

APPENDIX 1

**COUNCIL FUNCTIONS, STATUTORY OBLIGATIONS
AND RELEVANT LEGAL TESTS**

1. The following submissions have been provided to the Panel that presided over the Strategic Directions (and other subsequent) hearing, and counsel apologises for any repetition. Over time they have been updated, depending on the topic in question and as case law has evolved. Given the involvement of new Panel members in this hearing it is considered appropriate to set them out.
2. The legal framework for plan reviews is set out in sections 31, 32 and 72-76 of the RMA. The matters that need to be addressed were comprehensively set out by the Environment Court in *Colonial Vineyard Limited v Marlborough District Council*,¹ which is copied below and also provided with Mr Barr's Strategic Evidence for this hearing.
3. Section 5 of the Act sets out its sustainable management purpose. Applying section 5 of the RMA involves an overall broad judgment of whether a proposal will promote sustainable management. Exercising this judgment allows for the balancing of conflicting considerations in terms of their overall relative significance or proportion in the final outcome.
4. Under section 6, identified matters of national importance² (and most notably for this hearing, ONLs) must be protected from inappropriate use and development. What is "inappropriate" should be assessed by what is sought to be protected and will be heavily influenced by the context. Particular regard is to be had to the "other matters" listed in section 7, which include efficiency, amenity values and ecosystems. Under section 8, the principles of the Treaty of Waitangi are to be taken into account.
5. The question of weight as between the Strategic Direction chapters, higher order planning instruments, and Part 2 of the RMA is a matter for the Panel's discretion, bearing in mind *Colonial Vineyards*, and the directedness of the wording used in relevant provisions.

¹ *Colonial Vineyard Limited v Marlborough District Council* [2014] NZEnvC 55, more recently summarised in *A & A King Family Trust v Hamilton City Council* [2016] NZEnvC 229.

² Relating to the protection of outstanding natural features and landscapes, significant indigenous vegetation and habitats, the maintenance and the enhancement of public access to lakes and rivers, the relationship of Maori and the culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga and the protection of historic heritage and customary rights.

6. The RMA requires that there shall at all times be one district plan for each district prepared by a territorial authority in the manner set out in Schedule 1 of the RMA.³ The purpose of the preparation, implementation and administration of a district plan is to assist a territorial authority to carry out its functions in order to achieve the purpose of the RMA.⁴

Colonial Vineyard Limited v Marlborough District Council

A. General requirements

1. A district plan (change) should be designed to accord with⁵ - and assist the territorial authority to carry out – its functions⁶ so as to achieve the purpose of the Act⁷.
2. The district plan (change) must also be prepared in accordance with any regulation⁸ (the QLDC is not currently affected by the Planning Standards) and any direction given by the Minister for the Environment⁹.
3. When preparing its district plan (change) the territorial authority must give effect to¹⁰ any national policy statement (the New Zealand Coastal Policy Statement is not relevant to Queenstown)¹¹.
4. When preparing its district plan (change) the territorial authority shall:
 - a. Have regard to any proposed regional policy statement¹²;
 - b. Give effect to any operative regional policy statement¹³.
5. In relation to regional plans:
 - a. The district plan (change) must not be inconsistent with an operative regional plan for any matter specified in section 30(1) or a water conservation order¹⁴; and
 - b. Must have regard to any proposed regional plan on any matter of regional significance etc¹⁵.
6. When preparing its district plan (change) the territorial authority must also:
 - Have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations¹⁶ to the extent that their context has a bearing on resource management issues of the district; and to consistency with plans and proposed plans of adjacent territorial authorities¹⁷
 - Take into account any relevant planning document recognised by an iwi authority¹⁸; and

3 Section 73, RMA.

4 Section 72, RMA.

5 Section 74(1) of the Act

6 As described in section 31 of the Act

7 Sections 72 and 74(1) of the Act

8 Section 74(1) of the Act

9 Section 74(1) of the Act added by section 45(1) Resource Management Amendment Act 2005.

10 Section 75(3) RMA

11 The reference to “any regional policy statement” in the Rosehip list here has been deleted since it is included in (3) below which is a more logical place for it.

12 Section 74(2)(a)(i) of the RMA

13 Section 75(3)(c) of the Act [as substituted by section 46 Resource Management Amendment Act 2005].

14 Section 75(4) of the Act [as substituted by section 46 Resource Management Amendment Act 2005]

15 Section 74(2)(a)(ii) of the Act

16 Section 74(2)(b) of the Act

17 Section 74(2)(c) of the Act

18 Section 74(2A) of the Act

- Not have regard to trade competition¹⁹ or the effects of trade competition;
7. The formal requirement that a district plan (change) must²⁰ also state its objectives, policies and the rules (if any) and may²¹ state other matters.

B. Objectives [the section 32 test for objectives]

8. Each proposed objective in a district plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act²².

C. Policies and methods (including rules) [the section 32 test for policies and rules]

9. The policies are to implement the objectives, and the rules (if any) are to implement the policies²³;
10. Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives²⁴ of the district plan taking into account:
- i. The benefits and costs of the proposed policies and methods (including rules); and
 - ii. The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods²⁵; and
 - iii. If a national environmental standard applies and the proposed rule imposes a greater prohibition or restriction than that, then whether that greater prohibition or restriction is justified in the circumstances²⁶.

D. Rules

11. In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment²⁷.
12. Rules have the force of regulations²⁸.
13. Rules may be made for the protection of property from the effects of surface water, and these may be more restrictive²⁹ than those under the Building Act 2004.
14. There are special provisions for rules about contaminated land³⁰.
15. There must be no blanket rules about felling of trees³¹ in any urban environment³².

E. Other statutes:

16. Finally territorial authorities may be required to comply with other statutes."

The Colonial Vineyard decision predated the 2013 amendment to the Act coming into effect.

19 Section 74(3) of the Act as amended by section 58 Resource Management (Simplifying and Streamlining) Act 2009

20 Section 75(1) of the Act

21 Section 75(2) of the Act

22 Section 74(1) and Section 32(3)(a) of the Act

23 Section 75(1)(b) and (c) of the Act (also section 76(1))

24 Section 32(3)(b) of the Act

25 Section 32(4) of the RMA

26 Section 32(3A) of the Act added by section 13(3) Resource Management Amendment Act 2005.

27 Section 76(3) of the Act.

28 Section 76(2) RMA

29 Section 76(2A) RMA

30 Section 76(5) RMA as added by section 47 Resource Management Amendment Act 2005 and amended in 2009

31 Section 76(4A) RMA as added by the Resource Management (Simplifying and Streamlining) Amendment Act 2009.

32 Section 76(4B) RMA – this "Remuera rule" was added by the Resource Management (Simplifying and Streamlining) Amendment Act 2009

Accordingly, the tests poised by the Environment Court need to be read subject to the effect of that Amendment Act, specifically:

Points A1 and 2 need to be read subject to the amended section 74(1) of the Act which states:

“A territorial authority must prepare and change its District Plan in accordance with –

- a. Its functions under section 31; and
- b. The provisions of Part 2; and
- c. A direction given under section 25A(2) [by the Minister for the Environment]; and
- d. Its obligation (if any) to prepare an evaluation report in accordance with section 32; and
- e. Its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and
- f. Any regulations”.

Point C10 needs to be read subject to the amended section 32³³ including in particular:

- “(1) An evaluation report required under this Act must - ...
- a. Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by –
 - i. Identifying other reasonably practicable options for achieving the objectives; and
 - ii. Assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
 - iii. Summarising the reasons for deciding on the provisions; and...
- (2) An assessment under subsection (1)(b)(ii) must –
- a. identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for –
 - i. Economic growth that are anticipated to be provided or reduced; and
 - ii. Employment that are anticipated to be provided or reduced; and
 - b. If practicable, quantify the benefits and costs referred to in paragraph (a); and
 - c. Assess the risk of acting or not acting if there is uncertainty or insufficient information about the subject matter of the provisions....
- (4) If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified the circumstances of each region or district in which the prohibition or restriction would have effect.”

33 Introduced by section 70 of the Resource Management Amendment Act 2013

APPENDIX 2
WĀHI TŪPUNA CHAPTER 39, RECOMMENDED BY MS PICARD FOLLOWING
CONSIDERATION OF SUBMITTER EVIDENCE

39 Wāhi Tūpuna

KEY:

Green underline and ~~strike through~~ text are recommended amendments to notified provisions made in response to submitter evidence, Highlights Summary 29/06/20.

Red underline and ~~strike through~~ text are recommended amendments made in section 42A report, 18/03/2

Any black underlined or ~~strike through~~ text, reflect notified variations.

39.1 Purpose

The purpose of this chapter is to assist in implementing the strategic direction set out in Chapter 5 Tangata Whenua in relation to providing for the kaitiakitanga of Kāi Tahu as Manawhenua in the district. Through the identification of wāhi tūpuna the management and protection of these areas can be more clearly considered in decision making.

This chapter implements the strategic direction of Chapter 5 by:

- a. identifying specific wāhi tūpuna areas with an overlay on the planning maps;
- b. setting out objectives and policies relating to subdivision, use and development within this overlay; and
- c. identifying recognised threats that may be incompatible with values for each specific area in Schedule 39.6 to this Plan.

Whilst specific wāhi tūpuna areas and values have been identified, it is acknowledged that Kāi Tahu regard the whole of the district as its ancestral land. Many urban areas within the district are valued by Manawhenua, however, the extent of development within these areas means many of these values have been reduced.

A glossary of terms and explanation of key principle for Kāi Tahu are set out in Chapter 5.

39.2 Objectives and Policies

39.2.1 Objective - The values held by Manawhenua, in particular within identified wāhi tūpuna areas, are recognised and provided for, and considered as part of decision making.

Commented [SP1]: J Young 3317

Policies

39.2.1.1 Recognise that the following activities may be incompatible with values held by Manawhenua where ever they occur within the District;

- a. Mining and mining activities, including gravel extraction;
- b. Landfills;
- c. Cemeteries and crematoria;
- d. Forestry;
- e. Removal of indigenous vegetation from significant natural areas (SNA); and
- f. Wastewater treatment plants.

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39.2.1.2 Recognise that the following activities may be incompatible with values held by Manawhenua when the activity includes activities or effects that are a recognised threat and could result in the modification, damage or destruction of values held for an identified wāhi tūpuna area, as set out in Schedule 39.6:

- a. Activities affecting water quality, ~~including buildings or structures in close proximity to waterbodies;~~
- b. Earthworks ~~which exceed 10m³ outside of the urban environment;~~
- c. Buildings and structures;
- d. Forestry, except for Plantation Forestry where the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 prevails;
- e. New roads, additions/alterations to existing roads, vehicle tracks and driveways;
- f. Activities that affect a ridgeline including buildings and structures, and activities on the upper slopes;
- g. Commercial and commercial recreational activities;
- h. Activities within Significant Natural Areas;
- i. Subdivision and development ~~outside of the urban environment;~~ or
- j. Utilities and energy activities.

39.2.1.3 Recognise that certain activities, when undertaken in wāhi tūpuna areas, can have ~~such~~ significant adverse effects on Manawhenua values ~~that they are culturally inappropriate and should must~~ be avoided.

39.2.1.4 ~~Avoid significant adverse effects on values within wāhi tūpuna areas and where significant adverse effects cannot be practicably avoided, require them to be remedied or mitigated. Avoid, remedy or mitigate any other adverse effects on the cultural values of Manawhenua of on the identified wāhi tūpuna areas.~~

39.2.1.5 Encourage consultation with Manawhenua as the most appropriate way for obtaining understanding of the impact of any activity on a wāhi tūpuna area.

39.2.1.6 Recognise that an application ~~for activities as set out in Policy 39.2.1.1 and Policy 39.2.1.2 that does not include detail of consultation undertaken with Manawhenua mana whenua~~ may require a cultural impact assessment as part of an Assessment of Environment Effects so that any adverse effects that ~~on the~~ activity may have on ~~the cultural values of Manawhenua of on the identified wāhi tūpuna areas a wāhi tūpuna~~ can be understood.

39.2.1.7 When deciding whether ~~mana whenua~~ Manawhenua are an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will consider Policies 39.2.1.1 and 39.2.1.2.

Commented [SP2]: Evidence of M Bathgate - Para 133
Kā Rūnaka, Submitter 3430

Commented [SP3]: Evidence of M Bathgate - Para 84
Kā Rūnaka, Submitter 3430

Commented [SP4]: Evidence of M Bathgate - Para 84
Kā Rūnaka, Submitter 3430

Commented [SP5]: Notified 39.2.1.4

Commented [SP6]: Evidence of M Bathgate - Para 30
Kā Rūnaka, Submitter 3430

Commented [SP7]: ORC (3342)

Commented [SP8]: Evidence of M Bathgate - Para 34
Kā Rūnaka, Submitter 3430

Commented [SP9]: Notified 39.2.1.3

Commented [SP10]: Evidence of M Bathgate - Para 30
Kā Rūnaka, Submitter 3430

Commented [SP11]: J Young 3317

Commented [SP12]: Clause 16

Commented [SP13]: Evidence of M Bathgate - Para 30
Kā Rūnaka, Submitter 3430

Commented [SP14]: Clause 16

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39.3 Other Provisions and Rules

District Wide

Attention is drawn to the following District Wide chapters.

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes
25 Earthworks	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 Transport	30 Energy and Utilities
31 Signs	32 Protected Trees	33 Indigenous Vegetation and Biodiversity
34 Wilding Exotic Trees	35 Temporary Activities and Relocated Buildings	36 Noise
37 Designations	38 Open Space and Recreation	Planning Maps

Commented [SP15]: This table to be updated throughout the plan to include Chapter 39 Wāhi Tūpuna.

Interpreting and Applying the Rules

39.3.1.1 The identified wāhi tūpuna **sites areas** are shown:

- a. On the planning maps as an overlay; and
- b. Listed within Schedule 39.6, which sets out the specific values and recognised threats for each area.

Commented [SP16]: Evidence of M Bathgate - Para 144
Kā Rūnaka, Submitter 3430

39.3.1.2 Statutory Acknowledgement areas are listed in Section 5.8.

39.3.1.3 **A glossary of te reo terms can be found in Chapter 2 definitions.**

Commented [SP17]: Evidence of M Bathgate - Para 122
Kā Rūnaka, Submitter 3430

39.3.1.4 **A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules, otherwise a resource consent will be required.**

Commented [SP18]: Removal of Clause 16 correction as shown in the notified and s42A provisions. Recommendations include Permitted activity and therefore is appropriate to remain.

39.3.1.5 **For this chapter the urban environment relates to those zones set out in Part 3: Urban Environment and the Open Space and Recreation Zones within the Urban Growth Boundary.**

Commented [SP19]: Evidence of M Bathgate - Para 56
Kā Rūnaka, Submitter 3430

39.3.1.6 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column shall apply.

39.3.1.7 Where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity.

39.3.1.8 For **controlled and** restricted discretionary activities, the Council shall restrict the exercise of its **control of** discretion to the matters listed in the rule.

