



17 DECEMBER 2024

Central Otago District Council

PO Box 122

ALEXANDRA 9320

Tēnā koutou, ko tēnei mihi atu ki a koutou, ngā mema o te komiti, ngā kaiwhakawa o ngā mea e pa ana tēnei kaupapa taumaha, me ki, o tātou nei rohe moana, he taoka o tātou nei whānau, hapū me te iwi. Ki a rātou kua whetu rangitia, te hunga wairua, haere, moe mai, oki oki mai, kati.

Submission on a Publicly Notified Resource Consent Application – RC240065 Helios OTA Op LP

RC240065 Helios OTA Op LP

Application to install, operate, and maintain a solar farm spanning approximately 665 hectares at 48 Ranfurly-Naseby Road, Ranfurly.

Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou ('Kā Rūnaka') **neither support nor oppose** this application.

Kā Rūnaka are not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

Kā Rūnaka **do not wish** to be heard in support of this submission at a hearing.

1. SCOPE OF THIS SUBMISSION

- 1.1 This submission relates to the application by Helios OTA Op LP ('Helios') in its entirety.
- 1.2 This submission addresses matters under sections 6(e), 7(a), and 8 of the Resource Management Act 1991.
- 1.3 To acknowledge the association with the district and its resources, Māori words are used within this document and a glossary is provided at **Appendix 1**.

2. TOITŪ TE MANA, TOITŪ TE WHENUA: KĀ RŪNAKA

- 2.1 This submission is on behalf of two papatipu rūnaka with authority in the area of the proposed activity. Kā Rūnaka represent hapū who uphold the mana of the whenua in this district.
- 2.2 The takiwā of Kāti Huirapa Rūnaka ki Puketeraki centres on Karitāne and extends from the Waihemo River/Shag River to Purehurehu/north of Heyward Point.
- 2.3 The takiwā of Te Rūnanga o Ōtākou centres on Muaūpoko/Otago Peninsula and extends from Purehurehu/north of Heyward Point to the Clutha River/Mata-au and inland to the Southern Alps.

3. CONTENT OF APPLICATION

- 3.1 Kā Rūnaka understand that Helios applies to Central Otago District Council ('CODC') for resource consents to install, operate, and maintain a solar farm spanning approximately 665 hectares at 48 Ranfurly-Naseby Road, Ranfurly ('Development'). Helios proposes to lease approximately 700 hectares of unirrigated land from two landholders, with an operating timeframe of 35 years. The key elements of the proposed Development include: installation of solar photovoltaic panels, substation and supporting electrical infrastructure; buildings; lighting; underground cabling (including earthworks); access and internal access tracks; fencing and landscaping.
- 3.2 The subject site comprises flat land currently held in pastoral farming (sheep grazing). The application includes an Ecological Impact Assessment ('EIA') prepared by Boffa Miskell, which identifies four wetland areas described as the 'central wetlands', 'southeast wetland', and 'small wetlands', and covering an area of approximately 21.96 hectares.¹ The EIA provides recommendations for wetland enhancement, landscape enhancement, and research and monitoring for indigenous avifauna at the Development.
- 3.3 The application confirms that the proposed Development will not require irrigation and therefore no resource consents are required for water take or use.
- 3.4 Kā Rūnaka acknowledge that the Applicant has undertaken consultation with Kā Rūnaka and Aukaha at a pre-application stage during 2023 and throughout 2024. Kā Rūnaka and Helios have subsequently entered into a Relationship Agreement | He Kāwenata, alongside the consent process for the present solar farm project.
- 3.5 Kā Rūnaka consider that He Kāwenata recognises the rakatirataka of Kā Rūnaka over the application site and Māniatoto region, and addresses the effects that concern mana whenua.
- 3.6 The overall approach of Kā Rūnaka is to carefully balance and manage the effects of concern to mana whenua, while acknowledging the potential benefits of increased renewable electricity generation in their takiwā. Kā Rūnaka and Helios have discussed and agreed potential consent conditions to address these matters.

4. RAKATIRATAKA AND KAITIAKITAKA

- 4.1 Kāi Tahu have responsibilities through whakapapa to act as kaitiaki and care for the environment. Given the status afforded to te taiao and its components through whakapapa, the natural

¹ Boffa Miskell Limited *Māniatoto Solar Farm: Ecological Impact Assessment* (report prepared for Helios Energy Ltd, 18 December 2023) at 26 ['EIA'].

environment is viewed as a revered taoka with significant levels of mana and whose mauri supports the life and wellbeing of people and all living things.

