

**Council response to matters arising on 22 May 2017 regarding
objectives O14, O16 and policies P4, P44 and P45**

At the hearing on 22 May 2017 the Panel directed Council officers to consider amendments to specific objectives and policies and provide proposed drafting by 11am on 23 May 2017. The amendments requested are to address some matters raised by submitters through pre-filed evidence.

Council officers have considered the provisions and prepared the following amendments which are being provided on a draft basis for discussion purposes. The intention is to provide an option for potential amendments which are to be further considered prior to formal recommendations being made through statements in reply by the relevant Council officers at the conclusion of the hearing.

Emily Greenberg draft amendments to Policy P4 - 23 May 2017

Delete clause (b).

Add new paragraph after (e).

Minimisation is not appropriate for activities in areas identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F (Indigenous biodiversity). For these activities Policies P39, P45, P46 and P41 shall be applied.

Policy P4: Minimising adverse effects



Where minimisation of adverse effects is required by policies in the Plan, minimisation means reducing adverse effects of the activity to the smallest amount practicable and shall include:

- (a) consideration of alternative locations and methods for undertaking the activity that would have less adverse effects, and
- ~~(b) locating the activity away from areas identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F (indigenous biodiversity), and~~
- (c) timing the activity, or the adverse effects of the activity, to avoid times of the year when adverse effects may be more severe, or times when receiving environments are more sensitive to adverse effects, and
- (d) using **good management practices** for reducing the adverse effects of the activity, and
- (e) designing the activity so that the scale or footprint of the activity is as small as practicable.

Minimisation is not appropriate for activities in areas identified in Schedule A (outstanding water bodies), Schedule C (mana whenua), Schedule E (historic heritage), Schedule F

(Indigenous biodiversity). For these activities Policies P39, P45, P46 and P41 shall be applied.

Pam Guest draft amendments to Objectives O14 and O16 and Policies P44 and P45 and the definition of Cultural Impact Assessment

Interpretation

Change the recommended amendment to the definition for **cultural impact assessment** to:

“A cultural impact assessment must be prepared by a suitably qualified person mandated by mana whenua an iwi authority or iwi authorities.”

Add:

“Note: The Wellington Regional Council maintains a list of the contact details for iwi authorities.”

Objective O14



Māori relationships with air, land and water, particularly Nga Taonga nui a Kiwa (identified in Schedule B) and sites with significant mana whenua values (identified in Schedule C) are recognised, maintained and improved.

Objective O16



The relationship of ~~mana whenua~~ with ~~Nga Taonga Nui a Kiwa~~ is recognised and provided for.

Policy P44: Protection and restoration of sites with significant mana whenua values



Sites with significant **mana whenua** values identified in Schedule C (mana whenua) shall be protected and/or restored by:

- (a) working to increase landowner and community understanding of significant values within Schedule C sites
- (b) working with mana whenua and landowners to develop and implement restoration programmes for Schedule C sites, and
- (c) the Wellington Regional Council and iwi authorities implementing kaupapa Maori monitoring of Schedule C sites.

Policy P45: Managing adverse effects on sites with significant mana whenua values



In the first instance, activities in sites with significant **mana whenua** values identified in Schedule C (mana whenua) shall be avoided.

If the site cannot be avoided, more than minor adverse effects on the significant **mana whenua** values must be evaluated through a **cultural impact assessment** undertaken by the relevant iwi authority or iwi authorities. The adverse effects of activities shall be managed in

accordance with **tikanga** and **kaupapa Māori** as recommended in the **cultural impact assessment** by:

- (a) avoiding more than minor adverse effects, and
- (b) where more than minor adverse effects cannot be avoided, remedying them, and
- (c) where more than minor adverse effects cannot be remedied, mitigating them, and
- ~~(d) receiving written consent of the iwi authority.~~

Where more than minor adverse effects on significant **mana whenua** values identified in Schedule C (mana whenua) cannot be avoided, remedied or mitigated, the activity is inappropriate. Offsetting of effects in sites with significant **mana whenua** values is inappropriate.

The relevant iwi authority/ies are considered to be affected parties under RMA s95E for all activities requiring consent within a Schedule C site.