



Te Rūnanga o NGĀI TAHU

19 September 2024

Te Tai o Poutini Plan Hearing Panel
c/- Chu Zhao
Planning Technician TTPP
West Coast Regional Council

Email to: chu.zhao@wrc.govt.nz

For the Attention of the Hearing Panel – Proposed Te Tai o Poutini Plan Hearing Statement prepared by 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 41) – Coastal Environment & Natural Hazards Hearings

Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (Ngāi Tahu) are providing the following Hearing Statement in response to the Proposed Te Tai o Poutini Plan (TTPP) for the hearing topic – Coastal Environment & Natural Hazards which is being heard on 8 October 2024 (Part A), 22 October 2024 (Part B) and 30 October 2024 (Part C).

Ngāi Tahu have previously lodged hearing evidence and statements on the TTPP for multiple hearing topics. Ngāi Tahu respectfully requests that this Hearing Statement be tabled for the Panel's consideration, to confirm its position in relation to its submission points and the Section 42A Report recommendations.

Appendix A provides a high-level summary of the position of Ngāi Tahu in relation to the s42A report recommendations. Ngāi Tahu accepts the s42A report recommendations where it improves the usability of the Plan and meets Part 2 of the Resource Management Act 1991.

Should the Panel require clarification on any matter, someone will be made available to answer any questions either in writing or via videoconference. Please contact Philippa Lynch at Poutini Environmental in the first instance at the following email address:

Philippa.lynch@ngaitahu.iwi.nz .

Ngā mihi

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APPENDIX A: Summary of s42A report on Ngāi Tahu submission & further submissions for Hearing Topics Coastal Environment and Natural Hazards

NATURAL HAZARDS

Submission Point No.	Provision	Position	Decision Requested & S42A report recommendation	Discussion
S620.098	NHO4	Amend	<p>Submission request:</p> <p>Reword the objective as follows: To ensure the role of hazard mitigation played by natural features <u>in hazard mitigation</u> that minimises the impact of hazards, including wetland and dunes, is recognised and protected.</p>	<p>Amend</p> <p>The submission sought to reword the objective for clarity but retain the recognition of natural features as a part of hazard mitigation. The amended objective proposed in the s42A report has changed the focus from protecting natural infrastructure to risk management for people and assets.</p> <p>The policies that provide direction for this objective (policies NH-P3 and NH-P8) refer to retaining and promoting nature features in preference to hard engineering solutions for mitigating hazard risks. These policies reflect the notified objective, but not the recommended objective to the same extent. The large amount of re-written rules (particularly the new restricted discretionary activities) would be another opportunity to consider how to implement this objective.</p> <p>The terminology ‘recognise and protect’ reflects the s6 status of managing natural hazards as well as the preservation of natural character and indigenous vegetation. The recommended objective uses ‘retained or enhanced’ which does not achieve the s6 recognition.</p> <p>I recommend that the submission is accepted and the S42A recommendation rejected.</p>
			<p>S42A recommendation: Reject P276 NH04 - <u>Natural systems and features that reduce the susceptibility of people, buildings, and regionally significant infrastructure to damage from natural hazards are created, retained or enhanced.</u></p>	
S620.099	NHR33	Amend	<p>Include the following wording: (b) Requirements for geotechnical certification that subject to those measures specified:</p>	<p>Support in Part</p> <p>The application of this rule (and chapter and definitions) has been significantly changed as a result of the s42A recommendations, beyond the scope of this submission. Under the Ngāi Tahu general submission S620.001, Ngāi Tahu submitted in general support of the whole plan. Using this submission, I wish to</p>

Submission Point No.	Provision	Position	Decision Requested & S42A report recommendation	Discussion
			<p>i. The proposed building or structure will not be likely to be subject to damage from slope instability during its useful life; and</p> <p>ii. The proposed works will not be likely to result in or contribute to damage to any adjoining or downslope property <u>or a Site or Area of Significance to Māori listed in schedule three</u> within or adjoining the natural hazard overlay – land instability alert.</p> <hr/> <p>S42A recommendation: Reject P667 NH-R33 12 Additions to Existing Buildings and New Buildings for containing Potentially Hazard Sensitive and Hazard Sensitive Activities in the Land Instability Overlay ...</p>	<p>make the following comments on this recommended provision in order to address the original concerns of submission S620.099. I also ask if the significant changes recommended by the s42A report meet good practice in terms of natural justice. They are a significant re-write that Ngāi Tahu and potentially other parties will be unable to fully participate in as it's beyond the scope of many submissions.</p> <p>Scope of the rule and amendments The restricted discretionary rule notified applied to New Buildings for Sensitive Activities¹. As a result of the s42A recommendations, new definitions have been created to implement this rule and a new permitted rule NH-R11 that this rule relates to. In particular: <u>HAZARD SENSITIVE ACTIVITY</u> - means buildings accommodating: a. Residential Activity, including residential units, respite care, and rehabilitation housing. b. Visitor Accommodation c. Retirement Home d. Healthcare Facility e. Community Facility f. Educational Facility g. Marae h. Critical Response Facility i. Visitor Accommodation j. Sleep Outs k. Childcare services, including kohanga reo <u>LESS HAZARD SENSITIVE ACTIVITY</u> means: a. Buildings used for non-habitable purposes b. Fences c. Minor storage facilities d. Parks facilities e. Parks furniture f. Buildings associated with primary production, including intensive indoor primary production g. West Coast Regional Council monitoring structures h. Buildings associated with port activities i. Buildings associated with quarrying and mining activities j. Decks k. Building associated with any other activity that is not identified as a Hazard Sensitive Activity or Potentially Hazard Sensitive Activity <u>POTENTIALLY HAZARD SENSITIVE ACTIVITY</u> means buildings accommodating: a. Commercial Activity b. Commercial Service Activity c. Crematoriums and Funeral Homes d. Entertainment Facility e. Food and Beverage Activity f. Industrial Activities g. Major Sports Facility h. Offices i. Retail Activities j. Rural Industrial Activities</p>