- 4.2 The whakapapa connection with te taiao imposes a kaitiakitaka obligation on Kāi Tahu to protect te taiao and all the life it supports, in accordance with tikaka, knowledge, and mātauraka developed over many generations. The duty of kaitiakitaka is not merely about guarding or caretaking but involves acting as an agent for environmental protection and decision-making, on behalf of tūpuna and descendants. The focus of kaitiakitaka is to ensure environmental sustainability for future generations, as expressed in the whakataukī –

*Mō tātou, ā, mō kā uri a muri ake nei.*²

- 4.3 Rakatirataka refers to the exercise of mana in order to give effect to Kāi Tahu culture and traditions. In the management of the natural world, rakatirataka is underpinned by the obligations placed on Kāi Tahu as kaitiaki. Kaitiakitaka is an expression of rakatirataka. The right of Kāi Tahu to exercise rakatirataka is protected under Te Tiriti o Waitangi, and this right is affirmed by the Ngāi Tahu Claims Settlement Act 1998.

5. KĀI TAHU RELATIONSHIP WITH THE MĀNIATOTO

- 5.1 Wāhi tūpuna are interconnected ancestral places, landscapes and taoka that reflect the history and traditions associated with the long settlement of Kāi Tahu whānui in Otago. Wāhi tūpuna are characterised not only by natural and physical aspects, but also by the place names and associated traditions and events that bind Kāi Tahu to the landscape: *Ko au te whenua, ko te whenua ko au.*³ Such landscapes are linked by whakapapa in creation traditions, underpinning status as mana whenua, and breathing life into mātauraka and tikaka.
- 5.2 The application occurs in the wāhi tūpuna of Māniatoto, the elevated inland region surrounded by the upper reaches of the Taiari and Manuherekiā rivers. One explanation of the name Māniatoto relates to karaihe (Buchanan's sedge, *Carex buchananii*) – in certain lights, the karaihe on the plain (mānia) resembles a huge red blanket, or sea of red blood (toto).⁴
- 5.3 The Māniatoto is linked with the catchment of the Taiari river, including its scroll plain and wetland system. Ōtākou and Puketeraki hapū would make seasonal visits along the Taiari to gather resources and strengthen the kūpeka of whakapapa upon which their resource rights were based.
- 5.4 Whānau groups from Ōtākou commonly migrated through the whole of late spring and summer into the interior. They eeled at the lakes on the Taiari Plain, took kanakana (lamprey) in the Whakaehu (Silverstream), and followed the Taiari into the Māniatoto, enjoying eeling and bird-trapping mahika kai activity as they went. Other resources were gathered along the way, including tī kouka, tikumu, and taramea. The Taiari meanders through three plains now known as Māniatoto, Strath Taiari, and Taiari, with hills and ranges between. The zig-zag nature of its twists and turns is reputed to be the result of the taniwha Matamata wriggling around looking for its lost master, Kāti Māmoe chief Te Rakitauneke.

² English translation: "For us and our children after us."

³ English translation: "I am the land, the land is me."

⁴ Mānia (sedge, *Carex flagellifera*) is officially recorded as a taonga species under the Ngāi Tahu Claims Settlement Act 1998, sch 97 [**Settlement Act**]. Per s 288 of the Settlement Act: "The Crown acknowledges the cultural, spiritual, historic, and traditional association of Ngāi Tahu with the taonga species."

- 5.5 For Kāti Huirapa Rūnaka ki Puketeraki – as has been stated elsewhere: Puketeraki hapū have a long history of association with the Mānīatoto area that predates the establishment of settler farms and the associated exclusion of Kāi Tahu tūpuna from traditional places of occupation, mahika kai gathering places, as well as the trails that hapū and whānau used to connect the coastal communities with inland places of both permanent and seasonal settlement.⁵
- 5.6 Evidence of the deep associations and extensive Kāi Tahu occupation in the Mānīatoto can be identified through wāhi ikoa, awa, kāika mahika kai, and ara tawhito, in addition to the numerous archaeological findspots in and adjacent to these wāhi tūpuna.

