

**BEFORE THE HEARINGS PANEL**

**UNDER** the Resource Management Act 1991

**IN THE MATTER** of the Proposed Te Tai o Poutini  
Plan – Ecosystems and Indigenous Biodiversity -  
Ngā Pūnaha Rauropi me te Kanorau Koiora

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**STATEMENT OF EVIDENCE OF RACHAEL ELIZABETH PULL**

**ON BEHALF OF TE RŪNANGA O NGĀTI WAEWAE, TE RŪNANGA O MAKAAWHIO  
AND TE RŪNANGA O NGĀI TAHU  
(Submitter 620 and Further Submission FS41)**

**26 July 2024**

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## INTRODUCTION

1. My name is Rachael Elizabeth Pull.
2. I hold the qualifications of a Bachelor of Environmental Management (majoring in policy and planning) and a Postgraduate Diploma in Resource Studies from Lincoln University. I have been a full member of the New Zealand Planning Institute since 2015. I have completed the Making Good Decisions course.
3. I am employed by Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) as a Senior Environmental Advisor - Planning in Te Ao Tūroa team. I have been in this position since October 2022.
4. I have over 15 years' experience in planning in New Zealand. I have worked for Whanganui, Far North and Thames-Coromandel District Councils as a planner, undertaking plan changes, bylaws and strategy development, resource consent drafting and processing as well as monitoring and enforcement work.
5. I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise and I have not omitted material facts known to me that might alter or detract from my evidence. The issues addressed in this statement of evidence are within my area of expertise except where I state that I am relying on the evidence or advice of another person. The data, information, facts and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions.
6. My evidence primarily addresses the submissions of Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (collectively submitter S620 and further submitter FS41), together these groups are referred to in my evidence and section 42A report as **Ngāi Tahu** for readability purposes.
7. When referring to provisions within the Te Tai o Poutini Plan (**TTPP**) relating to Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga

o Ngāi Tahu I have used the TTPP term of **Poutini Ngāi Tahu** for readability purposes.

8. I contributed to the primary submission and further submissions on the TTPP on behalf of Ngāi Tahu. I have also filed evidence for Ngāi Tahu in relation to TTPP hearings on Introduction/Whole Plan and Strategic Direction (dated 2 October 2023), Energy, Infrastructure and Transport (dated 30 October 2023), Natural Character of Waterbodies and Activities on the Surface of Water Hearing (dated 19 January 2024), Sites and Areas of Significance to Māori (dated 5 April 2024) and Open Space and Recreation Zones (dated 14 June 2024).
9. The key documents I have referred to in drafting this brief of evidence are:
  - (a) The Resource Management Act 1991 (**RMA**);
  - (b) Te Rūnanga o Ngāi Tahu Act 1996 (**TRoNT Act**);
  - (c) Ngai Tahu Deed of Settlement 1997 (**Deed of Settlement**);
  - (d) Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**);
  - (e) Mana Whakahono ā Rohe Iwi Participation Arrangement 2020 (**MWoR**);
  - (f) New Zealand Coastal Policy Statement (**NZCPS**);
  - (g) National Policy Statement for Indigenous Biodiversity 2023 (**NPS-IB**);
  - (h) West Coast Regional Policy Statement 2020 (**RPS**);
  - (i) Te Tai o Poutini Plan Section 42A report Ecosystems and Biodiversity, Lois Easton circulated 12 July 2024;
  - (j) Statement of Planning Evidence for Special Purpose Zones prepared by Susan Aitken dated 15 July 2024;
  - (k) Statement of Planning Evidence for Topic 1: Introduction and General Provisions, Topic 2: Strategic Directions, Part 2 General District Wide Matters Energy, Infrastructure and Transport, Natural Character of Waterbodies and Activities on the Surface of Water, Sites and Areas

of Significance to Māori and Open Space and Recreation Zones prepared by Rachael Pull.

## SCOPE OF EVIDENCE

10. My evidence:
- (a) Outlines the key themes raised in the submission and further submissions by Ngāi Tahu, including:
    - i. The Ngāi Tahu Claims Settlement Act and its implementation, and
    - ii. The recognition and provision for Poutini Ngāi Tahu values.
  - (b) Provides clarification of Ngāi Tahu submission points and further submission points relating to the ecosystems and biodiversity provisions; and
  - (c) Addresses the recommendations in the section 42A report where they deviate from the Ngāi Tahu submission.

## SUMMARY

11. In relation to the Ecosystems and Biodiversity chapter, Ngāi Tahu made a submission and further submissions on the TTPP in general support of the notified version except where specific changes were requested. The submission generally sought to retain the notified version of the provisions, subject to further refinement of identified provisions in order to better achieve their intended purpose as well as the purpose of the RMA.
12. Specifically, Ngāi Tahu has sought the recognition and provision of Poutini Ngāi Tahu values relating to te taiao<sup>1</sup>. As kaitiaki, Ngāi Tahu have the responsibility to ensure that the Ngāi Tahu Takiwā<sup>2</sup> is left to the future generations in a better state than it currently is.

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<sup>1</sup> The concept of te taiao is the environment that contains and surrounds people. It refers to the interconnection of people and nature.

<sup>2</sup> The concept of takiwā in this context means territory.

13. Overall, I generally agree with proposed amendments set out in the section 42A report prepared for this hearing and the direction within. I have made comment on identified provisions where the Hearings Panel (**Panel**) may wish to consider other factors.
14. A full summary of the Ngāi Tahu submissions that are addressed by my evidence in relation to the Ecosystems and Biodiversity hearing topic and the references to the section 42A report is contained in **Appendix One** of this evidence.

## **RELEVANT STATUTORY DIRECTION**

### ***The Resource Management Act 1991 (RMA)***

15. The evidence I filed in relation to the hearings for topics one and two sets out the relevant statutory direction in the RMA that underpins the relief sought by Ngāi Tahu<sup>3</sup>. The evidence I filed for Sites and Areas of Significance to Māori paragraphs 16-26 outlines in more detail Poutini Ngāi Tahu values and considerations in regard to Part 2 matters. Many of the same matters are relevant to this chapter.

### ***Te Rūnanga o Ngāi Tahu Act 1996 (TRoNT Act)***

16. The TRoNT Act provides for the modern structure of Ngāi Tahu. Te Rūnanga o Ngāi Tahu (Te Rūnanga) is the collective of eighteen Papatipu Rūnanga, which are regional bodies that represent local views of Ngāi Tahu Whānui. Section 15(2) states that:

*“Where any enactment requires consultation with any iwi or with any iwi authority, that consultation shall, with respect to matters affecting Ngāi Tahu Whānui, be held with Te Rūnanga o Ngāi Tahu”<sup>4</sup>*

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<sup>3</sup> Paragraphs 15-30 Statement of Planning Evidence for Topic 1: Introduction and General Provisions and Topic 2: Strategic Directions prepared by Rachael Pull, dated 2 October 2023.

<sup>4</sup> Section 15(2) Te Runanga o Ngai Tahu Act 1996.

17. Pursuant to section 10 of the TRoNT Act, the Te Rūnanga o Ngāi Tahu (Declaration of Membership) Order 2001 was made. The schedule to that Order identifies the two Papatipu Rūnanga of Ngāi Tahu who have mana whenua on the West Coast as Te Rūnanga o Kāti (Ngāti) Waewae and Te Rūnanga o Makaawhio.
18. Section 5 of the TRoNT Act defines the Takiwā of Ngāi Tahu Whānui. This is the area in which Ngāi Tahu is the tāngata whenua and exclusively holds rangatiratanga and includes the entire West Coast/Te Tai o Poutini region.

### ***Ngāi Tahu Claims Settlement Act 1998 (NTCSA)***

19. One of the most important aspects of the Crown's settlement with Ngāi Tahu was a formal apology by the Crown. The wording was given much thought by both parties. The Crown included a formal apology as part of the Deed of Settlement and the NTCSA to acknowledge that Ngāi Tahu suffered grave injustices that significantly impaired its economic, social and cultural development. The Apology acknowledged that Ngāi Tahu is recognised "as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui."
20. The Mana Whakahono ā Rohe (**MWoR**)<sup>5</sup> recognises the principles of Te Tiriti o Waitangi and NTCSA within the planning framework:

*"3.1 The Ngāi Tahu Claims Settlement Act 1998, and Treaty principles as expressed by the Courts and the Waitangi Tribunal, referenced in Appendix 2, will be:*

- a) included within induction materials for Councillors and Council staff with duties and functions under the Resource Management Act;*
- b) incorporated in Council planning instruments and referenced in the development of their content."<sup>6</sup>*

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<sup>5</sup> Paetae Kotahitanga ki Te Tai Poutini - Partnership Protocol and Mana Whakahono ā Rohe - Iwi Participation Agreement (2020).

<sup>6</sup> Page 17 Paetae Kotahitanga ki Te Tai Poutini - Partnership Protocol and Mana Whakahono ā Rohe - Iwi Participation Agreement (2020).

