

Summary of Evidence – hearing topics 1 and 2 – proposed Te Tai o Poutini Plan

Rachael Elizabeth Pull (planner) on behalf of Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (Poutini Ngāi Tahu)

30 October 2023

Tēnā koutou, ko Rachael Elizabeth Pull tōku ingoa and I am providing an oral summary of my planning evidence on behalf of Poutini Ngāi Tahu for the whole plan and strategic direction hearings for the proposed Te Tai o Poutini Plan.

Overall I acknowledge that Poutini Ngāi Tahu submissions generally support the notified plan, and for these topics I generally support the version of the provisions proposed by the section 42A reporting officer. The amendments I have proposed are to provide for the values and future of Papatipu Rūnanga in accordance with the RMA and West Coast Regional Policy Statement.

In relation to Poutini Ngāi Tahu's submission, the following statutory direction is relevant to the Panel's consideration of the proposed TTPP:

1. Part 2 of the Resource Management Act 1991 – in particular sections 6(e), 7(a) and 8. These provisions are relevant to achieving the sustainable management purpose of the RMA in section 5. They require the Panel to:
 - a. recognise and provide for Poutini Ngāi Tahu's relationship with their ancestral lands, waters, wāhi tapu and other taonga as a matter of national importance;
 - b. have particular regard to Poutini Ngāi Tahu's the ability to exercise kaitiaki; and
 - c. require the Panel to take into account the principles of te Tiriti o Waitangi.
2. The Ngāi Tahu Claims Settlement Act 1998 provides for the Deed of Settlement and a Crown apology to Ngāi Tahu, recognising them as tangata whenua and holding rangatiratanga within the Takiwā of Ngāi Tahu Whānui. The Ngāi Tahu settlement is more than just providing statutory acknowledgements, nohoanga and Tōpuni. Through the TTPP Poutini Ngāi Tahu's values as set out in its settlement act should be recognised and provided for.

I consider that all of the matters of national importance identified in section 6 of the RMA should be considered to be of equal importance. The recognition of Poutini Ngāi Tahu's relationship with the natural environment sits alongside, and with equal importance with, the other listed matters.

Introduction and general provisions

The specific amendments that Poutini Ngāi Tahu seeks to the introduction and general provisions are set out in my evidence. I wish to briefly touch on the key changes sought.

Recognition of Poutini Ngāi Tahu values

Poutini Ngāi Tahu (620.015) seeks that a matter of control or discretion be added to controlled activity (CA) and restricted discretionary activity (RDA) rules throughout the plan to ensure that Poutini Ngāi Tahu values can be considered in decision making on any relevant resource consents. I understand that the s42A report has recommended that this submission point will likely be covered through the balance of the hearings with reference to specific rules, which I agree with. However, at a high level, without providing for Poutini Ngāi Tahu values in this way the Councils will not be able to consider the potential impact on them when considering applications for resource consent. Not all matters of control or discretion will be relevant for all applications for controlled or restricted discretionary consent applications. The scale and significance of the activity will determine whether

a cultural impact assessment is required or merely a consideration of the identified Poutini Ngāi Tahu values within the Plan.

I note that the Buller and Westland District Plans have chapters that outline the matters of discretion. These include culture and general amenity and I suspect it only requires a CIA when the planner has identified a potential cultural effect. Therefore this approach is not new to the region.

As discussed in my evidence I consider that Poutini Ngāi Tahu's values are clearly expressed and understood within the West Coast's planning framework, in particular the Regional Policy Statement which references multiple times that the objectives, policies and methods within it are to be read with the chapter of the significant issues for Poutini Ngāi Tahu.

Removal of overlays

Grey District Council's submission seeks that all overlays be removed, reviewed and reassessed is rejected. Given the considerable work that has been undertaken to identify the overlays I strongly oppose this submission point. However, I acknowledge that some amendments to the overlays as notified may be appropriate. Any submission, including Poutini Ngāi Tahu's submission points relating to the overlays, should be considered within the relevant topic based hearings.

Tangata whenua chapter

Overall Poutini Ngāi Tahu support the notified provisions of the Tangata Whenua Chapter and supports the approach identified in the section 42A report in relation to implementing the Te Runanga o Ngāi Tahu Act and NTCSA, except for the minor inclusion identified.

Mana Whakahono ā Rohe between Poutini Ngāi Tahu and the West Coast Regional Council included an action that the text of the Statutory Acknowledgement Areas and Tōpuni would be stated in full in Planning documents as required by the Settlement Act. It seems due to an oversight, Tōpuni has not been included in the TTPP. I have recommended at page 23 of my Evidence that amendments should be made to the Tangata Whenua Chapter, Schedule Three: Sites and Areas of Significance to Māori and Appendix five: Statutory Acknowledgements are corrected to ensure Tōpuni are properly provided for.

Definitions

I support the approach to discuss the majority of the submissions relating to activity or zone-specific definitions within the hearing addressing those issues. I also seek that the following definitions are considered at the relevant hearings so that they can be clarified within the context of their main application:

- "offensive activities" to be determined at the sites of significance to Māori hearing;
- "suitably qualified and experienced person" at the natural hazards hearing; and
- "sensitive activities" at the noise hearing.

I support the recommendation of the section 42A report's recommendations of the definitions for building coverage, site coverage, and papakāinga.

Poutini Ngāi Tahu has made submissions seeking appropriate recognition of nohoanga sites, and clarification that they are not "camping grounds" as defined by the proposed TTPP. I seek that the definition of 'camping ground' contains a note confirming that it does not include 'nohoanga entitlements'. I also consider that the definition of "freedom camping" should clearly exclude 'nohoanga entitlements'.

I have made comments in my evidence regarding the mapping used in the Plan. These comments are based on wanting the plan to be easy to read and for Council staff to feel confident using. Particularly within legal proceedings where the Council has the obligation to provide maps that are legally correct at a set date, which if there are multiple future plan changes can get difficult.

Strategic Direction

Poutini Ngāi Tahu generally supports the approach identified in the Strategic Direction section 42A report and in particular the recommendations regarding the Ngāi Tahu submissions and provisions.

However, I oppose the inclusion the reference to 'where appropriate' in Objective POU-02. I consider that the inclusion of these words would inappropriately limit the exercise of Poutini Ngāi Tahu cultural rights and interests.

I am happy to take any questions.