Commented [SP20]: Clause 16(2).
No controlled activities within this Chapter

39.3.1.9 The following abbreviations are used within this Chapter.

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P – Permitted	C – Controlled	RD – Restricted Discretionary
D – Discretionary	NC – Non – Complying	PR - Prohibited

39.4 Rules – Activities

	Table 39.4 - Activity	Activity Status
39.4.1	<p>Any farm building within a wāhi tūpuna area;</p> <p>Discretion is restricted to:</p> <p>a. Effects on cultural values of Manawhenua.</p> <p><u>A new farm building within 30m of an existing farm building within an identified wāhi tūpuna area.</u></p>	<p>RD</p> <p><u>P</u></p>

Commented [SP21]: Evidence of M Bathgate - Para 109
Kā Rūnaka, Submitter 3430

39.5 Rules – Standards

	<u>Table 39.X – farm buildings within an identified wāhi tūpuna area</u>	<u>Non-compliance status</u>
<u>39.5.X</u>	<p><u>Any farm building, other than provided for by Rule 39.4.1, shall be located at an elevation no greater than 400 masl.</u></p>	<p><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>Effects on cultural values of Manawhenua.</u></p>
<u>39.5.XX</u>	<p><u>Any farm building, other than provided for by Rule 39.4.1, shall not modify a skyline or terrace edge when viewed from either; adjoining sites, or formed roads within 2km of the location of the proposed building.</u></p>	<p><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>Effects on cultural values of Manawhenua.</u></p>

Commented [SP22]: Evidence of M Bathgate - Para 109
Kā Rūnaka, Submitter 3430

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	Table 39.5 - Setback from water bodies within a wāhi tūpuna area	Non-compliance status
39.5.1	<p>Any buildings or structures:</p> <ul style="list-style-type: none"> a. within a wāhi tūpuna area (identified in Schedule 39.6); b. where activities affecting water quality are a recognised threat for that wāhi tūpuna area; and c. within the following zones: <ul style="list-style-type: none"> i. Lower Density Suburban Residential; ii. Medium Density Residential; or iii. Large Lot Residential. <p>Shall be setback a minimum of 7m from a waterbody.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Effects on cultural values of Manawhenua.
39.5.2	<p>Any buildings or structures:</p> <ul style="list-style-type: none"> a. within a wāhi tūpuna area (identified in Schedule 39.6); b. where activities affecting water quality are a recognised threat; and c. are within the following zones: <ul style="list-style-type: none"> i. Rural; ii. Rural Residential and Rural Lifestyle; or iii. Gibbston Character. <p>Shall be setback a minimum of 20m from a waterbody, wetland, river or lake.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> b. Effects on cultural values of Manawhenua.
39.5.3	<p>Any buildings or structures:</p> <ul style="list-style-type: none"> a. within a wāhi tūpuna area (identified in Schedule 39.6); b. where activities affecting water quality are a recognised threat; and c. are within the following zones: <ul style="list-style-type: none"> i. Wakatipu Lifestyle Precinct; or ii. Open Space and Recreation <p>Shall be setback a minimum of 30m from a waterbody, wetland, river or lake.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Effects on cultural values of Manawhenua.

Commented [SP23]: Evidence of M Bathgate - Para 133
Kā Rūnaka, Submitter 3430

Commented [SP24]: Evidence of M Bathgate - Para 134-139
Kā Rūnaka, Submitter 3430

Commented [SP25]: Removed for consistency – 39.3.1.1 makes clear that identified wāhi tūpuna are set out in Schedule 39.6

Commented [SP26]: Evidence of M Bathgate - Para 133
Kā Rūnaka, Submitter 3430

Commented [SP27]: Removed for consistency – 39.3.1.1 makes clear that identified wāhi tūpuna are set out in Schedule 39.6

Commented [SP28]: Evidence of M Bathgate - Para 133
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39.6 Schedule of Wāhi Tūpuna

Number	Name	Values	Description of sites included in this area	Recognised threats
1	Orokotewhatu (The Neck)	Nohoaka, mahika kai, kāika, tūāhu, archaeological values.	Manuhaea, Orokotewhatu, Pekerakitahi, Te Uhakati, Tepiotekokomaunga <u>Manuhaea on the eastern side of "The Neck" was a traditional kāika mahika kai and kāika nohoaka. It was renowned for a small lagoon where tuna (eels) were gathered. Weka, kākāpō, kiwi, kea, kākā, kererū and tūi were once gathered in the area and the ancestors of mana whenua grew crop kāuru māra (gardens) of potato and turnip. Te Pi-o-te-kokomaunga (mountain) and Te Uhakati (Sentinel Peak) were also kāika mahika kai where weka, kea, kererū, kākā, kākāpō, where kāuru (cabbage tree root), āruhe (fernroot) and tuna were gathered. Other sites in the area: Orokotewhatu.</u>	<ul style="list-style-type: none"> a. Activities affecting water quality b. Earthworks c. Subdivision and development d. Buildings and structures e. Energy and Utility activities
2	Paetarariki & Timaru	Mahika kai, traditional settlement, nohoaka, archaeological, ara tawhito	<u>Several sites within this area such as Kokotane and Pakituhi were known rich kāika mahika kai. Kokotane is an old hāpua (lagoon) where pūtakitaki (paradise duck), pārerā (duck sp.) and turnips were gathered. Te Whakapapa is also considered a pā site.</u>	<ul style="list-style-type: none"> a. Activities affecting water quality b. Subdivision and development c. Exotic species including wilding pines d. Earthworks e. New roads or additions/alterations to existing roads, vehicle tracks and driveways

Commented [SP29]: Additions to descriptions in this column and Schedule 39.6
Evidence of E Ellison – Appendix 1
Kā Rūnaka, Submitter 3430

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			<p><u>Other sites in the area:</u></p> <p>Aupawha, part of Paetarariki (Hāwea River), Paetarariki (island in Lake Hāwea), Te Tawaha o Hāwea, Te Whakapapa, Turakipotiki; Kokotane, Pakituhi, Te Haumatiketike, Timaru</p> <p><i>Note: The urbanised area of Hāwea within this wāhi tūpuna has been removed from the map due to extensive modification. The area remains highly significant.</i></p>	<ul style="list-style-type: none"> f. Buildings and structures, g. Energy and Utility activities h. Activities affecting the ridgeline and upper slopes
3	Hāwea River (including Camp Hill)	Awa, nohoaka, ara tawhito	<p><u>The mapped area was once part of a traditional mahika kai network with Camp Hill often used as a nohoaka (seasonal camping site).</u></p>	<ul style="list-style-type: none"> a. Commercial and recreational activities b. Activities affecting water quality c. Subdivision and development d. Earthworks e. New roads or additions/alterations to existing roads, vehicle tracks and driveways f. Buildings and structures g. Energy and Utility activities
4	Turihuka	Mahika kai, traditional settlement	<p><u>A kāika mahika kai where tuna (eels), koukoupāra (giant kokopu), raupō (bulrush), and weka were gathered. Turihuka is a Waitaha ancestor and a direct descendant of the Waitaha explorer Rākaiahautū who dug the freshwater lakes of</u></p>	<ul style="list-style-type: none"> a. Activities affecting water quality b. New roads or additions/alterations to existing roads, vehicle tracks and driveways c. Buildings and structures d. Energy and Utility activities

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			<p><u>Te Waipounamu, including Hāwea, Wānaka and Whakatipu-wai-maori.</u></p> <p><u>Other sites in the area:</u> Te Wairere, Turihuka (Dingleburn Lagoon), Turihuka (Silver Island), part of the Whakakea where it flows into the lake</p>	<p>e. Activities affecting the ridgeline and upper slopes</p> <p>f. Subdivision and development</p>
5	Te Rua Tūpāpaku	Urupā, Nohoaka, mahika kai, pā site, <u>wāhi tapu</u>	<p><u>Te Rua Tūpāpaku (listed in the Mata-au in the report)</u></p> <p><u>A kāika mahika kai located on the Mata-au (Clutha River) where weka, tuna (eels) and kauru (cabbage tree root) were gathered. It is also recorded as a fortified permanent pā.</u></p>	<p>a. Earthworks</p> <p>b. New roads or additions/alterations to existing roads, vehicle tracks and driveways</p> <p>c. Subdivision and development</p> <p>d. Buildings and structures</p> <p>e. Energy and Utility activities</p> <p>f. Activities affecting the ridgeline and upper slopes</p> <p>g. Commercial and commercial recreational activities</p>
6	Makarore & Tiore Pātea	Pounamu and settlements, archaeological, ara tawhito, mahika kai	<p><u>An area rich with kāika mahika kai where pora ("Māori turnip"), kauru (cabbage tree root), aruhe (bracken fernroot), weka, kiwi, kākāpō, kea, kererū, kākā, and tuna (eel) were gathered.</u></p> <p><u>Other sites in the area:</u> Makarore, Ōtanenui where it flows into the lake, Ōtūraki, part of Purapatea, Tau Taraiti, part of Te Awa Kāwhio, Te Paekāi, Te Pari Kōau, Te Poutu te Raki.</p>	<p>a. Gravel extraction</p> <p>b. Earthworks</p> <p>c. Commercial and commercial recreational activities</p> <p>d. Activities affecting water quality</p> <p>e. Subdivision and development</p> <p>f. Buildings and structures</p> <p>g. Energy and Utility activities</p> <p>h. Activities affecting the ridgeline and upper slopes</p> <p>i. Exotic species including wilding pines</p>

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7	Area surrounding Te Poutu Te Raki	Urupā, mahika kai, nohoaka, archaeological values	<p><u>A kaika mahika kai where tuna (eels), kāuru (cabbage tree root), weka, kākāpō and aruhe (bracken fernroot) were gathered.</u></p> <p><u>Other sites in the area:</u></p> <p>Kotorepi, the Matakītaki where it flows into the lake, Motatapu where it flows into the lake, O Te Kooti Kako, Tākiri Puke, Taneauroa, Te Kahika, Toka Hapuku, Whakai-taki-a-o</p>	<ul style="list-style-type: none"> a. Activities affecting water quality b. Earthworks c. Buildings and structures d. Energy and Utility activities e. Activities affecting the ridgeline and upper slopes f. Subdivision and development
8	Mou Waho	Wāhi taoka	<p>Mou Waho <u>was once part of traditional mahika kai trails.</u></p>	<ul style="list-style-type: none"> a. Earthworks b. Exotic species including wilding pines c. Commercial and commercial recreational activities
9	Mou Tapu	Wāhi tapu	<p><u>The Island of Mou Tapu was traditionally considered tapu and was avoided for that reason. Kāi Tahu today continue to respect these restrictions.</u></p>	<ul style="list-style-type: none"> a. Earthworks b. Exotic Species including wilding pines c. Commercial and commercial recreational activities
10	Waiariki/Stevensons Island	Wāhi taoka	<p><u>Waiariki is the traditional name for Stevensons Arm whilst Pōkainamu and Te Pekakārara are traditional names for Stevensons Island, portraying the long history and association of Kāi Tahu with Otago.</u></p> <p><u>Other sites in the area:</u></p> <p>Pokainamu/Te Peka Karara-</p>	<ul style="list-style-type: none"> a. Earthworks b. Exotic species including wilding pines c. Commercial and commercial recreational activities

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<p>Not mapped</p>	<p>Take Kārara - wider Wānaka area Take Kārara - wider Wānaka area</p>	<p>Kāika, mahika kai, ara tawhito, nohoaka Kāika, mahika kai, ara tawhito, nohoaka</p>	<p>Take Kārara, Toka Karoro, Tewaiatakaia, Karuroro Take Kārara is a kāika nohoaka (seasonal settlement) at the southern end of Lake Wānaka. It is also a pā and a kāika mahika kai (food-gathering site), where pora ("Māori turnip"), mahetau, tuna (eels), and weka were once gathered. Other sites in the area: Take Kārara, Toka Karoro, Tewaiatakaia, Karuroro</p>	<p>Note: The urbanised area of Wānaka has not been mapped due to extensive modification. The area remains highly significant. Due to its extensive level of modification, there are no recognised threats listed for this wāhi tūpuna and the rules specific to wāhi tūpuna do not apply. However, this wāhi tūpuna remains significant to Manawhenua.</p>
<p>11</p>	<p>Ōrau</p>	<p>Mahika kai, ara tawhito, nohoaka</p>	<p>A traditional ara tawhito linking Whakatipu Waimāori (Lake Wakatipu) with lakes Wānaka and Hāwea. It also provided access to the natural bridge on the Kawarau River. Ōrau is also recorded as a kāika mahika kai where tuna (eels), pora ('Māori turnip'), āruhe (fernroot) and weka were gathered.</p>	<p>a. Earthworks b. Subdivision and development c. Activities affecting water quality d. Commercial and commercial recreational activities</p>
<p>12</p>	<p>Te Koroka</p>	<p>Pounamu</p>	<p>Te Koroka is a renowned area for gathering pounamu. Numerous pounamu artefacts and remains of several kāika nohoaka (seasonal settlements) have also been discovered in the area at the head of Whakatipu Waimāori. Other sites in the area:</p>	<p>a. Exotic species including wilding pines</p>

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Kā Rūnaka, Submitter 3430

Commented [SP31]: Evidence of M Bathgate - Para 53
Kā Rūnaka, Submitter 3430

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			Part of Te Awa Whakatipu, Te Koraka	
13	Ōturu	Nohoaka, mahika kai, pounamu, kāika, archaeological	<p><u>Ōturu tells the story of Waitaha tupuna (ancestor) Turu who is immortalised as the Lake, now known as Diamond Lake. Turu's pōua (grandfather), Ari, was also immortalised in the nearby mountain, commonly known as Mount Alfred. Thus, the Lake is considered wāhi taoka, a place which reflects the rich and long history of Kāi Tahu association with Otago.</u></p> <p><u>Other sites in the area:</u></p> <p><u>Ari, Ōturu, Part of Puahiri/Puahere, part of Te Awa Whakatipu, Te Komarama, Te Puia.</u></p>	<ul style="list-style-type: none"> a. Activities affecting water quality b. Subdivision and development c. Earthworks d. Energy and Utility activities e. Buildings and structures f. Commercial and commercial recreational activities
14	Tāhuna	Nohoaka, mahika kai, pounamu, kāika, ara tawhito	<p><u>Several sites in the area possess traditional place names such as Puahiri (Rees River) and Tāhuna (the area around the wharf at Glenorchy). Te Awa Whakatipu (Dart River) was part of the well-known travel route connecting Whakatipu Waimāori with Whakatipu Waitai (Martins Bay) which was one of the largest Kāi Tahu kāika in South Westland. Numerous pounamu artefacts and the remains of several kāika nohoaka have also been discovered in the area.</u></p>	<ul style="list-style-type: none"> a. Activities affecting water quality b. Subdivision and development c. Earthworks d. Buildings and structures e. Energy and Utility activities f. Activities affecting the ridgeline and upper slopes g. Quarrying h. Exotic species including wilding pines i. Commercial and commercial recreational activities

