

BEFORE THE

Gore District Council

IN THE MATTER OF

Resource Management
Act 1991

AND

IN THE MATTER OF

Submissions and Further
Submissions on the
Proposed Gore District
Plan

Hearing Stream 9A

**STATEMENT OF EVIDENCE OF RACHEL SHALINI THOMAS AND
BERNADETTE ELLEN HUNT ON BEHALF OF THE SOUTHLAND PROVINCE OF
FEDERATED FARMERS OF
NEW ZEALAND**

Submitter number 126

Further submitter number 17

Dated 28 January 2025

Introduction

1. My name is Rachel Shalini Thomas. I am a Senior Policy Advisor with Federated Farmers and have held this role for three years. I hold a Bachelor of Arts (Hons) in Political Science from Otago University, a Masters in Public Policy from Victoria University and am currently studying towards a Masters in Planning from Lincoln University.
2. My views are closely aligned with those of Federated Farmers, due to my farming experience with my husband and I operating our family farm located in Ashburton, Canterbury. Further elaboration on my qualifications and experience is provided in the evidence submitted for Hearing Stream 1.
3. Bernadette Ellen Hunt is a member of the Southland Province Executive for Federated Farmers and was first elected to the Southland Provincial Executive in 2015. The Southland Province is governed by an elected executive group, which is headed by a provincial president. The executive group participate as experts, factual witnesses and advocates in planning processes throughout Southland, including the Gore District.
4. Bernadette was previously the Senior Vice President of the Executive and has participated in a variety of Resource Management Act (RMA) and local government planning processes including various plan reviews. Further elaboration on Bernadette's qualifications and experience is provided in the evidence submitted for Hearing Stream 1.
5. Federated Farmers is a voluntary membership-based organisation that represents farmers and other rural businesses. Federated Farmers has a long and proud history of representing the needs and interests of New Zealand's farmers and as such has a keen interest in the Gore District Plan.
6. Federated Farmers is a federation of 24 provincial bodies (called provinces), each structured as its own incorporated society, and six industry groups (dairy, meat and wool, arable, goats, high country and rural butchers). Federated Farmers' national body is governed by a National Council (which comprises a

representative from each province and industry group) with day-to-day governance delegated to a National Board.

7. In preparing this evidence we have read the following documents:
 - a. Resource Management Act 1991
 - b. Southland Regional Policy Statement 2017
 - c. National Planning Standards 2019
 - d. Gore District Council proposed District Plan (**PDP**) (notified 31 August 2023)
 - e. Gore District Council Section 42A Report – Sites and Areas of Significance to Māori (prepared by Ms Courtney Bennett).
8. We have read and refer in our evidence to expert evidence prepared by:
 - a. Legal submissions for Hokonui Rūnanga Incorporated dated 3 December 2024
 - b. Statement of Evidence of Mr Terry Nicholas dated 18 November 2024 (**cultural evidence**)
 - c. Statement of Evidence of Ms Amy Beran dated 18 November 2024 (**planning evidence**).

Summary of evidence

9. We summarise our evidence, according to the key headings in this statement:
 - a. Background
 - b. Relief sought
 - c. Statutory and policy framework
 - i Resource Management Act 1991
 - ii National Planning Standards 2019
 - iii Southland Regional Policy Statement 2017
 - iv Gore District Council Significance & Engagement Policy 2014
 - v Consultation under Schedule 1 of the RMA
 - d. Response to inaccuracies in the s42A Report - “91 day-to-day primary production activities”
 - e. General comments
 - i Best management practice may now require a discretionary consent
 - ii Stewardship

- iii Resource consent information
 - iv SASM approach in the PDP
- f. Comments on specific plan provisions
 - i SASM Chapter
 - ii Mana Whenua Chapter
 - iii Ngai Tahu Cultural Values Chapter
- g. Conclusion

BACKGROUND

10. Southland Federated Farmers (**SFF**) has been an active participant in the Gore proposed District Plan (**PDP**) process. During this time, we have submitted and further submitted on the PDP and prepared and presented evidence for Hearing Streams 1, 3, 5, 5A and 9. We have also run information sessions (both in-person and online) on the plan provisions for members and non-members which have been well attended.
11. We initiated discussions with Hokonui Rūnanga and have continued to meet with Runanga on a regular basis. SFF and Hokonui Rūnanga have formed an important relationship based on trust and mutual understanding. The discussions have helped SFF better understand the needs of the Rūnanga and how and why the approach has been proposed in the PDP. Both parties want to ensure that the PDP does not hamper the economic prosperity of the district through unintended consequences.
12. It is important to note that SFF has carried out the work to engage the community through information sessions and work with the Rūnanga within its own resource. It appears that the Council has put less effort into engaging the community on the proposed district plan compared to other consultations, where community meetings are typically held to explain the proposed changes.
13. Our interest in the PDP is driven not only from supporting our members but also considering the needs of the wider community in terms of economic well-being. When the farming community in Gore suffers, the entire district is impacted. As

such, the Sites and Areas of Significance to Maori (**SASM**) chapter is of particular concern for SFF.

14. The chapter as drafted raises a significant amount of uncertainty for farmers who are subject to a rapidly changing regulatory environment through local and central government. When a farmer submits an application for a resource consent, the cost is often unknown due to the potential requirement for specialist reports and assessments. This results in farmers not wanting to carry out any work that requires consents because of the unknown costs. The additional requirement of a 'cultural impact assessment' (**CIA**) is another responsibility which could stifle growth and development on farm due to the uncertainty of process (particularly cost) and potential outcomes.
15. The approach to SASMs in the PDP has now been clarified by the s42A author, Ms Courtney Bennett, to not be a blanket SASM approach where the entire district is a SASM, but rather '*individual activities have been identified as having the potential to impact Ngāi Tahu cultural values*'¹. This type of approach, while argued to be no different to current practice, impacts on the level of certainty farmers have in terms of what activities they can freely do on their land.
16. For instance, the approach means that any landowner in the district could be subject to needing CIA for a range of activities. In comparison, an approach which identifies specific sites, such as that proposed for Timaru District Council, would only impact those who have sites on their properties. The net is wider under the Gore PDP approach as any landowner could be captured. The uncertainty arises as all farmers could end up needing CIA for day-to-day farming duties such as fencing and earthworks at a cost which is unknown.
17. Through our discussions with Hokonui Rūnanga, we have explained the fear of this uncertainty. With the increasing burden of regulations, farmers are nervous that the costs of their resource consents could significantly increase if specialist assessments are required. We do not believe that Hokonui Rūnanga intend to require CIA for every resource consent application that crosses their desk.

¹ Gore District Council (n.d.). Section 42A Report, SASMs [at paragraph 31].

However, the way the PDP is written, this is a potential outcome and presumably Hokonui Rūnanga will need to recover their costs from consent applicants.

18. Landowners need certainty that this will not happen, and it is for this reason that we maintain our position that site mapping should occur. From the perspective of site preservation, it is our view that this can be better achieved if farmers know about specific areas of importance on their land and can thus plan their farming operations to provide recognition of these areas.
19. We wish to raise a general concern with the s42A report in that the author fails to address how the plan provisions will impact landowners and farming. We found little narrative on the practical implications of the proposed provisions in both the s32 and 42A reports.
20. The table prepared by Ms Bennett and presented as Appendix C² sets out the 91 rules or standards we identified within our submission as having assessment against cultural values as a potential matter of discretion. However, the table provides no analysis on the activity and the potential implications on farming practices. Instead, the approach has been to identify the plan provision and count the number of matters of discretion per activity. It is not clear what benefit there is in counting the number of matters of discretion, or how that relates to the implications on farming. It would have been useful for the table to show how each activity, rule or standard may impact on cultural effects in order to justify why it is necessary to consider cultural values when issuing consents for these activities.
21. Our evidence provides feedback on specific provisions in the SASM and Mana Whenua Chapters and details our concerns. We also provide suggestions to help address those specific concerns.
22. However, given the significant differences between what was in the notified PDP and the recommendations of the S42A report, and the uncertainty and costs it will introduce, SFF has a strong preference that the Council undertake wider

² Appendix C to the s42A Report on SASMs for GDC. (n.d.) Analysis of “91 Day-to-day Primary Production Activities” List as provided by SFF Submission. Available online: [c9c3b71017a315cc99d919ba93059a5e Appendix_C_Analysis_of_91_Day-to-day_Primary_Production_Activities.pdf](https://www.sff.co.nz/Appendix_C_Analysis_of_91_Day-to-day_Primary_Production_Activities.pdf)

engagement and consultation on options to address the perceived issue, refine the approach, and then notify any necessary variation. By notifying a variation concerning the SASM and Mana Whenua Chapters, members of the public will have an opportunity to make submissions on the proposed new provisions. The Council should not presume that no additional persons would want to comment on the new provisions and the impact they may have on their organisation, industry and / or sector.