21. The NTCSA also contains Crown recognition of the Ngāi Tahu special relationship<sup>7</sup> with 49 bird species, 54 plant species and 6 marine mammal species (known as Taonga Species). While the Panel cannot give greater weight to Ngāi Tahu over other entities in relation to decisions for the TTPP (S290 NTCSA) as a result of this acknowledgement, the proven Poutini Ngāi Tahu values and relationship with these species can be recognised and provided for within the TTPP provisions through implementing section 3.3(1)(e) (identifying and managing taonga species) of the National Policy Statement for Indigenous Biodiversity (**NPS-IB**). These taonga species are listed in **Appendix Two** for reference.
22. In the 11 November 2022 covering letter of the Ngāi Tahu submission (it was not given a submission number) it states that the NTCSA and Deed of Settlement confirmed the rangatiratanga of Ngāi Tahu and its relationship with the natural environment and whenua within the takiwā. It would provide clarity to the Plan user if the NTCSA acknowledged relationship with Taonga Species is noted within the Overview of the Ecosystems and Indigenous Biodiversity Chapter. This is not a legally enforceable section of the plan but will provide direction and information on implementation. It is also noted that this is not an all-inclusive list of species Poutini Ngāi Tahu consider Taonga Species but is a starting point.
23. **Remedy sought:**
- a. That reference to Taonga Species listed in Schedule 97 of the Ngāi Tahu Claims Settlement Act 1998 is included within the Overview of the Ecosystems and Indigenous Biodiversity Chapter in reference to implementing the NPS-IB.

*Under the RMA, the district and regional councils share responsibility for maintaining indigenous biodiversity. District Councils are responsible for protecting and maintaining terrestrial (land-based) ecosystems, including the margins of the coast and waterbodies and the West Coast Regional*

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<sup>7</sup> Special relationship in this context means the cultural, spiritual, historic and/or traditional association (Deed of Settlement 12.13.2)



*Council is responsible for protecting and maintaining the non-terrestrial ecosystems (rivers, lakes, wetlands and the coast below mean high water springs). Poutini Ngāi Tahu also have statutorily recognised cultural responsibilities as mana whenua and kaitiaki. **Schedule 97 of the Ngāi Tahu Claims Settlement Act 1998 identifies some Taonga Species, along with Department of Conservation Documents and Iwi/Papatipu Rūnanga Management Plans.***

## **National Policy Statement – Indigenous Biodiversity (NPS-IB)**

### *Implementation*

24. The NPS-IB states the following in regard to protecting indigenous biodiversity and providing for Poutini Ngāi Tahu values:

### **3.2 Role of decision-making principles**

*(1) Local authorities must engage with tangata whenua, people and communities (including landowners) to ensure that the decision-making principles inform, and are given effect to, when implementing this National Policy Statement in their regions and districts. ...*

### **3.3 Tangata whenua as partners**

*(1) Every local authority must involve tangata whenua (to the extent they wish to be involved) as partners in the management of indigenous biodiversity and, in particular:*

*(a) when identifying the local approach to giving effect to the decision-making principles; and*

*(b) in the processes (including decision-making processes) for managing the implementation of this National Policy Statement; ...*

*(2) When involving tangata whenua as required by subclause (1), and particularly when making or changing objectives, policies, or methods to give effect to this National Policy Statement, local authorities must:*

*(a) ensure that engagement with tangata whenua:*

*(i) is early, meaningful, and in accordance with tikanga Māori; and*

*(ii) has regard to the different levels of whānau, hapū, and iwi decision-making structures; and*

*(b) in managing indigenous biodiversity, recognise and value the mana of tangata whenua as kaitiaki of indigenous biodiversity; and*

*(c) provide specific opportunities for tangata whenua to exercise kaitiakitanga in accordance with tikanga Māori; and*

*(d) allow for the sustainable customary use of indigenous biodiversity in accordance with tikanga.*

25. I acknowledge that the s42A report and the Panel is limited in how the NPS-IB is incorporated into the TTPP at this time because it came into force after the TTPP was notified. Full implementation will likely require an additional plan change/variation. The NPS-IB requires TTPP to recognise and value the mana of tangata whenua as kaitiaki of indigenous biodiversity and to ensure provisions do not restrict customary use across Te Tai o Poutini.
26. Therefore, to be consistent with the NPS-IB, I recommend that it is clear in the Panel's decision that when an additional variation or plan change is required to implement the NPS-IB further, that early and meaningful engagement around mapping and potential additional provisions is undertaken with Ngāi Tahu in accordance with the NPS-IB.

#### *Specified Māori Land*

27. The NPS-IB came into force on 4 August 2023. Due to its operative date being after notification of the TTPP, there is no Ngāi Tahu submission related to the provisions within the NPS-IB. However, implementing the NPS-IB impacts the Ngāi Tahu submission in relation to Māori Land (as the NPS-IB uses the definition of Specified Māori Land).
28. For clarity, the NPS-IB has clear decision-making principles about recognising and providing for tangata whenua as partners in indigenous biodiversity decisions as well as policies focused on tangata whenua (section 3.3(2)). It also creates a definition of 'Specified Māori Land', which applies to a specific list of land parcels recognised by the government, including Māori freehold land and land returned under Settlement Acts.

29. These two sections address separate topics in the NPS-IB. In section 3.18(1) they are mentioned together, but it is clarified that tangata whenua are separate from owners of Specified Māori Land:

*“3.18 Specified Māori land*

*(1) Local authorities must work in partnership (which includes acting in good faith) with tangata whenua and owners of specified Māori land to develop, and include in policy statements and plans, objectives, policies, and methods that, to the extent practicable...”*

30. All the other provisions for tangata whenua and Specified Māori Land are separate. In my opinion, this is deliberate, as enabling Specified Māori Land is different from engaging with tangata whenua.
31. The s42A report notes that the Ecosystems and Biodiversity Chapter seeks to provide for Poutini Ngāi Tahu rangatiratanga on their own land. The Specified Māori Land definition does the opposite to this, as it limits Ngāi Tahu to the land parcels at the time of settlement. This will be discussed below in relation to specific recommendations in the s42A report.

**JOINT STATEMENT WITH TE TUMU PAEROA/OFFICE OF THE MĀORI TRUSTEE**

*Further Submission no. FS41.440 on S440.024, FS41.475 on S440.025, FS41.476 on S440.026, FS41.477 on S440.027 (Māori Trustee)*

32. In my evidence for Sites and Areas of Significance to Māori (paragraphs 36-52) I set out my opinion on Te Tumu Paeroa (hereon referred to as Māori Trustee) submissions that focus on all Māori Landowners being appropriately recognised while recognising Ngāi Tahu using the same TTPP provisions. I retain my conclusions in that evidence that this approach is:

(a) In breach of the NTCSA and s35A(2) of the RMA (that the Crown only acknowledges Ngāi Tahu as the tangata whenua and holding rangatiratanga in the West Coast) for the purpose of the TTPP. The Waitangi Tribunal Supplementary Report on Ngāi Tahu Legal

Personality states that rangatiratanga resides in the papatipu rūnanga<sup>8</sup>. Recognising additional groups would not be consistent with this legislation approach.

(b) Difficult to implement. If the Councils must partner in decision making with each Māori Landowner equally (there are thousands in the West Coast and the submission does not limit it to West Coast ownership) there is no clear process to manage conflicts of tikanga or opinion or even how to engage with all landowners in a fair and transparent manner.

(c) Based on the Māori Trustee's assertion that Māori Landowners in Tai Poutini *almost certainly affiliate*<sup>9</sup> to Ngāi Tahu. The Māori Trustee has stated that the Māori Land Court does not confirm whakapapa to a particular iwi or hapū, only that the individual is entitled to succeed Māori Land and that holding the title is evidence of whakapapa to the land<sup>10</sup>.

I agree the Māori Land Court acknowledges the heirs to the title of Māori Land, however due to how land has been inherited over time, not all Māori Land on the West Coast is owned by people that whakapapa to Ngāi Tahu<sup>11</sup>. The RMA and NTCSA does not require the TTPP to recognise any other groups in the same provisions as mana whenua.

(d) Enabling Māori Land and recognising Māori Landowners in the same TTPP provisions as Ngāi Tahu are different things. The enablement of Māori Land is to be encouraged as these particular land parcels have been difficult to develop in the past<sup>12</sup>. This can be done without giving all Māori landowners the same recognition as Ngāi Tahu on the possibility that they whakapapa to Ngāi Tahu.

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<sup>8</sup> Waitangi Tribunal. September 1991. Wai 27: The Ngāi Tahu Claim: Supplementary Report on the Ngāi tahu Legal Personality. Section 2.5

<sup>9</sup> The oral evidence of the Māori Trustee has stated in hearings on 2 November 2023 and 16 July 2024 that not all Māori Landowners whakapapa to Poutini Ngāi Tahu, but 'almost certainly affiliate' or 'almost all cases'.