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			<p><u>Other sites in the area:</u></p> <p>Part of Puahiri/Puahere, Tāhuna (Glenorchy), part of Te Awa Whakatipu, Tōtara-ka-wha-wha.</p>	
15	Wāwāhi Waka	Nohoaka, tauraka waka, mahika kai	<p><u>A wāhi taoka, Wāwāhi Waka refers to Ngāti Māmoe splitting large tōtara trees on the island for making waka. These pūrakau demonstrate the long and rich association of Kāi Tahu in the area.</u></p> <p><u>Other sites in the area:</u></p> <p>Mātau, Wāwāhi Waka</p>	<ul style="list-style-type: none"> a. Activities affecting water quality b. Earthworks c. Exotic Species including wilding pines d. Commercial and commercial recreational activities
Not mapped	<p>Tāhuna area around central Queenstown</p> <p><u>Tāhuna</u></p>	<p>Nohoaka, tauraka waka, mahika kai, kāika, ara tawhito, archaeological values</p> <p><u>Nohoaka, tauraka waka, mahika kai, kāika, ara tawhito, archaeological values</u></p>	<p><u>This is the traditional name for the flat at Queenstown. It is also the area where a kāika (permanent settlement) once stood.</u></p>	<p>Note: The urbanised area of Queenstown has not been mapped due to extensive modification. The area remains highly significant.</p> <p><u>Due to its extensive level of modification, there are no recognised threats listed for this wāhi tūpuna and the rules specific to wāhi tūpuna do not apply. However, this wāhi tūpuna remains significant to manawhenua.</u></p>
Not mapped	<p>Te Kirikiri area around Frankton</p> <p><u>Te Kirikiri</u></p>	<p>Nohoaka, tauraka waka, mahika kai, kāika, ara tawhito, archaeological values</p> <p><u>Nohoaka, tauraka waka, mahika kai,</u></p>	<p><u>Te Kirikiri is the traditional name for the flat land at Frankton on the banks of Whakatipu-wai-Māori and is also where a kāika (permanent settlement) of the same name once stood.</u></p>	<p>Note: The urbanised area of Frankton has not been mapped due to extensive modification. The area remains highly significant.</p> <p><u>Due to its extensive level of modification, there are no recognised threats listed for this</u></p>

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		<u>kāika, ara tawhito, archaeological values</u>		<u>wāhi tūpuna and the rules specific to wāhi tūpuna do not apply. However, this wāhi tūpuna remains significant to manawhenua.</u>
16	Punatapu	Tauraka waka, settlements, archaeological values, <u>wāhi tapu.</u>	Punatapu was used as a nohoaka or staging post for mana whenua ancestors who travelled up and down Whakatipu Waimāori (Lake Wakatipu).	<ul style="list-style-type: none"> a. Earthworks b. Subdivision and development c. Buildings and structures d. Energy and Utility activities
17	Kimi-akau	<u>Ara tawhito, mahika kai, Wāhi tūpuna, nohoaka</u>	<u>This mapped area covers Māori Point which is the exact location where gold miner Rāniera Tāheke Ellison of Te Āti Awa descent discovered 300 ounces of gold on Kimiākau (Shotover River) during the 1860s Otago gold rush. Kimiākau was also part of the extensive network of kāika mahika kai (food-gathering places) and traditional ara tawhito (travel routes) throughout Central Otago. Thus, the area has both traditional and contemporary significance to mana whenua.</u>	<ul style="list-style-type: none"> a. Earthworks b. Activities affecting natural character c. Activities affecting the ridgeline and upper slopes d. Buildings and structures e. Subdivision and development f. Energy and Utility activities g. Exotic species including wilding pines
18	Te Kararo (Queenstown Gardens)	Tauraka waka, settlement, archaeological	<u>The site of a past kāika (permanent settlement) is in the vicinity of this area.</u>	<ul style="list-style-type: none"> a. Subdivision and development b. Earthworks c. Activities affecting natural character d. Energy and Utility activities

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Kā Rūnaka, Submitter 3430

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Ref Para 4.1 FS3430

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19	Te Nuku-o-Hakitekura (Kelvin Heights Golf Course)	Wāhi tāoka	<u>This area is related to the feats of Hakitekura, the famous Kāti Māmoe woman who was the first person to swim across Whakatipu Waimāori. Several other nearby geographical features are named after Hakitekura and this historic event.</u>	<ul style="list-style-type: none"> a. Earthworks b. Exotic species including wilding pines c. Buildings and structures d. Energy and Utility activities e. subdivision and development
20	Te Tapunui (Queenstown Hill)	Wāhi tāoka	<u>Inherent in its name, Te Tapunui is a place considered sacred to Kāi Tahu both traditionally and in the present.</u>	<ul style="list-style-type: none"> a. Earthworks b. Exotic species including wilding pines c. Buildings and structures d. Energy and Utility activities e. Subdivision and development f. Activities affecting the ridgeline and upper slopes
21	Tititea	Settlement, tauraka waka	<u>Tititea was a pā located on the south side of the Kawarau River near Whakatipu-wai-Māori. Kāi Tahu tradition tells of an incident where a 280 strong war party was repelled from this area and chased to the top of the Crown Range, which is now named Tititea in memory of this incident (Beattie, 1945).</u>	<ul style="list-style-type: none"> a. Earthworks b. Subdivision and development c. Buildings and structures d. Energy and Utility activities e. New roads or additions/alterations to existing roads, vehicle tracks and driveways
22	Kā Kamu a Hakitekura	Wāhi tūpuna Mauka	<u>Kā Kamu-a-Hakitekura, meaning “The Twinkling Seen by Hakitekura”, are the two mountain peaks on the southern shore of Whakatipu Waimāori known today as Walter Peak and Cecil Peak.</u>	<ul style="list-style-type: none"> a. Earthworks b. Subdivision and development c. Buildings and structures d. Energy and Utility activities

Commented [SP35]: Clause 16(2)
Ref Para 4.1 FS3430

			<p>The name is derived from Hakitekura, the famous Kāti Māmoe woman who was the first person to swim across the Lake. When she swam across the Lake with her bundle of kauati (kindling stick) and harakeke (flax), she was guided by the two mountain peaks whose tops were twinkling like two eyes in the dawning light.</p> <p>Other sites in the area:</p> <p>Te Ahi o Hakitekura</p>	<ul style="list-style-type: none"> e. Exotic species including wilding pines f. Activities affecting the ridgeline and upper slopes g. Activities affecting natural character
23	Takerahaka <u>Takerehaka</u>	Settlement, mahika kai, archaeological	<p>Takerehaka, now the site of the Kingston settlement was also the location of a former kāika (permanent settlement/occupation site).</p>	<ul style="list-style-type: none"> a. Activities affecting water quality b. Subdivision and development c. Buildings and structures d. Energy and Utility activities e. Exotic species including wilding pines
24	Kawarau River	Ara tawhito, mahika kai, archaeological	<p>The Kawarau River was a traditional travel route that provided direct access between Whakatipu Waimāori (Lake Whakatipu) and Mata-au (the Clutha River). It is also recorded as a kāika mahika kai where weka, kākāpō, kea and tuna (eel) were gathered.</p> <p>Other sites in the area:</p> <p>Te Wai o Koroiko, Ōterotu - Ōterotu is the traditional Māori name for the Kawarau Falls. Ōterotu is located at</p>	<ul style="list-style-type: none"> a. New roads or additions/alterations to existing roads, vehicle tracks and driveways b. Buildings and structures c. Earthworks d. Subdivision and development e. Damming, activities affecting water quality f. Exotic species including wilding pines g. Commercial and recreational activities

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Minor typographical error

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			the outlet of Whakatipu-wai-māori.	
25	Tarahaka whakatipu	Ara Tawhito, pounamu, nohoaka.	Tarahaka-Whakatipu (Harris Saddle) was part of the traditional travel route linking Whakatipu Waimāori (Lake Wakatipu) with Whakatipu Waitai (Martins Bay).	<ul style="list-style-type: none"> a. Activities affecting the ridgeline and upper slopes b. Exotic species including wilding pines c. Activities affecting natural character d. Buildings and structures e. Energy and Utility activities
26	Wye Creek	Mahika kai, nohoaka, wāhi taoka, archaeological values	There is a nohoaka (seasonal settlement) in the area that bears both traditional and contemporary significance to Kāi Tahu.	<ul style="list-style-type: none"> a. Subdivision and development b. Energy and Utility activities c. Buildings and structures d. Earthworks e. Exotic species including wilding pines f. Commercial and recreational activities
27	Te Taumata o Hakitekura	Wāhi taoka	Te Taumata-o-Hakitekura is the Māori name for Ben Lomond and Fernhill, located at Whakatipu Waimāori (Lake Wakatipu). This is also an area related to Hakitekura, the Kāti Māmoe woman who was the first person to swim across Whakatipu Waimāori. The mountains that she would look across the lake to were named Te Taumata-aHakitekura meaning 'The Resting Place of Hakitekura'.	<ul style="list-style-type: none"> a. Exotic species including wilding pines b. Buildings and structures, utilities c. New roads or additions/alterations to existing roads, vehicle tracks and driveways d. Activities affecting the ridgeline and upper slopes
28	Haehaenui (Arrow River)	Ara tawhito, mahika kai, nohoaka	Haehaenui (Arrow River) was part of the mahika kai network in the area. Mana whenua	<ul style="list-style-type: none"> a. Damming, activities affecting water quality

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			travelled through these catchments to gather kai.	<ul style="list-style-type: none"> b. Buildings and structures c. Energy and Utility activities d. Subdivision and development e. Earthworks f. Commercial and commercial recreational activities
29	Kimiākau (Shotover River)	Ara tawhito, mahika Kai, nohoaka	<p>Kimiākau (Shotover River) was part of the extensive network of kāika mahika kai (food-gathering places) and traditional travel routes throughout Central Otago.</p> <p>Other sites in the area:</p> <p>Puahuru</p>	<ul style="list-style-type: none"> a. Damming, activities affecting water quality b. Buildings and structures c. Energy and Utility activities d. Subdivision and development e. Earthworks f. Exotic species including wilding pines g. Commercial and commercial recreational activities
30	Makarore (Makarora River)	Ara tawhito, mahika kai, nohoaka	<p>This area is rich with mahika kai sites where kai such as weka, kākāpō, kauru, āruhe and tuna (eel) were gathered.</p> <p>Other sites in the area:</p> <p>Te Poutu Te Raki, Te Pari Kōau, Pōkeka Weka, Te Whare Manu, Waitoto, Te Whiti o Te Wahine</p>	<ul style="list-style-type: none"> a. Damming, activities affecting water quality b. Buildings and structures c. Energy and Utility activities d. Subdivision and development e. Earthworks f. Commercial and commercial recreational activities
31	Mātakitaki (Matukituki River)	Ara tawhito, mahika kai, nohoaka	<p>Mātakitaki is recorded as a kāika mahika kai where tuna (eels), kāuru and āruhe were gathered.</p>	<ul style="list-style-type: none"> a. Damming, activities affecting water quality b. Buildings and structures, utilities c. Subdivision and development d. Earthworks

				e. Commercial and commercial recreational activities
32	Mata-Au (Clutha) River	Ara tawhito, mahika kai, nohoaka	<p>The Mata-au river takes its name from a Kāi Tahu whakapapa that traces the genealogy of water. On that basis, the Mata-au is seen as a descendant of the creation traditions. The Mata-au was also part of a mahika kai trail that led inland and was used by Ōtākou hapū including Ngāti Kurī, Ngāti Ruahikihiki, Ngāti Huirapa and Ngāi Tuahuriri. It was also a key transportation route for pounamu from inland areas to settlements on the coast. The Mata-au continues to hold the same traditional values of ara tawhito, tauraka waka, wāhi mahika kai and tikaka. It also has Statutory Acknowledgement status under the Ngāi Tahu Claims Settlement Act 1998.</p> <p>Other sites in the area:</p> <p>Kahuika, Okai Tū, Te Rua Tūpāpaku</p>	<p>a. Damming, activities affecting water quality</p> <p>b. Buildings and structures, utilities</p> <p>c. Subdivision and development</p> <p>d. Earthworks</p> <p>e. Commercial and commercial recreational activities</p>
33	Whakatipu Whakātipu -wai-Māori (Lake Whakatipu Wakātipu)	Wāhi taoka, mahika kai, ara tawhito	<p>The name Whakatipu-waimāori originates from the earliest expedition of discovery made many generations ago by the tupuna Rakaihautu and his party from the Uruao waka. The Lake is key in numerous Kāi Tahu pūrakau (stories) and has a deep spiritual</p>	<p>a. Damming, activities affecting water quality</p> <p>b. Buildings and structures, utilities</p> <p>c. Earthworks</p> <p>d. Subdivision and development</p> <p>e. New roads or additions/alterations to existing roads,</p>

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			<p>significance for mana whenua. For generations, the Lake also supported nohoaka, kāika, mahika kai as well as transportation routes for pounamu. The knowledge of these associations hold the same value for Kāi Tahu to this day. It also has Statutory Acknowledgement status under the Ngāi Tahu Claims Settlement Act 1998.</p> <p><u>Whakatipu-wai-Māori</u></p>	<p>vehicle tracks and driveways</p> <p>f. Commercial and commercial recreational activities</p>
34	Wānaka (Lake Wānaka)	Wāhi taoka, mahika kai, ara tawhito	<p>Wānaka is one of the lakes referred to in the tradition of “Ngā Puna Wai Karikari o Rakaihautu” which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rakaihautu. Through these pūrakau (stories), Wānaka holds a deep spiritual significance both traditionally and for Kāi Tahu at present. It was also a wāhi mahika kai rich with tuna (eel) which were caught, preserved, and transported back to the kāika nohoaka of coastal Otago. The knowledge of whakapapa, traditional trails, tauraka waka, mahika kai and other taoka associated with Lake Wānaka remain important to Kāi Tahu today. Lake Wānaka also has Statutory</p>	<p>a. Damming, activities affecting water quality</p> <p>b. Buildings and structures</p> <p>c. Energy and Utility activities</p> <p>d. Earthworks</p> <p>e. Subdivision and development</p> <p>f. New roads or additions/alterations to existing roads, vehicle tracks and driveways</p> <p>g. Commercial and commercial recreational activities</p>

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			<p>Acknowledgement status under the Ngāi Tahu Claims Settlement Act 1998.</p> <p>Other sites in the area:</p> <p>Waiariki (Stephensons Arm), Te Waikākāhi</p>	
35	Hāwea (Lake Hāwea)	Wāhi taoka, mahika kai, ara tawhito	<p>Hāwea is one of the lakes referred to in the tradition of “Ngā Puna Wai Karikari o Rakaihautu” which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rakaihautu. The pūrakau (stories) associated with Lake Hāwea continue to hold spiritual significance for Kāi Tahu today. The Lake was traditionally considered rich with tuna (eel) that were caught, preserved, and transported to kāika nohoaka of coastal Otago. The knowledge of whakapapa, traditional trails, tauraka waka, mahika kai and other taoka associated with Lake Hāwea remain important to Kāi Tahu today. It also has Statutory Acknowledgement status under the Ngāi Tahu Claims Settlement Act 1998.</p>	<ul style="list-style-type: none"> a. Damming, activities affecting water quality b. Buildings and structures c. Energy and Utility activities d. Earthworks e. Subdivision and development f. New roads or additions/alterations to existing roads, vehicle tracks and driveways g. Commercial and recreational activities
36	Kawarau (The Remarkables)	Wāhi taoka, mauka	<p>Kawarau is the traditional name for the Remarkables.</p>	<ul style="list-style-type: none"> a. Exotic species including wilding pines b. Buildings and structures