RELIEF SOUGHT

23. SFF's preferred relief is for the Council to withdraw the MW and SASM chapters in their entirety from the PDP and undertake wider engagement and consultation, before notifying a variation. This variation should include the district-wide mapping of sites of significance to Māori and consequential amendments to the entire PDP including refining the application of cultural values and developing specific rules for SASMs which are located in the SASM chapter³.
24. We ask that the Panel give appropriate consideration to SFF's concerns with the plan development and engagement process. We have set out the reasons for our concerns in our evidence.
25. However, if the Panel forms the view that the SASM / MW Chapters are to be retained, then we request:
 - a. Amendments to the SASM Chapter to align with SFF's relief;
 - b. Mapping of 'known' sites of significance (and a corresponding definition of 'known site');
 - c. Inclusion of a method within the SASM chapter for a future work policy pertaining to mapping known sites with a traffic light system for consenting
 - d. Partial rejection of some amendments to the MW Chapter (as set out within this evidence); and
 - e. Rejection of the inclusion of a NTCV Chapter.

STATUTORY AND POLICY FRAMEWORK

Southland Regional Policy Statement 2017

26. The requirement to exercise resource management decisions in a manner that recognises and provides for specific sites is detailed in the Southland Regional Policy Statement (**RPS**) 2017:

Policy TW.4 – Decision making

When making resource management decisions, ensure that local authority functions and powers are exercised in a manner that:

(a) recognises and provides for:

- (i) traditional Māori uses and practices relating to natural resources (e.g. mātaihai, kaitiakitanga, manaakitanga, matauranga, rāhui, wāhi tapu, taonga raranga);*
- (ii) the ahi kā (manawhenua) relationship of tangata whenua with and their role as kaitiaki of natural resources;*
- (iii) mahinga kai and access to areas of natural resources used for customary purposes;*
- (iv) mauri and wairua of natural resources;*
- (v) places, sites and areas with significant spiritual or cultural historic heritage value to tangata whenua;*
- (vi) Māori environmental health and cultural wellbeing.*

(b) recognises that only tangata whenua can identify their relationship and that of their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.

27. The explanation which follows this policy in the RPS states:

Growth and development pressures have led to widespread destruction and degradation of places, sites and values of cultural, spiritual or historic significance to tangata whenua.

28. The intention of Policy TW.4 can be considered as identification of ‘places, sites and areas’ of value to tangata whenua. The PDP approach that the entire district is of value does not align with Policy TW.4 as if the same approach was taken throughout the wider Southland region, there would be no recognition of any specific areas.

29. Objective TW.4 states:

Wāhi tapu, wāhi taonga and sites of significance are appropriately managed and protected.

30. The explanation which follows states:

Section 6 of the Act recognises that the protection of historic heritage (including sites of significance to Māori, including wāhi tapu) and the relationship of Māori and their culture and traditions with their ancestral lands from inappropriate subdivision, use and development, are matters of national importance. The management and protection of such values recognises their importance to the regional sense of identity and is essential to providing for the social and cultural wellbeing of the community.

31. Objective TW.4 provides similar justification for site identification as Policy TW.4. In order to protect historic heritage, some form of identification must occur. While SFF does acknowledge the view that all land is significant to mana whenua within the Gore District, there will be certain areas which, without any mapping, are already known. It is this knowledge that Hokonui Runanga will likely draw upon when assessing resource consent applications.
32. SFF acknowledges the complexities of mapping from the perspective of Hokonui Runanga but argues that where sites or specific areas of importance are already known, they must be mapped so that landowners can ensure they are properly protecting areas while being able to plan for on-farm development.
33. The RPS also contains requirements regarding consultation which are relevant for consideration. Method RURAL.11 requires consultation with landowners, the community, stakeholders and tangata whenua when making resource management decisions regarding rural land which may result in adverse effects on land/water, integration of infrastructure with land use and, most notably, tangata whenua cultural and spiritual values including effects on mauri and sites or significance. The explicit recognition of sites of significance supports the argument that the plan should identify specific sites.

GDC Significance & Engagement Policy 2014

34. The Council's failure to engage the community on the PDP is a potential breach of the Council's Significance and Engagement (**S&E**) Policy. The policy is a

requirement under the Local Government Act 2002 (**LGA**) and Council is required to ensure it is followed in decision-making. We contacted GDC to enquire when the last review of the S&E Policy had been undertaken and were advised that none of the senior staff were aware that it had been reviewed since first adopted in 2014. This means that when considering how best to engage the community, the Council relies on a policy which has not been reviewed for 11 years.

35. S&E policies became mandatory under the LGA 2002 Amendment Act 2014 and are set out in s76AA of the LGA. It is likely GDC has continually 'rolled over' its policy to align with long-term plan reviews and has thus failed to adequately consider or assess the engagement needs of the Gore community. While there has been a good response to the PDP evidenced through the number of submissions received, this is largely in relation to parties such as Federated Farmers and Stoney Creek pushing for support.
36. The S&E Policy establishes thresholds for carrying out an assessment of how significant a matter is which is used to determine the Council's response to an issue. 'Community interest' is listed as a threshold *taking into account the extent to which individuals, groups, organisations and sectors of the community will be affected by a Council decision*⁴. The effect of the decision to notify a plan enabling the potential for CIA on a number of resource consents affects all landowners and thus has a high level of community interest. By only carrying out the minimum level of consultation required on this chapter, GDC has arguably breached the S&E Policy.
37. The lack of clear communication and engagement regarding the SASM chapter is contributing to uncertainty and anxiety among landowners, particularly regarding potential additional costs for cultural assessments in the resource consent process. The only public meetings held for the purposes of sharing information, that we are aware of, have been held by SFF or Stoney Creek.

⁴ Gore District Council (2014). Significance and Engagement Policy, adopted 4 November 2014. Available online: [Significance and Engagement Policy](#)

38. Some steps the Council may have undertaken to improve its engagement approach include:
- a. Clear communication of intent
 - b. Community consultation and engagement
 - c. Highlighting flexibility and process
 - d. Cost mitigation
 - e. Providing clear guidelines.

Consultation under Schedule 1 of the RMA

39. The Council's requirements relative to consultation are also mandated by Part 3, Schedule 1 of the RMA. Part 3 requires consultation to be undertaken in accordance with s82 of the LGA. Section 82 sets out the principles of consultation. 'To consult' means to seek information or advice, or to take into consideration⁵.
40. The principles of consultation are best understood when observing *Wellington International Airport Limited and others v Air New Zealand*⁶:
- a. Consultation is not to be equated with "negotiation". The word "negotiation" implies a process that has as its objective arriving at agreement. However, "consultation" may occur without those consulted agreeing with the outcome.
 - b. Consultation includes listening to what others have to say and considering the responses.
 - c. The consultative process must be genuine and not a sham.
 - d. Sufficient time for consultation must be allowed.
 - e. The party obliged to consult must provide enough information to enable the person consulted to be adequately informed so as to be able to make intelligent and useful responses.
 - f. The party obliged to consult must keep an open mind and be ready to change and even start afresh, although it is entitled to have a work plan already in its mind.

