

Draft Mana Whenua Consent Conditions – Twizel Solar Project

Advice Note for the Expert Panel

Ngāi Tahu and mana whenua rūnaka have prepared a draft set of consent conditions, appended to the Manawhenua report. These conditions reflect mana whenua expectations for governance, monitoring, and cultural outcomes associated with the Project with the key components being the establishment of a Kaitiaki Governance Group and the development of a Strategic Cultural Programme.

Nova has reviewed the draft conditions provided by mana whenua and used these as a starting point for developing the mana whenua conditions proposed in the substantive application. Nova has refined and amended the wording of the conditions to ensure they are lawful, certain, enforceable, and capable of implementation by Nova/the consent holder.

Nova and Ngāi Tahu and mana whenua rūnaka have met to discuss the revised conditions. Ngāi Tahu and mana whenua rūnaka indicated they preferred their original version attached to the Manawhenua report which has a broader scope and wording. While the parties have not yet reached agreement, Nova is committed to continuing to develop the conditions alongside mana whenua post submission of the application. Changes will be aimed at better reflecting mana whenua intent where possible while retaining the necessary level of legal certainty and enforceability required for consent conditions.

Nova's mana whenua conditions are included below and have been provided as a separate document that is independent of the substantive set of proposed conditions, to allow Nova and mana whenua to refine them easily post lodgement of the application. Nova's intention is to incorporate the mana whenua conditions into the substantive set of MDC conditions following further engagement with mana whenua post lodgement of the application.

Agreed Approach

Importantly, both Nova, Ngāi Tahu and mana whenua rūnaka share a common understanding that:

- The conditions included in the substantive application are not final, and
- Represent a starting point for further refinement through the consenting and post-lodgement process.

There is agreement that:

- Nova should lodge the substantive application with their draft mana whenua conditions;
- The parties will continue to work collaboratively following lodgement of the substantive application; and

- The objective is to progressively refine the conditions, with the intention of reaching an agreed position.

DRAFT

Mana Whenua Engagement Framework

MW1 - The Consent Holder must establish and maintain an engagement framework with mana whenua rūnaka for the duration of the Project, comprising:

- a. Kaitiaki Governance Group (KGG); and
- b. a Strategic Cultural Programme (SCP).

The purpose of this framework is to provide for ongoing engagement with mana whenua rūnaka and to inform environmental management of the Project in accordance with relevant conditions of consent.

Kaitiaki Governance Group (KGG)

Establishment of KGG

MW2 - At least 3 months prior to the commencement of construction works, the Consent Holder must:

- a. invite mana whenua rūnaka to nominate representatives to participate in the KGG; and
- b. seek feedback on the preferred composition of the KGG and frequency of meetings.

Advice Note: *Mana Whenua status is to be determined by Kā Papatipu Rūnaka which compromises Te Rūnanga o Arowhenua; Te Rūnanga o Waihao; and Te Rūnanga o Moeraki.*

MW3 - The Consent Holder must keep records of all invitations and engagement undertaken.

MW4 - If mana whenua rūnaka do not nominate representatives within 20 working days of invitation, the Consent Holder must continue to provide reasonable opportunities for participation for the duration of the consent.

Membership

MW5 - The KGG shall comprise:

- a. up to three (3) representatives of the Consent Holder; and
- b. up to three (3) representatives appointed by mana whenua rūnaka who elect to participate in the KGG.

MW6 - The Consent Holder may invite representatives from the Mackenzie District Council, Canterbury Regional Council, Department of Conservation, and/or landowners to attend meetings, with the agreement of participating representatives.

Advice Note: *For the avoidance of doubt, the establishment and operation of the KGG does not depend on a minimum number of representatives.*

Purpose of KGG

MW7 - The purpose of the KGG is to provide a forum to:

- a. facilitate ongoing engagement between the Consent Holder and mana whenua rūnaka;
- b. support the preparation and implementation of the SCP;
- c. Provide for opportunities for reasonable access the site for the purposes of Mahika kai harvest and other customary practices;
- d. Identify initiatives that recognise and provide for cultural values associated with the Taiao;
- e. enable the sharing of cultural values and perspectives relevant to the Project;

- f. provide feedback on management plans required by resource consents granted for the Project; and
- g. monitor and discuss the effectiveness of measures implemented to avoid, remedy or mitigate effects on cultural values.