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				<ul style="list-style-type: none"> c. Energy and Utility activities d. New roads or additions/alterations to existing roads, vehicle tracks and driveways e. Activities affecting the ridgeline and upper slopes f. Earthworks g. Subdivision and development h. Activities affecting natural character
37	Lake Wānaka (Nohoanga)	Nohoaka	<u>Rather than being chosen for its specific historical significance, this nohoaka was selected because it was Crown land adjacent to or near key mahika kai locations.</u>	<ul style="list-style-type: none"> a. Access to site, lake and creeks b. Adjacent activities that are incompatible with Kāi Tahu use and enjoyment of the site
38	Wye Creek (Lake Wakatipu) (Nohoanga)	Nohoaka	<u>Rather than being chosen for its specific historical significance, this nohoaka was selected because it was Crown land adjacent to or near key mahika kai locations.</u>	<ul style="list-style-type: none"> a. Access to site, lake and creeks b. Adjacent activities that are incompatible with Kāi Tahu use and enjoyment of the site
39	Tucker Beach (Nohoanga)	Nohoaka	<u>Rather than being chosen for its specific historical significance, this nohoaka was selected because it was Crown land adjacent to or near key mahika kai locations.</u>	<ul style="list-style-type: none"> a. Access to site, lake and creeks b. Adjacent activities that are incompatible with Kāi Tahu use and enjoyment of the site
40	Māori Point (Nohoanga)	Nohoaka	<u>Rather than being chosen for its specific historical significance, this nohoaka was selected because it was Crown land adjacent to or near key mahika kai locations.</u>	<ul style="list-style-type: none"> a. Access to site, lake and creeks b. Adjacent activities that are incompatible with Kāi Tahu use and enjoyment of the site

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41	Lake Wānaka (Nohoanga)	Nohoakka	<u>Rather than being chosen for its specific historical significance, this nohoaka was selected because it was Crown land adjacent to or near key mahika kai locations.</u>	<ul style="list-style-type: none"> a. Access to site, lake and creeks b. Adjacent activities that are incompatible with Kāi Tahu use and enjoyment of the site
42	Albert Town (Nohoanga)	Nohoaka	<u>Rather than being chosen for its specific historical significance, this nohoaka was selected because it was Crown land adjacent to or near key mahika kai locations.</u>	<ul style="list-style-type: none"> a. Access to site, lake and creeks b. Adjacent activities that are incompatible with Kāi Tahu use and enjoyment of the site
43	Lake Hāwea Camp Ground (Nohoanga)	Nohoaka	<u>Rather than being chosen for its specific historical significance, this nohoaka was selected because it was Crown land adjacent to or near key mahika kai locations.</u>	<ul style="list-style-type: none"> a. Access to site, lake and creeks b. Adjacent activities that are incompatible with Kāi Tahu use and enjoyment of the site
44	Lake Hāwea – Timaru Creek (Nohoanga)	Nohoaka	<u>Rather than being chosen for its specific historical significance, this nohoaka was selected because it was Crown land adjacent to or near key mahika kai locations.</u>	<ul style="list-style-type: none"> a. Access to site, lake and creeks b. Adjacent activities that are incompatible with Kāi Tahu use and enjoyment of the site
45	Lake Hāwea (Nohoanga)	Nohoaka	<u>Rather than being chosen for its specific historical significance, this nohoaka was selected because it was Crown land adjacent to or near key mahika kai locations.</u>	<ul style="list-style-type: none"> a. Access to site, lake and creeks b. Adjacent activities that are incompatible with Kāi Tahu use and enjoyment of the site

Variation to Stage 1/2 PDP

New Stage 3 PDP Chapter 2 Definitions

Cultural Impact Assessment	Means a report that sets out Māori perspective on values, interests and associations with an area or resource. These are technical reports for the purposes of an assessment of environmental effects (AEE).
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2.2 Acronyms Used in this Plan

CIA	Cultural Impact Assessment
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2.3 Glossary

Ahi kā	Continued occupation according to the customary law of Māori tenure (“keeping the fires burning”).
Ara Tawhito	Trails and routes. A network of trails crossed the region linking the permanent villages with seasonal inland campsites and the coast, providing access to a range of mahika kai resources and inland stone resources, including pouamu and silcrete.
Awa	River.
Hapū	Sub-tribe, extended whanau.
Iwi	Tribe.
Ngāi Tahu	The collective of individuals who descend from Ngāi Tahu, Kāti Māmoe and Waitaha who are Manawhenua in the Queenstown Lakes District.
Kāiika	Midden
Kaitiaki	Guardian.
Kaitiakitanga	The exercise of customary custodianship, in a manner that incorporates spiritual matters, by tangata whenua who hold Manawhenua status for a particular area or resource.
Ki Uta Ki Tai	Mountains to the sea.
Mahinga Kai/ Mahika Kai	Mahinga kai refers to the gathering of food and natural materials, the places where those resources are sourced, and the traditions, customs and collection methods. Mahinga kai remains one of the cornerstones of Ngāi Tahu culture.
Manawhenua	Those who exercise customary authority or rangatiratanga.
Mauri	Life supporting capacity.
Maunga/ Mauka	Important mountains. Mountains are of great cultural importance to Ngāi Tahu. Many are places of spiritual presence, and prominent peaks in the District are linked to Ngāi Tahu creation stories, identity and mana.

Commented [SP37]: Clause 16 – move from Section 5.5

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Clause 16 – expansion of cell

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Commented [SP41]: Submission 3063 and others

Commented [SP42]: Submission 3063 and others

Commented [SP43]: Clause 16 – expansion of cell

Commented [SP44]: Submission 3063 and others

<u>Mōkihi</u>	<u>Raft made of bundles of raupō, flax stalks or rushes. These were used to navigate the inland lakes and rivers.</u>
<u>Nohoaka/ Nohoanga</u>	<u>A network of seasonal settlements. Ngāi Tahu were based largely on the coast in permanent settlements, and travelled inland on a seasonal basis. Iwi history shows, through place names and whakapapa, continuous occupation of a network of seasonal settlements, which were distributed along the main river systems from the source lakes to the sea.</u>
<u>Pā site</u>	<u>Fortified settlement.</u>
<u>Papakāinga</u>	<u>Permanent settlement or settlement on traditional land.</u>
<u>Papatipu</u> <u>Rūnaka/Rūnanga</u>	<u>Local Manawhenua representative group or community system of representation.</u>
<u>Pounamu</u>	<u>Nephrite, greenstone, jade.</u>
<u>Rāhui</u>	<u>Restriction on access to a specific resource for a particular time.</u>
<u>Rangātiratanga</u>	<u>Chieftainship, decision-making rights.</u>
<u>Repo Raupo</u>	<u>Wetlands or swamps. These provide valuable habitat for taonga species and mahinga kai resources.</u>
<u>Rohe</u>	<u>Boundary.</u>
<u>Tangata whenua</u>	<u>The iwi or hapū that holds mana whenua in a particular area.</u>
<u>Takiwā</u>	<u>Area, region, district.</u>
<u>Tauraka waka</u>	<u>Waka (canoe) mooring site.</u>
<u>Te Ao Tūroa</u>	<u>The natural environment</u>
<u>Tikanga</u>	<u>Lore and custom, customary values and practices.</u>
<u>Tōpuni</u>	<u>Named for the Tōpuni cloak worn by Ngāi Tahu rangatira.</u>
<u>Tūāhu</u>	<u>Sacred place.</u>
<u>Tuhituhi neherā</u>	<u>Rock art.</u>
<u>Tūpuna/tūpuna</u>	<u>Ancestor.</u>
<u>Umu-tī</u>	<u>Earth oven used for cooking tī kōuka (cabbage tree). These are found in a diversity of areas, including old stream banks and river terraces, on low spurs or ridges, and in association with other features, such as nohoaka/ nohoanga.</u>
<u>Urupā</u>	<u>Burial place.</u>
<u>Wāhi kōhatu</u>	<u>Rock outcrops. Rock outcrops provided shelters and were intensely occupied by Māori from the moa-hunter period into early European settlement during seasonal hikoī. Tuhituhi neherā may be present.</u>

Commented [SP45]: Clause 16 – expansion of cell

Commented [SP46]: Submission 3063 and others

Commented [SP47]: Submission 3063 and others

Wāhi taonga/ Wāhi taoka	Resources, places and sites treasured by tangata whenua. These valued places reflect the long history and association of Ngāi Tahu with the Queenstown Lakes District.
Wāhi Tapu	Places sacred to tangata whenua.
Wāhi tohu	Features used as location markers within the landscape. Prominent landforms formed part of the network of trails along the coast and inland. These acted as fixed point locators in the landscape for travellers and are imbued with history.
Wāhi Tūpuna	Landscapes and places that embody the relationship of Manawhenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.
Wāi Māori	Freshwater areas valued by Ngāi Tahu including wai puna (springs), roto (lakes) and awa (rivers).
Wairua	Life principle, spirit.
Wānaka/ Wānanga	Customary learning method.
Whakapapa	Genealogy.
Whānau	Family.

Commented [SP48]: Submission 3063 and others

Chapter 5 Tangata Whenua

5.5 [A glossary of te reo terms can be found in Chapter 2 definitions.](#)

Commented [SP49]: Evidence of M Bathgate – Para 122
Kā Rūnaka, Submitter 3430

5.5 Glossary

Ahi kā	Continued occupation according to the customary law of Māori tenure (“keeping the fires burning”).
Ara Tawhito	Trails and routes. A network of trails crossed the region linking the permanent villages with seasonal inland campsites and the coast.
Hapū	Sub-tribe, extended whanau.
Iwi	Tribe.
Ngāi Tahu	The collective of individuals who descend from Ngāi Tahu, Kāti Māmoe and Waitaha who are Manawhenua in the Queenstown Lakes District.
Kaitiaki	Guardian.
Kaitiakitanga	The exercise of customary custodianship, in a manner that incorporates spiritual matters, by tangata whenua who hold Manawhenua status for a particular area or resource.
Ki Uta Ki Tai	Mountains to the sea.
Mahinga Kai	Mahinga kai refers to the gathering of food and natural materials, the places where those resources are sourced, and the traditions, customs and collection methods. Mahinga kai remains one of the cornerstones of Ngāi Tahu culture.
Manawhenua	Those who exercise customary authority or rangatiratanga.
Mauri	Life supporting capacity.

Commented [SP50]: Clause 16(2)
Transferred to Chapter 2 Definitions

Maunga	Important mountains. Mountains are of great cultural importance to Ngāi Tahu. Many are places of spiritual presence, and prominent peaks in the District are linked to Ngāi Tahu creation stories, identity and mana.
Mōkihi	Raft made of bundles of raupō, flax stalks or rushes. These were used to navigate the inland lakes and rivers.
Nohoaka/Nohoanga	A network of seasonal settlements. Ngāi Tahu were based largely on the coast in permanent settlements, and travelled inland on a seasonal basis. Iwi history shows, through place names and whakapapa, continuous occupation of a network of seasonal settlements, which were distributed along the main river systems from the source lakes to the sea.
Papakāinga	Permanent settlement or settlement on traditional land.
Papatipu Rūnaka/Rūnanga	Local Manawhenua representative group or community system of representation.
Pounamu	Nephrite, greenstone, jade.
Rāhui	Restriction on access to a specific resource for a particular time.
Rangātiratanga	Chieftainship, decision-making rights.
Repo-Raupō	Wetlands or swamps. These provide valuable habitat for taonga species and mahinga kai resources.
Rohe	Boundary.
Tangata-whenua	The iwi or hapū that holds mana-whenua in a particular area.
Takiwā	Area, region, district.
Te Ao Tūroa	The natural environment
Tikanga	Lore and custom, customary values and practices.
Tōpuni	Named for the Tōpuni cloak worn by Ngāi Tahu rangatira.
Tuhituhi neherā	Rock art.
Tūpuna/tīpuna	Ancestor.
Umu-tī	Earth oven used for cooking tī kōuka (cabbage tree). These are found in a diversity of areas, including old stream banks and river terraces, on low spurs or ridges, and in association with other features, such as nohoaka/nohoanga.
Urupā	Burial place.
Wāhi-kōhatu	Rock outcrops. Rock outcrops provided shelters and were intensely occupied by Māori from the moa-hunter period into early European settlement during seasonal hikoī. Tuhituhi neherā may be present.
Wāhi-taonga	Resources, places and sites treasured by tangata-whenua. These valued places reflect the long history and association of Ngāi Tahu with the Queenstown Lakes District.
Wāhi-Tapu	Places sacred to tangata-whenua.

Wāhi-tohu	Features used as location markers within the landscape. Prominent landforms formed part of the network of trails along the coast and inland. These acted as fixed point locators in the landscape for travellers and are imbued with history.
Wāhi Tūpuna	Landscapes and places that embody the relationship of manawhenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.
Wāi Māori	Freshwater areas valued by Ngāi Tahu including wai-puna (springs), roto (lakes) and awa (rivers).
Wairua	Life principle, spirit.
Wānaka/ Wānanga	Customary learning method.
Whakapapa	Genealogy.
Whānau	Family.

Chapter 12 Queenstown Town Centre

12.4 Rules - Activities

	Activities located in the Queenstown Town Centre Zone	Activity Status
<u>12.4.17</u>	<u>Cemeteries and Crematoria</u>	<u>PR</u>

Chapter 13 Wānaka Town Centre

13.4 Rules - Activities

	Activities located in the Wānaka Town Centre Zone	Activity Status
<u>13.4.14</u>	<u>Cemeteries and Crematoria</u>	<u>PR</u>

Chapter 14 Arrowtown Town Centre

14.4 Rules - Activities

	Activities located in the Arrowtown Town Centre Zone	Activity Status
<u>14.4.14</u>	<u>Cemeteries and Crematoria</u>	<u>PR</u>

Chapter 15 Local Shopping Centre

15.4 Rules - Activities

	Activities located in the Local Shopping Centre Zone	Activity Status
<u>15.4.15</u>	<u>Cemeteries and Crematoria</u>	<u>PR</u>

Chapter 16 Business Mixed Use

16.4 Rules - Activities

	Activities located in the Business Mixed Use Zone	Activity Status
<u>16.4.19</u>	<u>Cemeteries and Crematoria</u>	<u>PR</u>

Chapter 25 Earthworks

25.3.4 Advice Notes – General

...