6. HISTORY OF LOSS

- 6.1 Following the signing of Te Tiriti o Waitangi, the Crown acquired approximately 80% of Te Waipounamu through a series of ten land purchases. The Crown promised Kāi Tahu that one-tenth of each purchase would be reserved for them, that they would retain access to their wāhi mahika kai and that schools and hospitals would be built for them. However, these promises were not honoured. In the early 1850s, when European purchase and settlement of land was facilitated by the Crown, Kāi Tahu ancestral landscapes were drained for farming, and rivers altered and dammed.
- 6.2 Mana whenua became limited to their allocated reserves and were no longer able to freely migrate seasonally. Land-use changes and the privatisation of land effectively barred mana whenua from access to valued areas and resources. As stated by the Waitangi Tribunal, pastoralism was predicated on the Crown facilitating individual settlers to gain control of tens of thousands of acres at a time,⁶ whilst Kāi Tahu were limited to their “meagre reserves”.⁷
- 6.3 Kāi Tahu were prevented from exercising their rakatirataka guaranteed to them by article 2 of te Tiriti o Waitangi.⁸ In turn, Kāi Tahu were deprived from reliance on their traditional economy, in addition to spiritual connection to ancestral sites, and the ability for generations of Kāi Tahu to receive and practice mātauraka.
- 6.4 Land use changes have led some wāhi tūpuna to be compromised. Some sites have been destroyed and damaged, while some of those that have survived exist in a landscape that has been modified in function and setting. Despite this, wāhi tūpuna remain significant to mana whenua today.

7. THE PRESENT APPLICATION

- 7.1 While Kāi Tahu regard the whole of Central Otago as ancestral land, cultural mapping has been undertaken to identify particularly significant wāhi tūpuna areas for inclusion in the Central Otago District Plan. The application area is bounded by two draft wāhi tūpuna areas, known as:

⁵ Letter from Suzanne Ellison (Rūnaka Manager, Kāti Huirapa Rūnaka ki Puketeraki) to Wayne McEnteer (Governance Manager, Central Otago District Council) regarding the Central Otago District Council Representation Review 2024 for Maniototo Community Board (26 April 2024).

⁶ Waitangi Tribunal *Ngāi Tahu Report* (Wai 27, 1991) at 76.

⁷ At 172.

⁸ At 163.

Hawkdun Range;⁹ and Taiari (Taieri) Trail.¹⁰ Access to the Mānīatoto, via the Waihemo as an ara tawhito, is also accorded recognition as a draft mapped wāhi tūpuna area known as Pig Route Trail/ Waihemo.¹¹

- 7.2 Kāi Tahu whānui view the environment holistically, understanding that the way in which land is developed and used affects the health of freshwater and the values of cultural landscapes. A priority for Kāi Tahu is the protection of significant cultural landscapes from inappropriate use and development. Kāi Tahu aspirations for the management of wāhi tūpuna are set out in the *Kāi Tahu ki Otago Natural Resource Management Plan 2005* with relevant provisions set out at **Appendix 2**.
- 7.3 With the advent of solar photo-voltaic technologies that can be installed at-scale, it is considered that large-scale solar farms represent a new form of land use for the Central Otago district. It is of importance to Kā Rūnaka that such proposals do not give rise to an adverse precedent or cumulative effect.

8. DECISION SOUGHT

- 8.1 If the Council is of the mind to grant the consents sought by Helios, Kā Rūnaka and Helios have agreed that consent conditions are to be adopted that:
- (a) Protect and enhance ecological values;
 - (b) Monitor native manu;
 - (c) Provide visual and habitat enhancement for the Mānīatoto landscape;
 - (d) Require inclusion of local seed sources for screen planting;
 - (e) Require adherence to an Accidental Discovery Protocol; and
 - (f) Prescribe the commencement and operating duration of the activity authorised by resource consent.

Protect and enhance ecological values

- 8.2 Kā Rūnaka seek expanded conditions for construction management to protect values of wetlands and wetted areas, and nesting birds, to be included under the condition setting minimum requirements for the Construction Management Plan ('CMP'):
- a) Insertion of new paragraph under *Construction Management*:
 - x. The objective of the CMP is to develop measures, and processes to manage and minimise the effects of noise and dust caused by the construction of the Solar Farm. For that purpose, the CMP must include:
 - [...]
 - (d) An assessment of the robustness of the existing waterway crossings, and upgrading where necessary, to ensure crossings are capable of carrying the heavy machinery and that such machinery remains clear of wetland vegetation and wet areas.