¹ Ngāi Tahu further submitted in opposition to the definition of 'Sensitive Activity'.

Submission Point No.	Provision	Position	Decision Requested & S42A report recommendation	Discussion
				<p>The definition of 'Hazard Sensitive Activity' potentially refers to marae complexes three times as a 'Community Facility' (note the proposed amendments to this definition will also impact other parts of the plan including the Noise Chapter), 'Marae' (which as discussed in other evidence is ground in front of a building and not a building) and 'Critical Response Facility' (which includes emergency shelters which are marae complexes as noted in Appendix B- Community Emergency Centres).</p> <p>I understand that the s42A recommendations have relied on the geology and hazard evidence of Sharon Hornblow. I respect this technical expertise but ask if the Panel or s42A report has also considered the requirements of Emergency Management when preparing these provisions.</p> <p>The West Coast is at significant risk of natural hazards, meaning the Plan needs to support a robust rule framework to reduce the risk, but as per the Civil Defence Emergency Management framework, Councils also have the responsibility to be ready, have a response and be able to recover². Many of the 'Hazard Sensitive Activities' are also essential to readiness plans, evacuation points and recovery (see Appendix B).</p> <p>While these types of structures should in theory not be in any hazard overlays due to their potential risk to vulnerable populations during emergencies, in order to be effective, they need to be located where people need them, which is usually in hazard overlays. And Councils and agencies that provide these services need to be enabled to provide them where they can safety do so.</p> <p>I agree that they should not be permitted activities under the new rule as these are structures that have the potential to create risk to human life if not assessed</p>

² The four 'R's of emergency management. <https://www.civildefence.govt.nz/cdem-sector/consistent-messages/reduction>

Submission Point No.	Provision	Position	Decision Requested & S42A report recommendation	Discussion
				<p>properly. However, it is unclear if there is the ability under many of the hazard s42A recommended rules to consider their value as a critical response facility as a matter of discretion. This consideration has been deleted from other rules in this chapter, meaning that this rule has more importance in addressing this issue.</p> <p>The management of significant risk from natural hazards as a matter of national importance (s6(h)) is not about avoiding all risk and is subject to the wellbeing of people and communities (s5(2)). There are some hazard sensitive activities that are essential to the emergency response and retention of a pathway to consider this is recommended in this Hazard Chapter and in particular this rule.</p> <p>Scope of the Overlays</p> <p>The s42A report states that consideration of potential effects on adjoining Sites and Areas of Significance to Māori (SASM) does not need to be specifically provided for in the rule as all downslope damage is captured by the rule. I disagree with this assessment.</p> <p>That matter of discretion is addressed by a geotechnical certification and is limited to property damage. As discussed in previous evidence, the effects on the values of SASM can only be assessed by an authorised representative of Poutini Ngāi Tahu and are not limited to property damage.</p> <p>Ngāi Tahu have presented previous evidence in regard to submission 620.015 to consider Poutini Ngāi Tahu values as a matter of control or discretion. This is another option to address this submission point.</p> <p>The s42A report also rejects this idea as highlighting one type of 'property' would mean needing to specify all types of 'property'. Again, I disagree with this approach. It is a consideration of potential effects on an overlay, not a property. This approach is used in the Energy Chapter as a matter of discretion to consider any potential impacts on the overlays in schedule 1-8. If the s42A</p>