⁵ Controller and Auditor General (n.d.). Public Consultation and Decision-making in Local Government. Available online: [Foreword — Office of the Auditor-General New Zealand](#)

⁶ The relevant principles of consultation are set out in *Wellington International Airport Limited and others v Air New Zealand* [1993] 1 NZLR 671 and codified in s82 of the Local Government Act 2002.

g. Consultation is the statement of a proposal not yet fully decided upon⁷.

41. When considering these principles and assessing the PDP consultation process to date, SFF and others in the community have concerns that the Council has not kept an open mind to making major changes. The rigidity of a plan process means that only those who have made submissions can be involved. However, the lack of engagement early in the plan process means there will be many in the community who did not submit and now are unable to engage. This is part of the reason we request the SASM chapter is withdrawn.

RESPONSE TO INACCURACIES IN THE S42A REPORT -

“91 day-to-day primary production activities”

42. SFF has been inaccurately quoted in the s42A Report prepared by Ms Bennett. Our submission identifies *91 rules or standards which include a matter of discretion and/or control as assessment against Ngāi Tahu cultural values*. It is not stated that these 91 areas of the plan are all related to primary production.
43. We refer to ‘the impact on primary production activities’ in a general sense within our submission but we never state that the list provided in Appendix 1 of our submission is solely related to primary production. Ms Bennett has misinterpreted this within the s42A Report which has implications for the integrity of the entire report and its recommendations as she frequently misrepresents SFF by quoting her own phrasing *“91 day-to-day primary production activities”*.
44. The inaccurate portrayal of our submission has, in our opinion, been used by Ms Bennett to belittle our submission and diminish its meaning. The incorrect quoting of SFF occurs on multiple occasions within the s42A. These matters are addressed below.
45. Ms Bennett states:

The SFF-led submitters are concerned that the SASM approach will slow down the ability for farmers to carry out basic farming duties. In their submissions they have listed 91

⁷ As summarised by the Controller and Auditor General [at 4 above].

“day-to-day primary production activities” that would require impacts on Ngāi Tahu cultural values to be considered when applying for a resource consent⁸.

46. The first matter to clarify is that in no place do we refer to the 91 rules and standards as being purely related to primary production. Our submission states:

We have assessed the Plan and identified that there are 91 rules or standards which include a matter of discretion and/or control as assessment against Ngāi Tahu cultural values (Appendix 1)⁹.

47. The list we provided in our submission¹⁰ makes no mention of these being solely related to ‘primary production’. Ms Bennett states that our ‘list of “day-to-day primary production activities” includes:

- *Running retirement facilities in the medium density residential zone*
- *Undertaking temporary military training*
- *Erecting cultural markers such as pou whenua.*

48. Ms Bennet then states *‘I struggle to understand how these are “day-do-day primary production activities”*. Aside from Ms Bennett’s typo, this statement is incorrect and misleading as we make no inference that the ‘plan provisions’ we list in Appendix 1 are all related to primary production.

49. Second, we do not state that there are *“91 day-to-day primary production activities” that would require impacts on Ngāi Tahu cultural values to be considered*” as stated by Ms Bennett. Her portrayal of our statement in this respect is misleading as it implies we believe there are 91 primary production activities that would be impacted. Within our submission we do not refer to these as *activities*. The approach taken was to identify where assessment against Ngai Tahu cultural values would be required in the plan.

50. Third, we do not state that the approach would require cultural assessment. Instead, we state: while we do not have much detail on how this assessment would work in practice, we believe it will delay the consenting process for

⁸ At paragraph 49.

⁹ At page 3, SFF Submission on Gore PDP.

¹⁰ At Appendix 1.

farmers¹¹. Our concern is around the uncertainty and ambiguity of such an approach within the PDP.

51. To summarise, Ms Bennett has inaccurately portrayed our submission points on the following matters:
- a. The 91 rules or standards we identify are not referred to as being solely related to primary production.
 - b. There is no reference to '91 activities'. We refer to these as 'rules or standards' or 'plan provisions'.
 - c. We make no statement contending that cultural assessment is required every time, let alone for '91 day-to-day primary production activities' which is continually repeated by Ms Bennett¹².

GENERAL COMMENTS

Best management practice may now require a discretionary consent

52. For many farming activities, industry develop guidelines for farmers on achieving best management practices. Under the PDP, some activities that represent best management practice will require a consent. Furthermore, it is unclear if there are any relevant cultural values (proposed as Ngai Tahu cultural values) that are actually relevant to those particular activities. We elaborate further below.
53. Offal holes are defined as dead holes in the PDP. On farm, these can be drilled at a depth of up to 20m or alternatively dug in a manner that is similar to a farm landfill hole. There are industry standards that encourage offal holes to be drilled, including the NZ Farm Assurance Programme (**NZAP**) and NZFAP+ and NZ Merino ZQrx. There is a preference for offal holes to be drilled because they can then be covered while in use, and there is no chance of mixing with other forms of landfill.
54. Drilled offal holes do not meet standards in the proposed EW-S1 and are therefore discretionary. As a discretionary activity cultural values will need to be considered. It is unclear what values listed in the new NTCV chapter could be

¹¹ Southland Federated Farmers submission, p.4.

¹² At paragraphs 49, 53, 54 and 60 of the s42A SASM Report.

relevant, noting that there are already setback requirements under Rule 43 of the Southland Water and Land Plan.

55. New farm tracks may be required to comply with the regional council rules or to meet environmental objectives. For example, if there is a wetland identified that needs to be fenced, and the existing track is within the setback, a new track needs to be built to ensure continued access and operation of the farm. New tracks are also important to continue to improve efficiencies and production on farm.
56. The restriction on earthworks relating to new farm tracks may create unnecessary restrictions on the ability to comply with regional plan rules and, combined with the requirement to consider NTCV, will add unjustifiable and frustrating costs.
57. Other earthworks on farm may be earthworks relating to installing a reticulated stock water system, a new set or replacement farm yards or a new farm building. As the PDP has no explanation as to which cultural values are relevant to particular activities, it may substantially increase the costs associated with consenting process, including for activities that will result in better environmental outcomes.

Stewardship

58. Farm development is essential for sustaining/enhancing production, profitability, meeting market demands, adapting to climate and environmental changes, and allowing farmers to operate in line with stewardship values. This means that farmers today must make decisions that prioritise the well-being of future generations.
59. What is contained within the ethic of stewardship is wide-ranging but may include land use change to a less intensive use, for example converting sheep and beef to arable and reducing methane emissions or taking steps to improve environmental outcomes such as detainment bunds and constructed wetlands. The ethic of stewardship also demands the use of effective primary production practices that lead to greater efficiency. Collectively, development guided by the

ethic of stewardship typically supports the economic, social, and cultural well-being of individual families and rural communities.

60. The decisions in the Southland Water and Land Plan acknowledged that many waterbodies are degraded and the plan promotes restoration. One tool available is the establishment of detainment bund¹³. Environment Southland includes a recommended minimum holding capacity and notes that earthworks may be required. In most circumstances, these earthworks would be a discretionary activity due to the volume limit set out in ES-S1.
61. Another available tool to reduce nutrients and improve water quality that Environment Southland endorses is a constructed wetland¹⁴. Environment Southland recommend fencing the constructed wetland, however the Southland Water and Land Plan does not provide a permitted activity for fencing of constructed wetlands. That means fencing of constructed wetlands would be discretionary under EW-R1 Land Disturbance for the Construction of Fences.
62. Stewardship in farming thus requires the responsible management of land and resources to ensure long-term sustainability. Farmers need to be able to do their due diligence when planning for development and investment. This requires knowledge of any sacred or cultural areas on-farm which need to be recognised. If farmers have this level of knowledge, their ability to be good stewards is enhanced and they will be able to plan development accordingly for future generations. However, if farmers are required to navigate a consent process with uncertain outcomes or costs, they are likely to be deterred from this work.