⁹ Draft Proposed Central Otago District Plan Wāhi Tūpuna Mapping: Area 8 Hawkdun Range. Listed cultural values include, but are not limited to: Mauka and Archaeological values.

¹⁰ Draft Proposed Central Otago District Plan Wāhi Tūpuna Mapping: Area 10 Taiari (Taieri) Trail. Listed cultural values include, but are not limited to: Ara tawhito, Mahika kai (historic and contemporary), Nohoaka, Archaeological values.

¹¹ Draft Proposed Central Otago District Plan Wāhi Tūpuna Mapping: Area 20 Pig Route Trail / Waihemo. Listed cultural values include, but are not limited to: Ara tawhito, Archaeological values.

b) Insertion of new condition under *Construction Management*, requiring a pre-construction survey for any indigenous breeding birds if works are scheduled during bird breeding season, as per the recommendations of the EIA:¹²

- x. If works are to commence during bird breeding season (1 September to 28/29 February), a pre-construction survey for any indigenous breeding birds must be conducted by a suitably qualified and experienced ecologist within 48 hours of works commencing to determine if any indigenous birds are nesting on Site within or close to the construction area/s.

Monitor native manu

- 8.3 It is of importance to Kā Rūnaka that developments in their takiwā do not adversely affect native manu, particularly during periods of migration, breeding, and nesting. It is acknowledged that there is little research specific to the Aotearoa-New Zealand ecological context regarding the risk of birdstrike for large-scale solar-photovoltaic installations.¹³ Kā Rūnaka concur with the recommendation of the EIA that additional research and data are *required* to identify and manage the potential effects of birdstrike at the Development.¹⁴
- 8.4 The application includes draft proposed conditions which require the consent holder to commission the preparation of a birdstrike literature review. Where the birdstrike literature review (or future operations of the Development, should consent be granted) indicates there is a further need for post-construction birdstrike monitoring at the Development, Helios undertakes to prepare an Avifauna Collision Risk Management Plan ('ACRMP').
- 8.5 Kā Rūnaka support the requirement for the consent-holder to commission a bird strike literature review that may guide the preparation of an ACRMP. Kā Rūnaka observe that mātauraka Māori presents a key knowledge source as to the behaviours of native manu from pre-contact, through periods of environmental change. Mātauraka Māori is integral to Kāi Tahu expression of rakatirataka, mana, and kaitiaki responsibilities over taoka in the Kāi Tahu takiwā.
- 8.6 Consequently, Kā Rūnaka and Helios have agreed that the birdstrike literature review shall be prepared by a suitably qualified and experienced ornithologist or ecologist, and will incorporate input from a mātauraka Māori expert identified by Kā Rūnaka. Kā Rūnaka seek that this agreement is recognised by way of Advice Note in the conditions for RC240065.

Provide visual and habitat enhancement for the Māniatoto landscape

- 8.7 As stated at [5.2], the name Māniatoto embodies the plains as tūpuna knew them – plains of red karaihe (Buchanan's sedge). It is of importance to Kā Rūnaka that visual and ecological enhancement for developments undertaken in their their takiwā will restore and enhance biodiversity, habitats, and ecosystems that permit taoka species to flourish.¹⁵ Kā Rūnaka also seek that the cultural landscape, that reflects the long association of Kāi Tahu resource use within the Otago region, is maintained and enhanced.¹⁶
- 8.8 To restore and enhance biodiversity, habitats, and ecosystems that permit taoka species to flourish, Kā Rūnaka support the requirement for Helios to undertake wetland enhancement,

¹² EIA, above n 1, at [8.1.1.2].

¹³ At [8.1.4].

¹⁴ At 61.

¹⁵ *Kāi Tahu ki Otago Natural Resource Management Plan 2005* at [5.5.3] Mahika Kai and Biodiversity Objectives.

¹⁶ At [5.6.3.iii] Cultural Landscapes Objectives.

pursuant to a Wetland Enhancement Plan in accordance with the recommendations identified in section 8.1.5 of the EIA. Kā Rūnaka seek expanded conditions setting out minimum requirements for the Wetland Enhancement Plan, and an Advice Note stating the purpose of wetland and landscape enhancement (see below at [8.11.b]). These proposed conditions have been agreed by Kā Rūnaka and Helios.