25.3.4.5 For Rule 25.5.22 the urban environment relates to those zones set out in Part 3: Urban Environment and the Open Space and Recreation Zones within the Urban Growth Boundary

Commented [SP51]: Consequence of Rule 25.5.22

25.4 Rules - Activities

Rule	Table 25.1	Activity Status
25.4.5	<p>Earthworks</p> <p>25.4.5.1 that modify, damage or destroy a wāhi tapu, wāhi tūpuna or other site of significance to Māori as identified in Schedule 39.6 whether identified on the Planning Maps or not;</p> <p>Discretion is restricted to:</p> <p>a. Effects on cultural values of Manawhenua.</p> <p>...</p> <p>[Rule 25.4.5.2 & Rule 25.4.5.3 not part of this review]</p>	RD

Commented [SP52]: Submission 3383 and others Note refers to planning maps

Rule	Table 25.2 – Maximum Volume	Maximum Total Volume
25.5.2	[delete this text only, remainder of Rule remains and does not form part of this proposal] <u>Wāhi Tūpuna areas</u>	10m ³
25.5.7	25.5.7.2 Roads located within an Outstanding Natural Feature identified on the Planning Maps <u>and wāhi tūpuna areas where roads have been identified as a recognised threat to the values of the area (see Schedule 39.6)</u>	b. 10m ³
<u>25.5.11</u>	<u>Wāhi Tūpuna areas</u> <u>Te Rua Tūpāpaku (Number 5), Mou Tapu (Number 9), Te Koroka (Number 12), Punatapu (Number 16), Te Tapunui (Number 20), Kā Kamu a Hakitekura (Number 22), and Te Taumata o Hakitekura (Number 27).</u>	<u>10m³</u>

Commented [SP53]: Clause 16(2) (numbering).

New standalone rule (25.5.11) introduced below so that it does not capture all matters of discretion listed in 25.5.2.

Commented [SP54]: Evidence of M Bathgate - Para 83
Kā Rūnaka, Submitter 3430

Rule	Table 25.3 – Standards	Maximum Total Volume
<u>25.5.22</u>	<u>Any earthworks undertaken in a wāhi tūpuna, with the exception of the wāhi tūpuna listed in Rule 25.5.11 (Table 25.2) or located in the urban environment shall:</u> <u>25.5.22.1 Be setback a minimum of 20m from a waterbody;</u> <u>25.5.22.2 not exceed an elevation of 400masl; or</u> <u>25.5.22.3 not modify a skyline or terrace edge viewed either from adjoining sites, or formed roads within 2km of the earthworks.</u>	<u>RD</u>

Commented [SP55]: Evidence of M Bathgate - Para 83
Kā Rūnaka, Submitter 3430

25.7 Matters of Discretion

...

25.7.1 For all restricted discretionary activities, except in relation to Rule 25.5.11 and 25.5.22, discretion shall be restricted to the following.

Commented [SP56]: Consequence of introducing Rule 25.5.22

25.7.2 For any restricted discretionary resource consent for non-compliance with Rule 25.5.11 and 25.5.22 discretion shall be restricted to effects on cultural values of Manawhenua.

Chapter 26 Historic Heritage

26.1 Purpose

...

c. sites of significance to Maori;

26.2.1 Categorisation and future listing

...

b. for sites of significance to Maori, a detailed assessment of the extent of the site and related values should be prepared by the appropriately mandated iwi;

26.5 Rules – Activities

Table 4 Sites of Significance to Maori

Rule	Activity Standard	All sites
26.5.14	Development Any development on a site identified as a Site of Significance to Maori. Any application made in relation to this rule shall not be publically notified, or limited notified other than to Tangata Whenua.	D

Chapter 27 Subdivision and Development

27.5 Rules – Activities

Rule	Subdivision Activities – District Wide	Activity Status
27.5.12A-XX	The subdivision of land within a wāhi tūpuna area where subdivision is a recognised threat as set out in Schedule 39.6. Discretion is restricted to: a. <u>Effects on cultural values of Manawhenua.</u>	RD D
27.5.12B	...	

Commented [SP57]: Clause 16 – renumber section and include in with other RD subdivision activities (i.e. after PDP Rule 27.5.10)

Chapter 29 Transport

29.3.2 Interpreting and Applying Rules

29.3.2.1.b. The following overlays and identified features shown on the planning maps continue to have effect from the time the land is vested or dedicated as road

...

(vi) Wāhi Tūpuna

Chapter 30 Energy and Utilities

30.3.3 Interpreting and Applying Rules

30.3.3.3 The rules contained in this Chapter take precedence over any other rules that may apply to energy and utilities in the District Plan, unless specifically stated to the contrary and with the exception of:

...

g. 39 Wāhi Tūpuna located outside of the urban environment

Commented [SP58]: Evidence of M Bathgate - Para 113
Kā Rūnaka, Submitter 3430

30.4.1	Renewable Energy Activities	Activity Status
30.4.1.4	<p>Small and Community-Scale Distributed Electricity Generation and Solar Water Heating including any structures and associated buildings, which either:</p> <p>a. Wind Electricity Generation other than that provided for in Rule 30.4.1.2 <u>or where it is sited within the wāhi tūpuna overlay.</u></p> <p>b. Located in any of the following sensitive environments:</p> <p>...</p> <p>vii. Wāhi tūpuna identified in Schedule 39.6 where energy activities are a recognised threat.</p>	D
30.4.2.1	<p>Small and Community-Scale Distributed Electricity Generation and Solar Water Heating must:</p> <p>...</p> <p><u>30.4.2.1.11 Be attached to an existing building or structure when located within an identified wāhi tūpuna and outside of the urban environment.</u></p>	D

Commented [SP59]: Consequential amendment

Commented [SP60]: FS3430

Commented [SP61]: Evidence of M Bathgate - Para 112
Kā Rūnaka, Submitter 3430

APPENDIX 3
WĀHI TŪPUNA CLAUSE 8D WITHDRAWAL

Withdrawal of certain Wāhi Tūpuna Overlays from the Proposed District Plan, Stage 3 Maps

Pursuant to Clause 8D of the First Schedule of the Resource Management Act 1991, the General Manager of Planning and Development, acting under delegated authority, authorised the withdrawal of the following provisions of Stage 3 of the Proposed District Plan (PDP) on 19 May 2020:

- The Wāhi Tūpuna Overlay, only where the Overlay is located over the following zones of the Operative District Plan, on the Stage 3 plan maps:
 - Quail Rise Special Zone;
 - Remarkables Park Special Zone;
 - Shotover Country Special Zone;
 - Mt Cardrona Station Special Zone;
 - Kingston Village Special Zone;
 - The High Density Residential Zone located on the western edge of Gorge Road.

The reasons for the withdrawal of parts of the are Wāhi Tūpuna Overlays are:

- To provide greater certainty to landowners, plan users and decisions makers that the areas of land subject to the withdrawal, continue to be regulated by the relevant zone and district wide provisions of the operative district plan, Volume B (as well as the strategic chapters of the PDP).
- When the operative zones for these areas of land are reviewed in a future stage of the plan review, the Council can consider re-notifying the Wāhi Tūpuna Overlays; and
- To ensure consistency in approach to Volume A and B of the district plan.

For further information on this matter please contact the Planning Policy team on (03) 441 0499.

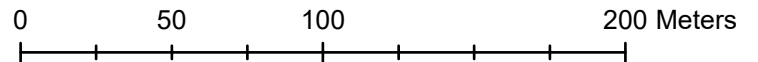
Legend

- Parcels and Property
- Areas subject to Clause 8D withdrawal
- PDP Notified Stage 3 and 3b
- Wahi Tupuna



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Volume B land subject to Clause 8D withdrawal: Quail Rise Special Zone Extent



Legend

- Parcels and Property
- Areas subject to Clause 8D withdrawal
- PDP Notified Stage 3 and 3b
- Wahi Tupuna



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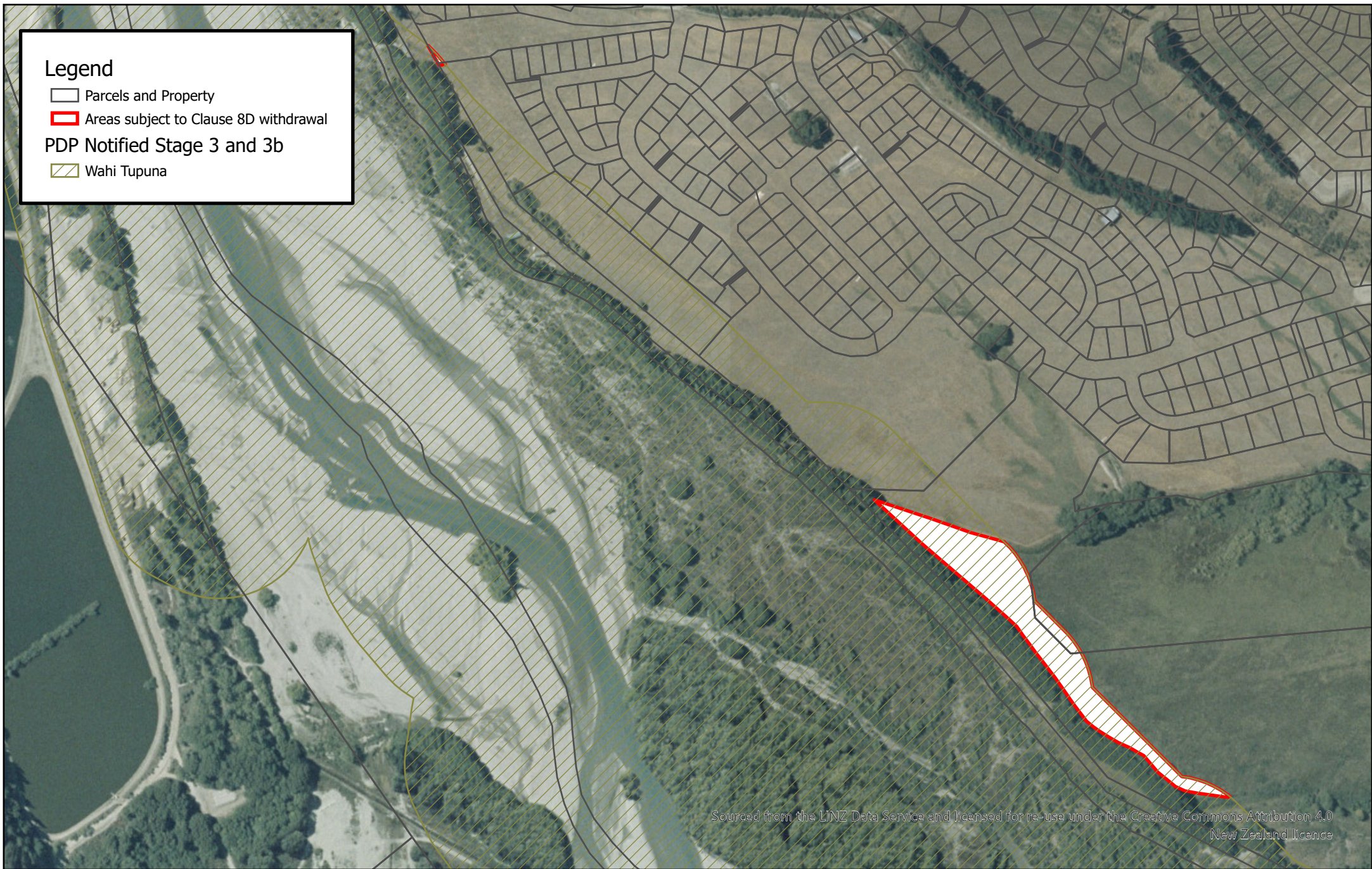
Volume B land subject to Clause 8D withdrawal: Remarkables Park
Special Zone Extent

0 200 400 800 Meters



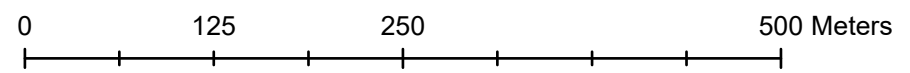
Legend

- Parcels and Property
- Areas subject to Clause 8D withdrawal
- PDP Notified Stage 3 and 3b
- Wahi Tupuna



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Volume B land subject to Clause 8D withdrawal: Shotover Country
Special Zone Extent



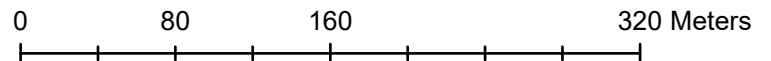
Legend

- Parcels and Property
- Areas subject to Clause 8D withdrawal
- PDP Notified Stage 3 and 3b
- Wahi Tupuna



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Volume B land subject to Clause 8D withdrawal: Mount Cardrona Station
Special Zone Extent



Legend

- Parcels and Property
- ▭ Areas subject to Clause 8D withdrawal
- PDP Notified Stage 3 and 3b
- ▨ Wahi Tupuna



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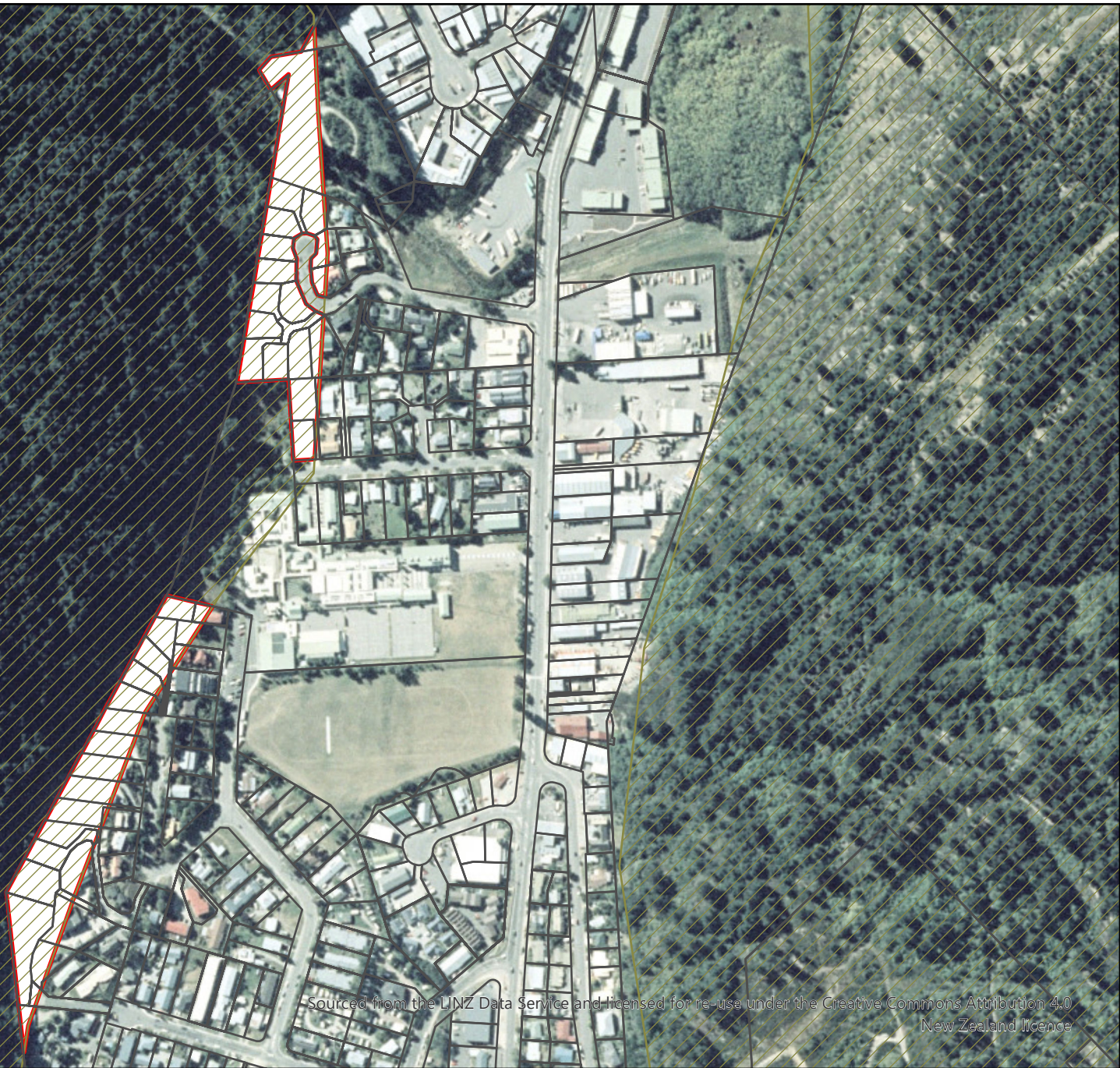
Volume B land subject to Clause 8D withdrawal: Kingston Village
Special Zone Extent