Resource consent information

63. As earlier mentioned, there are a wide range of farming activities that will now require consent that have previously been permitted activities within the Gore District Plan. Farming activities are subject to a range of regulatory conditions. The PDP represents one agency implementing these requirements, there are also requirements from Environment Southland, Ministry for Primary Industries, industry specific (e.g. Fonterra for dairy farms). It is important to be mindful of the

¹³ [Detainment bunds - Environment Southland](#)

¹⁴ [A guide to constructed wetlands.pdf](#)

suite of regulations and acknowledge how tough the regulatory conditions are now for farmers.

64. To provide an indication of the likely number of additional resource consents, we reviewed the data the Ministry for the Environment (**MFE**) publishes as part of the national monitoring system (using information MFE collects from councils)¹⁵.
65. In the year 2022/2023, Gore District Council issued 58 consents. This is broken down to include 27 land use consents and 26 subdivision consents and 5 that were mixed. The average time to process a consent was 17 working days and the average cost \$2,979. In 2022/2023 Gore District Council had 8 FTEs for consenting.
66. No analysis has been provided in the s32 or s32AA report as to how the proposed inclusion of the NTCV (alongside the amendments to MW) will impact these statistics, nor whether there is the capability to meet the statutory requirements for consent processing. We also question if the additional resourcing required for the increase in consents has been considered as part of the Council's budgetary discussions. It can be assumed that any costs incurred by Hokonui Runanga will be passed on to the applicant. If there is an increase in the number of resource consent applications Hokonui Runanga receive, it can be assumed there will be an increase in cost for the applicant.
67. We are aware that many of our members across the South Island have experienced issues when dealing with Ngai Tahu in relation to their consent applications. These include:
 - a. **Time** – common agreement that Ngai Tahu take a long time to respond to consent applications. One member provided the example of a winter grazing consent whereby an application for a IWG consent was lodged in September '23 and conditions were not issued until September '24. The delay was largely due to affected party approval from Rūnanga. Where no response was received from Runanga on IWG consent applications, some

¹⁵ Ministry for the Environment. Resource consent applications 2014-15 to 2022-2023. Available online at [Resource consent applications 2014-15 to 2022-23 | MfE Data Service](#)

applicants abandoned their consents. This is in comparison to the Otago region where the Intensive Winter Grazing consents were processed in 1 day, and no cultural impact assessment was required.

- b. **Seeking conditions not related to the activity** – these new conditions sought substantially increase the costs associated with consents. One example provided was requiring riparian planting for a take and use consent and another included various water monitoring conditions being imposed as an affected party. The proposed conditions extended beyond cultural effects.
- c. **Seeking overly excessive restrictions on activities** – an example of this is intensive winter grazing where proposal setbacks have been proposed by Ngai Tahu of up to 100m when the regional plan or national environmental standards have 5m setbacks.
- d. **Stalling innovation** - Ngai Tahu's involvement has completely stalled innovation on some farms. For example, a farmer applied to have farm scale hydrogeneration to reduce emissions. Hydrogeneration is not supported by Ngai Tahu beliefs that a waterbody should reflect its natural character and has effectively blocked the consent application.
- e. **Significant costs** – costs vary significantly for CIA. We are aware of costs amounting to \$3,000 for one member where no site visit was conducted. In extreme cases, there may be a payment to iwi required to secure a resource consent. For instance, Meridian Energy signed agreements with Ngā Rūnanga o Waitaki (Arowhenua, Waihao and Moeraki), the Department of Conservation (DOC) and Central South Island Fish & Game which included financial settlements when renewing its consent for the Waitaki River.
- f. **Lack of clarity over what is required** – some members have reported that when engaging with Ngai Tahu on consents they have difficulty understanding what is required. For farmers who opt to do their own resource consents to avoid consultancy fees, this is incredibly frustrating and in some instances has resulted in the abandonment of applications.

- g. **Difficult to contact** – there are multiple members who report that Ngai Tahu have been difficult to contact with no response received to email or phone attempts.
- h. **Integrity of information** – some members report issues with the integrity of information provided from Ngai Tahu on consent applications and a reported lack of communication between Ngai Tahu and the relevant councils. The information requirements from Ngai Tahu and councils can be contradictory, causing frustration and additional cost for applicants. The lack of a clear structure for CIA thus impacts on the integrity of information.

SASM approach in the PDP

- 68. SFF has consistently argued that sites should be mapped and identified, in consultation with landowners. While we appreciate that such a process can take several years and be highly contentious, we consider a fair middle ground to map the known sites or areas of importance with a commitment to carry out remaining mapping in consultation with landowners and in line with any change of resource management direction provided through a new RMA by Central Government.
- 69. If no sites are identified, farmers require a simple pathway to obtain early confirmation to proceed in principle. There is a lot of work and cost incurred to get a project to consent application stage, and then more costs to have the consent processed (the approximate average cost of a resource consent in the Gore District is \$3000 and the costs reported to us for CIA by one member was \$3,000 – this does not include the costs to develop the consent application in the first place). Farmers need a way to know that there are not going to be surprises through the CIA process if they are willing to seek cultural input at an earlier stage in their planning.
- 70. The National Planning Standards require that a District Plan includes a SASM chapter *if it is relevant to the district*. This requirement is detailed in the legal submissions for Hokonui Rūnanga prepared by Mr Leckie¹⁶. The SASM

¹⁶ At paragraph 27.

approach, as set out in the Planning Standards, involves the identification and management of particular sites or areas.¹⁷

71. When the PDP was notified, the Council made the determination that a SASM chapter was relevant to the district in line with the National Planning Standards. The notified SASM and Mana Whenua chapters were co-drafted by Council and the Rūnanga, it can be assumed that Rūnanga were comfortable with the determination that a SASM chapter was necessary for the Gore District Plan, and that SASMs were also necessary.
72. To now back-track on the determination that a SASM chapter is needed is poor practice. It does not allow the wider community an opportunity to comment on the new approach as only those who submitted initially on the SASM chapter may provide evidence. We have concerns regarding meeting the principles of consultation under s82 of the LGA (a mandatory requirement in a schedule 1 process) and believe the abandonment of the SASM chapter at this stage of the plan process will harm Council's reputation with its ratepayers.
73. Providing preservation and protection for sites or areas of cultural significance requires some form of mapping or identification to understand the parameters and needs of the area requiring recognition. The approach of preservation and corresponding mapping/identification is a principle evident within the RMA and related legislation.
74. For example, natural character, while not specifically defined in legislation, is a matter of national importance under s6(a) of the RMA. The New Zealand Coastal Policy Statement 2010 (**NZCPS**) requires the preservation of natural character of the coastal environment through mapping or identification of areas with high natural character (Policy 13(1)(c)). If these coastal areas were not mapped and identified, land use could lead to the degradation of natural character. Mapping helps to preserve coastal natural character by raising awareness and providing regulatory constraints. However, if all coastal landscapes were considered of high natural character the ability to protect the natural character of specific areas

¹⁷ National Planning Standards Guidance for District Plan Structure and Chapter Standards, p.43.

is diminished and development in coastal areas would be significantly constrained.

COMMENTS ON SPECIFIC PLAN PROVISIONS

SASM Chapter

SASM Overview and Purpose

75. SFF partly supported the SASM Overview and Purpose as drafted, subject to the correction of a typography issue. The amendment of the typo is the only change proposed by Ms Bennett¹⁸.
76. Ms Bennett, when summarising the matters raised by submitters, quotes the Hokonui Rūnanga submission where it was stated the PDP should include a *more explicit land classification approach whereby mana whenua identify the values associated with each part of the takiwā and can have more tailored policies and targeted rules*¹⁹. However, no further elaboration is provided by Ms Bennett on this matter within this section of the s42A.
77. The ‘explicit land classification approach’ seems to have been abandoned with little justification. While it would be a matter for the hearings panel to determine the scope on addressing the ‘land classification approach’ at this point in the plan process, we believe there may be some merit in exploring a middle ground between widespread site identification and a blanket type SASM approach. Such an approach could operate on a traffic light system for different parts of the district which are lower/high risk.
78. The second paragraph of the Overview also refers to ‘high risk activities’:
- The Gore District Plan manages the impacts of **high-risk activities** on Ngāi Tahu cultural values, as opposed restricting a wide range of activities at specific locations (emphasis added).*
79. The s42A does not address the use of the phrase ‘high risk activities’ which several submitters identified as an issue. A new policy is proposed in the Mana

¹⁸ At paragraph 117.