Require inclusion of local seed sources for screening.

- 8.9 To maintain and enhance the cultural landscape, including visual enhancement for the Development site, Kā Rūnaka support the requirement for Helios to undertake landscape mitigation and management, pursuant to the proposed Landscape Mitigation Plan and Landscape Management Plan. It is of importance to Kā Rūnaka that indigenous species are selected and successfully established from local seed sources.
- 8.10 In respect of both visual and ecosystem enhancement for the Development site, Kā Rūnaka and Helios have agreed that the consent conditions for the Landscape Management Plan must include the following information:

(a) Insertion of new paragraph:

f) Inclusion of local seed sources for screening planting, to include indigenous species Mikimiki/yellow wood (*Coprosma linearifolia*), Kōtukutuku/tree fuschia (*Fuchsia excorticata*), Kāpuka/broadleaf (*Griselinia littoralis*), Horoeke/lancewood (*Pseudopanax crassifolius*), Kānuka (*Kunzea serotina*), Kōhūhū (*Pittosporum tenuifolium*), Tōtara kiri kotukutuku/Hall's tōtara (*Podocarpus laetus*).

(b) Insertion of an Advice Note:

Advice Note:

The purpose of indigenous mitigation/compensation planting, as required under the Landscape Mitigation and Management Plans and Wetland Enhancement Plan, shall be to:

- i. support the central and southwest wetlands to become oases of indigenous wetland habitat; and
- ii. successfully establish indigenous plants for landscape mitigation and biodiversity enhancement purposes.

Require adherence to an Accidental Discovery Protocol

- 8.11 Earth disturbance has the potential to disturb unrecorded archaeological sites of Māori origin. Kā Rūnaka and Helios have agreed that works be subject to an Accidental Discovery Protocol. Drafting is provided at **Appendix 3**.

Prescribe the commencement and operating duration of the activity authorised by resource consent.

- 8.12 Should resource consent be granted, Kā Rūnaka and Helios have agreed that the resource consent shall include a consent condition prescribing the commencement and operating duration of the activity:

a) Insertion of new consent condition (1):

In General Accordance

1. The consent will commence in accordance with section 116 of the RMA and shall authorise the operation of the solar farm for a period of 35 years from the Operational Date. The Operational Date is defined as the period after which the project is connected to the national grid and begins generating electricity.

9. CONCLUSION

- 9.1 This submission **restates** mana whenua interests in the landscape and confirms that consent conditions are sought by Kā Rūnaka to address effects of concern to mana whenua.
- 9.2 The consent conditions are agreed by Kā Rūnaka and Helios, and reflect the undertakings within the Relationship Agreement | He Kāwenata.
- 9.3 This submission confirms that Kā Rūnaka **neither support nor oppose** the application as applied for.

E noho ora mai

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Appendix 1: Glossary of te reo Māori terms

Ara tawhito	Ancient trails
Awa	River, stream, creek
Hapū	Sub-tribe
Iwi	Tribe
Kaitiaki/Kaitiakitaka	Guardian / to exercise guardianship
Kāi Tahu	Descendants of Tahu, the tribe
Kāika	Settlement
Kaupapa	Topic, plan
Ki uta ki tai	Mountains to the sea
Kūpeka/ kūpenga	Net
Mahika kai	Places where food is produced or procured
Mana	Prestige, authority, control, power
Mana Whenua	Customary authority or rakatirataka exercised by an iwi or hapū in an identified area
Manawhenua	Those who exercise customary authority or rakatirataka
Manu	Bird/s
Mātauraka	Knowledge, wisdom, understanding, skill
Mauka	Mountain
Mauri	Essential life force or principle, a metaphysical quality inherent in all things both animate and inanimate
Ngā Rūnanga/Kā Rūnaka	Local representative group of Otago
Nohoaka/Nohoanga	Traditionally refers to seasonal occupation sites linked with mahika kai practices. Literal meaning: ‘a place to sit.’
Papatipu Rūnaka/Rūnanga	Traditional Kāi Tahu Rūnaka
Papatūānuku	Earth Mother
Rakatirataka	Chieftainship, decision-making rights
Rakinui	Sky Father
Rohe	Boundary
Roto	Lake
Takiwā	Area, region, district
Tākata whenua	Iwi or hapū that holds mana whenua (customary authority) in a particular area
Taoka	Treasure
Tikaka	The customary system of values and practices that have developed over time and are deeply embedded in the Māori social context
Tino rakatirataka	Self-determination, autonomy, self-government
Urupā	Burial place
Wāhi ingoa/wāhi ikoa	Place name(s)
Wai māori	Fresh water
Whakapapa	Genealogy
Whānau	Family

