consideration

of effects on Manawhenua was always undertaken, even if specific effects were not identified in the individual rule.

99. *Ngā Rūnanga* (OS1071) made several submission points in support of the assessment rules relating to Manawhenua in the 2GP, and also sought changes to the provisions. These are dealt with in turn.

3.6.1 Request to amend the assessment rule wording for the assessment of effects of discretionary and non-complying activities

100. Within the management and major facility zone sections, the assessment guidance points plan users to Section 14 as follows.

- for restricted discretionary activities: “See Rule 14.4”
- for discretionary and non-complying activities, either:
 - “See Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects related to cultural values of manawhenua”, or
 - “Where in a wāhi tūpuna, see Section 14.6 for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects related to cultural values of manawhenua”.

101. There is also general assessment guidance in many discretionary and non-complying assessment rules, which requires that consideration is given to the matters in Policy 14.2.1.

102. *Ngā Rūnanga* (OS1071.4) requested that the general assessment guidance in each plan section is amended to refer more generally to Chapter 14, to ensure that the consents planner and applicant consider Chapter 14 in its entirety. For example, it should only state: “Refer Chapter 14, including Rule 14.4 (or 14.5 or 14.6 as appropriate)”.

103. The s42A Report noted that while the guidance does not refer to Section 14 specifically, the background information in Section 14, and in Appendix A4 (wāhi tūpuna values), is relevant in considering whether Objective 14.2.1 is achieved. The Reporting Officer did not consider that any changes to the assessment wording were necessary; however, she was not opposed to a reference to Section 14 being added if required (s42A Report, Section 4.3.17, p. 40).

3.6.1.1 Decision and decision reasons

104. We consider that the wording of the existing guidance is generally appropriate, and so reject the submission of *Ngā Rūnanga* (OS1071.4). However, we consider that the general guidance is more appropriately located within Section 14, in rules 14.5 and 14.6. We have therefore moved the guidance to those sections, and replaced to references to it with the standard phrasing used elsewhere in the Plan: “See Section [14.6] for guidance on the assessment of resource consents in relation to Objective 14.2.1 and the effects related to cultural values of manawhenua.”
105. This applies to the discretionary and/or non-complying assessment rules in the Rural, Recreation, Network Utilities, Transportation and Natural Hazard Mitigation sections of the 2GP. We have made this change under cl. 16 as it does not change the content of the Plan, simply where in the Plan it is located.

3.6.2 Request to ensure all linkages between Section 14 and the assessment rules are included where required throughout the plan

106. *Ngā Rūnanga* (OS1071.3) requested that all the appropriate assessment linkages were in place between Section 14 and the rest of the Plan, including any necessary linkages resulting from amendments to the Plan, so that the linkages between the sections are not weakened.

107. In response, the Reporting Officer identified that a number of assessment rules were not included in the notified 2GP, as listed below, and recommended that these omissions be rectified (s42A Report, Section 4.3.17, pp. 40-41).

- Public amenity structures in wāhi tūpuna sites: Kāi Tahu identified “buildings and structures” as a threat in a number of wāhi tūpuna, meaning structures in a broad sense. However, the definition of ‘structures’ in the 2GP does not include network utilities structures and public amenity structures. Network utilities are specifically included the list of threats for the relevant wāhi tūpuna, however public amenities are not.
- Section 3 – Public amenities. The restricted discretionary assessment rule is missing in relation to public amenities in wāhi tūpuna mapped areas where structures are identified as a threat, as above (Rule 3.7.3).
- Section 16 – Rural zones. The discretionary assessment rule in relation to landfills located outside wāhi tūpuna. Policy 14.2.1.5 identifies that these activities are considered a threat by Manawhenua wherever they are located.
- Sections 15, 17, 18 and 19 – Residential, rural residential, commercial mixed use and industrial zones. General assessment guidance for discretionary and/or non-complying activities.
- Section 17 – Rural residential. Assessment rule for consideration of height breaches in wāhi tūpuna where it is identified as a threat.
- Section 20 – Recreation. Assessment rule for subdivision in a wāhi tūpuna where it is identified as a threat.
- All Major Facility zones. The general assessment guidance for discretionary and non-complying activities.

108. *Ngā Rūnanga* (OS1071.138) also sought to ensure that effects on Manawhenua are considered for all consent applications for cemeteries, crematoriums and landfills. Assessment rules are in place in all management zones for these activities, but the Reporting Officer noted that these rules are not included within the major facility zones because it is highly unlikely that these activities would ever be proposed within these zones. However, she considered that it would do no harm to include them within the 2GP. If no application is made, the provision would not be triggered (s42A Report, Section 4.3.17, p. 41).

3.6.2.1 Decision and decision reasons

109. We agree that assessment rules that allow the effects on Manawhenua values to be considered are appropriate and necessary to achieve section 6(e) of the RMA. We therefore accept submission OS1071.3 by *Ngā Rūnanga* and agree that many of the amendments as outlined by the Reporting Officer are made. As discussed above (section 3.6.1) we have moved the general assessment guidance for discretionary and non-complying activities into assessment rules 14.5 and 14.6 and replaced it with links to Section 14. In determining where additional links back to Section 14 are required, we have considered the activities being assessed under each assessment rule, including whether they are identified as threats in wāhi tūpuna or may affect cultural values generally. We have removed some duplicate references to Section 14 in the notified assessment rules and where possible have standardised the format of these links.

110. In addition to matters identified by the Reporting Officer, we have identified through our consideration of the Natural Environment provisions that consideration of effects on cultural values of Manawhenua is missing from the assessment rule for contravention of the vegetation clearance performance standard in the Rural Residential section. Several wāhi tūpuna within the Rural Residential Zone have native vegetation clearance identified as a threat in Appendix A4.

111. In response to the request to ensure that effects on Manawhenua are considered for all consent applications for cemeteries, crematoriums and landfills (OS1071.138), this is provided by the general assessment guidance which we have added to discretionary and non-complying assessment rules as appropriate, and which refer the user back to the assessment rules in Section 14.
112. The amendments are attributed to submission reference MW 1071.3, and are:
- adding 'public amenities' to Appendix A4 for a number of wāhi tūpuna sites
 - adding public amenities to assessment rule 14.4.2.2
 - amending the Public Amenities assessment Rule 3.7.3 to allow consideration of Manawhenua values for public amenities in wāhi tūpuna
 - amending the Rural section discretionary activity assessment Rule 16.11.2.4.g to include landfills
 - amending the Recreation section restricted discretionary activity assessment Rule 20.10.5.10 to include subdivision
 - amending assessment rule 17.12.4.3 to add consideration of effects on Manawhenua to non-complying additions and alterations to buildings and structures within wāhi tūpuna
 - adding the general assessment guidance to the discretionary and non-complying activity assessment rules in most major facilities zones, and to rules 17.11.2 and 19.12.2.1
 - adding an assessment rule for contravention of the vegetation clearance and height performance standards to the restricted discretionary assessment rule for activities in a wāhi tūpuna in the Rural Residential Zone (Rule 17.9.6.10).
113. We also note that as a result of our deletion of the Setback from ridgeline performance standard (Rule 16.6.11.4) in the Rural decision under submission OS874.41, there is no certainty that effects on cultural values will be considered in resource consent applications for buildings and structures located towards the peaks and ridgelines in wāhi tūpuna, as non-compliance with this standard triggered consideration of effects on cultural values of Manawhenua.
114. To ensure that effects on cultural values of Manawhenua are considered when buildings may impinge on the ridgeline, as a consequential change we have added it as a matter of discretion for breaches of the height performance standard in the Rural zones, in wāhi tūpuna where buildings, structures and network utility structures that affect the peaks, upper slopes or skyline are identified as a threat in Appendix A4.
115. While this assessment rule will not apply to buildings and structures that do not exceed the maximum height limit, we also note that many buildings and structures within a landscape overlay (which applies to many of the peaks and ridgelines that are wāhi tūpuna), require consent as a restricted discretionary activity. In this situation, effects on cultural values of Manawhenua is also a matter of discretion. Likewise, effects on cultural values of Manawhenua are a relevant consideration for subdivision in wāhi tūpuna.
116. We have therefore amended the following provisions under submission reference MW 874.41:
- Rule 14.3.2.7 (assessment of restricted discretionary performance standard contraventions) to add "Maximum height" in wāhi tūpuna where buildings, structures and network utility structures that affect the peaks, upper slopes or skyline are identified as a threat in Appendix A4
 - Rule 16.9.6.7 (Rural Zone assessment of performance standard contraventions in a wāhi tūpuna mapped area) to add "Maximum height"

3.7 Wording of Policy 14.2.1.5 – Cemeteries, crematoriums and landfills

117. *Waste Management New Zealand Ltd* (OS796.23, 25) sought to amend Policy 14.2.1.5, and associated assessment Rule 14.5.2.2, such that cemeteries, crematoriums and landfills are only allowed where unavoidable adverse effects on Manawhenua values are mitigated, rather than being no more than minor. The amendment was opposed by *Ngā Rūnanga* (FS2456.13, 15).
118. The s42A Report noted that these activities, due to their nature, can have potentially significant and unacceptable effects on Manawhenua values. Consultation with the Rūnaka during plan preparation indicated that in some cases effects cannot effectively be mitigated, for example a crematorium located next to a restaurant. The wording proposed by *Waste Management* may imply that some mitigation will be acceptable, with no indication of what the outcome should be (in terms of how far the effect must be mitigated). The Reporting Officer therefore considered that notified wording is preferable as it removes this uncertainty (s42A Report, Section 4.3.14, p. 28).