¹⁹ Hokonui Runanga Inc s139.093, as quoted [at paragraph 113] of Ms Bennett’s s42A Report.

Whenua Chapter which lists the activities where consideration occurs against the effects on relevant Ngāi Tahu cultural values when resource consent is required.

80. The wording in the Overview should thus be linked directly to the activities in MW-P1 as the use of the phrase 'high risk activities' implies a separate list and creates confusion for plan users. We found the s42A Report failed to adequately address or deal with this issue.

SASM-O1

81. SASM-O1 is arguably the most contentious objective of the SASM chapter in the PDP. SASM-O1 states:

All land, waterbodies, natural features, and marae within Gore District are recognised as sites and areas of cultural significance to mana whenua and/or tangata whenua, and are afforded appropriate considerations in relation to their management, development, and use.

82. The interpretation of SASM-O1 in the community is that a blanket SASM approach would be imposed which infringes on private property rights without considering individual circumstances. The lack of engagement with the community on the intent and scope of the SASM chapter has fuelled anxiety amongst landowners facing potential costs for cultural assessments when applying for resource consents.
83. Federated Farmers [s126.076] partially supported the deletion of SASM-O1, having requested an amendment to SASM-O1 in our initial submission to provide for site mapping.
84. For farmers, SASM-O1 creates a high level of uncertainty in an environment of increasing regulatory cost and burden. Farmers are subject to regular audit or compliance visits and the way SASM-O1 was initially drafted in the PDP implied that the entire district would be considered sites of cultural significance. We understand that is not the intention of the Council or Hokonui Runanga and we do thank Ms Bennett for making attempts to explain the thinking behind the approach.

85. The removal of SASM-O1 will help to alleviate concerns regarding the uncertainty and ambiguity of the approach, however it does not support our view that there should be some mapping of known cultural areas.
86. We understand the view of Hokonui Runanga that all land is significant to mana whenua but the PDP must comply with the legislative framework which requires sites of significance to be mapped, and protected from inappropriate subdivision, use and development. Landowners have a right to know what is on their land if they are expected to manage certain areas. In our view, this is a suitable compromise and meets the efficiency and effectiveness requirements under s32AA of the RMA.
87. We request that SASM-O1 is retained but amended as below. We also request that sites are mapped as per the National Planning Standards. This work may be outside of the scope of the PDP but a commitment to a future work policy, as had been initially sought by Hokonui Runanga, would ensure that the identification of these areas occurs.
88. SFF proposes the following amendments to SASM-O1:

SASM-O1

~~All land, waterbodies, natural features, and marae within Gore District are recognised as sites and areas of cultural significance to mana whenua and/or tangata whenua, and are afforded appropriate considerations in relation to their management, development, and use.~~

Sites and areas of significance to Māori are recognised and identified for their cultural significance.

89. In addition to the amendments to SASM-O1, we also seek a new objective is added to provide clarity for landowners within the district. This objective would relate to SASM-O1 but commits all landowners have access to information about any areas on their land which require additional protection.

SASM-OX

All landowners within Gore District have access to the information regarding significant areas on their land which require protection from land use activities.

90. One way to implement SASM-OX would be to include details of mapped SASMs or previous CIAs conducted on property LIMs. When farmers purchase land, they need to know what is possible in terms of development and what planning restrictions may be imposed. Farmers need to be able to do their due diligence during sale and purchase processes. If there are no SASMs mapped, then it becomes difficult to understand the capabilities and restraints of land use.

SASM-P1- existing use rights

91. Federated Farmers [S126.077] proposed an amendment to SASM-P1 to provide for existing use rights under the RMA. This is rejected by Ms Bennett on the basis that the RMA is a higher order planning document and thus existing use rights are provided for.
92. We agree with Ms Bennett that the existing use rights provided under s10 of the RMA cannot be overridden by a plan objective. However, the plan would benefit from clarification that existing use applies. We suggest including the following as an explanatory note within the SASM chapter.

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

93. Our suggested amendment does not change the meaning of the objective but instead provides greater clarity for plan users.

SASM-P2

94. Federated Farmers [S126.078] partially opposes SASM-P2 on the basis that it does not provide clarity on the values which may be considered. We also proposed an amendment to refer to the impact on Sites of Significance to Maori as identified in the Planning Maps. Our preferred relief, when we initially submitted on the PDP, was to support a widespread mapping approach of sites of cultural significance.

95. As a result of our discussions with Hokonui Runanga, and development of our understanding that all land is significant to the Runanga, we wish to further clarify our position. A discussion on the SASM approach in general is provided earlier within our evidence. For clarity, our preferred relief is that known sites are mapped and included in the PDP.
96. We maintain that the scope of SASM-P2 is too broad. Firstly, SASM-P2 as recommended by the s42A Report applies to *all* activities within the district (emphasis added):

SASM-P2

The impact of proposed activities on the Ngāi Tahu cultural values and their underlying relationship with the natural environment listed in SASM-O3 is determined in partnership with Hokonui Rūnanga²⁰.

97. Relative to SASM-P2, our updated position is for an amendment to refer to known sites. The scope must also be narrowed to apply to those activities listed in MW-P1. We therefore request SASM-P2 is amended as follows:

SASM-P2

The impact of ~~proposed~~ activities listed in MW-P1 on cultural sites of significance to Maori on Ngāi Tahu cultural values listed in SASM-O3, and their underlying relationship with the natural environment is determined in partnership with Hokonui Rūnanga, the Council and landowners.

Mana Whenua Chapter

98. Ms Bennett recommends a number of changes to the mana whenua chapter, including the introduction of two new objectives and three new policies. Ms Amy Beran, who provided planning evidence for Ngai Tahu, proposes three new methods.
99. The MW Chapter as notified contains no objectives, policies or methods. Note also that there are no methods utilised anywhere else in the PDP.
100. The eight new objectives, policies and methods have not been subject to public consultation and the opportunity to comment on these is only being provided to those who submitted on the relevant chapters within this plan process. The scale

²⁰ SASM-P2 as recommended by Ms Bennett at paragraph 169.

of these changes, in our opinion, is so great that the Council must reconsult on the Mana Whenua chapter.

New objective MW-O1

101. Federated Farmers oppose the proposed MW-O1, partly on the basis that no public consultation has occurred on this objective. The proposed wording is:

MW-O1

Resource management in the Gore District reflects the collaborative and transparent working relationship between Council and mana whenua, prioritising the prosperity of the district, alongside the ability for mana whenua to exercise their rangatiratanga and kaitiakitanga responsibilities.

102. The above wording does not reflect an objective or a goal. A more appropriate objective may be to ensure the principles of Te Tiriti o Waitangi are given effect to in resource management processes and decision. The objective as drafted could not be implemented as it seeks to redefine the role of the Council under the RMA and creates uncertainty.
103. Introducing the concept of rangatiratanga through a new objective is not appropriate. Rangatiratanga has been defined as "chieftanship, decision making rights" in the Waitaki Management Plan. Decision making cannot be transferred under s36A of the RMA therefore it cannot be included in a new objective within the PDP. There is also no definition of rangatiratanga in the PDP.

New objective MW-O2

104. Federated Farmers oppose the proposed MW-O2 partly on the basis that no public consultation has occurred on this objective and for reasons herein set out. The proposed wording is:

MW-O2

Resource management decisions in the Gore District reflect the relationships Ngai Tahu mana whenua hold with all land, waterbodies, natural features, and their affiliated cultural developments (such as marae, urupa, Maori Purpose Zones) within District.

