

Waitaki Proposed District Plan – Hearing Stream 1 – 19 August 2026

Mana Whenua Topic - Chloe Trenouth hearing statement

- Mōrena koutou thank you for accommodating me online. My name is Chloe Trenouth and I authored the S42A report for the Mana Whenua Topic. I understand that my summary statement has been circulated and will be taken as read. Therefore, I just wish to highlight a few key matters to the Panel this morning.
- Having considered the evidence for Kā Runaka and Meridian Energy I have made further recommendations to the provisions. These are detailed in Appendix 1 and discussed in section 3 of my summary statement including where I have changed my position to accept or accept in part submissions. I consider the amendments address several of the questions raised by the Panel and will return to these.
- The amended provisions in Appendix 1 are a work in progress reflecting where I have gotten to, particularly as they relate to alignment with the NES for papakāinga. I will provide a final set of amended provisions in my reply.
- I have carefully reviewed the NES against the notified papakāika provisions and I provide an overview of the steps I undertook in Appendix 2 to my summary statement. Where notified provisions are inconsistent or more onerous than the NES, I recommend amendments or deletions. Where notified provisions are more lenient than the NES, I have considered whether this is provided for by regulation 17 of the NES.
- In Appendix 1, I have reverted to the notified provisions for permitted papakāika commercial activities and cultural facilities as these are not ancillary non-residential activities. The PDP definition of papakāika does not require activities to be ancillary or subsidiary to residential activities like the NES for papakāinga does. Based on my further review, non-residential papakāika activities in the PDP do not need to be consistent with the NES.
- Since preparing my summary statement, I want to raise a potential scope issue relating to the recommended insertion of permitted papakāika provisions in the Mixed Use Zone. I have relied on the NES for scope, which includes the Mixed Use zone as a residential zone providing for papakāika are permitted. The notified plan did not include papakāika provisions in the mixed use zone and there are no submissions seeking them.
- My recommendations include permitted provisions consistent with the other residential zones, providing for non-residential activities that are not ancillary to residential activities. However, after further reflection I'm not sure that this is possible if relying on the NES for scope, which only provides for ancillary non-residential activities.
- In terms of the Mixed Use Zone, the Panel has before it the S42A recommended amendments consistent with the NES – and also the further amendments in Appendix 1 to my summary statement. Legal advice is required to resolve this matter.
- Regarding key outstanding matters addressed in section 4 of my summary statement, I can confirm that I have discussed my recommended amendments to strategic objective SD-

MW-O2 with Michael Bathgate for Kā Rūnaka to determine the appropriate way to address the issue raised by Meridian around what 'rights' are to be recognised and protected.

- I understand Mr Bathgate is comfortable with the recommended amendments but I will leave him to speak to that. However, the objective remains in contention with Meridian Energy. I note that a consequential amendment is also required to the objective title, which is not reflected in Appendix 1.
- As outlined in my summary statement, I do not support Meridian's relief to amend SD-MW-O2 to reflect the language of section 6(e) of the RMA because this would not recognise it has a wider application. The objective achieves sections 6(e), 7(a) and 8 of the RMA and gives effect to the Otago Regional Policy Statement objective MW-O1, policy MW-P2 and methods MW-M1 and MW-M5. It should be considered within the broader context of Te Tiriti o Waitangi. Most importantly, however, the strategic objective should not be read alone, and when reading the whole plan including the strategic framework, the balance sought by Meridian is achieved.
- Objective PK-O2 and policy PK-P1 remains in contention with Kā Rūnaka because of concerns that they add uncertainty and could perpetuate historical barriers to developing Māori land for papakāika.
- I support retention of objective PK-O2 and policy PK-P2 because they establish the policy framework for the papakāika rules and standards in the zones. I recommend some further amendments to policy PK-P1 as described in my summary statement that provide flexibility for rural servicing.
- I consider the key remaining outstanding issues for PK-O2 and PK-P1 relate to use of the term 'not incompatible' and that the policy requires there to be no significant adverse effects on amenity values.
- Regarding the term 'not incompatible' the Panel queried whether there is material difference between 'not incompatible' and 'compatible.' As expressed in my summary statement, I am of the view that there is a subtle difference between 'compatible' and 'not incompatible'. However, I accept that if this is not clear then the language open to interpretation with corresponding implications for implementation. Therefore, if the Panel consider there to be no material difference between 'compatible' and 'not incompatible' I support the wording proposed by Mr Bathgate to instead use 'sympathetic'.
- I understand that Kā Rūnaka remains concerned about the policy test of 'no significant adverse effects on amenity values' because it may be difficult to achieve. However, in my view when read as a whole, the policy anticipates some adverse effects and 'significant adverse effects' is a high threshold assessed after considering whether adverse effects can be avoided, remedied or mitigated to determine whether residual adverse effects remain significant. I consider it helpful to retain clause 5 to assure the community that there will not be significant adverse effects on amenity values although papakāika activities may be different to what is provided for by the zone.

- The final outstanding matter relates to the papakāika rules, where Kā Rūnaka seeks that a letter of support from the relevant rūnaka be provided for all papakāika as a permitted activity. While I accept that this would be appropriate tikaka, I consider such a requirement is inconsistent with the NES because it does not include such a requirement. I recommend that it can be required for papakāika that are not covered by the NES, such as Māori freehold land not owned by mana whenua.
- I have addressed the questions raised by the Panel through Minute 2 in section 5 of my summary statement. I am happy to go through those queries and to answer any further questions.