3.7.1 Decision and decision reasons

119. Firstly, we note our decision in the Plan Overview Decision Report which considers holistically various requests for policy wording changes which go outside the policy drafting protocol used in the Plan, and our overall decision to adopt this protocol subject only to a few amendments. The submission from *Waste Management* requests wording different from the protocol we have confirmed, without good reason.
120. We also agree with the Reporting Officer in this hearing that the phrase “no more than minor” gives more certainty of outcome than “mitigated”. We therefore reject *Waste Management’s* submissions (OS796.23, 25) and have not amended the policy and assessment rule.
121. We note, however, that as a result of submissions considered in the Plan Overview decision, we have amended the word “possible” to “practicable”.

3.8 Notification of Manawhenua

122. The 2GP identifies Manawhenua as an adversely affected ‘person’ in terms of section 95B of the RMA in the notification rules of each section in the following situations (for example Rural Zone Rule 16.4):
- applications for cemeteries, crematoriums and landfills;
 - all restricted discretionary activities that list “effect on cultural values of Manawhenua” as a matter for discretion; and
 - discretionary and non-complying activities in a wāhi tūpuna mapped area where the activity is identified as a threat in Appendix A4.
123. The s42A Report explained that these rules guarantee Manawhenua input into consent applications that are of concern to them, and that the rules were requested by the Rūnanga during consultation, as they were concerned that decisions about whether or not Manawhenua are affected are sometimes made without their input (s42A Report, Section 4.3.18, p. 47).
124. We note that as well as the submissions discussed below, *Saddle Views Estate Ltd* (OS458.27), *Tussock Top Farm* (OS901.33) and *Blackhead Quarries Ltd* (OS874.40) sought to delete the notification rule (16.4.4). These are discussed in Section 3.1.3 above.

3.8.1 Request to add additional notification provisions

125. *Ngā Rūnanga* sought to retain the notification provisions that provide for Manawhenua to be notified of applications where effects on cultural values is an assessment matter or

where the activity is within a wāhi tūpuna mapped area (OS1071.36). This submission point also indicated that Manawhenua should be considered an affected party for all applications to develop cemeteries, crematoriums and landfills in the Rural section.

126. The submitter also sought to ensure that the standard notification rule that provides for Manawhenua to be notified for all restricted discretionary activities where effects on Manawhenua values is a matter of discretion, and for all discretionary and non-complying activities in a wāhi tūpuna mapped area where the activity is identified as a threat in Appendix A4, also be incorporated to the notification sections throughout the Major Facilities Zones section of the 2GP (OS1071.2).
127. In response to this submission, the s42A Report identified that the notification rules for cemeteries, crematoriums and landfills were missing from all zones where these are non-complying activities (s42A Report, Section 4.3.18, p. 47).

3.8.1.1 Decision and decision reasons

128. We accept *Ngā Rūnanga's* submission (OS1071.2) requesting the addition of Manawhenua notification provisions as requested. Providing for notification in these circumstances will better promote the relevant objective and policies.
129. The Reporting Officer did not identify any missing notification rules along the lines of those identified in *Ngā Rūnanga's* submission. However, there are two Major Facilities sections with restricted discretionary rules that list "Effects on cultural values of Manawhenua" as a matter of discretion (Dunedin International Airport and Schools) and so we have added the relevant notification rule to these sections.
130. There are also overlaps between wāhi tūpuna with identified threats and the Edgar Centre, Invermay and Hercus, School and Stadium zones, and so we have added the notification rule relating to wāhi tūpuna to these sections. The Port Zone also overlaps with a wāhi tūpuna; however, this has been considered separately above (see section 3.5.2).
131. We note that the part of the submission to add additional notification rules relating to cemeteries, crematoriums and landfills was limited to the Rural Zone section (where in fact they already exist). There is therefore no scope to add them into other zones as suggested by the Reporting Officer. We also note that these activities are generally non-complying and highly likely to be publicly notified.
132. The amendments are shown in Appendix 1, attributed to MW 1071.2.

3.8.2 Request to remove notification Rule 18.4.4 from the Commercial and Mixed Use Zone section

133. *Moi Bien Investments Ltd* (OS826.12) requested that notification Rule 18.4.4 is removed from the Commercial and Mixed Use Zone section as far as it relates to the Neighbourhood Centre zone, as the rule framework that provides for development within the zone is overly restrictive and onerous.
134. The Reporting Officer considered that it is appropriate that where activities affect Manawhenua values, Manawhenua should be considered an affected person and have the ability to comment on resource consent applications (s42A Report, Section 4.3.18, p. 48).

3.8.2.1 Decision and decision reasons

135. For the same reasons as our decision to support additional notification rules where they were absent, we reject the submission of *Moi Bien* (OS826.12). We agree that it is appropriate that where activities affect cultural values of Manawhenua, Manawhenua should be considered an affected person and have the ability to comment on resource consent applications.

3.9 Mapping of wāhi tūpuna mapped areas

136. The s42A Report explained that wāhi tūpuna are landscapes and sites that embody the ancestral, spiritual and religious traditions of generations prior to European settlement. The sites are highly significant to Manawhenua and include wāhi tapu, wāhi taoka, kāika, the sites of battles, cultural identity markers, mahika kai, and significant views, particularly those from the marae. The sites are mapped and their values, and the activities that may threaten Manawhenua's relationship with them, are identified in Appendix A4 of the 2GP. Threats include activities such as quarrying, buildings and structures on ridgelines, roading, activities that affect views of significant sites, earthworks disturbing archaeological remains, subdivision and coastal structures. Resource consents for activities that may threaten a wāhi tūpuna mapped area must consider the effects on values of significance to Manawhenua.
137. In the 2GP, the rules governing each activity are located within the relevant zone or citywide activity section. An assessment rule directs the plan user to Section 14 – Manawhenua for more detailed guidance on assessment. Manawhenua are identified as adversely affected in the notification rule in the relevant zone, for an activity that is identified as a threat in a wāhi tūpuna mapped area (s42A Report, Section 2.3, p. 5).

3.9.1 Requests to amend or remove wāhi tūpuna mapped areas

138. A number of submitters sought changes to the boundaries, or complete removal, of various wāhi tūpuna sites. In each case, the submissions were opposed by *Ngā Rūnanga* on the grounds that the mapped areas in the 2GP reflect the correct extent of the wāhi tūpuna. The sites were mapped according to the historic associations of iwi with particular areas, without regard to current ownership. We note that is the same as the mapping of other features recognised in the 2GP, such as areas with particular landscape or biodiversity values.
139. Mr Vial, in his tabled evidence, stated that for all the sites the mapped area reflected the correct extent of the wāhi tūpuna. He considered that the provisions and maps/appendices in the 2GP provided an appropriate mechanism to consider the effects of specific proposed activities on Manawhenua values. In response to questions, he stated that the whole of the Dunedin area is a cultural landscape, but it cannot all be protected. Broad areas were mapped in terms of the mana of those areas, to ensure no surprises for those wishing to undertake activities. The 2GP is about recognising values and providing for those ancestral relationships. Mr Vial described the process of collecting information from kaumatua and kuia being about the relative cultural significance of various parts of the Dunedin City area.
140. The Reporting Officer's recommendation was to retain all sites as mapped in the 2GP (s42A Report, pp. 59–72). At the hearing she also reiterated that as these mapped areas did not trigger additional consent requirements but only triggered the need to assess effects on values of significance to Manawhenua, they were not onerous requirements. We consider this to be an important point – recognition of an area as wāhi tūpuna does not create any sort of veto on use and development of that area.
141. She noted that the wāhi tūpuna overlays do not inhibit existing lawfully established quarrying, but instead alert resource users to the importance of the site, and provide a framework for Manawhenua input into the consent process for any future expansion. She considered this appropriate, as the relative merits of extending the quarry and protection of Manawhenua values could then be considered together. This applied whether a site was privately owned or not.
142. The sites which were submitted on, and reasons given by the submitters, were as follows.
Appendix A4.21 Hill faces near/at Aramoana
143. *Warren Wilson* (OS535.1) sought to amend the boundaries of A4.21 on the grounds that it is an arbitrary line drawn on a map and no in-depth research had been undertaken on this area.

Appendix A4.22 Saltmarsh and spit at Aramoana

144. *Warren Wilson* (OS535.6) sought to amend wāhi tūpuna mapped area A4.22, stating that “it is delineated only and is an historical site”.