105. Federated Farmers opposes this objective on the basis that it cannot be implemented because it conflicts with the purpose of the RMA, which includes enabling people and communities to provide for their social, cultural and economic wellbeing. The objective refers to 'resource management decisions'

that reflect s6(f), s6(e) and s7(a) over other matters in Part 2 in all circumstances which is inappropriate and cannot be implemented.

106. Furthermore, if the first objective is broadened to refer to Te Tiriti o Waitangi, this intent of this objective would be better incorporated into a policy. Accordingly, we seek its deletion.

New policy MW-P1

107. SFF strongly opposes MW-P1 which attempts to detail when assessment against Ngai Tahu cultural values may occur. In our view, MW-P1 is highly ambiguous and will create confusion for plan users. The National Planning Standards provides for cross-referencing of the particular rule in the Plan. In Table 1 below, we provide specific comments on each provision within the policy.

Table 1 - Analysis of proposed MW-P1

MW-P1 provision	Comment
Impacts on relevant Ngāi Tahu cultural values are generally considered when resource consent is required for the following types of activities:	The phrase 'generally considered' implies a loose consideration and is not specific enough to be included with the PDP.
a) Activities in close proximity to rivers or streams	It is unclear as to what is meant by 'close proximity' or the width or size of the stream that it relates to. Also implies that all activities are captured.
b) Land disturbance (earthworks) above permitted activity levels, or with heightened sedimentation risks;	We do not consider that it is appropriate for the SASM chapter to apply to all earthworks above permitted activity levels. The National Planning Standards set out that any rules about earthworks from a SASM should be included. The NPS must be given effect to. Accordingly, this should be deleted and specific rules in proximity to the SASM provided for.
c) Some activities breaching bulk, location, or height standards;	'Some activities' is an ambiguous phrase. Specific activities should be listed and those activities cross-referenced with regards to the particular site of significance, ie wahi tapu, wahi taonga.

MW-P1 provision	Comment
d) Some activities within a zone that do not hold a permitted activity status, including unanticipated activities within a prescribed zone;	'Some activities' within a zone is an ambiguous phrase. Specific activities should be listed and cross referenced per zone.
e) Some activities within ONF/L overlays;	'Some activities' is an ambiguous phrase. Specific activities should be listed and cross referenced to the rule in the PDP.
f) Some permanent structures in the NOSZ;	'Some permanent structures' is an ambiguous phrase. Specific structures should be listed.
g) Temporary activities with extended durations, or potential to cause long-term environmental effects;	What is considered an 'extended duration' is ambiguous. 'Extended duration' needs to be clarified by providing specific details.
h) Some activities breaching maximum noise limits;	'Some activities' is an ambiguous phrase. Specific activities should be listed.
i) Significant expansion to existing infrastructure;	This is a broad phrase and it is unclear what is captured.
j) Some telecommunications infrastructure;	'Some telecommunications infrastructure' is an ambiguous phrase. Specific activities should be listed.
k) New roads that don't meet standard design requirements;	The plan provision for specifying design requirements should be specified.
l) Large-scale quarrying activities;	Farm quarries should be excluded.
m) Subdivision in Development Area 1 and 2, or impacting notable trees;	No comment.
n) Tikanga-related activities, including some activities in the MPZ and the installation of cultural markers;	'Tikanga related activities' should be defined.
o) Major events that don't meet event standards requirements for FDZ.	No comment.

108. In addition, the types of values applicable to certain activities should be provided within the PDP in order to comply with the NPS. While we acknowledge it is not

our role to specify the values mana whenua consider as important, we provide an example of how this could be presented in Table 2:

Table 2 - Example of cultural values by activity

Activity	Applicable cultural values to be considered in resource consent applications
Earthworks	(cultural values applicable)
Fencing	(cultural values applicable)
Mining/quarrying	(cultural values applicable)

109. We do not support inclusion of MW-P1 as drafted and suggest that a table similar to Table 2 specifying certain activities against specific values is provided as an alternative. Such a table would assist resource consent applicants in detailing cultural effects in their applications of the activity they are seeking consent.

MW-P2

110. SFF partially supports MW-P2 which attempts to detail processes that can support decision-making and rūnanga involvement/engagement. We are supportive of the intent of MW-P2 but provide some specific feedback on how the policy could be strengthened and improved.

111. The policy cannot state that Hokonui Runanga are enabled to actively contribute to decision-making. This is a breach of s36A of the RMA which states there is no requirement to consult with any other person when applying for a resource consent. The proposal to have runanga actively participate in decision making through MW-P2(b) is in breach of s36A as it is requiring consultation with them in addition to the Council. There are formal processes to delegate the Council's powers under the RMA, such as s33 which must be followed.

112. Our suggested amendments for MW-P2 are:

MW-P2

Council will maintain or establish processes that:

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

- ~~b) Enable Hokonui Rūnanga to actively contribute to decision-making in an efficient manner from the earliest stage practicable; and~~
- ~~c) Where appropriate, facilitate efficient and effective processes for resource consent applicants to engage with Hokonui Rūnanga in a best practice manner, including by actively encouraging pre-application engagement.~~
- c) Encourage and facilitate consultation and engagement between landowners/applicants with Hokonui Rūnanga prior to applying for consent and/or undertaking activities where assessment against Ngai Tahu cultural values listed in SASM-O3 may be required.
- d) Enable Hokonui Rūnanga, in consultation with landowners, to identify and map sites of significance to Maori in a future plan variation

MW-P3

113. SFF partially supports MW-P3 and proposes only minor amendments as below:

MW-P3

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

- a) Taking into account relevant iwi and hapū planning documents; and*
- b) Requiring an Accidental Discovery Protocol to be adopted as part of earthworks-related resource consents (see MW-4.1); and*
- c) Considering advice received from Hokonui Rūnanga regarding potential impacts of activities, ~~such as those listed in MW-P1~~, on Ngāi Tahu values listed in SASM-O3, and potential mitigation options*

Methods proposed by Ms Beran²¹

114. As detailed in the s42A Report²², Ms Beran and Ms Bennett did not reach agreement on the inclusion of proposed methods MW-M1, MW-M2 and MW-M3. SFF has concerns from a consistency perspective that the introduction of methods in the MW Chapter would signify the only place in the PDP where methods are used.

115. However, we largely agree with the intent of the proposed methods. They provide some clarity to plan users on what is required and reflect the outcome of discussions SFF has had with Hokonui Runanga. We do not agree with Ms Bennett's concern that the matters the proposed provisions address should sit

²¹ At paragraph 31.

²² At paragraph 28.

outside of the PDP. The accountability of parties to consider the methods would be lost if this was the preferred outcome.

MW-M1

116. MW-M1 details CIA requirements. The intent of MW-M1 is to clarify that CIA may not always be required and we are supportive of this approach. Effective engagement between landowners and Runanga should mitigate the need for CIA to be obtained in many instances. It is not reasonable to expect farmers to continually apply for CIA per resource consent (per activity). This approach could be strengthened by a traffic light system for consenting.
117. SFF partially supports MW-M1 as it helps to alleviate concerns from farmers that CIA will be required for all resource consent applications. We anticipate that after identification of the sites that are significant, there may be controlled activity standards included within the planning framework. However, for any consents that may still require a CIA, we propose amendments to improve the clarity of MW-M1:

MW-M1 Cultural Impact Assessment Requirements Application

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

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

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

assessment is not provided within this timeframe the consent can continue to be processed.

MW-M2

118. MW-M2 details information resources committing the Council and Hokonui Runanga to work together to develop communications for plan users. We are in full support of the drafting proposed for MW-M2 by Ms Beran. We seek that information is made available to the public concerning the completed CIA and mapped SASMs (which as earlier mentioned could be included within property LIMs).