<sup>10</sup> The oral evidence of the Māori Trustee in hearing: Natural Features and Landscapes on 5 March 2024.

<sup>11</sup> Evidence of Mr Madgwick Sites and Areas of Significance to Māori hearing.

<sup>12</sup> Evidence of the difficulties developing Māori land can be found in the Mana Whakahono o Rohe, Productivity Commission, New Zealand Institute of Surveyors and the Controller and Auditor General have all published reports commenting on this issue.

33. Based on the above position, Ngāi Tahu further submitted in opposition to submissions from the Māori Trustee to include all Māori Landowners into Poutini Ngāi Tahu provisions. The s42A report for Ecosystems and Indigenous Biodiversity has recommended that most of these submissions be rejected which I support at the time of writing this evidence. Ngāi Tahu have meet with the Māori Trustee to try and reach agreement around enabling Māori Land without impacting the NTCSA, however at the time of drafting this evidence the wording has not yet been achieved (although draft wording has been proposed). It is my position that provisions can be written to protect Ngāi Tahu rangatiratanga and enable Māori Land, however agreement has yet to be confirmed. If there is agreement, this will be noted at the hearing along with any amendments to this evidence.

## DEFINITIONS

*Submission no. S620.040, S620.146*

*Further Submission FS41.438 on S440.023 (Māori Trustee)*

*Poutini Ngāi Tahu Activities*

34. Ngāi Tahu submitted to improve clarity to the Plan provisions by amending the definition of Poutini Ngāi Tahu activities to include the following:

*POUTINI NGĀI TAHU ACTIVITIES means*

*1. the use of land and/or buildings for traditional Māori activities and includes making and/or creating cultural goods, textiles and art, medicinal and food gathering, waka ama, events, management and activities that recognise and provide for the special relationship between Poutini Ngāi Tahu and places of cultural importance; or*

*2. Cultural harvest (which may include the clearance of vegetation), Mahinga kai, and the collection or mining of Pounamu, Aotea stone or rock; or*

*3. The installation of Pou whenua on or clearance of vegetation for maintenance of cultural redress land.*

35. The s42A report discusses this submission on paragraphs 74-83 and has recommended definitions for cultural harvest and Poutini Ngāi Tahu land as an alternative method to achieve clarity. Upon review, I note that what is proposed by the s42A report does not address the Ngāi Tahu submission point in full and creates additional implementation issues as addressed below. However, I interpret the current definition of Poutini Ngāi Tahu Activities to include the installation of Pou as a structure that recognises the special relationship between Poutini Ngāi Tahu and places of cultural importance, meaning no additional amendments are required to include Pou if the Panel agrees with this interpretation.

#### *Cultural Harvest*

36. Ngāi Tahu submitted to improve clarity within the Plan provisions by having one term of “Poutini Ngāi Tahu Activities” instead of Poutini Ngāi Tahu cultural activities, cultural harvest, and Poutini Ngāi Tahu cultural purposes. This was accepted in part, with a definition of cultural harvest being proposed by the s42A report that reads:

*“Cultural harvest means indigenous vegetation clearance for cultural use and in accordance with tikanga and kaitiakitanga, mahinga kai, collection or mining of Pounamu, Aotea stone or rock where this is undertaken by Poutini Ngāi Tahu. This includes clearance of vegetation by Poutini Ngāi Tahu for the maintenance of Poutini Ngāi Tahu Land.”*

37. In the marked-up text for this chapter it is proposed to be used in rules ECO-R1, ECO-R1A and ECO-R2 (all relating to indigenous vegetation clearance). The Ministry for the Environment Guidance for the National Planning Standards<sup>13</sup> states that a term must be included in the definition list where it is in a provision (such as a rule) and its interpretation is important in determining the activity status of the rule. Based on this, the inclusion of this definition would be appropriate. The term is also used in two other notified

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<sup>13</sup> National Planning Standards: guidance for Definitions Standard. [Guidance for 14. Definitions Standard \(environment.govt.nz\)](https://www.environment.govt.nz/guidance-for-14-definitions-standard)

provisions of the TTPP specifically in relation to vegetation clearance outside the scope of this hearing (rules NFL-R7 and CE-R3).

38. However, I recommend that the last sentence of the definition is removed. All provisions using the term 'Cultural Harvest' have reference to it being undertaken by Poutini Ngāi Tahu, meaning it adds nothing to implementation to include it in the definition. Also, cultural harvest is different to land clearance (even on land owned by Ngāi Tahu). The Ecosystems rules acknowledge this by having a separate permitted standard for vegetation clearance (rules ECO-R1(4)(xi), ECO-R1A(3)(x) and ECO-R2(5)(vii)) to cultural harvest. Cultural Harvest can occur on public land (such as conservation, beaches and stewardship) and waterbodies as well as Poutini Ngāi Tahu land.

#### *Poutini Ngāi Tahu Land*

39. In the s42A report for Hearing One, it was stated that the definition of Poutini Ngāi Tahu land would be analysed as part of the Sites and Areas of Significance to Māori hearing<sup>14</sup>. It was not discussed in that s42A report for the SASM hearing, although it was discussed in my evidence for that hearing (Table 1) due to the acknowledgement in the first s42A report that it was the appropriate hearing to raise the matter.
40. The definition was analysed in the s42A report for the Māori Purpose Zone, along with the submission seeking to amend it (S440.048) and the Ngāi Tahu submission in opposition (FS41.444). Paragraph 204 of the s42A report states that the definition of Poutini Ngāi Tahu land is unnecessary as it is only used in one strategic direction policy. I note here that it is also used (in conjunction with Te Rūnanga o Ngāi Tahu) in the notified version of objective ECO-O3 and policy ECO-P2 (discussed in paragraphs 47- 54 of this evidence).
41. This definition is now being addressed again at this hearing. Part of this approach is due to how the Māori Trustee keeps raising the same definition

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<sup>14</sup> Page 13 S42A report Introduction and General Provisions. [TTPP-s42A-Introduction-and-General-Provisions.pdf](#)

issue for different chapter objectives, however it is unreasonable and inefficient to keep revisiting the same definition in multiple hearings.

42. The definition of “Poutini Ngāi Tahu Land” recommended by the s42A report states it is ‘Specified Māori Land’ owned or managed by Ngāi Tahu, meaning not all land owned or managed by Ngāi Tahu, only that acquired through settlement or held in Māori Land title. Paragraph 194 of the s42A report incorrectly states that Poutini Ngāi Tahu land is a subset of Specified Māori Land. Since the Settlement in 1998, Ngāi Tahu land holdings have changed based on need, hazards and Rūnanga aspirations. Limiting recognition to a limited number of land parcels does not provide for the future of Ngāi Tahu.
43. There is no mention of Specified Māori Land in the objectives, policies or rules, meaning that Māori Land that is not owned by the Rūnanga is not being provided for as required by the NPS-IB. Given the submitter in question is the Māori Trustee, I do not believe that the intention of their submissions is to reduce the ability to use and develop Māori Land with indigenous biodiversity on it to only Specified Māori Land owned by Ngāi Tahu (noting that the NPS-IB recognises Māori Landowners separate from tangata whenua).
44. I therefore consider that the definition of Poutini Ngāi Tahu Land does not achieve the NPS-IB obligations on ‘Specified Māori Land’ and unduly limits Poutini Ngāi Tahu. I recommend that the recommended definition within the s42A report is deleted.
45. As part of evaluating the effectiveness of this proposed definition, I have reviewed where the terminology has been applied within the chapter. It is applied to one objective (ECO-O3), one policy (ECO-P2) and is proposed for three rules (ECO-R1(4)(xi), ECO-R1A(3)(x) and ECO-R2(5)(vii)). The impact on removing this term from the provisions is discussed at paragraphs 47-54.
46. **Remedy sought:**

- a. That the definition of cultural harvest is amended as follows:

*Cultural harvest means indigenous vegetation clearance for cultural use and in accordance with tikanga and kaitiakitanga, mahinga kai, collection*



*or mining of Pounamu, Aotea stone or rock where this is undertaken by Poutini Ngāi Tahu. This includes clearance of vegetation by Poutini Ngāi Tahu for the maintenance of Poutini Ngāi Tahu Land.*

- b. That the definition of 'Poutini Ngāi Tahu Land' is deleted.