Appendix A4.23 Ōtākou Harbour

145. *David Tordoff* (OS122.3) sought to change the boundary of the wāhi tūpuna area along Portobello Road, to cover the harbour wall and identified sites only.
146. The Reporting Officer noted in the s42A Report that there is no wāhi tūpuna site that covers Portobello Road in the vicinity of the submitter's property. The nearest site is A4.23 (Ōtākou harbour), which is mapped up to the water's edge. Following close of submissions, *Mr Tordoff* clarified that he was possibly confused by the mapping. The maps show an archaeological site mapped over the road in this area.

Appendix A4.28 Peaks from Mihiwaka and Mt Kettle to Mt Cargill

147. *Blackhead Quarries Ltd* (OS874.8) sought to remove the wahi tūpuna mapped area, as the 2GP does not provide the appropriate level of protection for existing quarries or make adequate provision for the development of new quarries. The submission was supported by *Terry Wilson* (FS2425.6) on the grounds that the 2GP should not give preference to any particular religious, cultural or racial grouping, and racism should be opposed wherever it appears.

Appendix A4.40 Pikiwhara (Sandymount) and Sandfly Bay

148. *Rebecca Jane Wilde* (OS471.3), *Timothy Morris* (OS951.23) and *Timothy Morris (on behalf of RG and SM Morris Family Trust)* (OS1054.23) sought to amend the boundaries of A4.40 to remove some areas at the north of the site. The reasons given were that while the site was not opposed, the mapping was not appropriate.
149. Mr Robert Morris appeared at the hearing on behalf of the submitters, and detailed the family connections with the site, with the farm having been owned by the Morris family for over 150 years. He was aware of a grave site on the cliffs, and the location of a village at Sandfly Bay in the general area of the penguin viewing hide, both of which are distant from the area sought to be amended.

150. Following the hearing, *Ngā Rūnanga* representatives met with the submitters and submitted an agreed, revised map of A4.40. This excluded the area identified by the submitters.

Appendix A4.45 Rakiatea

151. *Moi Bien Investments Ltd* (OS826.2) sought to remove area A4.45 and delete all associated provisions as they apply to the St Clair Neighbourhood Destination Centre. The reasons given were that the rule framework within the zone is overly restrictive, does not recognise the characteristics of the St Clair commercial hub and does not promote the sustainable management of the area.

Appendix A4.54 Pukemakamaka / Turimakamaka (Saddle hill / Jaffrays Hill)

152. *Saddle Views Estate Ltd* (OS458.30) and *Tussock Top Farm* (OS901.44) sought to remove the mapped area, on the grounds that it does not provide the appropriate level of protection for existing quarries or make adequate provision for the development of new quarries, and there is no acknowledgment of existing modification of the quarry sites or recognition of the High Court decision on the Saddle Hill Quarry.
153. The *Tussock Top Farm* submission was supported by *Terry Wilson* (FS2425.11) on the grounds that the 2GP should not give preference to any particular religious, cultural or racial grouping, and racism should be opposed wherever it appears.

Appendix A4.55 Upper Slopes and Peaks of Scroggs Hill and Saddle Hill

154. A number of submitters who own property in the Riccarton Road East/Braeside area sought to remove site A4.55. No reasons specifically relating to removal of the wāhi tūpuna site were given, but it was presumed by the Reporting Officer that it related to a concern that this may hinder future residential development of the land. The s42A Report

noted that the wāhi tūpuna overlays a small part of one proposed lot, to a maximum extent of approximately 24m².

155. *Saddle Views Estate Ltd* (OS458.60) and *Tussock Top Farm* (OS901.42) sought to remove the mapped area, on the grounds that it does not provide the appropriate level of protection for existing quarries or make adequate provision for the development of new quarries, and there is no acknowledgment of existing modification of the quarry sites or recognition of the High Court decision on the Saddle Hill Quarry.
156. The *Tussock Top Farm* submission was supported by *Terry Wilson* (FS2425.12) on the grounds that the 2GP should not give preference to any particular religious, cultural or racial grouping, and racism should be opposed wherever it appears.

3.9.1.1 Decision and decision reasons

157. In general, we reject the submissions to change the boundaries of wāhi tūpuna sites, on the basis that the areas mapped are those significant to Manawhenua. We accept Mr Vial's evidence in this regard.
158. In the case of A4.40 Pikiwhara/Sandymount, having received an amended map from *Ngā Rūnanga* indicating a revision to the area that is of importance to them, we accept the submissions by *Rebecca Jane Wilde*, *Timothy Morris* and the *RG and SM Morris Family Trust* (OS471.3, OS951.23 and OS1054.23) and amend the mapped area of A4.40.
159. In relation to the submissions about quarrying, we repeat our earlier decision that the decisions on the 2GP do not affect quarries working within existing consents, but that it is appropriate for extensions and changes to scale or establishment of new quarries to assess and consider effects on Manawhenua.

3.9.2 Requested new wāhi tūpuna – Otago Peninsula

160. *Ngā Rūnanga* (OS1071.122) sought to add a new wāhi tūpuna site to the 2GP planning map and Appendix A4 which covered the entire Otago Peninsula. They stated that the mapping of the Peninsula would provide certainty that the Manawhenua values of the many wāhi tūpuna on the peninsula, and the linkages between them, will be protected by the Plan.
161. Mr Vial, in his written evidence, explained that the entire Peninsula is highly significant to *Ngā Rūnanga*. He noted that the map of the new area included within the s42A Report could be reduced slightly to exclude the residential areas in Waverley, Andersons Bay, Macandrew Bay and Broad Bay, except for a 20m buffer around the edge of these areas. This would better focus efforts on the protection of Manawhenua values without placing an unnecessary burden on residential landowners. He stated that the wāhi tūpuna sites were mapped in terms of the mana of the areas.
162. The Reporting Officer stated that she had no concerns about the addition of the extra site and recommended that it was included in the 2GP, as it had been identified by *Ngā Rūnanga* as significant (s42A Report, Section 4.3.35, pp. 73–74).

3.9.2.1 Decision and decision reasons

163. We heard about the process of consultation with the Rūnanga throughout the preparation of the Plan and the process leading to the plan provisions relating to the areas identified by the iwi. Mr Vial described this process from the iwi perspective at the hearing. It was clear there had been substantial input into the preparation of the plan, so we are uneasy about changing the product of that extensive consultation and information gathering process except to correct errors. While we appreciate that the whole of Otago Peninsula is of great cultural significance to iwi, the consultation process within the Rūnanga about which areas are of particular significance appears to have been robust.
164. In our assessment it would undermine that process to now accept 'second thoughts', without supporting evidence. It would cast doubt on the accuracy of all the mapping.

165. We are also concerned that while *Nga Rūnanga's* submission is clear and provides legal scope to extend the wāhi tūpuna to cover the whole of Otago Peninsula, Peninsula residents would not have been aware of this proposal. For reasons of natural justice, we consider it would be fairer to make such a major change through a variation to the 2GP. Consequently, we reject the request of *Ngā Rūnanga* (OS1071.122) to extend the wāhi tūpuna site to incorporate the whole of Otago Peninsula through this process.

3.9.3 Appendix A4 Wāhi Tūpuna values

3.9.3.1 Appendix A4.6 Huriawa Peninsula

166. *Te Rūnanga o Ngāi Tahu (TRoNT)* (OS790.5), supported by *Ngā Rūnanga* (FS2456.16), requested additional information be added to the description of wāhi tūpuna site A4.6 (Huriawa), and to state that management of activities on Huriawa must be undertaken in accordance with an approved management plan. The wording proposed was:

"Huriawa was vested fee-simple in Te Rūnanga o Ngāi Tahu under the Ngāi Tahu Claims Settlement Act 1998. Te Rūnanga o Ngāi Tahu and Kāti Huirapa Rūnaka ki Puketeraki are working with the Department of Conservation to prepare a management plan for Huriawa. Land use activities on Huriawa should be carried out in accordance with an Approved Management Plan".

167. By way of background, *TRoNT* (OS790.4) also sought changes to the activity status of activities on Huriawa such that activities are permitted if they are carried out in accordance with a management plan. Related submission point OS790.3 was to include a definition of 'Huriawa' that matches the description of the land vested in *Te Rūnanga o Ngāi Tahu* under the *Ngāi Tahu Claims Settlement Act*. These submissions were considered in the Rural topic hearing. Our decision is to reject those submissions (see Rural decision report).
168. *Ngā Rūnanga* (OS1071.17, 18) also sought to ensure that mapping of the Huriawa wāhi tūpuna mapped area, and the related Huriawa height restriction mapped area (OS1071.18), were consistent with the legal description of these sites in the *TRoNT* submission.
169. The Reporting Officer explained that the area identified as Huriawa in *TRoNT's* submission is a smaller area than the area mapped as a wāhi tūpuna in the 2GP, as only part of the area significant to manawhenua was vested to *Ngāi Tahu*. Consequently, she recommended that the wāhi tūpuna A4.6 remained as mapped in the 2GP (s42A Report, Section 4.3.22, pp. 54-55).
170. She also noted that the Huriawa height restriction mapped area does not overlap with the area identified by *TRoNT*, and consequently her view was that there was no need to amend the mapping of that area.
171. She recommended that the additional wording requested by *TRoNT* be added, but in an amended form as below, to reflect the fact that the *Ngāi Tahu* site and the wāhi tūpuna areas are different and that DCC cannot enforce any management plan for the area.