MW-M3

119. MW-M3 states that the Council will encourage staff to undertake training and education programmes to improve awareness and knowledge of tikanga and mana whenua relationships. As currently drafted, MW-M3 is rather broad and does not specify that the education is specifically relative to resource consents. SFF partially supports MW-M3 but suggests it is tailored specifically to how education and training of staff can aid resource consent applications.
120. We would envision staff to be equipped to advise consent applicants on what information they could include to help address cultural effects. If staff are properly equipped to advise in this respect, it could save consent applicants money if CIA is not required.

New Chapter – NTCV – Ngai Tahu Cultural Values

121. SFF has significant concerns over the Ngai Tahu Cultural Values Chapter which is proposed by Hokonui Runanga. Our main concern is that if the proposal is accepted, Council would be pursuing a chapter which has not been subject to community consultation and which does not comply with the RMA.
122. SFF rejects the chapter in its entirety and submits the chapter should be withdrawn. The Council made a determination when it notified the plan that a SASM chapter was necessary and as such a separate NTCV chapter is an entire change of approach. We do not consider this an appropriate way to achieve the purpose of the RMA as no protection is given for sites which are specifically referred to within s6(e) and also the Southland RPS.

Values

123. SFF is concerned that there are now values located within two places in the plan. These are the MW chapter and the SASM chapter (noting the S42A recommendation is to replace the SASM chapter with the NTCV Chapter). The values are identical across the SASM and proposed NTCV chapters but note a typo in the number for NTCV-O2 where the values start at 'l' but should be 'a'.
124. The MW Chapter lists the values and provides detailed explanations on the application of each value. 'Wai' and 'land' feature within the MW Chapter but are not listed values for SASM-O3/NTCV-O2. It is confusing for plan users to have values located in two places and our preference is to simplify this within the plan. It is not clear if there is a difference between 'Mana Whenua and Te Taiao Cultural Values' and 'Ngai Tahu Cultural Values' with the values being located in both chapters. If the SASM-O3/NTCV-O2 values are considered within resource consent applications, then there may be no point also including them within the MW Chapter.

Table 3 - Comparison of cultural values within PDP

Notified MW Chapter 2.3 Mana Whenua and Te Taiao Cultural Values	Notified SASM Chapter SASM-O3	Proposed NTCV Chapter NTCV-O2
Kaitiakitanga Whakapapa Mauri Manaakitanga Wairua Whanaungatanga Utu Mātauranga Te Reo Māori Ki Uta Ki Tai Wai Land Mahinga kai	a) Kaitiakitanga; b) Whakapapa; c) Mauri; d) Manaakitanga; e) Wairua; f) Whanaungatanga; g) Utu; h) Mātauranga; i) Te Reo Māori; j) Ki uta ki tai; and k) Mahinga kai.	l) Kaitiakitanga; m) Whakapapa; n) Mauri; o) Manaakitanga; p) Wairua; q) Whanaungatanga; r) Utu; s) Mātauranga; t) Te Reo Māori; u) Ki uta ki tai; and v) Mahinga kai;

CONCLUSION

125. Our interests in the PDP are ensuring that farmers can continue to operate in a manner which enables their economic well-being. Any plan provisions which increase the cost and time of resource consents are detrimental to farmers.
126. Our preferred relief is for GDC to withdraw the SASM and MW chapters and carry out a variation. The establishment of a working group to support this work would be beneficial. The application of cultural values would need to be carefully considered.
127. Alternatively, the known sites could be mapped and the plan provisions updated in line with our requested amendments. Farmers would then have certainty over the known cultural areas on their land and would be able to better plan for development.
128. We urge the Panel to consider the process of plan development to date and the opportunity now available to engage the community in new plan provisions through a variation.
129. Southland Federated Farmers thanks the Hearing Panel for the opportunity to present this evidence statement.



Bernadette Hunt
Executive Member
Southland Province Federated Farmers of NZ



Rachel Thomas
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Federated Farmers of NZ

Appendix 1 – SFF Alternative Relief Sought

Plan Provision	Section 42A recommendation	Position	Reasons	SFF relief sought
SASM Chapter				
SASM overview and purpose	The amendment of a typo is the only recommendation in the s42A	Oppose	The wording in the Overview should be linked directly to the activities in MW-P1 as the use of the phrase 'high risk activities' implies a separate list and creates confusion for plan users	Consider the use of the phrase 'high risk activities' within the wider context of the PDP.
SASM-O1	The s42A recommends deleting SASM-O1: ~~SASM-O1~~ ~~All land, waterbodies, natural features, and marae within Gore District are recognised as sites and areas of cultural significance to mana whenua and/or tangata whenua, and are afforded appropriate considerations in relation to their management, development, and use.~~	Oppose	SFF supports site mapping therefore SASM-O1 should be retained but amended. The application of values within the wider PDP should be considered as a consequential amendment and refined.	Amend SASM-O1 and make any consequential amendments ~~All land, waterbodies, natural features, and marae within Gore District are recognised as sites and areas of cultural significance to mana whenua and/or tangata whenua, and are afforded appropriate considerations in relation to their management, development, and use.~~ <u>Sites and areas of significance to Māori are recognised and identified for their cultural significance.</u>
SASM-OX	N/A	Support	SFF proposes a new objective to provide clarity for landowners	Include new objective and make any consequential amendments ~~SASM-OX~~ <u>All landowners within Gore District have access to the information regarding significant areas on their land which require protection from land use activities.</u>
SASM-P1	SASM-P1 Use, subdivision, and development is enabled where adverse effects on Ngāi Tahu cultural	Partially support	While existing use rights are provided for under s10 of the RMA, it is important to clarify that the plan provisions do not	Include a provision within the SASM Chapter: <u>Note – the provisions in this chapter do not override the provisions of s10 of the Resource Management Act 1991.</u> <u>Under s10, existing use rights apply if the use was lawfully</u>

Plan Provision	Section 42A recommendation	Position	Reasons	SFF relief sought
	values, including those listed in MW-2.3SASM-O3, are avoided, remedied or mitigated.		override the RMA. This improves the readability of the plan.	<u>established before the plan was notified and the effects are the same or similar in character, intensity and scale.</u>
SASM-P2	SASM-P2 The impact of proposed activities on the Ngāi Tahu cultural values ~~and their underlying relationship with the natural environment~~ <u>listed in SASM-O3</u> is determined in partnership with Hokonui Rūnanga.	Partially oppose	Relative to SASM-P2, our updated position is for an amendment to refer to known sites. The scope must also be narrowed to apply to those activities listed in MW-P1.	Amend SASM-P2 and make any consequential amendments: SASM-P2 The impact of ~~proposed activities~~ <u>listed in MW-P1 on cultural sites of significance to Maori on Ngāi Tahu cultural values listed in SASM-O3, and their underlying relationship with the natural environment</u> is determined in partnership with Hokonui Rūnanga, <u>the Council and landowners.</u>
Mana Whenua Chapter				
MW-O1	New objective MW-O1 Resource management in the Gore District reflects the collaborative and transparent working relationship between Council and mana whenua, prioritising the prosperity of the district, alongside the ability for mana whenua to exercise their rangatiratanga and kaitiakitanga responsibilities.	Oppose	MW-O1 does not reflect an objective or a goal. Introducing the concept of rangatiratanga through a new objective is not appropriate.	Do not allow MW-O1.
MW-O2	New objective MW-O2 Resource management decisions in the Gore District reflect the relationships Ngai Tahu mana whenua hold with all land, waterbodies, natural features, and their affiliated cultural developments (such as marae, urupa, Maori Purpose Zones) within District.	Oppose	The objective cannot be implemented because it conflicts with the purpose of the RMA, which includes enabling people and communities to provide for their social, cultural and economic wellbeing.	Do not allow MW-O2

Plan Provision	Section 42A recommendation	Position	Reasons	SFF relief sought
MW-P1	MW-P1 The effects on relevant Ngāi Tahu cultural values are considered when resource consent is required for any of the following activities: a) Activities in close proximity to rivers or streams; b) Land disturbance (earthworks) above permitted activity levels, or with heightened sedimentation risks; c) Some activities breaching bulk, location, or height standards; d) Some activities within a zone that do not hold a permitted activity status, including unanticipated activities within a prescribed zone; e) Some activities within ONF/L overlays; f) Some permanent structures in the NOSZ; g) Temporary activities with extended durations, or potential to cause long-term environmental effects; h) Some activities breaching maximum noise limits; i) Significant expansion to existing infrastructure; j) Some telecommunications infrastructure; k) New roads that don't meet standard design requirements; l) Large-scale quarrying activities; m) Subdivision in Development Area 1 and 2, or impacting notable trees;	Strongly oppose	MW-P1 is highly ambiguous and will create confusion for plan users.	Do not allow MW-P1 as drafted. Include within the MW Chapter a table specifying certain activities against specific values as an alternative and make any consequential amendments.