~~POUTINI NGĀI TAHU LAND means specified Māori Land that is owned or managed by Poutini Ngāi Tahu.~~

## **POUTINI NGĀI TAHU LAND – CHAPTER PROVISIONS**

*Submissions S620.137, 620.139, 620.146*

*Further Submissions: FS41.440 on S440.024, FS41.475 on S440.025, FS41.476 on S440.026, FS41.477 on S440.027 (Māori Trustee), FS41 on S233.005 (Hapuka Landing Limited)*

47. While there is no recommended wording change to the text of Objective ECO-O3, the proposed s42A report definition of 'Poutini Ngāi Tahu land' has inadvertently meant a narrowing of its application as discussed above. Similarly, policy ECO-P2(c) and rules ECO-R1(4)(xi), ECO-R1A(3)(x) and ECO-R2(5)(vii) now only applies to land holdings acquired through the NTCSA (over 20 years ago) or land held in Māori Land title by Ngāi Tahu because of the new definition.
48. The interpretation of these provisions at submission stage (prior to the adoption of the NPS-IB) was that these provisions would enable rangatiratanga by having the TTPP acknowledge and provide for Iwi/Papatipu Rūnanga Management Plans on all land the Rūnanga own or manage<sup>15</sup>. This would apply to current and future land holdings, allowing the Rūnanga to self-determine their own future in terms of location of activities.
49. In order to provide the clarity of terminology sought by the s42A report and the National Planning Standards on definitions, I recommend that the relevant part

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<sup>15</sup> 'Manage' in this context means where Ngāi Tahu could have a long-term lease, nohoanga entitlement, joint ownership with third parties or have administration duties under the Reserve Act 1977 or similar legislation.

of the proposed definition of Poutini Ngāi Tahu Land is instead incorporated into the provisions rather than a standalone definition.

50. Incorporating part of the wording used in the 'Poutini Ngāi Tahu Land' definition into these provisions will provide clarity by replacing '*Poutini Ngāi Tahu land*' with '*land managed or owned by Poutini Ngāi Tahu*'. This will address the part of the NPS-IB in relation to recognising for tangata whenua kaitiaki responsibilities and partnership in managing indigenous biodiversity (Policy 2).
51. It will also provide a pathway for the Poutini Ngāi Tahu land that should have been zoned Māori Purpose Zone and was missed, (as noted in the Hearing Statement to the Panel by Ms Aitken) because the same rule would apply.
52. This chapter has had legal effect since notification, and I am unaware of any implementation issues regarding the lack of definition (or any applications using this provision). This recommendation will retain the common usage intention at the time of notification as the Rūnanga are highly unlikely to have a site-specific Iwi/Papatipu Rūnanga Management Plan for land they do not own or manage.
53. As a note to this recommendation, I acknowledge none of these recommendations as proposed provide for Specified Māori Land. The only policy that potentially provides for Specified Māori Land is policy ECO-P5, but this is limited to the Māori Purpose Zone. However, Specified Māori Land is outside the scope of the Ngāi Tahu submission when it does not apply to Ngāi Tahu land and therefore I have not made any recommendations in regard to this issue.
54. **Remedy sought:**
  - a. That objective ECO-O3 is amended as follows:

*To provide for tino rangatiratanga in relation to management of areas of significant indigenous vegetation and significant habitats of indigenous fauna where these are located on **land managed or owned by Poutini Ngāi Tahu land**.*
  - b. That policy ECO-P2 is amended as follows:

*Provide for activities within areas of significant indigenous vegetation or significant habitats of indigenous fauna where the activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat and...*

*This is undertaken on **land managed or owned by** Poutini Ngāi Tahu **land** in accordance with an Iwi/Papatipu Rūnanga Management Plan; or ...*

- c. That rule ECO-R1 is amended as follows:

*Indigenous vegetation clearance and disturbance within the Buller and Westland Districts and outside of the coastal environment where...*

*4. It on a site where no SNA assessment has been undertaken, or is within an Outstanding Natural Landscape and is a maximum area of 5000m<sup>2</sup> per site over any continuous 3-year period; and it is necessary for one of the following purposes: ...*

*xi. It is for Poutini Ngāi Tahu Activities on MPZ - Māori Purpose Zoned or **land managed or owned by** Poutini Ngāi Tahu **land** and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or ...*

- d. That rule ECO-R1A is amended as follows:

*Indigenous vegetation clearance and disturbance within the Grey District and outside of the coastal environment where...*

*3. Within an Outstanding Natural Landscape it is a maximum area of 5000m<sup>2</sup> per site over any continuous 3- year period and is necessary for one of the following purposes: ...*

*x. It is for Poutini Ngāi Tahu Activities on MPZ - Māori Purpose Zoned or **land managed or owned by** Poutini Ngāi Tahu **land** and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or ...*

- e. That rule ECO-R2 is amended as follows:

*Indigenous Vegetation Clearance in the Coastal Environment where...*

*5. The indigenous vegetation clearance is for the following purposes: ...*

*vii. For Poutini Ngāi Tahu Activities on MPZ - Māori Purpose Zoned land or **land managed or owned by** Poutini Ngāi Tahu **land** and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan;*

## **POUTINI NGĀI TAHU VALUES AS A CONSENT CONSIDERATION**

*Submission no. 620.015, S620.147, S620.148, S620.149, S620.150, S620.142*

55. As discussed previously in my evidence for Hearing One (paragraphs 40-46) and for energy, infrastructure and transport (paragraphs 57-76), Ngāi Tahu sought in their submission that a matter of control and a matter of discretion be added into appropriate controlled activity (**CA**) and restricted discretionary activity (**RDA**) rules throughout the TTPP to ensure that Poutini Ngāi Tahu values (explained in the Tangata Whenua Chapter) are able to be considered in decision making on any relevant resource consents. Following the direction of the Panel in Hearing One in regard to what information they require to assess this submission, I have provided analysis of each relevant rule as part of my evidence.
56. As noted in my previous evidence, Poutini Ngāi Tahu values exist throughout the landscape and are recognised as such in the West Coast Regional Policy Statement and the West Coast Land and Water Plan. In regard to Indigenous Biodiversity, the NTCSA (Taonga Species) and the NPS-IB recognise the relationship between tangata whenua, taonga species and indigenous biodiversity.
57. The chapter contains one CA (ECO-R3) and one RDA (ECO-R5). As part of this hearing there is one subdivision CA (SUB-R7) and one RDA (SUB-R9) that relates to land with Indigenous Biodiversity values to consider also. All four of these rules contain reference to Poutini Ngāi Tahu values as shown in the table below.

Table 1: How rules reference Poutini Ngāi Tahu values

| Rule   | Reference to Poutini Ngāi Tahu values  |
|--|--|
| <b>ECO-R3</b> Indigenous vegetation clearance or disturbance where this is in accordance with an approved plan or permit issued under the Forests Act 1949   | Matter of control are:<br>The management of impacts on Poutini Ngāi Tahu values as set out in the Tangata Whenua chapter               |
| <b>ECO-R5</b> Indigenous vegetation clearance not meeting Permitted or Controlled Activity Standards   | Discretion is restricted to:<br>Poutini Ngāi Tahu values   |
| <b>SUB-R7</b> Subdivision of Land to Create Allotments Containing an Area of Significant Indigenous Biodiversity Where Legal Protection of the Area of Significant Indigenous Biodiversity is Proposed                           | Matter of control are:<br>The measures to minimise avoid, remedy or mitigate any adverse effects on:<br>Poutini Ngāi Tahu Values       |
| <b>SUB-R9</b> Subdivision of Land to create Allotments Containing an Area of Significant Indigenous Biodiversity Where Legal Protection of the Area of Significant Indigenous Biodiversity is Proposed not meeting Rule SUB – R7 | Discretion is restricted to:<br>The measures to minimise avoid, remedy or mitigate any adverse effects on:<br>Poutini Ngāi Tahu values |

58. I support the inclusion of consideration of Poutini Ngāi Tahu values for each of these rules given the direction from higher order documents that require the TTPP to recognise and provide for tangata whenua values in relation to indigenous biodiversity.
59. Paragraph 459 of the s42A report asked for further information on the submissions in relation to these rules. The Ngāi Tahu submission sought that the reference to Poutini Ngāi Tahu values in the CA and RDA provisions are consistent with policy ECO-P7 which states that the assessment of consents will consider the following matters for significant areas of indigenous biodiversity:

*f. The extent to which the proposed activity recognises and provides for Poutini Ngāi Tahu cultural and spiritual values, rights and interests;*

*i. The impacts on mahinga kai;*

60. This is clear direction on how to consider Poutini Ngāi Tahu values as part of all resource consent applications. Given the clear policy direction, these matters of control and discretion should apply to these rules with the same or similar terminology as the policy for clarity. The reasoning in the variety in how Poutini Ngāi Tahu values are described as matters of control and discretion is unclear. I agree with the s42A report that minor wording variations to reflect the activity status (CA or RDA) and the particular activity is reasonable. I don't oppose any of the wording options used in the submission or the s42A report, but believe in the case of this chapter, the wording should take its direction from the policy.
61. **Remedy sought:**
- a. That the matters of control and discretion for rules ECO-R3, ECO-R5, SUB-R7 and SUB-R9 are modified to refer to Poutini Ngāi Tahu values in the following manner:

***The extent to which the proposed activity recognises and provides for Poutini Ngāi Tahu cultural and spiritual values, rights and interests (including impact on mahinga kai)***

**INDIGENOUS BIODIVERSITY CLEARANCE AND SITES AND AREAS OF SIGNIFICANCE TO MĀORI**

*Submission no. S620.421, S620.398, S620.145, S620.146,*

*Further Submission FS233.005 on S620.145 (Hapuka Landing Limited)*

62. Ngāi Tahu submitted on policy ECO-P5 and rules ECO-R1 and ECO-R2 (all the permitted activity rules at the time of notification) to include an activity standard for indigenous vegetation clearance on sites and areas of significance to Māori (**SASM**) with an iwi/papatipu rūnanga management plan. The purpose was to enable rangatiratanga.
63. There are currently no rules or change in activity status in this chapter directly as a result of being in a SASM overlay. There are clear advice notes in the

chapter noting that there is an indigenous vegetation rule in the SASM chapter that will also apply (SASM-R4).