"Part of the Huriawa peninsula was vested fee simple in Te Rūnanga o Ngāi Tahu under the Ngāi Tahu Claims Settlement Act 1998; Te Rūnanga o Ngāi Tahu and Kāti Huirapa Rūnaka ki Puketeraki are working with the Department of Conservation to prepare a management plan for this area."

172. Mr Vial, representing *Ngā Rūnanga*, supported this approach in his written evidence.

3.9.3.1.1 Decision and decision reasons

173. We accept *TRoNT's* submissions in part, and the relief recommended by the Reporting Officer for the reasons outlined in the s42A Report as detailed above. The amendment to A4.6.1 Description of area is shown in Appendix 1 (MW 790.5). No changes are made to the A4.6 Huriawa Peninsula wāhi tūpuna area mapped or the Huriawa height restriction mapped area in response to these submissions.

3.9.3.2 Appendix A4.17 Mapoutahi and Mateawheawhe (Beach at Pūrākaunui Bay)

174. As with Huriawa, *TRoNT* (OS790.6), supported by *Ngā Rūnanga* (FS2456.17), sought to amend the description of wāhi tūpuna site A4.17 (Mapoutahi and Mateawheawhe) by inserting:

"Mapoutahi was vested fee-simple in Te Rūnanga o Ngai Tahu under the Ngai Tahu Claims Settlement Act 1998; Te Rūnanga o Ngai Tahu, Kāti Huirapa Rūnaka ki Puketeraki are working with the Department of Conservation to prepare a management plan for this area. Land use activities on Mapoutahi should be carried out in accordance with an Approved Management Plan".

175. *Ngā Rūnanga* (OS1071.137) sought that mapping of the Mapoutahi wāhi tūpuna mapped area is consistent with the legal description of these sites in the *TRoNT* submission.
176. As with Huriawa, the area identified by *TRoNT* is smaller than the area mapped in the 2GP, and the s42A Report recommendation was that the wāhi tūpuna site remained as mapped in the 2GP. The Reporting Officer recommended that the additional words be added to the description of the site, but amended to reflect the fact that DCC cannot enforce a management plan for the area, as below (s42A Report, Section 4.3.22, pp. 54–55).

"Mapoutahi peninsula was vested fee simple in Te Rūnanga o Ngāi Tahu under the Ngāi Tahu Claims Settlement Act 1998; Te Rūnanga o Ngāi Tahu and Kāti Huirapa Rūnaka ki Puketeraki are working with the Department of Conservation to prepare a management plan for this area".

177. Mr Vial, in his written evidence, supported this approach.

3.9.3.2.1 Decision and decision reasons

178. We accept the submissions in part, and the relief recommended by the Reporting Officer to amend the description of wāhi tūpuna site A4.17, for the reasons outlined in the s42A Report as detailed above. This amendment is shown in Appendix 1 (MW 790.6). No amendment is made to the area mapped as A4.17.

3.9.4 Threats to wāhi tūpuna from adjacent land

179. *Ngā Rūnanga* (OS1071.16) noted that where restricted discretionary activities that may threaten a wāhi tūpuna are located outside the wāhi tūpuna, effects on Manawhenua are not identified as a matter of discretion, and therefore cannot be considered. To resolve this, they sought that wāhi tūpuna, where "adjacent" activities are listed as a threat, are mapped more broadly, to allow consideration of these effects.
180. The s42A Report identified wāhi tūpuna sites that have threats from adjacent land as:
- water bodies, being Matainaka/Hawksbury Lagoon, Te Tauraka Poti/Merton Tidal Arm, Blueskin Bay; Pūrākaunui, Otago Harbour and the Taieri River
 - two sites where threat of wilding tree spreading into them is an issue
 - the nohoaka site at Middlemarch, where reverse sensitivity effects from adjoining subdivision is an issue.
181. For the water body sites, the relevant threats are activities affecting water quality (for example, sediment entering the water) and loss of access to the coastal marine area. The Reporting Officer suggested two solutions: either map the sites to include a 20m buffer of land around them (consequential amendments required to assessment rules in the various zones in which the buffer falls) or expand the matters of discretion for non-compliance with the 'Setback from water bodies' performance standard (Rule 10.3.3) to include 'Effects on Manawhenua values' where the site is adjacent to a wāhi tūpuna site. This would require an amendment to various assessment rules and, while it would be inconsistent with the structure of the existing assessment rules, it would still achieve the desired outcome (s42A Report, Section 4.3.21, pp. 51-52).

182. She noted that re-mapping the wāhi tūpuna was the simpler option in terms of plan drafting.
183. For the wilding tree issue, the s42A Report noted that a performance standard (Rule 10.3.4) limits the species that may be used for forestry and shelterbelts *etcetera*, and those with the highest risk of wilding spread are not permitted. She noted that this may be sufficient to alleviate the concerns raised by *Ngā Rūnanga*.
184. In relation to the nohoaka, she again recommended that this site was mapped with a 50m buffer (excluding over the Taieri River).
185. Mr Vial, in his written evidence, agreed with the s42A Report recommendations to deal with the impacts of adjacent activities.
186. *Port Otago Limited*, in its written submissions and legal submissions, was particularly concerned with the potential impact of re-mapping the Otago harbour wāhi tūpuna. Counsel for the Port Otago, Mr Andersen, noted that it had the potential to affect a large number of activities within the Port, Industrial Port and Harbourside Edge zones, as the 'Setback from water bodies' rule requires consent for new buildings and structures within 20m of mean high-water springs. The implication being that effects on Manawhenua would be considered (and consequently obtaining consent without their written approval would be more difficult) for multiple activities that are part of normal port operations.
187. Mr Andersen queried the scope for such a change, noting that it was not specifically requested in *Ngā Rūnanga's* submission.
188. Ms O'Callahan, planning witness for *Port Otago Limited*, also considered the 20m buffer to be inappropriate, as it would include an area which is not itself identified as having wāhi tūpuna values. In her view, the alternative methods of amendments to rules or assessment criteria should be properly considered and evaluated under s32. In her opinion any new mapped areas should be subject to a variation, so that affected parties could make submissions on the proposal.

3.9.4.1 Decision and decision reason

189. We accept in part the submission of *Ngā Rūnanga* (OS1071.16) and extend the area of the Matainaka/Hawksbury Lagoon, Te Tauraka Poti/Merton Tidal Arm, Blueskin Bay, Otakou Harbour and the Taieri River wāhi tūpuna mapped areas to include 20m of land adjacent to the water body. We accept that it is inconsistent with the intent of the Resource Management Act and Objective 14.2.1 to identify the sites as wāhi tūpuna mapped areas, acknowledge threats to those sites in Appendix A4, and then not actually protect the Manawhenua values of these areas. We note that this is the case under the provisions as notified, as where mapped areas extend only up to and not above MHWS, an assessment against Manawhenua values will not be triggered.
190. We are confident there is scope for this decision, as submission OS1071.16 states: "Wāhi tūpuna sites that list 'adjacent' activities as a threat to the site's values, need to be mapped more broadly than the site itself to ensure a resource consent application on adjacent land that threatens the site triggers Manawhenua input". We consider the inclusion in the wāhi tūpuna mapped areas of an additional 20m of land adjacent to the water body, to be providing relief to this submission.
191. With this amendment, wāhi tūpuna mapped areas extend into additional zones, meaning consequential amendments are required, adding assessment rules in the zones where they are not already present. Our decision therefore includes amendments to assessment rules in the Rural Residential, Industrial, Commercial and Mixed Use, Edgar Centre, Stadium and School zones sections of the 2GP (Rules 17.9.6, 19.9.6, 18.9.6, 25.8.4, 31.9.6 and 34.8.4, attributed to MW 1071.16) such that non-compliance with the Setback from water bodies performance standard, and the Esplanade reserves and strips performance standard, (where present) include consideration of the effect on cultural values of Manawhenua.

192. We also note that, as discussed in the Public Health and Safety Decision Report, in response to another *Ngā Rūnanga* submission (OS1071.56), we have amended the Shape rule in the Residential, Rural, Rural Residential zones; commercial, mixed use and industrial zones; and the Campus Zone, to require that in un-reticulated areas, resultant sites must provide for a waste disposal area to be located at least 50m from any water body and MHWS. We consider this amendment also supports the outcome sought by *Ngā Rūnanga*.
193. We note that the concerns of Port Otago are addressed in Section 3.5.1. We also note for completeness that, as outlined in the Natural Environment Decision Report, we have amended Rule 10.3.3 to clarify that the 'Setback from water bodies' performance standard does not apply in the Port or Harbourside Edge zones, or to structures with a maximum footprint of 10m² associated with port activities (and associated earthworks) in the Industrial Port Zone. The reasons for that are set out in that decision.
194. We also accept that a remapping of the Nohoaka site near Middlemarch as recommended by the Reporting Planner and accepted by *Ngā Rūnanga* is appropriate, and accept the Reporting Officer's evidence that Rule 10.3.4 provides some protection of wāhi tūpuna from the wilding species, noting that this was not contested by *Ngā Rūnanga* at the hearing.