Advice Note: *Initiatives may include, but are not limited to, interpretive signage, pouwhenua, and/or artworks in locations agreed between the Consent Holder and mana whenua rūnaka.*

Meetings

MW8 - The Consent Holder must:

- a. invite the KGG to meet at least quarterly during construction; and
- b. following completion of construction, invite the KGG to meet at least once per calendar year, unless otherwise agreed with participating representatives.

MW9 - Meeting invitations must be issued with reasonable notice and include an agenda.

Information Sharing and Feedback

MW10 - The Consent Holder must:

- a. provide relevant information to the KGG regarding the design, construction, operation, and decommissioning of the Project;
- b. provide draft management plans to participating KGG members at least 20 working days prior to submission to Council for certification;
- c. record all advice received from the KGG;
- d. prepare a written response to advice received, including:
 - i. how the advice has been incorporated; or
 - ii. reasons why it has not been incorporated.

MW11 - The Consent Holder must append advice and responses to each management plan submitted to Council for certification.

Record Keeping

MW12 - The Consent Holder must:

- a. maintain written records of KGG:
 - i. invitations and engagement undertaken;
 - ii. meetings held, including attendees and matters discussed;
 - iii. advice received; and
 - iv. responses to that advice.
- b. make these records available to Council upon request.

Strategic Cultural Programme (SCP)

Preparation and Certification

MW13 - Prior to the commencement of construction works authorised as part of this resource consent, the Consent Holder must use best endeavours to prepare a SCP in consultation with mana whenua rūnaka (via the KGG).

MW14 - At least thirty (30) working days prior to the commencement of construction works authorised as part of this resource consent, the Consent Holder must submit the SCP to the Planning Manager, Mackenzie District Council for endorsement acting in a technical certification capacity to certify that the plan meets the following objectives:

- a. Summarises the measures proposed on the Project site to avoid, remedy or mitigate adverse effects of the Project and identifies opportunities for restoration and enhancement of cultural values on the site identifying;
- b. provides for mana whenua rūnaka participation in Project environmental management, monitoring, mitigation, preservation, restoration and enhancement activities; and
- c. incorporates mātauranga Māori into specified environmental management practices.

MW15 - In order to achieve the objectives stated above, the SCP must, as a minimum, address the following matters:

- a. Cultural Monitoring
 - i. Identification of mana whenua groups to be involved in cultural monitoring.
 - ii. A description of the roles and responsibilities of cultural monitors.
 - iii. Protocols for site access, health and safety, and communication.
 - iv. Procedures for the discovery of koiwi tangata (human remains), taonga (treasures), or other culturally significant materials, including immediate notification to mana whenua and relevant authorities.
 - v. A schedule of monitoring activities, including key phases of construction where cultural monitors must be present.
- b. Integration with Management Plans
 - i. The process by which mana whenua rūnaka input will inform relevant management plans required for the Project;
 - ii. methods for incorporating mātauranga Māori into management plans.
- c. Cultural Induction
 - i. Support development and implementation of the cultural induction programme for all site personnel;
- d. Incident Response
 - i. procedures for responding to accidental discoveries of archaeological material or soil and surface water or groundwater contamination including notification of mana whenua rūnaka and their involvement in the response.
- e. Preservation, Restoration and Enhancement
 - i. any agreed cultural preservation, restoration or enhancement initiatives on the Project site;
 - ii. responsibilities and
- f. Reporting
 - i. preparation of an annual report summarising SCP implementation;
 - ii. provision of the report to the KGG, Mackenzie District Council and Canterbury Regional Council.

Review

- i. Annual review of the SCP;
- ii. provision for updates following significant events or changes.

Resourcing

MW16 - The Consent Holder shall meet the reasonable costs associated with agreed roles and functions undertaken by mana whenua rūnaka in implementing these conditions.

Access

MW17 - The Consent Holder shall, subject to health and safety requirements and site induction procedures, provide mana whenua rūnaka representatives with reasonable access to relevant parts of the Project site for the purposes of carrying out activities specified in the SCP.

Participation / Opt-Out

MW18 - If mana whenua rūnaka representatives invited to participate in the KGG advise the Consent Holder that they do not wish to participate in the KGG and/or the preparation or implementation of the SCP, the Consent Holder will not be required to comply with the KGG and/or SCP conditions.

MW19 - In the above circumstances, the Consent Holder must provide evidence to the Planning Manager, Mackenzie District Council of mana whenua rūnaka opt-out and also demonstrate that reasonable steps have been taken to invite mana whenua rūnaka to participate in the KGG and/or preparation or implementation of the SCP.