64. The SASM indigenous vegetation rules are focused on protecting the cultural values of the identified sites and areas of significance to Māori. It contains an advice note that the Ecosystems and Biodiversity Chapter rules apply. It is clear that both set of rules are meant to be read together and while they have different purposes while seeking similar environmental outcomes.
65. If the recommendations to rules ECO-R1, ECO-R1A and ECO-R2 in paragraph 54 of this evidence are accepted, then the outcome of these submissions are partially achieved as the standard would allow limited clearance<sup>16</sup> on land owned or managed by rūnanga with an iwi/papatipu rūnanga management plan, which would include any sites identified as SASM.

#### **POLICY ECO-P8 AND PUBLIC ACCESS**

*Submission no. S620.144*

*Further Submission: FS41.476 on S440.026 (Māori Trustee)*

66. The s42A report accepted in part the submission reducing the scope of this policy from 'providing' access' to 'improving where appropriate'. Ngāi Tahu further submitted in opposition to this submission.
67. As discussed in my evidence for the SASM hearing (paragraph 45) the objectives and policies do not override private property rights in terms of access. The proposed change no longer encourages new access to be created and only provides for improvement 'where appropriate'. The term 'where appropriate' is very broad and could relate to health and safety, threatening species nesting times or even the amount of mahinga kai in the area.

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<sup>16</sup> Note that this is not a blanket exemption. The sites must be outside a Significant Natural Area (SNA) or Outstanding Natural Landscape (ONL), within an area that has yet to be assessed for SNA values or within an ONL and limited in scale and not occurring in an area of land containing threatened or at risk species or vegetation.

68. The New Zealand Coastal Policy Statement (**NZCPS**) policy 19 provides a detailed list of when a restriction on public access is necessary. It reads similar to ‘where appropriate’ and provides a starting point for this discussion.

*“3. Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:*

- a. to protect threatened indigenous species; or*
- b. to protect dunes, estuaries and other sensitive natural areas or habitats; or*
- c. to protect sites and activities of cultural value to Māori; or*
- d. to protect historic heritage; or*
- e. to protect public health or safety; or*
- f. to avoid or reduce conflict between public uses of the coastal marine area and its margins; or*
- g. for temporary activities or special events; or*
- h. for defence purposes in accordance with the Defence Act 1990; or*
- i. to ensure a level of security consistent with the purpose of a resource consent; or*
- j. in other exceptional circumstances sufficient to justify the restriction.*

*4. Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times.”*

69. The NZCPS also focuses on maintaining and enhancing public walking access. Both the NZCPS and the NPS-IB recognise the continuing relationship tangata whenua have with indigenous biodiversity and the coastal environment.

70. Therefore I recommend that policy ECO-P8 is amended to be more consistent with the national policy statements and provide more clarity.

71. **Remedy sought:**

- a. That policy ECO-P8 is amended as follows:

*ECO - P8 Maintain indigenous habitats and ecosystems across the West Coast/Te Tai o Poutini by: ...*



*Minimising adverse effects on, and improving access, where appropriate to areas of indigenous biodiversity which are significant to Poutini Ngāi Tahu;*

**Minimising adverse effects on, and enhancing access to areas of indigenous biodiversity which are significant to Poutini Ngāi Tahu except when restrictions are necessary for:**

- i. Protecting an identified feature or species of a SNA;**
- ii. To protect sites and activities of cultural value to Poutini Ngāi Tahu;**
- iii. To protect public health or safety; and**
- iv. Alternative access routes are considered.**

## **SUMMARY OF RELIEF SOUGHT FOR ECOSYSTEMS AND INDIGIOUS BIODIVERSITY**

72. The Ngāi Tahu submissions on the TTPP generally support the notified plan ecosystems and indigenous biodiversity provisions and seek minor amendments to provide for the values and future of Papatipu Rūnanga. My evidence provides drafting and supporting reasons to enable the Hearings Panel to achieve the purpose and principles of the RMA as detailed in Part 2.
73. As summarised in Appendix One, I support most of the s42A report recommendations and where I have not, I have provided additional reasoning in this evidence.
74. In response to its submission and further submissions on the ecosystems and indigenous biodiversity provisions, Ngāi Tahu seeks the following relief:

### ***Definitions***

- a. That the definition of cultural harvest is amended as follows:

*Cultural harvest means indigenous vegetation clearance for cultural use and in accordance with tikanga and kaitiakitanga, mahinga kai, collection or mining of Pounamu, Aotea stone or rock where this is undertaken by Poutini Ngāi Tahu. **This includes clearance of vegetation by Poutini Ngāi Tahu for the maintenance of Poutini Ngāi Tahu Land.***

- b. That the definition of 'Poutini Ngāi Tahu Land' is deleted.

**POUTINI NGĀI TAHU LAND means specified Māori Land that is owned or managed by Poutini Ngāi Tahu.**

### Overview

- c. That reference to Taonga Species listed in Schedule 97 of the Ngāi Tahu Claims Settlement Act 1998 is included within the Overview of the Ecosystems and Indigenous Biodiversity Chapter in reference to implementing the NPS-IB.

*Under the RMA, the district and regional councils share responsibility for maintaining indigenous biodiversity. District Councils are responsible for protecting and maintaining terrestrial (land-based) ecosystems, including the margins of the coast and waterbodies and the West Coast Regional Council is responsible for protecting and maintaining the non-terrestrial ecosystems (rivers, lakes, wetlands and the coast below mean high water springs). Poutini Ngāi Tahu also have statutorily recognised cultural responsibilities as mana whenua and kaitiaki. **Schedule 97 of the Ngāi Tahu Claims Settlement Act 1998 identifies some Taonga Species, along with Department of Conservation Documents and Iwi/Papatipu Rūnanga Management Plans.***

### Objectives and Policies

- d. That objective ECO-O3 is amended as follows:

*To provide for tino rangatiratanga in relation to management of areas of significant indigenous vegetation and significant habitats of indigenous fauna where these are located on **land managed or owned by** Poutini Ngāi Tahu **land**.*

- e. That policy ECO-P2 is amended as follows:

*Provide for activities within areas of significant indigenous vegetation or significant habitats of indigenous fauna where the activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat and...*

This is undertaken on **land managed or owned by** Poutini Ngāi Tahu **land** in accordance with an Iwi/Papatipu Rūnanga Management Plan; or ...

- f. That policy ECO-P8 is amended as follows:

*ECO - P8 Maintain indigenous habitats and ecosystems across the West Coast/Te Tai o Poutini by: ...*

**Minimising adverse effects on, and improving access, where appropriate to areas of indigenous biodiversity which are significant to Poutini Ngāi Tahu;**

**Minimising adverse effects on, and enhancing access to areas of indigenous biodiversity which are significant to Poutini Ngāi Tahu except when restrictions are necessary for**

- i. Protecting an identified feature or species of a SNA;**
- ii. To protect sites and activities of cultural value to Poutini Ngāi Tahu;**
- iii. To protect public health or safety; and**
- iv. Alternative access routes are considered.**

### **Rules**

- g. That rule ECO-R1 is amended as follows:

*Indigenous vegetation clearance and disturbance within the Buller and Westland Districts and outside of the coastal environment where...*

*4. It on a site where no SNA assessment has been undertaken, or is within an Outstanding Natural Landscape and is a maximum area of 5000m<sup>2</sup> per site over any continuous 3-year period; and it is necessary for one of the following purposes: ...*

*xi. It is for Poutini Ngāi Tahu Activities on MPZ - Māori Purpose Zoned or **land managed or owned by** Poutini Ngāi Tahu **land** and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or ...*

- h. That rule ECO-R1A is amended as follows:

*Indigenous vegetation clearance and disturbance within the Grey District and outside of the coastal environment where...*

3. *Within an Outstanding Natural Landscape it is a maximum area of 5000m<sup>2</sup> per site over any continuous 3- year period and is necessary for one of the following purposes: ...*

x. *It is for Poutini Ngāi Tahu Activities on MPZ - Māori Purpose Zoned or **land managed or owned by** Poutini Ngāi Tahu **land** and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or ...*

i. That rule ECO-R2 is amended as follows:

*Indigenous Vegetation Clearance in the Coastal Environment where...*

5. *The indigenous vegetation clearance is for the following purposes: ...*

vii. *For Poutini Ngāi Tahu Activities on MPZ - Māori Purpose Zoned land or **land managed or owned by** Poutini Ngāi Tahu **land** and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan;*

j. That the matters of control and discretion for rules ECO-R3, ECO-R5, SUB-R7 and SUB-R9 are modified to refer to Poutini Ngāi Tahu values in the following manner:

**The extent to which the proposed activity recognises and provides for Poutini Ngāi Tahu cultural and spiritual values, rights and interests (including impact on mahinga kai)**



**Rachael Pull**

**26 June 2024**

**APPENDIX ONE: Summary of Ngāi Tahu submissions and the direction taken**

| Submission Point No.               | Provision                    | Position | Reasons  | Decision Requested | S42A position                | Position at Hearing |
|------------------------------------|------------------------------|----------|--|--------------------|------------------------------|---------------------|
| <b>Definitions</b>                 |                              |          |  |                    |                              |                     |
| S620.040                           | Poutini Ngāi Tahu Activities | Amend    | Replace Poutini Ngāi Tahu Cultural activities, cultural harvest, and Poutini Ngāi Tahu cultural purposes with Poutini Ngāi Tahu activities in the relevant plan provisions and amend the definition  | Clarity            | Accept in Part P74-83        | Support P34         |
| <b>Strategic Objective</b>         |                              |          |  |                    |                              |                     |
| S620.136                           | Strategic Objective          | Amend    | Include the following wording: .... the Ecosystems and Indigenous Biodiversity Chapter. The Natural Environment, Poutini Ngāi Tahu, Mineral Extraction and Connections and Resilience Strategic Objectives are particularly relevant.                | Clarity            | Accept Paragraph 157         | No Comment          |
| <b>Overview</b>                    |                              |          |  |                    |                              |                     |
| S620.138                           | Overview                     | Support  | The maintenance indigenous ecosystem enables Poutini Ngāi Tahu to continue to undertake their cultural traditions  | Retain as notified | Accept in Part Paragraph 141 | Support P21         |
| FS41.137 on S562.006 (Groundswell) | Overview                     | Oppose   | The sections relating to the following RMA Section 6 zoning issues be removed Significant Natural Areas (SNA) Outstanding Natural Landscapes, Outstanding Natural Features and other landscape zonings coming under various names Sites and Areas of | Oppose             | Reject Paragraph 102         | No Comment          |

| Submission Point No.                 | Provision | Position | Reasons  | Decision Requested | S42A position            | Position at Hearing |
|--------------------------------------|-----------|----------|--|--------------------|--------------------------|---------------------|
|                                      |           |          | Significance to Māori (SASM), cultural sites, and cultural landscapes Wetlands Riparian margins  |                    |                          |                     |
| FS41.014 on S608.037 (GDC)           | Overview  | Oppose   | Remove all references to "Site or Area of Significance to Māori" in the Chapter  | Oppose             | Reject Paragraph 105     | Support             |
| <b>Objectives</b>                    |           |          |  |                    |                          |                     |
| FS41.473 on S440.022 (Māori Trustee) | ECO- O1   | Oppose   | Amendments<br>O1. To identify and protect, <u>in conjunction with landowners</u> , areas of significant indigenous vegetation and significant habitats of indigenous fauna on the West Coast/Te Tai o Poutini. | Reject             | Reject Paragraph 172     | No Comment          |
| S620.137                             | ECO- O3   | Support  | It is important that Poutini Ngāi Tahu and Te Rūnanga o Ngāi Tahu are able to exercise tino rangatiratanga on their land.  | Retain as notified | Accept in Part           | Oppose P47          |
| FS41.438 on S440.023 (Māori Trustee) | ECO- O3   | Oppose   | The Māori Trustee considers that 'Poutini Ngāi Tahu land' and 'Te Rūnanga o Ngāi Tahu land' should be defined in the definitions chapter of the Proposed Plan.   | Reject             | Reject Paragraph 192-195 |                     |

| Submission Point No.                 | Provision | Position | Reasons   | Decision Requested   | S42A position                | Position at Hearing |
|--------------------------------------|-----------|----------|---|--|------------------------------|---------------------|
| S620.138                             | ECO- O4   | Support  | It is important that Poutini Ngāi Tahu and Te Rūnanga o Ngāi Tahu are able to exercise tino rangatiratanga on their land.   | Retain as notified   | Accept in Part Paragraph 200 | No Comment          |
| <b>Policies</b>                      |           |          |   |  |                              |                     |
| S620.139                             | ECO - P2  | Amend    | It is important that Poutini Ngāi Tahu and Te Rūnanga o Ngāi Tahu are able to undertake tino rangatiratanga and that cultural purpose activities are enabled  | Retain as notified with the following amendment:<br>...<br>b. It is for <del>a</del> -Poutini Ngāi Tahu <b>activities cultural purpose</b> | Accept Paragraph 245         | Support             |
| FS41.440 on S440.024 (Māori Trustee) | ECO - P2  | Oppose   | The Māori Trustee considers that the following amendments need to be made to policy ECO P2.<br><br>Amendments P2(b).<br><br>It is for a Poutini Ngāi Tahu <u>or Māori landowner</u> cultural purpose; or ...  | Reject   | Accept Paragraph 246         | Support P33         |
| S620.140                             | ECO - P3  | Support  | Connections and ecological corridors are important to support indigenous biodiversity.  | Retain as notified   | Accept in Part Paragraph 261 | Support             |
| FS41.475 on S440.025 (Māori Trustee) | ECO - P3  | Oppose   | The Māori Trustee considers that the following amendment needs to be made to policy ECO P3.<br><br>Amendments P3(d). Supporting opportunities for Poutini Ngāi Tahu and Māori landowners, <u>where appropriate</u> , to exercise their cultural rights and responsibilities as mana | Reject   | Accept Paragraph 262         | Support P33         |

| Submission Point No.                             | Provision | Position        | Reasons  | Decision Requested   | S42A position                | Position at Hearing |
|--|-----------|-----------------|--|--|------------------------------|---------------------|
|  |           |                 | whenua and kaitiaki in restoring, protecting and enhancing areas of significant indigenous biodiversity; and   |  |                              |                     |
| S620.421   | ECO - P5  | Support in part | Many sites zoned Māori Purpose and Sites and Areas of Significance to Māori which are owned by Poutini Ngai Tahu whānui are also subject to this overlay. The overlay should not prevent development of these sites as Māori are mindful through tikanga and mātauranga Māori to develop the sites in such a way that minimises adverse effects. Note enabling policy in SASM-P13. | Amend to also include <b><u>Sites of Significance to Māori if they are owned by Poutini Ngai Tahu</u></b>  | Reject Paragraph 280         | Support P62         |
| FS41.182 on S552.069 (Buller Conservation Group) | ECO - P5  | Oppose          | Enable the use of Māori Purpose Zoned land within areas of indigenous vegetation and indigenous fauna habitat, where land use and subdivision is consistent with tikanga and mātauranga Māori and <b><u>ensures less than minor</u></b>  | Oppose   | Unclear Paragraph 283        | No Comment          |
| S620.143   | ECO - P7  | Amend           | Cultural matters and cumulative effects not being considered for clearance of non-significant indigenous vegetation would be inappropriate   | Amend as follows: When assessing resource consents in areas of <b>significant</b> indigenous vegetation and <b>significant</b> habitats of indigenous fauna, consider the following matters: ... | Accept in Part Paragraph 303 | Support             |



| Submission Point No.                           | Provision                                    | Position            | Reasons  | Decision Requested  | S42A position                | Position at Hearing                                  |
|--|--|---------------------|--|---|------------------------------|--|
| S620.144                                       | ECO - P8                                     | Support             | Recognises the importance of ecological corridors the coastal environment and the significance of areas to Poutini Ngāi Tahu.  | Retain as notified  | Accept in Part Paragraph 323 | Amend P66  |
| FS41.476 on S440.026 (Māori Trustee)           | ECO - P8                                     | Oppose              | The Māori Trustee considers that the following amendments need to be made to policy ECO P8. Amendments P8(b).<br><br>Minimising adverse effects on, and <del>providing</del> improving access, where appropriate, to, areas of indigenous biodiversity which are significant to Poutini Ngāi Tahu <u>and Māori landowners;</u> | Reject  | Accept in Part Paragraph 335 |  |
| <b>Rules</b>                                   |  |                     |  |   |                              |  |
| FS41.235 on S583.002 (Michael Orchard)         | Ecosystems and Indigenous Biodiversity Rules | Support             | Rely on MPI Indigenous forestry rules to manage indigenous production forestry on the West Coast.  | We support a single source of regulation for production forestry.   | Reject Paragraph 451         | No Comment   |
| S620.145<br>FS233.005 (Hapuka Landing Limited) | ECO - R1                                     | Amend<br><br>Oppose | This activity needs to be inclusion of MPZ - Māori Purpose Zoned land and the Sites or Areas of Significance to Māori listed in Schedule Three.  | Amend 3(xi) as follows:<br>3(x) It is <del>a cultural harvest undertaken by</del> Poutini Ngāi Tahu <b>activity</b> ; ... | Reject Paragraph 413         | Note we did not receive this further submission. P62 |