3.9.5 East Otago Taiapure

195. The *East Otago Taiapure Management Committee* (OS329.1) requested that the East Otago Taiapure is recognised in the 2GP document and maps. A taiapure is a local management tool established in an area that has customarily been of special significance to an iwi or hapū, as a source of food or for spiritual or cultural reasons. The East Otago Taiapure covers the marine area between approximately Cornish Head, Doctors Point and Potato Point, to the mean high-water mark.
196. The s42A Report noted that the Taiapure is outside DCC's area of jurisdiction. Discharges (including land based discharges) to the marine environment and disturbance of the sea bed are primarily managed by the Otago Regional Council. However, other marine areas, including the Otago Harbour and Blueskin Bay have been identified and mapped as wāhi tūpuna within the 2GP, and reference to it could be included in the 2GP.
197. The Reporting Officer recommended that the Taiapure is included in the introductory sections of the 2GP (Section 1.3.3.2.2). She dismissed an alternative option of including the Taiapure as a wāhi tūpuna mapped area, as the Rūnaka indicated that the Taiapure is a community management tool, rather than just a site of significance to Rūnaka (s42A Report, Section 4.3.20, pp. 49-50).

3.9.5.1 Decision and decision reasons

198. We accept in part the submission of *East Otago Taiapure Management Committee* (OS329.1) and consider the relief proposed by the Reporting Officer to be appropriate. We accept that the Taiapure is different from wāhi tūpuna (as a community management tool, rather than just a site of significance to Rūnaka) but agree that reference in the Introduction is useful. We amend section 1.3 of the 2GP to achieve this. See Appendix 1, amendments attributed to MW 329.1. We also note that parts of the Taiapure is already covered by wāhi tūpuna mapped areas.
199. We note that related *East Otago Taiapure Management Committee* submissions (OS329.4, 5) are discussed in the Natural Environment Decision Report.

3.10 Management of papakāika

200. The operative plan limits papakāika development to Māori Land (defined as any land given the status of Māori freehold land pursuant to Te Ture Whenua Māori Act 1993 or subsequent legislation). The s42A Report noted that Māori Land is often owned by multiple

owners and there are particular restrictions on the sale and development of the land. Sites currently classed as Māori land are the remnants of land that was originally set aside as native reserves in the 19th century when large areas of land were sold to European settlers. This land was intended to provide for kāika (villages) and food production and gathering. The s42A Report notes that there remains a strong association with this land and a strong desire from Manawhenua that papakāika be allowed in these areas.

201. The 2GP provisions allow papakāika in all native reserve areas (Rule 16.3.3.21). The ability to develop papakāika is limited to descendants of the original grantees of these reserves, who may also be represented by Rūnaka or by various management structures over the land. Native reserve land is located primarily in rural and residential zones. Both zones provide for papakāika development at greater density than is normally allowed in these areas (s42A Report, Section 2.2, p. 5).

202. Papakāika is defined in the 2GP as:

*"Residential activity within the boundaries of a **native reserves mapped area** where:*

the land is fully or partly owned by one or more of the following:

- *A descendant of an original grantee of a Native Reserve, or their trustee; or*
- *a management structure governed by the Te Ture Whenua Māori Act 1993 or subsequent legislation over the land concerned, for the benefit of such persons in (a); or*
- *a Rūnaka with authority/mana over the area in which the Native Reserve is located; or*
- *a spouse/civil union/de facto partner of a descendant of an original grantee who has inherited the land from the descendant; and, the dwelling is primarily occupied by at least one of the following:*
 - *a descendant of an original grantee of the reserve; or*
 - *a spouse/civil union/de facto partner of a descendant of an original grantee who has inherited the land from the descendant; or*
 - *a whāngai of a descendant of an original grantee."*

3.10.1 Request to remove or amend papakāika provisions

203. *Anthony Parata* (OS248.1) requested that Rule 16.3.3.21 be removed from the 2GP altogether, or amended in a way that "descendants of original grantees" were not exempt from plan provisions that other residents are required to abide by. His reasons were that the proposal distinguishes between Dunedin's residents depending on ethnic origin; the reserves were a concept of the Government of the time and the relationship between Kāi Tahu and their ancestral land should apply to all land within Otago, not just the reserves; the ability to build up to six units on a site could lead to unsightly urban sprawl, particularly at Puketeraki, and would lead to an unplanned and unquantifiable demand to upgrade infrastructure; and the proposal will cause resentment and is not fair and equitable.

204. This was opposed in a further submission by *Ngā Rūnanga* (FS2456.104), which stated that the Native Reserves were originally granted to provide land for the descendants to live on, and the papakāika provisions facilitate this intended purpose. *Ngā Rūnanga* stated that there is strong support from Manawhenua for these provisions, and the density of any development has been carefully considered to avoid adverse effects on the landscape.

205. *Mr Parata*, in his written and verbal evidence, discussed the way that papakāika is defined and managed in a number of other territorial authorities, and noted that it generally involved communal living, or a village form, and be on Māori land. He noted that the 2GP is alone in allowing for a single dwelling on any sized site within a Māori reserve and occupied by a descendant of a grantee of the reserve. He considered that in Dunedin there is no need to provide for land within reserves as ancestral land is readily available both in rural and residential zones.

206. He considered that the restrictions imposed by the 2GP conditions mean that land and buildings could not be used as security, or to realising a capital gain on the site. The only descendants likely to use such provisions are those that cannot build under the rural rules (due to the size of the site). In response to a question, he stated that rules that will never be used should not be in the Plan. Any structure would be expensive, due to the Building Act. Allowing a few people to build on under-sized rural sites is a huge concession, amounting to discrimination, and will lead to poor environmental outcomes.
207. *Mr Parata* also considered that the advice note explaining that papakāika cannot subsequently be sold to non-descendants will be ineffectual, and the owner could put a case to a hearings panel that the house already exists, and to refuse sale would be discrimination. He concluded that the definition of papakāika does not give due respect to either the traditional or contemporary use of the term, and giving superior development rights to descendants of grantees is fraught with difficulty.
208. *Mr Parata* noted that he would be less concerned if the provisions restricted development to Māori land.
209. *Mr Parata* tabled a number of supporting documents including the draft s32 Report for the papakāinga zones in the Christchurch Proposed City Plan (May 2015), a PowerPoint presentation by Waimakariri District Council on Māori Reserve 873 (Tuahiwi), and legal submissions from Te Rūnanga o Ngāi Tahu and Ngā Rūnanga to the Proposed Christchurch Replacement Plan, Chapter 4 Papakāinga (November 2015).
210. In its original submission to the 2GP, *Ngā Rūnanga* (OS1071.11) sought to retain the provisions in the Manawhenua section of the 2GP that provide for papakāika, including the controlled activity status in rural zones (Rule 16.3.3.21); the density performance standards (rules 16.5.2.1.h and 16.5.2.3.a); assessment Rule 16.11.3.2; and the advice note on Papakāika (Note 16.3B).
211. Mr Vial, called by *Ngā Rūnanga*, noted in his evidence that Manawhenua have expressed a strong desire for whānau to return to their land, and for the communities to grow, providing a supportive environment for older people and young families. Returning to their ancestral land is a way Māori can maintain and enhance their culture and traditions. When the reserves were set aside, they were intended for kāika. The papakāika provisions provide for such a possibility.
212. Both Mr Matapura Ellison and Mr Edward Ellison appeared at the hearing for *Ngā Rūnanga*, and in their written evidence, both emphasised the strong connection whānau have with the Māori Reserves, describing them as both tūrakawaewae and tauraka waka, anchoring whānau to the land. Living on the land is an important way of maintaining this connection.
213. Mr Edward Ellison explained that whānau in the district have been unable to establish papakāika to date, due to difficulties with laws concerning communal land. The 2GP provisions will facilitate establishing papakāika.
214. In her revised recommendations, given orally, the Reporting Officer noted that the Waimakariri example tabled by *Mr Parata* does not presume village development, but allows single houses, on both Māori Land and general title land, as long as they are by a descendant of an original grantee.
215. The 2GP still puts far greater restrictions on land used for papakāika than apply to normal residential activity in residential zones.
216. The Reporting Officer recommended that the request by *Anthony Parata* be rejected and the requests by *Ngā Rūnanga* be accepted (s42A Report, Section 4.3.16, p. 33).
217. *Ngā Rūnanga* (OS1071.52) also sought to amend Policy 14.2.1.6, which sets up the framework for papakāika development within Native Reserves, to read:

"Enable Manawhenua to ~~live in~~ develop and occupy papakāika in Native Reserve areas where ~~any~~ adverse effects on the relevant zone can be adequately managed ~~in line with the objectives and policies of the relevant zone~~".