0 195 390 780 Meters



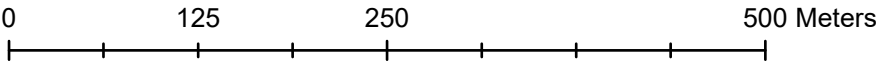
Legend

- Parcels and Property
- Areas subject to Clause 8D withdrawal
- PDP Notified Stage 3 and 3b
- Wahi Tupuna



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Volume B land subject to Clause 8D withdrawal: Gorge Road Extent



APPENDIX 4
CONSENT ORDER ISSUED ON OTAGO RPS (CHAPTERS 3 AND 5) ON 24 JUNE 2020

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of appeals under clause 14 of the First
Schedule of the Act.
BETWEEN ALLIANCE GROUP LIMITED
(ENV-2016-CHC-112)
and other appeals listed in the schedule on
the last page
Appellants
AND OTAGO REGIONAL COUNCIL
Respondent

Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 24 June 2020

CONSENT ORDER

- A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court directs that unless any issue is raised under order C by **Friday 3 July 2020**, the Otago Regional Council should by consent amend issue 5.3, policy 5.3.5 and policy 5.4.8 of the proposed Otago Regional Policy Statement as set out in Appendix 1 (deletions struck through, additions underlined) to this decision but correcting any ambiguities where there is both a strike through and underlining. The appeals on Chapter 5 are otherwise dismissed.
- B: (1) The Otago Regional Council is directed to amend Chapter 3 of the proposed Otago Regional Policy Statement as set out in Appendix 2 (deletions struck through, additions underlined) to this order but correcting any ambiguities where there is both a strike through and underlining.



- (2) Any objectives or policies omitted from Appendix 2 are confirmed as in the decisions version of Chapter 3 unless they are subject to either of the outstanding appeals by Port Otago Ltd (ENV-2016-CHC-86) or Oceana Gold Ltd (ENV-2016-CHC-103).
- (3) The appeals in Chapter 3 are otherwise dismissed.
- C: The court reserves leave for any party to raise any issue with the amendments in orders A and B provided they do so on notice by **Friday 3 July 2020**.
- D: Costs are reserved, although applications are discouraged. Any application should be made by **Friday 10 July 2020** (unless any concern is raised under order C).

REASONS

Introduction

[1] These proceedings relate to outstanding appeals¹ on the (partly operative) proposed Otago Regional Policy Statement (“pORPS”).

[2] In its procedural decision² dated 15 March 2019 and its consent order dated 6 March 2020 the court requested the Otago Regional Council (“the ORC”) identify whether there are any outstanding matters in relation to the pORPS. The ORC has filed a memorandum in response dated 9 March 2020 confirming the outstanding matters (and providing relief sought) for the following:

- (a) issue 5.3;
- (b) policy 5.3.5;
- (c) policy 5.4.8 as a whole; and
- (d) the definition of “Highly valued natural features, landscapes, seascapes”.

¹ ENV-2016-CHC-105 Clutha District Council; ENV-2016-CHC-119 Remarkables Park Limited & Queenstown Park Limited; ENV-2016-CHC-084 Dunedin City Council; ENV-2016-CHC-122 Environmental Defence Society Incorporated; and ENV-2016-CHC-103 Oceana Gold New Zealand Limited.

² [2019] NZEnvC 42, which withstood an appeal as stated in *Otago Regional Council v Alliance Group Ltd* [2020] NZHC 628.



[3] The court has now read and considered ORC's memorandum dated 9 March 2020, and the attached memoranda labelled Appendix 1³ and 2⁴ outlining the relief sought to resolve these matters. The court notes that its discussion of the definition of "Highly valued natural features, landscapes, seascapes" was acknowledged by ORC's memorandum to make the court *functus officio*⁵. This order has not addressed the definition further.

[4] The amendments sought to issue 5.3, policy 5.3.5 and policy 5.4.8 of the Policy Statement are set out in Appendix 1. I note the red and green type is no longer of significance but merely denoted which appeal introduced the amended wording. The ORC has provided assurance that the amendments sought in Appendix 1 are not contentious in nature and had been expected to be dealt with by the Mining Topic Decision⁶. That is of some importance because a consent memorandum has not been provided and consequently there are no signatories to the relief sought in Appendix 1 (apart from the ORC through Counsel). In fairness to parties who may not have had the opportunity to consider or express their view on the implications of these amendments, I will reserve leave for the parties to raise such issues.

[5] Additionally, the ORC advised the court of a further concern regarding the consent order dated 6 March 2020. That consent order addressed amendments to policy 3.2.4 applied for by the ORC under the leave provided by order C of the procedural decision.⁷ That order has created uncertainty as to whether the ORC is to amend the remainder of the Chapter 3 provisions as set out in Schedule A of the procedural decision. I confirm that the remainder of the amendments agreed for Chapter 3 are to now be incorporated into the pORPS. The amendments to be made are set out in Appendix 2, and for completeness include policy 3.2.4 as settled in the consent order of 6 March 2020. Any objectives or policies in Chapter 3 that have not been referred to in Appendix 2 are not to be amended. I will give directions to this effect.

[6] The Registrar has advised me that there are stylistic inconsistencies and other layout errors in the Appendices. I trust these will be remedied on the printing of the approved RPS.

³ Memorandum of the Otago Regional Council dated 29 March 2019.

⁴ Memorandum of the Otago Regional Council dated 10 May 2019.

⁵ Minute dated 11 April 2019 [3].

⁶ Memorandum of the Otago Regional Council dated 9 March 2020 [7].

⁷ [2019] NZEnvC 42.



[7] Finally, the issue of this consent order is not an endorsement of the wording of the RPS as agreed by the parties. In addition to the court's already expressed doubts over Chapter 3 (none of which any party wished to pursue at the judicial settlement conference early this year) the court has other concerns. In particular the court has doubts over the meaning of "economic production" as referred to in Objective 5.3. What is "uneconomic production"? – unpaid household services like cooking and cleaning?⁸ Or perhaps more relevant in the RPS context: the use of land for dwellings, gardens and curtilage areas? Is consistency with the National Policy Statement on Urban Development Capacity an issue? Except perhaps on prime or elite soils is housing automatically uneconomic production?

Orders

[8] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) subject to any applications made pursuant to order B all parties to the proceedings are satisfied with the amendments to the policy statement confirmed by this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the Act including, in particular, Part 2 of the Act.

[9] Subject to any outstanding appeals to the High Court (and beyond) this order appears to resolve all outstanding issues on the PORPS. Should any party disagree they must advise the Registrar immediately.



J R Jackson
Environment Judge



⁸ Stiglitz JE, Sen A, Fitoussi J-P *Measuring our Lives; Why GDP Doesn't Add Up* (The New Press, New York, 2010).

Schedule

REMARKABLES PARK LIMITED AND QUEENSTOWN PARK LIMITED (ENV-2016-CHC-119)	OTAGO WATER RESOURCE USERS GROUP (ENV-2016-CHC-124)
DUNEDIN CITY COUNCIL (ENV-2016-CHC-084)	PIONEER ENERGY LIMITED (ENV-2016-CHC-121)
ENVIRONMENTAL DEFENCE SOCIETY INCORPORATED (ENV-2016-CHC-122)	QUEENSTOWN AIRPORT CORPORATION LIMITED (ENV-2016-CHC-117)
OCEANA GOLD NEW ZEALAND LIMITED (ENV-2016-CHC-103)	RAVENSDOWN LIMITED (ENV-2016-CHC-85)
PORT OTAGO LIMITED (ENV-2016-CHC-86)	CLUTHA DISTRICT COUNCIL (ENV-2016-CHC-105)
AYRBURN FARM DEVELOPMENT LIMITED AND BRIDESDALE FARM DEVELOPMENTS LIMITED (ENV-2016-CHC-108)	REAL JOURNEYS LIMITED (ENV-2016-CHC-109)
DARBY PLANNING LP (ENV 2016-CHC-110)	ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED (ENV-2016-CHC-102)
FEDERATED FARMERS OF NEW ZEALAND INCORPORATED (ENV-2016-CHC-120)	TRANSPower NEW ZEALAND LIMITED (ENV-2016-CHC-113)
HENLEY DOWNS LAND HOLDINGS LIMITED (ENV-2016-CHC-111)	TRUSTPOWER LIMITED (ENV-2016-CHC-82)
HORTICULTURE NEW ZEALAND (ENV-2016-CHC-114)	WISE RESPONSE INCORPORATED (ENV-2016-CHC-10)



Appendix 1

Issue 5.3

14 Issue 5.3 reads:

"Providing for economic production can create adverse effects. Existing economic activities are susceptible to reverse sensitivity effects, particularly when adjoining land use changes."

Policy 5.3.5

15 Policy 5.3.5 reads:

Policy 5.3.5 Mineral and petroleum exploration, extraction and processing

Recognise the functional needs of mineral exploration, extraction and

processing activities to locate where the resource exists, and manage them by all of the following:

- a) Giving preference to avoiding their location in all of the following:*
 - i. Areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
 - ii. Outstanding natural features, landscapes and seascapes;*
 - iii. Areas of outstanding natural character;*
 - iv. Outstanding water bodies;*
 - v. Areas subject to significant natural hazard risk;*
 - vi. Places or areas containing significant historic heritage.*
- b) Restricting the establishment of those activities in areas used for mineral and petroleum exploration, extraction and processing that may result in reverse sensitivity effects*

Policy 5.4.8

16 Policy 5.4.8 reads:

Policy 5.4.8 Adverse effects from mineral and petroleum exploration, extraction and processing

Minimise Manage adverse effects from the exploration, extraction and processing of minerals and petroleum, by all of the following:



- a) Giving preference to avoiding their location in all of the following:
- i. Areas of significant indigenous vegetation and significant habitats of indigenous fauna in the coastal environment;
 - ~~ii. Outstanding natural features, landscapes and seascapes;~~
 - ~~iii. Areas of outstanding natural character;~~
 - ~~ii. Outstanding natural character in the coastal environment;~~
 - ~~iii. Outstanding natural features and natural landscapes, including seascapes, in the coastal environment;~~
 - ~~iv. Areas of significant indigenous vegetation and significant habitats of indigenous fauna beyond the coastal environment;~~
 - ~~v. Outstanding natural character in areas beyond the coastal environment;~~
 - ~~vi. Outstanding natural features and landscapes beyond the coastal environment;~~
 - ~~vii.iv. Outstanding water bodies or wetlands;~~
 - ~~viii.vi. Places or areas containing significant historic heritage of regional or national significance;~~
 - ~~ix.v. Areas subject to significant natural hazard risk;~~
- b) Where it is not ~~possible~~ practicable to avoid locating in the areas listed in a) above, ~~avoiding significant adverse effects of the activity on those values that contribute to the significant or outstanding nature of those areas;~~ because of the functional needs of that activity:
- ~~i. Avoid adverse effects on the values that contribute to the significant or outstanding nature of a) i-iii;~~
 - ~~ii. Avoid, remedy or mitigate, as necessary, adverse effects on values in order to maintain the outstanding or significant nature of a)iv-viii;~~
 - ~~iii. Consider first biological diversity offsetting, and then biological diversity compensation, if adverse effects described in b)ii. on indigenous biological diversity cannot be practicably remedied or mitigated;~~
 - ~~iv. Minimise any increase in natural hazard risk through mitigation measures;~~
 - ~~v. Consider environmental compensation if adverse effects described in b) ii, other than on indigenous biological diversity. cannot practically be avoided, remedied or mitigated;~~



- ba) Avoid significant adverse effects on natural character in all other areas of the coastal environment;
- c) Avoiding adverse effects on the health and safety of the community;
- d) Avoiding, remedying, or mitigating adverse effects on other values including highly values natural features, landscapes and seascapes in order to maintain their high values²;
- e) Considering biological diversity offsetting or compensating for residual adverse effects on other values;
- f)e) Reducing unavoidable adverse effects by
- i. Staging development for longer term activities; and
 - ii. Progressively rehabilitating the site, where possible.
- ~~f)g) Considering the use of offsetting, or compensatory measures, for residual adverse effects; and~~
- g) Applying a precautionary approach (including adaptive management where appropriate) to assessing the effects of the activity, where there is a scientific uncertainty, and potentially significant or irreversible adverse effects.

Where there is a conflict, Policy 5.4.8 prevails over policies under Objective 3.2, (except for policy 3.2.12) Policy 4.3.1 and Policy 5.2.3.”

²² Refer to the Environment Court's decision [2019] NZEnvC 41 dated 15 March 2019 at [3].



APPENDIX 2

PART B Chapter 3 Otago has high quality natural resources and ecosystems

People and communities need to sustainably ~~The sustainable~~ management of the environment, ~~including safeguarding~~ the life-supporting capacity of natural resources and recognising the intrinsic values of ecosystems, ~~is~~ are essential to provide for the current and future wellbeing of people and communities.

The economy, particularly primary production, tourism, and mineral and petroleum exploration and extraction, strongly relies on the quantity and quality of natural resources and the ecosystem services they provide.

This chapter begins with the recognition and maintenance of all natural resources. The second part focuses on the identification, protection, and enhancement of natural resources that are nationally or regionally important. This chapter is not concerned with sustaining mineral resources for future generations.