| Submission Point No.                 | Provision | Position | Reasons   | Decision Requested   | S42A position                | Position at Hearing |
|--------------------------------------|-----------|----------|---|--|------------------------------|---------------------|
| S620.398                             | ECO - R1  | Amend    | relief sought with Poutini Ngai Tahu Activity definition.   | ...3(xi) It is on MPZ - Māori Purpose Zoned land <b><u>or a Site or Area of Significance to Māori listed in Schedule Three</u></b> and is undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or ...  | Reject                       | Neutral P62         |
| FS41.477 on S440.027 (Māori Trustee) | ECO - R1  | Oppose   | The Māori Trustee considers a footnote should accompany ECO R1(5)(i) to provide exceptions for Māori landowners to clear mānuka, kānuka and bracken outside the coastal environment that are older than 15 years.<br><br>ECO-R1 should also provide for the clearance and disturbance of indigenous vegetation for biosecurity reasons. | Reject   | Accept Paragraph 426         | No Comment          |
| FS41.183 on S560.488 (Forest & Bird) | ECO - R1  | Oppose   | Consequential amendment to include a consent requirement for vegetation clearance in MPZ that does not meet condition 3.xi  | Many sites zoned Māori Purpose and Sites and Areas of Significance to Māori which are owned by Poutini Ngai Tahu whānui are also subject to this rule. The rule should not prevent development of these sites as Mana whenua are mindful through tikanga and mātauranga Māori to develop the sites in such a way that minimises adverse effects. | Accept                       | Support             |
| S620.146                             | ECO - R2  | Amend    | Cultural harvest and cultural activities undertaken by Poutini Ngāi   | Insert activity standard 1(iv) and (v) and amend Condition 4 as follows: ... <b><u>or</u></b>  | Accept in Part Paragraph 442 | Support P36 & P62   |

| Submission Point No. | Provision         | Position | Reasons  | Decision Requested  | S42A position                | Position at Hearing |
|----------------------|-------------------|----------|--|---|------------------------------|---------------------|
|                      |                   |          | Tahu also occur within the coastal environment   | <p><b><u>iv. It is a Poutini Ngāi Tahu activity; or (v) it is on MPZ - Māori Purpose Zoned land or a Site or Area of Significance to Māori listed in Schedule Three and is undertaken in accordance with an Iwi/Papatipu Runanga Management Plan;</u></b></p> <p>4. The indigenous vegetation clearance does not occur in any area identified as a Significant Natural Area in Schedule Four <b><u>unless it is a Poutini Ngai Tahu activity or it is on MPZ - Māori Purpose Zoned land or a Site or Area of Significance to Māori listed in Schedule Three and is being undertaken in accordance with an Iwi/Papatipu Runanga Management Plan.</u></b></p> |                              |                     |
| S620.147             | ECO - R3          | Amend    | There is a discontent between the policy and the rules.  | If ECO-P7 is not amended, include <b><u>Poutini Ngai Tahu values, rights and interests</u></b> and other relevant matters listed in ECO- P7 as matters of control.  | Accept in Part Paragraph 459 | Support P55         |
| S620.148             | ECO - R4/SUB - R7 | Amend    | The matters of control do not include all the matters that ECO-P7 requires to be considered including clause (c) providing for Poutini Ngāi Tahu values, rights and interests. | Amend the matters of control to include <b><u>Poutini Ngai Tahu values, rights and interests</u></b> and other relevant matters listed in ECO- P7.  | Accept in Part Paragraph 470 |                     |
| S620.149             | ECO - R5          | Amend    | The rule does not cover activities within a SNA, ONL, threatened environment, ONF, HCHC and OHNC.  | If ECO-P7 not amended, include <b><u>Poutini Ngai Tahu rights, values and interests</u></b> and other relevant matters listed in ECO- P7 as a matter of discretion  | Accept in Part Paragraph 525 |                     |

| Submission Point No. | Provision               | Position | Reasons   | Decision Requested  | S42A position                | Position at Hearing |
|----------------------|-------------------------|----------|---|---|------------------------------|---------------------|
| S620.150             | ECO -<br>R6/SUB -<br>R9 | Amend    | Does not include all the matters that ECO-P7 requires to be considered including clause (c)       | Amend the list of discretions to include <b><u>Poutini Ngai Tahu values, rights and interests</u></b> and other relevant matters listed in ECO- P7. | Accept in Part Paragraph 488 |                     |
| S620.142             | ECO - R7                | Support  | matters (c) and (f) allow direct consideration of Poutini Ngāi Tahu values, rights and interests. | Retain (c) and (f) as notified  | Accept in Part Paragraph 450 |                     |

## APPENDIX TWO: Taonga Species (Schedule 97 NTCSA)

Taonga Species are those species where there are proven cultural, spiritual, historic and/or traditional associations to Ngāi Tahu.

Note this list is limited to those species in the NTCSA and is not exclusive.

### Birds

| Name in Māori | Name in English      | Scientific name                                |
|---------------|----------------------|--|
| Hoiho         | Yellow-eyed penguin  | <i>Megadyptes antipodes</i>                    |
| Kāhu          | Australasian harrier | <i>Circus approximans</i>                      |
| Kākā          | South Island kākā    | <i>Nestor meridionalis meridionalis</i>        |
| Kākāpō        | Kākāpō               | <i>Strigops habroptilus</i>                    |
| Kākāriki      | New Zealand parakeet | <i>Cyanoramphus</i> spp                        |
| Kakaruai      | South Island robin   | <i>Petroica australis australis</i>            |
| Kakī          | Black stilt          | <i>Himantopus novaezelandiae</i>               |
| Kāmana        | Crested grebe        | <i>Podiceps cristatus</i>                      |
| Kārearea      | New Zealand falcon   | <i>Falco novaeseelandiae</i>                   |
| Karoro        | Black-backed gull    | <i>Larus dominicanus</i>                       |
| Kea           | Kea                  | <i>Nestor notabilis</i>                        |
| Kōau          | Black shag           | <i>Phalacrocorax carbo</i>                     |
|               | Pied shag            | <i>Phalacrocorax varius varius</i>             |
|               | Little shag          | <i>Phalacrocorax melanoleucos brevirostris</i> |

| Name in Māori          | Name in English         | Scientific name  |
|------------------------|-------------------------|--|
| Koekoeā                | Long-tailed cuckoo      | <i>Eudynamys taitensis</i>   |
| Kōparapara or Korimako | Bellbird                | <i>Anthornis melanura melanura</i>   |
| Kororā                 | Blue penguin            | <i>Eudyptula minor</i>   |
| Kōtare                 | Kingfisher              | <i>Halcyon sancta</i>  |
| Kōtuku                 | White heron             | <i>Egretta alba</i>  |
| Kōwhiowhio             | Blue duck               | <i>Hymenolaimus malacorhynchos</i>   |
| Kūaka                  | Bar-tailed godwit       | <i>Limosa lapponica</i>  |
| Kūkupa/Kererū          | New Zealand wood pigeon | <i>Hemiphaga novaeseelandiae</i>   |
| Kuruwhengu/Kuruwhengi  | New Zealand shoveller   | <i>Anas rhynchos</i>   |
| Mātā                   | Fernbird                | <i>Bowdleria punctata punctata</i> and <i>Bowdleria punctata stewartiana</i> and <i>Bowdleria punctata wilsoni</i> and <i>Bowdleria punctata candata</i> |
| Matuku moana           | Reef heron              | <i>Egretta sacra</i>   |
| Miromiro               | South Island tomtit     | <i>Petroica macrocephala macrocephala</i>  |
| Miromiro               | Snares Island tomtit    | <i>Petroica macrocephala dannefaerdi</i>   |
| Mohua                  | Yellowhead              | <i>Mohoua ochrocephala</i>   |
| Pākura/Pūkeko          | Swamp hen/Pūkeko        | <i>Porphyrio porphyrio</i>   |
| Pārera                 | Grey duck               | <i>Anas superciliosa</i>   |
| Pateke                 | Brown teal              | <i>Anas aucklandica</i>  |