218. The reasons given were that the provisions should recognise that it is appropriate to develop papakāika housing, provided that adverse effects on the site and the surrounding area are adequately managed. The submission stated that the provisions provide a limited exemption for the development of housing that supports Manawhenua social, cultural and economic well-being. A requirement to mitigate all or any adverse effects in line with the objective and policies of the relevant zone is contrary to the enabling direction of these provisions.
219. The s42A Report noted that Policy 14.2.1.6 is intended to be an enabling policy, against which the policies of the relevant zone are considered. For example, for papakāika development in the rural zones (a controlled activity for up to 6 units or 15 habitable rooms), relevant rural policies are included within assessment Rule 16.8.2. These include policies in relation to managing the disposal of stormwater and wastewater, ensuring there are no significant effects on the safety and efficiency of the transport network, and maintaining rural character and visual amenity of the rural zones. This last policy (Policy 16.2.3.2) is of concern in that it may result in the number of dwellings being limited in order to maintain rural character. This is contrary to the aim of the papakāika provisions, which are to allow a greater density of development in rural areas, acknowledging there may be some effects on rural character. It is also contradictory to Policy 16.2.1.5, which exempts papakāika from the normal rural density restrictions, and from achieving various rural objectives and their policies, including Policy 16.2.3.2. What was actually intended was that while allowing a greater density, the design of any development maintains rural amenity outcomes as far as practicable, for example through design, scale and location of dwellings (s42A Report, Section 4.3.15, pp. 29-30).
220. To remedy this, the Reporting Officer recommended that the papakāika assessment rule (Rule 16.8.2.1) is amended to remove the reference to Policy 16.2.3.2 as a relevant policy, and add additional assessment guidance instead. This guidance would encourage the development to achieve Objective 16.2.3 as far as practicable, in terms of the design, scale and location of the development.
221. She did not support the specific wording changes requested, as in her view, removal of the reference to the objectives and policies introduces uncertainty as to what outcome must be achieved. She was also concerned that the phrase "develop and occupy" differs from the definition of papakāika, which is "residential activity".
222. Consequently, she recommended that amendments were made to the assessment rules in the rural section (Section 16), but that the other provisions, including Policy 14.2.1.6, remain unchanged (s42A Report, Section 4.3.15, pp. 29-30).

3.10.1.1 Decision and decision reasons

223. Overall, we reject the submission from *Anthony Parata* (OS248.1) to remove the papakāika provisions or limit them to Māori land, and accept the further submission by *Ngā Rūnanga* to retain them.
224. In our assessment these provisions are a small concession, relating to only a few small areas, that recognises a longstanding cultural attachment to these areas. We acknowledge that they may not be the best locations for further housing from servicing or landscape perspectives, but the evidence was that they were originally identified by the Government of the day to meet the need for land for housing for Māori and we were told that need still exists.
225. We are not persuaded that the provisions would cause significant resentment by the wider community, as suggested by *Mr Parata*. His was the only submission that raised any concerns. The greater density provided for may lead to a form of development that some may consider unfortunate, but the rules are designed to at least partly address this through the consent process. We accept *Mr Parata's* point that it may be difficult for beneficial owners to actually make use of the provisions because of things like bank rules about security for mortgages, but that is no reason not to provide the opportunity.

226. With respect to the submission by *Ngā Rūnanga* to amend Policy 14.2.1.6, we agree with the Reporting Officer's reasoning in regard to amending the Papakaika assessment rule (16.8.2.1), but consider that a better approach is to add a new policy to the rural section that states, "Require Papakaika to maintain the rural character, values and amenity of the rural zones as far as practicable in terms of the design, scale and location of the development", and replace the reference to Policy 16.2.3.2 in rule 16.8.2.1 with a reference to this new policy. This clarifies the preferred outcome for Papakaika housing within the rural zones.
227. We therefore accept the submission of *Ngā Rūnanga* in part. The changes are shown in Appendix 1, attributed to MW 1071.52.

3.10.2 Activity definition – Papakāika

228. The *Dunedin City Council (DCC)* (OS360.13) sought a minor amendment to the definition of papakāika to include the phrase "Papakāika is a sub-activity of standard residential activity", to clarify its relationship to residential activities and improve plan usability.
229. *Ngā Rūnanga* (OS1071.24) sought to have the definition of papakāika retained in its notified form.

3.10.2.1 Decision and decision reasons

230. We accept the submissions from both *Ngā Rūnanga* (OS1071.24) (in part) and the *DCC* (OS360.13) and retain the definition of papakāika with the addition of the clarification phrase proposed above (see Appendix 1, MW 360.13).

3.11 Terminology and spelling

3.11.1 Request to remove terminology 'native reserve' and 'half-caste reserve'

231. *Anthony Parata* (OS248.10) sought to remove the terms "native reserve" and "half-caste reserve" from the 2GP, as these terms "reflect colonial arrogance" and are considered offensive. In his evidence, *Mr Parata* noted that under the Māori Purposes Act 1947, the term 'native' is to be replaced with 'Māori'. The terms "native reserve" and "half-caste reserve" appear on old maps only and are not in local usage.
232. This submission was opposed by *Ngā Rūnanga* (FS2456.2), who argued that the terms are the correct historical names of the reserves, as granted by the colonial government.
233. The Reporting Officer discussed the use of the alternative term 'Māori Reserve' with Kāi Tahu ki Otago, which represents the Rūnanga. They noted that the term 'Māori Reserve' may have other legal meanings, and to avoid confusion 'Original Native Reserve' could be used. The Reporting Officer also noted that the Rūnanga felt strongly that the correct names of the reserves should be used to describe them, including the terms "native reserve" and "half-caste reserve". She therefore recommended that all incidences of "native reserve" be amended to read 'original native reserve' unless it is the name of a specific reserve (s42A Report, Section 4.3.5, p. 15).
234. The Reporting Officer later commented, while discussing her revised recommendations, that another alternative would be to use the term 'Original Māori Reserve'.

3.11.1.1 Decision and decision reasons

235. We consider that the appropriate term is 'Original Native Reserve' for the Plan text and map legend, but to use the actual historical names in the mapping information. While we understand *Mr Parata's* concern, we cannot re-write history. The names used for individual reserves are the legal names and are factually correct. We therefore accept *Mr Parata's* submission (OS248.10) in part, and amend "native reserve" to 'Original Native Reserve' wherever it appears in the Plan (attributed to MW 248.10).

3.11.2 Other definitions – Māori Freehold Land

236. Māori freehold land was defined in the 2GP as notified as, “Any land given the status of Māori freehold land pursuant to Te Ture Whenua Māori Act 1993”.
237. *Ngā Rūnanga* (OS1071.27) requested that the definition be amended by adding, “or subsequent legislation”.
238. The Reporting Officer noted that the phrase ‘Māori freehold land’ is not used elsewhere in the Plan. She therefore recommended that the definition is removed (s42A Report, Section 4.3.3, p. 13).

3.11.2.1 Decision and decision reasons

239. We agree with the recommendation in the s42A Report and remove the definition under cl. 16 of the Act.

3.11.3 Minor typographical corrections and amendments

240. *Ngā Rūnanga* sought to make the following minor corrections to the Plan:

- Correct the typographical error in Section 1.4.9 (Outcomes sought by Kai Tahu) – ‘Kāi Tahu’s’ (OS1071.22);
- Amend all references to manawhenua to ‘~~m~~Manawhenua’ (OS1071.19);
- Amend Kāi Tahu, pā, Ōtākou, and wāhi tūpuna throughout the plan to ensure correct use of the macrons (OS1071.20);
- Amend 14.1 ‘Te Rūnaka o Ngāi Tahu’ to ‘Te Rūnanga o Ngāi Tahu’ throughout the Section 14 Introduction (OS1071.48);
- Amend discussion on Kāi Tahu ki Otago Natural Resources Management Plan (was section 1.3.5.3, now 1.5.2.3) to correct spelling (OS1071.21)
- Amend 14.1 ‘Te Rūnaka o Ōtākou’ to ‘Te Rūnanga o Ōtākou’ in Appendix A4.41(OS1071.124);
- Amend 14.1 ‘KaikaNohoaka’ to ‘Kaika Nohoaka’ in the Section 14 Introduction (OS1071.50);
- Amend paragraph 3 of the introduction to Appendix A4 Wāhi Tūpuna Values to correct ‘Te Waka a Aoraki’ to ‘Te Waka o Aoraki’ (OS1071.123);
- Amend Appendix A4.41 Description of area to correct ‘Te Rūnaka o Ngai Tahu’ to ‘Te Rūnanga o Ngai Tahu’ (OS1071.124); and
- Amend Appendix A4.61 heading, ‘Pa site and Kaik at Omoua’ to ‘Pā site and Kāika at Omoua’ (OS1071.125).

241. The changes were supported by the Reporting Officer.

3.11.3.1 Decision and decision reasons

242. We accept the submissions above and make the requested corrections to ensure the correct terminology and spelling is used throughout the 2GP. We note that the changes are made under cl. 16 as they are all minor typographical corrections.

4.0 Suggestions for future plan changes

243. The following are areas we consider there is merit to amend under a future plan change:
- New wāhi tūpuna site covering the Otago Peninsula

- Remove performance standard 26.6.9 from the Invermay and Hercus Zone.

5.0 Minor and inconsequential amendments

244. Clause 16(2) of Schedule 1 of the RMA allows a local authority to make an amendment where the alteration “is of minor effect”, and to correct any minor errors, without needing to go through the submission and hearing process.