Appendix 2: Provisions of the *Kāi Tahu ki Otago Natural Resources Management Plan 2005* relevant to the present submission

The following Issues/Objectives/Policies of the *Kāi Tahu ki Otago Natural Resource Management Plan 2005* are seen as relevant to the above proposal. This relates to the holistic management of natural resources from the perspective of local iwi.

Chp. 5: Otago Region | Te Rohe o Otago

[5.2] – Overall Objectives include:

- i. The rakatirataka and kaitiakitaka of Kāi Tahu ki Otago is recognised and supported.
- ii. Ki Uta Ki Tai management of natural resources is adopted within the Otago region.
- iii. The mana of Kāi Tahu ki Otago is upheld through the management of natural, physical, and historic resources in the Otago Region.
- iv. Kāi Tahu ki Otago have effective participation in all resource management activities within the Otago Region.

[5.3.3] Wai Māori General Objectives include:

- i. The spiritual and cultural significance of water to Kāi Tahu ki Otago is recognised in all water management.
- ii. The waters of the Otago Catchment are healthy and support Kāi Tahu ki Otago customs.

[5.4.3] Wāhi Tapu Objectives:

- i. All wāhi tapu are protected from inappropriate activities.
- ii. Kāi Tahu ki Otago have access to wāhi tapu.
- iii. Wāhi tapu throughout the Otago region are protected in a culturally appropriate manner

[5.4.4] Wāhi Tapu General Policies include:

1. To require consultation with Kāi Tahu ki Otago for activities that have the potential to affect wāhi tapu.

Earth Disturbance

4. To require that a Kāi Tahu ki Otago mandated archaeologist survey an area before any earth disturbance work commences.
5. To promote the use of Accidental Discovery Protocols for any earth disturbance work.
6. To require all Māori archaeological finds to remain the cultural property of Kāi Tahu ki Otago.

[5.5.3] Mahika Kai and Biodiversity Objectives include:

- i. Habitats and the wider needs of mahika kai, taoka species and other species of importance to Kāi Tahu ki Otago are protected.
- ii. Mahika kai resources are healthy and abundant within the Otago Region.
- v. Indigenous plant and animal communities and the ecological processes that ensure their survival are recognised and protected to restore and improve indigenous biodiversity within the Otago Region.
- vi. To restore and enhance biodiversity with particular attention to fruiting trees so as to facilitate and encourage sustainable native bird populations.

- ix. To create a network of linked ecosystems for the retention of and sustainable utilisation by native flora and fauna.

[5.5.4] Mahika Kai and Biodiversity General Policies include:

1. To promote catchment-based management programmes and models, such as Ki Uta Ki Tai.
7. To require that all assessments of effects on the environment include an assessment of the impacts of the proposed activity on mahika kai.

[5.6.3] Cultural Landscapes Objectives

- i. The relationship that Kāi Tahu ki Otago have with land is recognised in all resource management activities and decisions.
- ii. The protection of significant cultural landscapes from inappropriate use and development.
- iii. The cultural landscape that reflects the long association of Kāi Tahu ki Otago resource use within the Otago region is maintained and enhanced.

[5.6.4] Cultural Landscapes General Policies include:

1. To identify and protect the full range of landscape features of significance to Kāi Tahu ki Otago.

Earth Disturbance

19. To require all earthworks, excavation, filling or the disposal of excavated material to:
 - i. Avoid adverse impacts on significant natural landforms and areas of indigenous vegetation;
 - ii. Avoid, remedy, or mitigate soil instability; and accelerated erosion;
 - iii. Mitigate all adverse effects.

Structures

24. To discourage the erection of structures, both temporary and permanent, in culturally significant landscapes, lakes, rivers or the coastal environment.