Objective 3.1 The values (including intrinsic values) of ecosystems and natural resources are recognised, and maintained, ~~and/or~~ enhanced where degraded

Policy 3.1.1 Fresh water

Safeguard the life-supporting capacity of fresh water and manage fresh water to:

- a) Maintain good quality water and enhance water quality where it is degraded, including for:
 - i. Important recreation values, including contact recreation: and,
 - ii. Existing drinking and stock water supplies
- b) Maintain or enhance aquatic:
 - i. Ecosystem health;
 - ii. Indigenous habitats; and,
 - iii. Indigenous species and their migratory patterns.
- c) Avoid aquifer compaction and seawater intrusion:
- d) Maintain or enhance, as far as practicable:
 - i. Natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers:
 - ii. Coastal values supported by fresh water:
 - iii. The habitat of trout and salmon unless detrimental to indigenous biological diversity: and
 - iv. Amenity and landscape values of rivers, lakes, and wetlands:
- e) Control the adverse effects of pest species, prevent their introduction and reduce their spread:



- f) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion: and
- g) Avoid, remedy or mitigate adverse effects on existing infrastructure that is reliant on fresh water.

~~Manage fresh water to achieve all of the following:~~

- a) ~~Maintain or enhance ecosystem health in all Otago aquifers, and river, lakes, wetlands, and their margins;~~
- b) ~~Maintain or enhance the range and extent of habitats provided by fresh water, including the habitat of trout and salmon;~~
- c) ~~Recognise and provide for the migratory patterns of freshwater species, unless detrimental to indigenous biological diversity;~~
- d) ~~Avoid aquifer compaction and seawater intrusion in aquifers;~~
- e) ~~Maintain good water quality, including in the coastal marine area, or enhance it where it has been degraded;~~
- f) ~~Maintain or enhance coastal values;~~
- g) ~~Maintain or enhance the natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers;~~
- h) ~~Maintain or enhance the quality and reliability of existing drinking and stock water supplies;~~
- i) ~~Recognise and provide for important recreation values;~~
- j) ~~Maintain or enhance the quality and reliability of existing drinking and stock water supplies;~~
- k) ~~Control the adverse effects of pest species, prevent their introduction and reduce their spread;~~
- l) ~~Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion;~~
- m) ~~Avoid, remedy, or mitigate adverse effects on existing infrastructure that is reliant on freshwater.~~

Policy 3.1.2 Beds of rivers, lakes, wetlands, and their margins

Manage the beds of rivers, lakes, wetlands, their margins, and riparian vegetation to:

- a) Safeguard the life supporting capacity of fresh water;
- b) Maintain good quality water, or enhance it where it has been degraded;
- c) Maintain or enhance bank stability;
- d) Maintain or enhance ecosystem health and indigenous biological diversity;
- e) Maintain or enhance, as far as practicable;
 - i. Their natural functioning and character; and
 - ii. Amenity values;
- f) Control the adverse effects of pest species, prevent their introduction and reduce their spread; and,



- g) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion.

Manage the beds of rivers, lakes, wetlands, their margins, and riparian vegetation to achieve all of the following:

- a) ~~Maintain or enhance their natural functioning;~~
 b) ~~Maintain good water quality, or enhance it where it has been degraded;~~
 c) ~~Maintain or enhance ecosystem health and indigenous biological diversity;~~
 d) ~~Maintain or enhance natural character;~~
 e) ~~Maintain or enhance amenity values;~~
 f) ~~Control the adverse effects of pest species, prevent their introduction and reduce their spread;~~
 g) ~~Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion;~~
 h) ~~Maintain or enhance bank stability.~~

Method 3: Regional Plans

Method 3.1.3, Method 3.1.13

Method 4: City and District Plans

Method 4.1.3, Method 4.1.15

Method 6 : Non RMA Strategies and Plans

Method 6.7

Policy 3.1.3 Water allocation and use

Manage the allocation and use of fresh water by undertaking all of the following:

- a) Recognising and providing for the social and economic benefits of sustainable water use;
 b) Avoiding over-allocation, and phasing out existing over-allocation, resulting from takes and discharges;
 c) ~~Ensure~~ Ensuring the efficient allocation and use of water by ~~undertaking all of the following:~~
 ai) Requiring that the ~~volume of~~ water allocated does not exceed what is necessary for its efficient use;
~~bii)~~ Encouraging the development or upgrade of infrastructure that increases use efficiency; -
iii. Providing for temporary dewatering activities necessary for construction or maintenance.

Policy 3.1.4 Water shortage

Manage for water shortage by undertaking all of the following

- a) Encouraging land management that improves moisture capture,



infiltration, and soil moisture holding capacity.

- ba) Encouraging collective coordination and rationing of the take and use of water when river flows or aquifer levels are lowering, to avoid breaching any minimum flow or aquifer level restriction to optimise use of water available for taking;
- cb) Providing for Encouraging water harvesting and storage, subject to allocation limits and flow management, to reduce demand in water bodies during periods of low flows.

Policy 3.1.5 Coastal water

Manage coastal water to:

- a) Maintain coastal water quality or enhance it where it has been degraded;
- b) Maintain healthy coastal ecosystems, the range of indigenous habitats provided by the coastal marine area, and the migratory patterns of indigenous coastal water species or enhance these values where they have been degraded;
- c) Maintain or enhance important recreation values;
- d) Maintain or enhance, as far as practicable:
 - i. Coastal values: and
 - ii. The habitats provided by the coastal marine area for trout and salmon unless detrimental to indigenous biological diversity.
- e) Control the adverse effects of pest species. prevent their introduction and reduce their spread.

~~Manage coastal water to achieve all of the following:~~

- ~~a) ——— Maintain or enhance healthy coastal ecosystems;~~
- ~~b) ——— Maintain or enhance the range of habitats provided by the coastal marine area, including the habitat of trout and salmon;~~
- ~~c) ——— Recognise and provide for the migratory patterns of coastal water species unless detrimental to indigenous biological diversity;~~
- ~~d) ——— Maintain coastal water quality or enhance it where it has been degraded;~~
- ~~e) ——— Maintain or enhance coastal values;~~
- ~~f) ——— Recognise and provide for important recreation values;~~
- ~~g) ——— Control the adverse effects of pest species, prevent their introduction and reduce their spread.~~

Policy 3.1.7 Soil values

Safeguard the life-supporting capacity of soil and manage soil to:

- a) Maintain or enhance as far as practicable
 - i. Soil biological diversity;
 - ii. Biological activity in soils;



- iii. Soil function in the storage and cycling of water, nutrients, and other elements through the biosphere;
- iv. Soil function as a buffer or filter for contaminants resulting from human activities, including aquifers at risk of leachate contamination;
- v. Soil fertility where soil is used for primary production;
- b) Where a) is not practicable, minimise adverse effects;
- c) Recognise that urban and infrastructure development may result in loss of soil values.
- d) Control the adverse effects of pest species, prevent their introduction and reduce their spread;
- e) Retain the soil mantle where it acts as a repository of historic heritage objects unless an archaeological authority has been obtained.

Manage soils to achieve all of the following:

~~Maintain or enhance their life supporting capacity;~~

- ~~a) — Maintain or enhance soil biological diversity~~
- ~~b) — Maintain or enhance biological activity in soils;~~
- ~~c) — Maintain or enhance soil function in the storage and cycling of water, nutrients, and other elements through the biosphere;~~
- ~~d) — Maintain or enhance soil function as a buffer or filter for contaminants resulting from human activities, including aquifers at risk of leachate contamination;~~
- ~~e) — Maintain or enhance soil resources for primary production;~~
- ~~f) — Maintain the soil mantle where it acts as a repository of historic heritage objects unless an archaeological authority has been obtained;~~
- ~~g) — Avoid the creation of contaminated land;~~
- ~~h) — Control the adverse effects of pest species, prevent their introduction and reduce their spread.~~

Policy 3.1.8 Soil erosion

Minimise soil erosion resulting from activities, by undertaking all of the following:

- a) Using appropriate erosion controls and soil conservation methods;
- b) Maintaining vegetative cover on erosion prone land;
- c) Remediating land where significant soil erosion has occurred;
- d) Encouraging activities that enhance soil retention.



Policy 3.1.9 Ecosystems and indigenous biological diversity

Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to:

- a) Maintain or enhance:
 - i. Ecosystem health and indigenous biological diversity including habitats of indigenous fauna;
 - ii. Biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity;
- b) Maintain or enhance as far as practicable:
 - i. Areas of predominantly indigenous vegetation;
 - ii. Habitats of trout and salmon unless detrimental to indigenous biological diversity;
 - iii. Areas buffering or linking ecosystems;
- c) Recognise and provide for:
 - i. Hydrological services, including the services provided for by tall tussock grassland;
 - ii. Natural resources and processes that support indigenous biological diversity;
- d) Control the adverse effects of pest species, prevent their introduction and reduce their spread.

~~Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to achieve all of the following:~~

- ~~a) — Maintain or enhance ecosystem health and indigenous biological diversity;~~
- ~~b) — Maintain or enhance biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity;~~
- ~~c) — Maintain or enhance areas of predominantly indigenous vegetation;~~
- ~~d) — Recognise and provide for important hydrological services including the services provided by tussock grassland;~~
- ~~e) — Recognise and provide for natural resources and processes that support indigenous biological diversity;~~
- ~~f) — Maintain or enhance habitats of indigenous species and the habitat of trout and salmon that are important for recreational, commercial, cultural or customary purposes;~~
- ~~g) — Control the adverse effects of pest species, prevent their introduction and reduce their spread.~~



Policy 3.1.10 Biodiversity in the coastal environment

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

- a) Areas of predominantly indigenous vegetation in the coastal environment:
- b) Habitats in the coastal environment that are important during the vulnerable life stages of indigenous species:
- c) Indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;
- d) Habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;
- e) Habitats, including areas and routes, important to migratory species; and
- f) Ecological corridors, and areas important for linking or maintaining biological values identified under this policy.

Policy 3.1.13~~12~~ Environmental enhancement

Encourage, facilitate and support activities ~~which that~~ contribute to ~~enhancing the resilience and enhancement of the natural environment, by one or more of the following where applicable:~~

- a) Improving water quality and quantity;
- b) Protecting or restoring habitat for indigenous species;
- c) Regenerating indigenous species;
- d) Mitigating natural hazards;
- e) Protecting or restoring wetlands;
- f) Improving the health and resilience of
 - i. Ecosystems supporting indigenous biological diversity;
 - ii. Important ecosystem services, including pollination;
- g) Improving access to rivers, lakes, wetlands and their margins, and the coast;
- h) Buffering or linking ecosystems, habitats and areas of significance that contribute to ecological corridors;
- i) Controlling pest species.

Objective 3.2 Otago's significant and highly-valued natural resources are identified, and protected, or enhanced where degraded

Issue:

Otago has significant and highly-valued natural resources. These include outstanding natural features, landscapes, seascapes, indigenous biological diversity, water bodies and soil, which all have intrinsic value and help to create



the region's identity and support the region's wellbeing.

These highly valued resources can become degraded if they are not adequately protected from inappropriate subdivision, use and development, and so deserve a greater degree of recognition.

Resource degradation can adversely affect the social, cultural and economic wellbeing of people and communities.

Policy 3.2.1 Identifying significant indigenous vegetation and habitats

Identify areas and values of significant indigenous vegetation and significant habitats of indigenous fauna, using the attributes detailed in Schedule 4.

Policy 3.2.2 Managing significant indigenous vegetation and habitats

Protect and enhance areas of significant indigenous vegetation and significant habitats of indigenous fauna, by all of the following:

- a) In the coastal environment, avoiding adverse effects on:
- i. The values that contribute to the area or habitat being significant;
 - ii. Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;
 - iii. Taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;
 - iv. Indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;
 - v. Habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
 - vi. Areas containing nationally significant examples of indigenous community types; and
 - vii. Areas set aside for full or partial protection of indigenous biological diversity under other legislation;
- ab) ~~Avoiding adverse effects on~~ Beyond the coastal environment, and in the coastal environment in significant areas not captured by a) above, maintaining those values that contribute to the area or habitat being significant;
- bc) Avoiding significant adverse effects on other values of the area or habitat;
- de) Remedying when other adverse effects cannot be avoided;
- ed) Mitigating when other adverse effects cannot be avoided or remedied;
- fe) Encouraging enhancement of those areas and values ~~which~~ that contribute to the area or habitat being significant;
- gf) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.



Policy 3.2.4 Managing outstanding natural features, landscapes and seascapes

Protect, enhance ~~and~~ or restore outstanding natural features, landscapes and seascapes by all of the following:

- a) In the coastal environment, avoiding adverse effects on the outstanding values (even if those values are not themselves outstanding) that contribute to of the natural feature, landscape or seascape being outstanding;
- ~~ba) Avoiding adverse effects on~~ Beyond the coastal environment, maintaining those the outstanding values (even if those values are not themselves outstanding) that contribute to ~~which contribute to the significance of the~~ natural feature, landscape or seascape being outstanding;
- ~~cb)~~ Avoiding, remedying or mitigating other adverse effects;
- ~~c)~~ ~~Recognising and providing for the positive contributions of existing introduced species to those values;~~
- ~~d)~~ ~~Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;~~
- ~~de)~~ Encouraging enhancement of those areas and values ~~which~~ that contribute to the significance of the natural feature, landscape or seascape.

Policy 3.2.6 Managing highly valued natural features, landscapes and seascapes

~~Protect~~ Maintain or enhance highly valued natural features, landscapes and seascapes by all of the following:

- a) Avoiding significant adverse effects on those values ~~which~~ that contribute to the high value of the natural feature, landscape or seascape;
- b) Avoiding, remedying or mitigating other adverse effects;
- ~~c)~~ ~~Recognizing and providing for positive contributions of existing introduced species to those values;~~
- ~~d)~~ ~~Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;~~
- ~~ce)~~ Encouraging enhancement of those values ~~which~~ that contribute to the high value of the natural feature, landscape or seascape.

Policy 3.2.7 Landward extent of the coastal environment

Identify the landward extent of the coastal environment, recognising that the coastal environment ~~consists of one or more of the following~~ includes:

- a) The coastal marine area;
- b) Islands within the coastal marine area;
- c) Areas where coastal processes, influences or qualities are significant,



including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;

- d) Areas at risk from coastal hazards;
- e) Coastal vegetation and the habitat of indigenous coastal species including migratory birds;
- f) Elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
- g) Items of cultural and historic heritage in the coastal marine area or on the coast;
- h) Inter-related coastal marine and terrestrial systems, including the intertidal zone; and
- i) Physical resources and built facilities, including infrastructure, that have modified the coastal environment.

Policy 3.2.8 Identifying high and outstanding natural character in the coastal environment

Identify areas and values of high and outstanding natural character in the coastal environment, ~~where one or more of the following attributes are met~~ which may include matters such as:

- a) Natural elements, processes and patterns;
- b) Biophysical, ecological, geological and geomorphological aspects;
- c) Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, estuaries, reefs, freshwater springs and surf breaks;
- d) The natural movement of water and sediment;
- e) The natural darkness of the night sky;
- f) Places or areas that are wild or scenic;
- g) A range of natural character from pristine to modified;
- h) Experiential attributes, including the sounds and smell of the sea; and their context or setting.