245. This Decision includes minor amendments and corrections that were identified by the DCC Reporting Officers and/or by us through the deliberations process. These amendments are referenced in this report as being attributed to “cl.16”. These amendments generally include:

- correction of typographical, grammatical and punctuation errors
- removing provisions that are duplicated
- clarification of provisions (for example adding ‘gross floor area’ or ‘footprint’ after building sizes)
- standardising repeated phrases and provisions, such as matters of discretion, assessment guidance, policy wording and performance standard headings
- adding missing hyper-linked references to relevant provisions (eg. performance standard headings in the activity status tables)
- correctly paraphrasing policy wording in assessment rules
- changes to improve plan usability, such as adding numbering to appendices and reformatting rules
- moving provisions from one part of the plan to another
- rephrasing plan content for clarity, with no change to the meaning

246. Minor changes such as typographical errors have not been marked up with underline and strikethrough. More significant cl. 16 changes (such as where provisions have been moved) are explained using footnotes in the marked-up version of the Plan.

Appendix 1 – Amendments to the Notified 2GP (2015)

Please see www.2gp.dunedin.govt.nz/decisions for the marked-up version of the notified 2GP (2015). This shows changes to the notified 2GP with strike-through and underline formatting and includes related submission point references for the changes.

Appendix 2 – Summary of Decisions

1. A summary of decisions on provisions discussed in this decision report (based on the submissions covered in this report) is below.
2. This summary table includes the following information:
 - Plan Section Number and Name (the section of the 2GP the provision is in)
 - Provision Type (the type of plan provision e.g. definition)
 - Provision number from notified and new number (decisions version)
 - Provision name (for definitions, activity status table rows, and performance standards)
 - Decision Report section
 - Section 42A Report section
 - Decision
 - Submission point number reference for amendment

Decision Summary

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
1. Plan Overview and Introduction	Introduction	1.3.2.4.j (notified as 1.4.10)		Outcomes sought by Kai Tahu (minerals)	Retain wording		3.1.3	4.3.1
1. Plan Overview and Introduction	Introduction	1.3.2 (notified as 1.3.3.2)		Implementation of Kai Tahu values through the District Plan	Amend section 1.3.2 to add reference to East Otago Taiapure	MW 329.1	3.9.5	4.3.20
1. Plan Overview and Introduction	Definition	1.5		Papakaika	Amend definition to clarify papakaiaka is a sub-activity of Residential activity	MW 360.13	3.10.2	4.3.2
2. Strategic Directions	Policy	2.5.3.1			Amend policy wording to add consideration of natural hazard mitigation and subdivision activities	MW 1071.30	3.1.3, 3.3.1	4.3.8
2. Strategic Directions	Objective	2.5.3			Retain objective wording		3.1.3	4.3.7
2. Strategic Directions	Policy	2.5.4.1			Amend policy wording to add consideration of natural hazard mitigation and earthworks activities	MW 1071.31	3.4	4.3.9

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
3. Public amenities	Assessment of Restricted Discretionary Activities	3.7.3.4			Add new assessment guidance for public artworks -large scale, public display boards and public toilet in a Wahi Tupuna mapped areas with effects on cultural values of Manawhenua as a matter of discretion	MW 1071.3	3.6.2	4.3.17
14. Manawhenua	Policy	14.2.1.4			Retain policy wording		3.1.3	4.3.13
14. Manawhenua	Policy	14.2.1.5			Retain policy as notified		3.7	
14. Manawhenua	Policy	14.2.1.6			Retain policy as notified		3.10.1	4.3.15
14. Manawhenua	Assessment of Restricted Discretionary Performance Standard Contraventions	14.3.2.7		Was setback from ridgeline now maximum height (rural and rural residential zones)	Amend assessment rule to change from contravention of setback from ridgeline performance standard to maximum height	MW 874.41	3.6.2	4.3.17 and Rural s42A Report, Section 5.10.8
14. Manawhenua	Assessment of Restricted Discretionary Performance Standard Contraventions	14.3.2			Add additional assessment rule for contravention of sediment control performance standard	MW 1071.107	3.5.1	4.3.17

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
14. Manawhenua		14.4.2.2		Assessment of Activities where effects on cultural values of Manawhenua is a matter of discretion	Amend assessment rule to add public amenities	MW 1071.3	3.6.2	4.3.17
14. Manawhenua	Assessment of Discretionary Activities	14.5.2.1		Assessment of all discretionary activities	Amend assessment rule to reference Objective 14.2.1	MW 1071.3	3.6.2	4.3.17
14. Manawhenua	Assessment of Restricted Discretionary Activities	14.5.2.2		Assessment of RD activities in an overlay zone, mapped area or affecting a scheduled item	Retain assessment guidance as notified		3.7	4.3.14
14. Manawhenua	Assessment of Non-complying Activities	14.6.2.1		Assessment of all non-complying activities	Amend assessment rule to reference Objective 14.2.1	MW 1071.3	3.6.2	4.3.17
16. Rural Zones	Policy	16.2.3.X (new)	16.2.3.11		Add new policy in relation to design of papakaika	MW 1071.52	3.10.1	4.3.15
16. Rural Zones	Activity status	16.3.3.21	16.3.3.24	Papakaika	Retain activity status rule		3.10.1	4.3.16
16. Rural Zones	Notification Rule	16.4.4	16.4.3		Retain notification rule		3.1.3	4.3.18
16. Rural Zones	Assessment of Controlled Activities	16.8.2.1		Assessment of papakaika	Amend assessment guidance to reflect new policy 16.2.3.X	MW 1071.52	3.10.1	4.3.15

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
16. Rural Zones	Assessment of Restricted Discretionary Performance Standard Contraventions	16.9.6.7	16.9.6.5	Assessment of performance standard contraventions in a wahi tupuna mapped area	Amend assessment rule to add contravention of maximum height performance standard	MW 874.41	3.6.2	4.3.17 and Rural s42A Report, Section 5.10.8
16. Rural Zones	Assessment of Discretionary Activities	16.11.2.4			Amend assessment guidance wording to ensure effects on cultural values of Manwhenua are considered for landfills in any location	MW 1071.3	3.6.2	4.3.17
17. Rural Residential Zones	Assessment of Restricted Discretionary Activities	17.9.6.10 (new)	17.9.6.9	Assessment of performance standard contraventions in a wahi tupuna mapped area	Amend assessment rule to add effects on cultural values of Manawhenua for various performance standard contraventions	MW 1071.16, MW 1071.3	3.6.2, 3.9.4	4.3.17 and 4.3.21
17. Rural Residential Zones	Assessment of Discretionary Activities	17.11.2		Assessment of discretionary land use activities	Amend assessment guidance wording to add reference to Section 14	MW 1071.3	3.6.2	4.3.17
17. Rural Residential Zones	Assessment of Non-complying Activities	17.12.4.3			Amend assessment guidance to add additions and alterations to list of activities "in wahi tupuna mapped area"	MW 1071.3	3.6.2	4.3.17
18. Commercial and Mixed	Notification Rule	18.4			Retain notification rule		3.8.2	4.3.18

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
Use Zones								
18. Commercial and Mixed Use Zones	Assessment of Restricted Discretionary Performance Standard Contraventions	18.9.6.8 (new)		Assessment of performance standard contraventions in a wahi tupuna mapped area	Amend assessment rule to add consideration of effects on Manawhenua values for various performance standard contraventions	MW 1071.16	3.9.4	4.3.21
19. Industrial Zones	Assessment of Restricted Discretionary Performance Standard Contraventions	19.9.6.5 (new)		Assessment of performance standard contraventions in a wahi tupuna mapped area	Amend assessment rule to add consideration of effects on Manawhenua values for various performance standard contraventions	MW 1071.16	3.9.4	4.3.21
19. Industrial Zones	Assessment of Non-complying Performance Standard Contraventions	19.12.2.1		Assessment of non-complying land use activities	Amend assessment guidance wording to add reference to Section 14	MW 1071.3	3.6.2	4.3.17
. Recreation Zone	Assessment of Restricted Discretionary Activities	20.10.5.10	20.10.5.7		Amend assessment guidance to add general subdivision activities to list of activities " in a wahi tupuna mapped area where activity is identified as a threat"	MW 1071.3	3.6.2	4.3.17
21. Ashburn Clinic	Assessment of Discretionary Activities	21.10.2.1		Assessment of all discretionary land use activities	Amend assessment guidance wording to add reference to Section 14.5	MW 1071.3	3.6.2	4.3.17