Plan Provision	Section 42A recommendation	Position	Reasons	SFF relief sought
	n) Tikanga-related activities, including some activities in the MPZ and the installation of cultural markers; o) Major events that don't meet event standards requirements for FDZ			
MW-P2	MW-P2 Council will maintain or establish processes that: p) Give effect to the Charter of Understanding held between Council and Hokonui Rūnanga; q) Enable Hokonui Rūnanga to actively contribute to decision-making in an efficient manner from the earliest stage practicable; and r) Where appropriate, facilitate efficient and effective processes for resource consent applicants to engage with Hokonui Rūnanga in a best practice manner.	Partially support	We support the intent of MW-P2 but suggest some improvements. The proposal to have runanga actively participate in decision making through MW-P2(b) is in breach of s36A as it is requiring consultation with them in addition to the Council.	Amend MW-P2 and make any consequential amendments Council will maintain or establish processes that: a) Give effect to the Charter of Understanding held between Council and Hokonui Rūnanga; ~~b) Enable Hokonui Rūnanga to actively contribute to decision-making in an efficient manner from the earliest stage practicable; and~~ ~~c) Where appropriate, facilitate efficient and effective processes for resource consent applicants to engage with Hokonui Rūnanga in a best practice manner, including by actively encouraging pre-application engagement.~~ c) <u>Encourage and facilitate consultation and engagement between landowners/applicants with Hokonui Rūnanga prior to applying for consent and/or undertaking activities where assessment against Ngai Tahu cultural values listed in SASM-O3 may be required.</u> d) <u>Enable Hokonui Rūnanga, in consultation with landowners, to identify and map sites of significance to Maori in a future plan variation</u>
MW-P3	MW-P3 When Ngai Tahu cultural values need to be considered, mātauranga Māori and mana	Partially support	Minor amendment proposed to align with plan provisions.	Amend MW-P3 and make any consequential amendments MW-P3

Plan Provision	Section 42A recommendation	Position	Reasons	SFF relief sought
	whenua perspectives will be incorporated into decision-making by: a) Taking into account relevant iwi and hapū planning documents; b) Requiring an Accidental Discovery Protocol to be adopted as part of earthworks-related resource consents (see MW-4.1); and c) Reviewing advice received from Hokonui Rūnanga regarding potential impacts of activities, such as those listed in MW-P1 on Ngāi Tahu values, and potential mitigation options.			Where Ngai Tahu values must be considered, mātauranga Māori and mana whenua perspectives will be incorporated into decision-making by: a) Taking into account relevant iwi and hapū planning documents; and b) Requiring an Accidental Discovery Protocol to be adopted as part of earthworks-related resource consents (see MW-4.1); and c) Considering advice received from Hokonui Rūnanga regarding potential impacts of activities, ~~such as those listed in MW-P1,~~ on Ngāi Tahu values <u>listed in SASM-O3</u>, and potential mitigation options
MW-M1	<u>New method proposed MW-M1:</u> <u>Where resource consent is required for any activity identified in MW-P1 and impacts on Ngai Tahu Values need to be considered, Hokonui Rūnanga will consider the following key matters in determining the appropriateness of preparing a Cultural Impact Assessment report:</u> a. <u>The application is for a large, intensive or complex project.</u> b. <u>The activity is not anticipated at the proposed location or zone and may be precedent setting.</u> c. <u>The application does not include sufficient information to determine potential impacts on Ngāi Tahu cultural values.</u>	Partially support	Support the intent but amendments proposed to specify that the Council determines if CIA is required. A timeframe for processing CIAs is also required.	<u>Amend MW-M1 and make any consequential amendments</u> <u>MW-M1 Cultural Impact Assessment Requirements Application</u> Where resource consent is required for any activity identified in MW-P1 and impacts on Ngai Tahu Values need to be considered, ~~Hokonui Rūnanga~~ <u>the Council</u> will consider the following key matters in determining <u>whether it is appropriate to prepare the appropriateness of preparing</u> a Cultural Impact Assessment report: a. The extent to which the activity does not comply with permitted activity standard(s) ~~application is for a large, intensive or complex project.~~ b. The activity is not anticipated at the proposed location or zone and may be precedent setting. c. The application does not include sufficient information to determine potential impacts on Ngāi Tahu cultural values.

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	d. <u>New or additional research is required to determine impacts on Ngāi Tahu cultural values.</u> <u>Cultural impact assessment reports are an effective means of providing cultural input, mainly with respect to resource consent applications under the RMA. Such reports can form part of a resource consent application's assessment of environmental effects. While reports may be requested by an applicant as part of pre-resource consent consultation or a resource consent assessment of effects, it is Hokonui Rūnanga that will advise if a cultural impact assessment is required. The costs associated with preparing the report are met by the applicant.</u>			d. New or additional research is required to determine impacts on Ngāi Tahu cultural values. Cultural impact assessment reports are an effective means of providing cultural input, mainly with respect to resource consent applications under the RMA. Such reports can form part of a resource consent application's assessment of environmental effects. ~~While reports may be requested by an applicant as part of pre-resource consent consultation or a resource consent assessment of effects, it is Hokonui Rūnanga that will advise if a cultural impact assessment is required. The costs associated with preparing the report are met by the applicant. The cultural impact assessment will be provided within ten working days of the request being received. In the event that the cultural impact assessment is not provided within this timeframe the consent can continue to be processed.~~
MW-M2	New method proposed MW-M2: <u>Information Resources</u> <u>The Council and Hokonui Rūnanga will work together to develop information resources (such as a information brochure and/or a website page), to communicate to plan users (including resource consent applicants):</u> <u>1. the approach that has been taken in the Plan to recognise and provide for mana whenua values held within the Gore district; and</u> <u>2. the process for resource consent applicants to engage with Hokonui Runanga.</u>	Support	MW-M2 commits the Council and Runanga to developing communications for plan users. This will be particularly useful for staff to upskill on when CIA is required.	Allow MW-M2

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MW-M3	New method proposed MW-M3: <u>The Council will encourage staff to undertake education and training programmes to improve awareness and knowledge of tikanga and mana whenua relationships and associations with the district, including in:</u> 1. <u>Accidental discovery protocol;</u> 2. <u>Ngāi Tahu cultural values;</u> 3. <u>Te taiao matters of interest to mana whenua;</u> 4. <u>Iwi Management Plans.</u>	Partially support	As currently drafted, MW-M3 is rather broad and does not specify that the education is specifically relative to resource consents. SFF partially supports MW-M3 but suggests it is tailored specifically to how education and training of staff can aid resource consent applications.	Amend MW-M3 and make any consequential amendments The Council will encourage staff to undertake education and training programmes <u>relative to resource consent processing</u> to improve awareness and knowledge of tikanga and mana whenua relationships and associations with the district, including in: 1. Accidental discovery protocol; 2. Ngāi Tahu cultural values <u>and cultural impact assessment requirements;</u> 3. Te taiao matters of interest to mana whenua; 4. Iwi Management Plans.
Ngai Tahu Cultural Values Chapter				
Whole chapter	A new chapter is proposed which effectively rebrands the notified SASM chapter.	Oppose	Consultation on the chapter has been limited and there is no scope to introduce a new chapter at this stage.	Do not allow NTCV Chapter.