Subdivisions

25. To discourage subdivisions and buildings in culturally significant and highly visible landscapes.
26. To encourage a holistic planning approach to subdivisions between the Local Government Agencies that takes into account the following:
 - i. All consents related to the subdivision to be sought at the same time.
 - ii. Protection of Kāi Tahu ki Otago cultural values.
 - iii. Visual amenity.
 - iv. Water requirements.
 - v. Wastewater and storm water treatment and disposal.
 - vi. Landscaping.
 - vii. Location of building platforms.
27. To require that where any earthworks are proposed as part of a subdivision activity, an accidental discovery protocol is to be signed between the affected papatipu Rūnaka and the Company.

[9.3.2] Wāhi Tapu Issues in the Taiari Catchment

High likelihood of accidental discovery of archaeological material.

[9.3.3] Wāhi Tapu Policies in the Taiari Catchment include:

1. To encourage the early reporting of “finds”.
2. To require accidental discovery protocols for any earth disturbance activities within the Taiari Catchment.

[9.4.2] Mahika Kai and Biodiversity Issues in the Taiari Catchments include:

- Low flows and/or dewatering of significant reaches of waterways is affecting mahika kai habitat.
- Land use change, in particular land use intensification impacts the abundance of, diversity, and access to mahika kai species.
- Limited restoration activity within the Taiari Catchments.

[9.4.3] Mahika Kai and Biodiversity Policies in the Taiari Catchment include:

1. To encourage the development of the Taiari River as a “mountains to the sea” corridor.
3. To encourage as a long-term objective the restoration of mahika kai within the Taiari Catchments.
4. To encourage the re-watering of wetland areas on the Taiari Plains.
6. To investigate the reintroduction of native bird species within the Taiari Catchments.

[9.5.1] Cultural Landscapes in the Taiari Catchments include:

- Ara Tawhito
- Wāhi Ingoa

[9.5.2] Cultural Landscapes Issues in the Taiari Catchments include:

- Landscapes such as Saddle Hill no longer reflect the creation stories related to the Taniwha traditions.
- The mispronunciation of places names, for example Maukaatua.
- Impeded access to traditional places of encampment.
- The loss of traditional trails to road networks.

[9.5.3] Cultural Landscapes Policies in the Taiari Catchments include:

3. To encourage the use of Kāi Tahu place names in addition to those amended under the NTSCA.
7. To encourage education on the interpretation and pronunciation of place names within the Taiari Catchment.

Appendix 3: Kāi Tahu Accidental Discovery Protocol

If an unidentified archaeological site is located during works, the following applies:

1. Work must cease immediately at that place and within 20m around the site.
2. The contractor must shut down all machinery, secure the area, and advise the Site Manager.
3. The Site Manager must secure the site and notify the Heritage New Zealand Regional Archaeologist. Further assessment by an archaeologist may be required.
4. If the site is of Māori origin, the Site Manager must notify the Heritage New Zealand Regional Archaeologist and the appropriate papatipu rūnaka of the discovery and ensure site access to enable appropriate cultural procedures and tikaka to be undertaken, as long as all statutory requirements under legislation are met (Heritage New Zealand Pouhere Taonga Act, Protected Objects Act).
5. If human remains (kōiwi) are uncovered the Site Manager must advise the Heritage New Zealand Regional Archaeologist, NZ Police and the appropriate papatipu rūnaka and the above process under 4 must apply. Papatipu rūnaka will lead the management of any kōiwi tangata (human remains of a Māori person) that have been uncovered, in line with the Te Rūnanga o Ngāi Tahu Kōiwi Tangata policy 2019. Remains are not to be moved until such time as papatipu rūnaka and Heritage New Zealand have responded.
6. Works affecting the archaeological site and any human remains (kōiwi) must not resume until Heritage New Zealand Pouhere Taonga gives written approval for work to continue. Works affecting a site of Māori origin or containing kōiwi tangata must not resume until papatipu rūnaka give written approval for work to continue. Further assessment by an archaeologist may be required.
7. Where iwi so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records.
8. Heritage New Zealand Pouhere Taonga will advise if an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 is required for works to continue.

It is an offence under Section 87 of the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site without an authority from Heritage New Zealand irrespective of whether the works are permitted or consent has been issued under the Resource Management Act.