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
21. Ashburn Clinic	Assessment of Non-complying Activities	21.11.2.1		Assessment of all non-complying activities	Amend assessment guidance wording to add reference to Section 14.6	MW 1071.3	3.6.2	4.3.17
22. Dunedin Botanic Gardens	Assessment of Discretionary Activities	22.11.2.1	delete	Assessment of all land use discretionary activities	Amend assessment guidance wording to add reference to Section 14.5	MW 1071.3	3.6.2	4.3.17
22. Dunedin Botanic Gardens	Assessment of Non-complying Activities	22.12.2.1		Assessment of non-complying land use activities	Amend assessment guidance wording to add reference to Section 14.6	MW 1071.3	3.6.2	4.3.17
23. Dunedin Hospital	Assessment of Discretionary Activities	23.10.2.1		Assessment of all discretionary activities	Amend assessment guidance wording to add reference to Section 14.5	MW 1071.3	3.6.2	4.3.17
23. Dunedin Hospital	Assessment of Non-complying Activities	23.11.2.1		Assessment of non-complying land use activities	Amend assessment guidance wording to add reference to Section 14.6	MW 1071.3	3.6.2	4.3.17
24. Dunedin International Airport	Notification Rule	24.4			Amend notification rule to add consideration of Manawhenua as an affected party	MW 1071.2	3.8.1	4.3.18
24. Dunedin International Airport	Assessment of Discretionary Activities	24.10.2.1	24.11.2.1	Assessment of all discretionary activities	Amend assessment guidance wording to add reference to Section 14.5	MW 1071.3	3.6.2	4.3.17
24. Dunedin International Airport	Assessment of Non-complying Activities	24.11.2.1	24.12.2.1	Assessment of non-complying land use activities	Amend assessment guidance wording to add reference to Section 14.6	MW 1071.3	3.6.2	4.3.17

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
25. Edgar Centre	Notification Rule	25.4			Amend notification rule to add consideration of Manawhenua as an affected party	MW 1071.2	3.8.1	4.3.18
25. Edgar Centre	Assessment of Restricted Discretionary Performance Standard Contraventions	25.8.4		Assessment of restricted discretionary performance standard contraventions	Amend assessment rule to add consideration of effects on Manawhenua values for contravention of the setback from coast and water bodies performance standard	MW 1071.16	3.9.4	4.3.21
25. Edgar Centre	Assessment of Discretionary Activities	25.10.2.1		Assessment of all discretionary activities	Amend assessment guidance wording to add reference to Section 14.5	MW 1071.3	3.6.2	4.3.17
25. Edgar Centre	Assessment of Non-complying Activities	25.11.2.1		Assessment of non-complying activities	Amend assessment guidance wording to add reference to Section 14.6	MW 1071.3	3.6.2	4.3.17
26. Invermay and Hercus	Notification Rule	26.4			Amend notification rule to add consideration of Manawhenua as an affected party	MW 1071.2	3.8.1	4.3.18
26. Invermay and Hercus	Assessment of Discretionary Activities	26.11.2.1		Assessment of all discretionary land use activities	Amend assessment guidance wording to add reference to Section 14.5	MW 1071.3	3.6.2	4.3.17
26. Invermay and Hercus	Assessment of Non-complying Activities	26.12.2.1		Assessment of all non-complying activities	Amend assessment guidance wording to add reference to Section 14.6	MW 1071.3	3.6.2	4.3.17
27. Mercy Hospital	Assessment of Discretionary Activities	27.11.2.1		Assessment of all discretionary activities	Amend assessment guidance wording to add reference to Section	MW 1071.3	3.6.2	4.3.17

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
					14.5			
27. Mercy Hospital	Assessment of Non-complying Activities	27.12.2.1		Assessment of non-complying land use activities	Amend assessment guidance wording to add reference to Section 14.6	MW 1071.3	3.6.2	4.3.17
28. Moana Pool	Assessment of Non-complying Activities	28.11.2.1		Assessment of non-complying land use activities	Amend assessment guidance wording to add reference to Section 14.6	MW 1071.3	3.6.2	4.3.17
29. Otago Museum	Assessment of Discretionary Activities	29.11.2.1		Assessment of discretionary activities	Amend assessment guidance wording to add reference to Section 14.5	MW 1071.3	3.6.2	4.3.17
29. Otago Museum	Assessment of Non-complying Activities	29.12.2.1		Assessment of non-complying activities	Amend assessment guidance wording to add reference to Section 14.6	MW 1071.3	3.6.2	4.3.17
32. Port	Policy	30.2.3.3			Do not amend as requested.		3.5.1	4.3.17
31. Port	Objective	30.2.3	archived		Do not amend as requested.		3.5.1	4.3.17
30. Port	Assessment of Restricted Discretionary Activities	30.9.2.1	archived	Assessment of earthworks - large scale	Do not amend assessment rule		3.5.1	4.3.17
30. Port	Assessment of Restricted Discretionary Activities	30.9.2.2	archived	Assessment of earthworks - large scale (within 5m of a water body)	Do not amend assessment rule		3.5.1	4.3.17

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
30. Port	Assessment of Non-complying Activities	30.11			Add guidance to assessment rule	MW 1071.109	3.5.1	4.3.17
31. Schools	Notification Rule	31.4			Amend notification rule to add consideration of Manawhenua as an affected party	MW 1071.2	3.8.1	4.3.18
31. Schools	Assessment of Restricted Discretionary Performance Standard Contraventions	31.9.6.1 (new)		Assessment of performance standard contraventions in a wahi tupuna mapped area	Amend assessment rule to add consideration of effects on Manawhenua values for contravention of the setback from coast and water bodies performance standard	MW 1071.16	3.9.4	4.3.21
31. Schools	Assessment of Discretionary Activities	31.11.2.1		Assessment of discretionary land use activities	Amend assessment guidance wording to add reference to Section 14.5	MW 1071.3	3.6.2	4.3.17
31. Schools	Assessment of Non-complying Activities	31.12.2.1		Assessment of non-complying land use activities	Amend assessment guidance wording to add reference to Section 14.6	MW 1071.3	3.6.2	4.3.17
32. Stadium	Notification Rule	32.4			Amend notification rule to add consideration of Manawhenua as an affected party	MW 1071.2	3.8.1	4.3.18
32. Stadium	Assessment of Restricted Discretionary Performance Standard Contraventions	32.8.4.12	32.8.4.7	Assessment of restricted discretionary performance standard contraventions	Amend assessment rule to add consideration of effects on Manawhenua values for contravention of the setback from coast and water bodies performance standard	MW 1071.16	3.9.4	4.3.21

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
32. Stadium	Assessment of Discretionary Activities	32.10.2.1		Assessment of discretionary activities	Amend assessment guidance wording to add reference to Section 14.5	MW 1071.3	3.6.2	4.3.17
32. Stadium	Assessment of Non-complying Activities	32.11.2.1		Assessment of non-complying land use activities	Amend assessment guidance wording to add reference to Section 14.6	MW 1071.3	3.6.2	4.3.17
33. Taieri Aerodrome	Assessment of Discretionary Activities	33.11.2.1		Assessment of all discretionary activities	Amend assessment guidance wording to add reference to Section 14.5	MW 1071.3	3.6.2	4.3.17
33. Taieri Aerodrome	Assessment of Non-complying Activities	33.12.2.1		Assessment of all non-complying activities	Amend assessment guidance wording to add reference to Section 14.6	MW 1071.3	3.6.2	4.3.17
34. Campus	Assessment of Discretionary Activities	34.11.2.1		Assessment of discretionary land use activities	Amend assessment guidance wording to add reference to Section 14.5	MW 1071.3	3.6.2	4.3.17
34. Campus	Assessment of Non-complying Activities	34.12.2.1		Assessment of all non-complying activities	Amend assessment guidance wording to add reference to Section 14.6	MW 1071.3	3.6.2	4.3.17
35. Wakari	Assessment of Discretionary Activities	35.10.2.1		Assessment of all discretionary activities	Amend assessment guidance wording to add reference to Section 14.5	MW 1071.3	3.6.2	4.3.17
35. Wakari	Assessment of Non-complying Activities	35.11.2.1		Assessment of non-complying land use activities	Amend assessment guidance wording to add reference to Section 14.6	MW 1071.3	3.6.2	4.3.17

Plan Section	Provision Type	Provision number	New Number	Provision Name	Decision	Submission Point Reference	Decision Report Topic number	S42A Report Section Number
30. Port	Notification Rule	8A.5.7 (notified as 30.4)			Do not amend notification rule wording		3.5.1	4.3.17
30. Port	Assessment of Restricted Discretionary Performance Standard Contraventions	8A.6.4.2 (notified as 30.8.4.4)		Assessment of contravention of sediment control performance standard	Amend assessment rule to add effects on cultural values of Manawhenua	MW 1071.107	3.5.1	4.3.17
A4. Wahi Tupuna Values	Appendix	A4.6.1		Huriawa Peninsula - description of area	Amend description of area	MW 790.5	3.9.3.1	4.3.22
A4. Wahi Tupuna Values	Appendix	A4.17.1		Maputahi and Mateawheawhe - description of area	Amend description of area	MW 790.6	3.9.3.2	4.3.24
A4. Wahi Tupuna Values	Appendix	A4		Wahi tupuna values - multiple sites - principal threats	Amend principal threats (multiple wahi tupuna sites)	MW1071.3	3.6.2	4.3.17
14. Manawhenua	Section	Section 14			Retain section		3.1.3	4.3.10
. Plan	Terminology			Native reserve	Amend term to 'original native reserve' throughout plan but retain use of term in planning maps	MW 248.10	3.11.1	4.3.5