Method 2: Regional, City and District Council Relationships

Method 2.1, Method 2.2

Method 3: Regional Plans

Method 3.1.5

Method 4: City and District Plans

Method 4.1.23, Method 4.2.2

Method 5: Research, Monitoring and Reporting

Method 5.1.2 b.



Policy 3.2.9 Managing the outstanding natural character of the coastal environment

Preserve or enhance the outstanding natural character of the coastal environment, by all the following:

- a) Avoiding adverse effects on those values ~~which~~ that contribute to the outstanding natural character of an area;
- b) Avoiding, remedying or mitigating other adverse effects;
- c) Recognising and providing for the contribution of existing introduced species to the natural character of the coastal environment;
- d) Encouraging enhancement of those values ~~which~~ that contribute to the outstanding natural character of an area;
- e) Controlling the adverse effects of pest species, prevent their introduction and reduce their spread.

Policy 3.2.10 Managing the high natural character of the coastal environment

Preserve or enhance the high natural character of the coastal environment, by all of the following:

- a) Avoiding significant adverse effects on those values which that contribute to the high natural character of an area;
- b) Avoiding, remedying or mitigating other adverse effects;
- c) Recognising and providing for the contribution of existing introduced species to the natural character of the coastal environment;
- d) Encouraging enhancement of those values which that contribute to the high natural character of an area;
- e) Controlling the adverse effects of pest species, prevent their introduction and reduce their spread.

Policy 3.2.13 Identifying outstanding freshwater bodies

Identify freshwater bodies where any one or more of the following significant values are outstanding:

- a) Naturalness;
- b) Amenity or landscape values;
- c) Kai Tahu cultural values;
- d) Recreational values;
- e) Ecological values;
- f) Hydrological values.



Policy 3.2.14 Managing outstanding freshwater bodies

Protect outstanding freshwater bodies by all of the following:

- a) ~~Avoiding~~ Maintaining the values that ~~significant adverse effects on these values which~~ contribute to the water body being outstanding;
- b) Avoiding, remedying or mitigating other adverse effects on the water body ;
- c) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;
- d) Encouraging enhancement of those values ~~which~~ that contribute to the water body being outstanding.

Policy 3.2.15 Identifying the significant values of wetlands

Identify the significant values of wetlands, having regard to all of the following:

- a) Degree of naturalness;
- b) Amenity or landscape values;
- c) Kai Tahu cultural values;
- d) Recreational values;
- e) Ecological function and values;
- f) Hydrological function and values;
- g) Geomorphological features and values.

Policy 3.2.16 Managing the values of wetlands

Protect the function and values of wetlands by all of the following:

- a) ~~Avoiding significant adverse effects on~~ Maintaining the significant values of ~~the~~ wetlands;
- b) Avoiding, remedying or mitigating other adverse effects;
- c) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread;
- d) Encouraging enhancement ~~which~~ that ~~contributes~~ to the values of the wetland.
- e) Encouraging the rehabilitation of degraded wetlands.

Policy 3.2.17 Identifying significant soil

Identify areas of soil that are significant ~~according to one or more of,~~ using the following criteria:

- a) Land classified as land use capability I, II and IIIe in accordance



with the New Zealand Land Resource Inventory;

- b) Degree of significance for primary production;
- c) Significance for providing contaminant buffering or filtering services;
- d) Significance for providing water storage or flow retention services;
- e) Degree of rarity.

Policy 3.2.18 Managing significant soil

~~Protect~~ Manage areas of significant soil, by all of the following:

- a) Maintaining those values which make the soil significant:
 - ~~a)~~ ~~Avoiding significant adverse effects on those values which make the soil significant;~~
 - ~~b)~~ ~~Avoiding, remedying or mitigating other adverse effects;~~
 - ~~b)e)~~ Recognising that ~~loss of significant soil to urban development~~ ~~urban expansion on significant soils~~ may occur in accordance with any future development strategy ~~be appropriate due to location and proximity to existing urban development and infrastructure;~~
- ~~c)d)~~ Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.

Method 3: Regional Plans

3.1.3 Policies 3.1.1, ~~3.1.2, and to~~ 3.1.5, and Policies 4.3.3, 4.4.1 and 4.4.3:

- a. Manage land use and vegetation removal within the beds of lakes and rivers, wetlands, riparian areas, and in the coastal environment;
- b. In appropriate circumstances, provide for activities that have a functional need to be located in the beds of rivers, lakes, wetlands, and their margins.
- ~~c.b-~~ Manage change in river morphology;
- ~~d.e-~~ Encourage restoration of water margins;
- ~~e.d-~~ Managing noise in the coastal marine area;
- ~~f.e-~~ Identify freshwater management units that include all freshwater bodies in Otago in accordance with the National Policy Statement for Freshwater Management 2014
- g.f. Maintain good water quality and improve it where it is degraded.
- ~~h.~~ Provide for resource users, people and communities that rely on fresh water within environmental limits:
- i. Set limits and targets to give effect to the National Policy Statement for Freshwater Management 2014:



Method 4: City and District Plans

- 4.1.43 Policies 3.1.2, 3.1.9 and 3.2.2: by including provisions to:
- a. ~~m~~Maintain or enhance ecosystems and biological diversity; ~~and to~~
 - b. ~~p~~Protect significant indigenous vegetation and significant habitats of indigenous fauna;
 - c. Control the clearance or modification of indigenous vegetation and habitats of indigenous fauna;
- 4.1.15 Policy 3.1.2, 4.3.3, 4.4.1 and 4.4.3: by providing, in appropriate circumstances, for activities that have a functional need to be located in the beds of rivers, lakes, wetlands, and their margins.

Schedule 3 Criteria for the identification of outstanding natural features, landscapes and seascapes, and highly valued natural features, landscapes and seascapes

The identification of natural features, landscapes and seascapes will ~~be based on, but not limited to,~~ have regard to the following criteria:

- | | | |
|----|------------------------|---|
| 1. | Biophysical attributes | <ol style="list-style-type: none"> a. Natural science factors, including geological, topographical, ecological and dynamic components b. The presence of water including in seas, lakes, rivers and streams c. Vegetation (native and exotic) |
| 2. | Sensory attributes | <ol style="list-style-type: none"> a. Legibility or expressiveness-how obviously the feature or landscape demonstrates its formative processes b. Amenity <u>Aesthetic</u> values including memorability and naturalness c. Transient values including presence of wildlife or other values at certain times of the day or year d. Wild or scenic values |
| 3. | Associative attributes | <ol style="list-style-type: none"> a. Whether the values are shared and recognised b. Cultural and spiritual values for Kai Tahu, identified by working, as far as practicable, in accordance with tikanga Maori; including their expression as cultural landscapes and features c. Historical and heritage associations |



Schedule 4 Criteria for the identification of areas of significant indigenous vegetation and habitat of indigenous fauna

The identification of areas of significant indigenous vegetation and habitat of indigenous fauna are assessed against all of the following criteria. Areas will be considered significant where they meet one or more of the following criteria.

-
1. Representativeness An area that is an example of an indigenous vegetation type or habitat that is typical or characteristic of the natural diversity of the relevant ecological district or coastal marine biogeographic region. This may include degraded examples of their type or represent all that remains of indigenous vegetation and habitats of indigenous fauna in some areas.
-
2. Rarity An area that supports:
- a. An indigenous species that is threatened, at risk, or uncommon, nationally or within an ecological district or coastal marine biogeographic region;
 - b. Indigenous vegetation or habitat of indigenous fauna that has been reduced to less than 20% of its former extent nationally, regionally or within a relevant land environment, ecological district, coastal marine biogeographic region or freshwater environment including wetlands;
 - c. Indigenous vegetation and habitats within originally rare ecosystems.
-
3. Diversity An area that supports a high diversity of indigenous ecosystem types, indigenous taxa or has changes in species composition reflecting the existence of diverse natural features or gradients. ~~vegetation and habitats of indigenous fauna or consists of a diverse range or sequence of interrelated vegetation and habitat types. The degree of diversity should be referenced to specific communities i.e. levels of diversity varying significantly between communities and habitat types.~~
-
4. Distinctiveness An area that supports or provides habitat for:
- a. Indigenous species at their distributional limit within Otago or nationally;
 - b. Indigenous species that are endemic to the Otago region;
 - c. Indigenous vegetation or an



association of indigenous species that is distinctive, of restricted occurrence, or has developed as a result of an unusual environmental factor or combinations of factors.

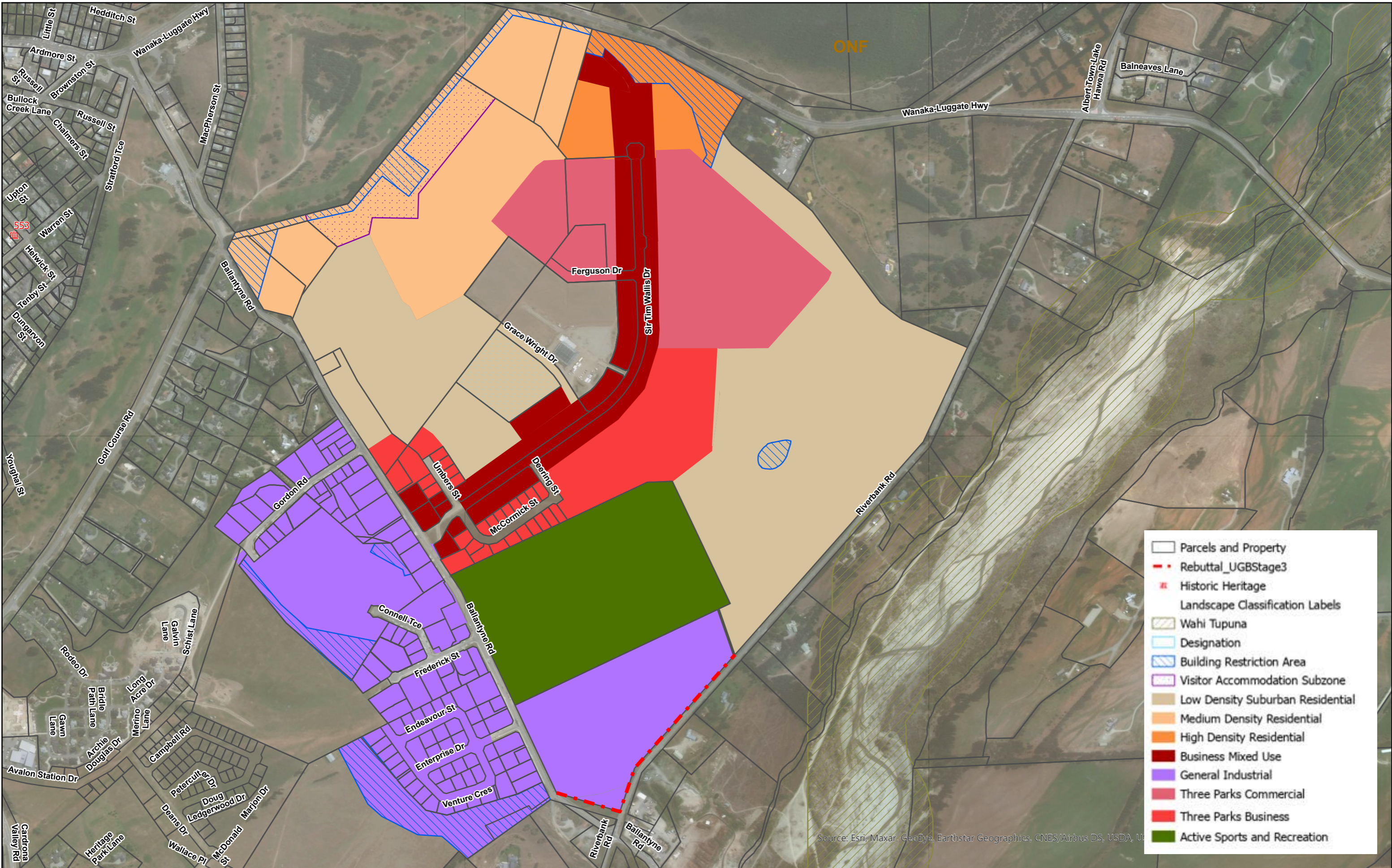
-
5. Ecological Context The relationship of the area with its surroundings, including:
- a. An area that has important connectivity value allowing dispersal of indigenous vegetation and fauna between different areas;
 - b. An important buffering function that helps to protect the values of an adjacent area or feature;
 - c. An area that is important for indigenous fauna during some part of their life cycle, either regularly or on an irregular basis, e.g. for feeding, nesting, breeding, or refuges from predation.
-
6. Coastal Environment An area identified in accordance with Policy 11 of the NZCPS.
-

This schedule applies to indigenous vegetation and habitat of indigenous fauna in the terrestrial, coastal and marine environments.

The Regional Council holds additional information to inform decision making on these criteria including the rationale for criteria and examples of areas representing these criteria



APPENDIX 5
THREE PARKS / GIZ / BALLANTYNES ROAD: COUNCIL'S RECOMMENDATIONS
FOR WIDER AREA



- Parcels and Property
- · - Rebuttal_UGBStage3
- Historic Heritage
- Landscape Classification Labels**
- Wahi Tupuna
- Designation
- Building Restriction Area
- Visitor Accommodation Subzone
- Low Density Suburban Residential
- Medium Density Residential
- High Density Residential
- Business Mixed Use
- General Industrial
- Three Parks Commercial
- Three Parks Business
- Active Sports and Recreation

QLDC PDP Stage 3 Rebuttal: Three Parks Recommended Rezoning

0 250 500 1,000 Meters



APPENDIX 6

CASES REFERRED TO IN SUBMISSIONS / EVIDENCE

Tab	Cases referred to by Queenstown Lakes District Council
1.	<i>Bunnings Limited v Queenstown Lakes District Council</i> [2019] NZEnvC 59
2.	<i>Coromandel Watchdog of Hauraki Incorporated v Chief Executive of the Ministry of Economic Development</i> [2007] NZCA 473
3.	<i>Darby Planning Limited Partnership v Queenstown Lakes District Council</i> [2019] NZEnvC 133 (Topic 1 Interim Decision)
4.	<i>Darby Planning Limited Partnership v Queenstown Lakes District Council</i> [2019] NZEnvC 142 (Topic 1 Interim Decision Erratum)
5.	<i>Darby Planning Limited Partnership v Queenstown Lakes District Council</i> [2020] NZEnvC 40 (Topic 1 Second Interim Decision)
6.	<i>Palmerston North City Council v Motor Machinists Limited</i> [2013] NZHC 1290
7.	<i>Queenstown Lakes District Council v Hawthorn Estate Ltd</i> [2006] NZRMA 424 (CA), 12 ELRNZ 299
8.	<i>Shotover Park Limited & Ors v Queenstown Lakes District Council</i> [2013] NZHC 1712
9.	<i>Steven v Christchurch City Council</i> [1998] NZRMA 289 (EnvC)
10.	<i>Upper Clutha Environmental Society Incorporated v Queenstown Lakes District Council</i> [2019] NZEnvC 205 (Topic 2 Interim Decision)