

**IN THE MATTER of  
the Resource Management Act 1991**

**AND**

**IN THE MATTER of  
Hearing of submissions and further  
submissions on the Proposed Te Tai O  
Poutini Plan**

**MINUTE 23 – Subdivision, Financial  
Contributions and Public Access**

## INTRODUCTION

1. The Hearings Panel has during the past week heard evidence on the Subdivision, Financial Contributions and Public Access topics. During that hearing three issues arose upon which we require some clarification from the relevant submitters who we were unable to question at the hearing, as they chose to provide written statements and not participate in the hearing itself.

## ISSUES CONCERNED

2. The first two issues relate to the position of the Director-General of Conservation and their witness.

### **i. Rule SUB-R11**

3. At the hearing on Natural Features and Landscapes (Topic 11), Ms Amy Young presenting evidence for the Director-General of Conservation (dated 12 February 2024) at paragraphs 56, stated that the Director-General had sought for the activity status of Rule SUB-R11 to be changed to fully discretionary. However, with the the additional matters of discretion that relate to Policies NFL-P1 – NFL-P9 proposed by the s42A reporting officer she now supported the proposed restricted discretionary activity status (paragraph 57).
4. The Hearing Panel acknowledges that the recommended amendments to the matters of discretion associated with Rule SUB-R11, stemming from the s42A report on the Natural Features and Landscapes topic, did not form part of the recommendations of the s42A reporting officer on the Subdivision, Financial Contributions and Public Access hearing. But we also note that the Director-Generals submission on Rule SUB-R11 did not appear in that later s42A report, having already been considered in the Natural Features and Landscapes topic.
5. Notwithstanding the above, Ms Young in her tabled statement dated 15 March 2024 at paragraph 25 now appears to conflict with her earlier evidence and reverts to the position that the activity status for Rule SUB-R11 should be fully discretionary.
6. The Hearing Panel therefore seeks clarification on Ms Young’s position in terms of the activity status sought by the Director General for Rule SUB-R11.

### **ii. Public Access Chapter**

7. The Director-General’s submission on the Public Access chapter was for the deletion of the chapter in its entirety. However, Ms Young in her tabled statement (dated 15 March 2024) in Appendix One indicates she does not support the relief sought by the Director General on the basis that the Public Access chapter is consistent with the purpose of the Resource Management Act and the National Planning Standards.
8. On this basis, the Hearing Panel requests clarification of the position of the Director-General’s submission on the Public Access chapter and what relief is sought.

### **iii. Rule SUB-R5**

9. The final issue relates to the tabled statement received from Ms Susan Aitken on behalf of Poutini Ngāi Tahu (dated 14 March 2024), which notes Poutini Ngāi Tahu support in part Rule SUB-R5.
10. In Appendix A of Ms Aitken’s statement in relation to Rule SUB-R5 it is noted that a

letter has been sent to Grey District Council (which was attached as Appendix B) informing the Council that they may proceed to process subdivision consents in seven Sites of Significance to Māori (SASM) without the need to further consider cultural values in relation to these sites on the basis that, while significant, the sites have been developed and modified to an extent they do not wish to be notified of subdivision consents in these areas.

11. Ms Aitken's statement finishes by saying that further amendment is required to Rule SUB-R5 to exclude the following listed sites:

- *SASM 57 Māwhera Gardens;*
- *SASM 58 Greymouth Railway Land;*
- *SASM 59 Māwhera Pā 2;*
- *SASM 60 Māwhera Kāinga;*
- *SASM 61 Victoria Park;*
- *SASM 62 No.31 Māwhera Native Reserve*
- *SASM 63 No. 32 Nga Moana e Rua Native Reserve*

12. The Hearing Panel seeks clarification as to the wording amendments requested to meet the relief sought by Poutini Ngāi Tahu to exclude the seven listed SASM sites. It would be helpful if this could be provided within the context of the recommended wording of the rule.

13. The Hearing Panel notes that clause 4 of Rule SUB-R5 has been proposed to be amended to say:

*Activity Status Controlled*

*Where:*

...

4. *This is not within a Site or Area of Significance to Māori except those listed below and identified in Schedule Three:*

- i. SASM 10 Kawatiri Pā; SASM 12 Kawatiri Town Reserve; SASM 15 No. 42 Kawatiri (Township) Native Reserve; SASM 31 Punakaiki Area; SASM 56 Māwhera Pā 1; SASM 57 Māwhera Gardens; SASM 58 Greymouth Railway Land; SASM 59 Māwhera Pā 2; SASM 60 Māwhera Kāinga; SASM 61 Victoria Park; SASM 63 No. 32 Nga Moana e Rua Native Reserve; SASM 94 No. 30 Arahura Native Reserve; SASM 96 Taramakau River; SASM 104 Kawhaka Creek Catchment; SASM 112 Arahura River at Tūhua; SASM 117 Waitaiki Catchment; SASM 121 Waitaiki Historic Reserve; SASM 197 Ōkuru;*

14. The Hearing Panel firstly notes that SASM 62 No.31 Māwhera Native Reserve is not listed in Rule SUB-R5 and seeks clarification in relation to this matter.

15. Secondly, our interpretation of clause 4 is that if the other six SASM's are deleted from the clause it seems to us on plain reading of the rule that subdivision within those SASM would become a restricted discretionary activity. This, it would seem, is the reverse outcome to that being sought in Appendix A of Ms Aiken's statement.

## Response Time

16. Responses to the above issues are to be provided by the 7<sup>th</sup> of May 2024.



**Dean Chrystal**

**Independent Commissioner – Chair - on behalf of the Hearing Panel members**

**22 April 2024**