| Name in Māori | Name in English   | Scientific name   |
|---------------|---|---|
| Pihoihoi      | New Zealand pipit   | <i>Anthus novaeseelandiae</i>   |
| Pīpīwharau    | Shining cuckoo  | <i>Chrysococcyx lucidus</i>   |
| Piwakawaka    | South Island fantail  | <i>Rhipidura fuliginosa fuliginosa</i>  |
| Poaka         | Pied stilt  | <i>Himantopus himantopus</i>  |
| Pokotiwaha    | Snares crested penguin  | <i>Eudyptes robustus</i>  |
| Pūtakitaki    | Paradise shelduck   | <i>Tadorna variegata</i>  |
| Riroriro      | Grey warbler  | <i>Gerygone igata</i>   |
| Roroa         | Great spotted kiwi  | <i>Apteryx haastii</i>  |
| Rowi          | Ōkārito brown kiwi  | <i>Apteryx mantelli</i>   |
| Ruru koukou   | Morepork  | <i>Ninox novaeseelandiae</i>  |
| Takahē        | Takahē  | <i>Porphyrio mantelli</i>   |
| Tara          | Terns   | <i>Sterna spp</i>   |
| Tawaki        | Fiordland crested penguin   | <i>Eudyptes pachyrhynchus</i>   |
| Tete          | Grey teal   | <i>Anas gracilis</i>  |
| Tieke         | South Island saddleback   | <i>Philesturnus carunculatus carunculatus</i>   |
| Tītī          | Sooty shearwater/Muttonbird/Hutton's shearwater<br>Common diving petrel | <i>Puffinus griseus</i> and <i>Puffinus huttoni</i> and <i>Pelecanoides urinatrix</i> and <i>Pelecanoides georgicus</i> and <i>Procellaria westlandica</i> and <i>Pachyptila turtur</i> and <i>Pachyptila</i> |

| Name in Māori | Name in English   | Scientific name   |
|---------------|---|---|
|               | South Georgian diving petrel<br>Westland petrel<br>Fairy prion<br>Broad-billed prion<br>White-faced storm petrel<br>Cook's petrel<br>Mottled petrel | <i>vittata</i> and <i>Pelagodroma marina</i> and <i>Pterodroma cookii</i> and <i>Pterodroma inexpectata</i> |
| Tītipounamu   | South Island rifleman   | <i>Acanthisitta chloris chloris</i>   |
| Tokoeka       | South Island brown kiwi   | <i>Apteryx australis</i>  |
| Toroa         | Albatrosses and Mollymawks  | <i>Diomedea</i> spp   |
| Toutouwai     | Stewart Island robin  | <i>Petroica australis rakiura</i>   |
| Tūī           | Tūī   | <i>Prothemadera novaeseelandiae</i>   |
| Tutukiwi      | Snares Island snipe   | <i>Coenocorypha aucklandica huegeli</i>   |
| Weka          | Western weka  | <i>Gallirallus australis australis</i>  |
| Weka          | Stewart Island weka   | <i>Gallirallus australis scotti</i>   |
| Weka          | Buff weka   | <i>Gallirallus australis hectori</i>  |

### Plants

| Name in Māori | Name in English    | Scientific name                           |
|---------------|--------------------|---|
| Akatorotoro   | White rata         | <i>Metrosideros perforata</i>             |
| Aruhe         | Fernroot (bracken) | <i>Pteridium aquilinum var esculentum</i> |



| Name in Māori     | Name in English           | Scientific name   |
|-------------------|---------------------------|---|
| Harakeke          | Flax                      | <i>Phormium tenax</i>   |
| Horoeka           | Lancewood                 | <i>Pseudopanax crassifolius</i>   |
| Houhi             | Mountain ribbonwood       | <i>Hoheria lyalli</i> and <i>H. glabata</i>                                     |
| Kahikatea         | Kahikatea/White pine      | <i>Dacrycarpus dacrydioides</i>   |
| Kāmahi            | Kāmahi                    | <i>Weinmannia racemosa</i>  |
| Kānuka            | Kānuka                    | <i>Kunzia ericoides</i>   |
| Kāpuka            | Broadleaf                 | <i>Griselinia littoralis</i>  |
| Karaeopirita      | Supplejack                | <i>Ripogonum scandens</i>   |
| Karaka            | New Zealand laurel/Karaka | <i>Corynocarpus laevigata</i>   |
| Karamū            | Coprosma                  | <i>Coprosma robusta</i> , <i>coprosma lucida</i> , <i>coprosma foetidissima</i> |
| Kātote            | Tree fern                 | <i>Cyathea smithii</i>  |
| Kiekie            | Kiekie                    | <i>Freycinetia baueriana</i> subsp <i>banksii</i>                               |
| Kōhia             | NZ Passionfruit           | <i>Passiflora tetrandra</i>   |
| Korokio           | Korokio Wire-netting bush | <i>Corokia cotoneaster</i>  |
| Koromiko/Kōkōmuka | Koromiko                  | <i>Hebe salicifolia</i>   |
| Kōtukutuku        | Tree fuchsia              | <i>Fuchsia excorticata</i>  |
| Kōwhai Kōhai      | Kōwhai                    | <i>Sophora microphylla</i>  |

| Name in Māori     | Name in English    | Scientific name                           |
|-------------------|--------------------|---|
| Mamaku            | Tree fern          | <i>Cyathea medullaris</i>                 |
| Mānia             | Sedge              | <i>Carex flagellifera</i>                 |
| Mānuka Kahikātoa  | Tea-tree           | <i>Leptospermum scoparium</i>             |
| Māpou             | Red matipo         | <i>Myrsine australis</i>                  |
| Mataī             | Mataī/Black pine   | <i>Prumnopitys taxifolia</i>              |
| Miro              | Miro/Brown pine    | <i>Podocarpus ferrugineus</i>             |
| Ngaio             | Ngaio              | <i>Myoporum laetum</i>                    |
| Nīkau             | New Zealand palm   | <i>Rhopalostylis sapida</i>               |
| Pānako            | (Species of fern)  | <i>Asplenium obtusatum</i>                |
| Pānako            | (Species of fern)  | <i>Botrychium australe and B. biforme</i> |
| Pātōtara          | Dwarf mingimingi   | <i>Leucopogon fraseri</i>                 |
| Pīngao            | Pīngao             | <i>Desmoschoenus spiralis</i>             |
| Pōkākā            | Pōkākā             | <i>Elaeocarpus hookerianus</i>            |
| Ponga/Poka        | Tree fern          | <i>Cyathea dealbata</i>                   |
| Rātā              | Southern rātā      | <i>Metrosideros umbellata</i>             |
| Raupō             | Bulrush            | <i>Typha angustifolia</i>                 |
| Rautāwhiri/Kōhūhū | Black matipo/Māpou | <i>Pittosporum tenuifolium</i>            |
| Rimu              | Rimu/Red pine      | <i>Dacrydium cypressinum</i>              |

| Name in Māori     | Name in English              | Scientific name  |
|-------------------|------------------------------|--|
| Rimurapa          | Bull kelp                    | <i>Durvillaea antarctica</i>                             |
| Taramea           | Speargrass, spaniard         | <i>Aciphylla spp</i>                                     |
| Tarata            | Lemonwood                    | <i>Pittosporum eugenioides</i>                           |
| Tawai             | Beech                        | <i>Nothofagus spp</i>                                    |
| Tētēaweka         | Muttonbird scrub             | <i>Olearia angustifolia</i>                              |
| Tī rākau/Tī Kōuka | Cabbage tree                 | <i>Cordyline australis</i>                               |
| Tīkumu            | Mountain daisy               | <i>Celmisia spectabilis and C. semicordata</i>           |
| Tītoki            | New Zealand ash              | <i>Alectryon excelsus</i>                                |
| Toatoa            | Mountain Toatoa, Celery pine | <i>Phyllocladus alpinus</i>                              |
| Toetoe            | Toetoe                       | <i>Cortaderia richardii</i>                              |
| Tōtara            | Tōtara                       | <i>Podocarpus totara</i>                                 |
| Tutu              | Tutu                         | <i>Coriaria spp</i>                                      |
| Wharariki         | Mountain flax                | <i>Phormium cookianum</i>                                |
| Whīnau            | Hīnau                        | <i>Elaeocarpus dentatus</i>                              |
| Wī                | Silver tussock               | <i>Poa cita</i>  |
| Wīwī              | Rushes                       | <i>Juncus all indigenous Juncus spp and J. maritimus</i> |

**Marine mammals**

| Name in Māori   | Name in English                        | Scientific name               |
|-----------------|--|-------------------------------|
| Ihupuku         | Southern elephant seal                 | <i>Mirounga leonina</i>       |
| Kekeno          | New Zealand fur seals                  | <i>Arctocephalus forsteri</i> |
| Paieka          | Humpback whales                        | <i>Megaptera novaeangliae</i> |
| Parāoa          | Sperm whale                            | <i>Physeter macrocephalus</i> |
| Rāpoka/Whakahao | New Zealand sea lion/Hooker's sea lion | <i>Phocarctos hookeri</i>     |
| Tohorā          | Southern right whale                   | <i>Balaena australis</i>      |