Submission Point No.	Provision	Position	Decision Requested & S42A report recommendation	Discussion
				<p>recommendation is that all overlays need to be considered, I am open to that approach. However, rejecting SASM as a consideration because the submission point did not include all the overlays is not reasonable.</p> <p>I also note that permitted rules recommended in the s42A report for this chapter rely on the overlays to have full consideration of any hazard mitigation structures. Under SASM a hazard mitigation structure may be permitted, discretionary or non-complying. However, it is unclear if other overlays were drafted with this intent. It is also noted that most overlay rules are limited to the spatial boundaries that are mapped and therefore the downslope or downstream effects for adjoining activities can only be considered for restricted discretionary activities if they are a matter of discretion. Reliance on the overlay rules is not effective in this situation to protect the values of the overlays from adjoining or downslope effects.</p> <p>Therefore, I recommend two matters of discretion for this rule³ stating:</p> <p><u>NH-R33 12 Additions to Existing Buildings and New Buildings for containing Potentially Hazard Sensitive and Hazard Sensitive Activities in the Land Instability Overlay</u> Where ... Discretion is restricted to: ... <u>c. If there is need for the building as a critical response facility.</u> <u>d. If the proposed activity will cause adverse effects on overlays identified in Schedules 1-8.</u></p>

³ If there is scope, a similar approach should be considered for restricted discretionary rules NH-R8 and NH-R9 also which also consider safety and downstream physical effects.

COASTAL ENVIRONMENT

Submission Point No.	Provision	Position	Decision Requested	S42A report recommendation	Discussion
S620.201	CE - O2	Support	Retain as notified	Accept in Part P94 Retained	Support
S620.202	CE - P1	Amend	Amend as followings: (d) Historic heritage and (e) Poutini Ngāi Tahu <u>Values cultural areas or features</u> ; and renumbering of (e) and (f).	Accept P130 Adopted	Support
S620.203	CE - P3	Support	Amend as follows: (d) It is for a Poutini Ngāi Tahu <u>activity or Māori Purpose Activity cultural purpose</u> ;	Accept P153 It is for a: i. Poutini Ngāi Tahu <u>Activities</u> ; or <u>ii. Māori Purpose Activities within the Māori Purpose Zone in accordance with an Iwi/Papatipū Rūnanga Management Plan; or</u> iii. Cultural <u>harvest purpose</u> ;	Support But note the disconnect between this policy that applies to all the coastal environment and rule CE-R3 which only allows Poutini Ngāi Tahu activities and Māori Purpose Activities outside the outstanding coastal environment area.
S620.204	CE - P6	Amend	Amend as follows: (C) (iii) Allow for Poutini Ngāi Tahu <u>activity or Māori Purpose Activity cultural uses</u> ;	Accept P179 c. In areas of <u>outstanding</u> or high natural character: ii. Allow for Poutini Ngāi Tahu <u>cultural-uses Activities and Māori Purpose Activities</u>	Support
S620.205	CE - R3	Support	Amend rule as follows : CE- R3 Poutini Ngāi Tahu Activities, Māori Purpose activities and <u>associated</u> buildings in These are: Poutini Ngāi Tahu activities, <u>including cultural harvest of vegetation, mahinga kai, Pounamu, Aotea stone or</u>	Submission Accepted P255 Further Submission Rejected P256 CE - R3 Māori Purpose Activities and <u>Associated</u> Buildings in the	Amend I do not support the s42A recommendation to limit this rule to apply only outside the 'Outstanding Coastal Environment Area'.

Submission Point No.	Provision	Position	Decision Requested	S42A report recommendation	Discussion
			rock ; or Māori Purpose Activities undertaken	Coastal Environment Activity Status Permitted Where:	The Outstanding Coastal Environment Area are: <i>Areas of the coastal environment with outstanding natural landscape, outstanding natural features or outstanding natural character</i> ⁴ .
FS41.081 on S560.0576 (Forest & Bird)	CE - R3	Oppose	The purpose of the MPZ is to enable Māori development and recognise the principles of the Treaty, which will also achieve Policy 2 of the NZCPS	<p>1. These are This is cultural harvest of vegetation, mahinga kai, Pounamu, Aotea stone, or rock; or</p> <p>2. These are located outside of the Outstanding Coastal Environment Area and are:</p> <p>a. Poutini Ngāi Tahu activities, including cultural harvest of vegetation, mahinga kai, collection of Pounamu, Aotea stone or rock; or</p> <p>b. Māori Purpose Activities undertaken ...</p>	<p>This does not implement policy CE-P3 which includes all these areas.</p> <p>The policy also refers to ‘cultural harvest’ which was defined at the s42A report for biodiversity. However, the rule does not use ‘cultural harvest’ and instead provides essentially a new definition. It also creates confusion as the rule provides for mahinga kai both as a part of cultural harvest throughout the coastal environment but is also a Poutini Ngāi Tahu activity only allowed outside the coastal environment.</p> <p>The New Zealand Coastal Policy Statement (NZCPS) Objectives 3 and 6 and Policy 2 require the Plan to take into account the principles of Te Tiriti o Waitangi, tangata whenua and kaitiakitanga in relation to the coastal environment.</p> <p>Therefore, to recognise the Ngāi Tahu traditional and continuing cultural</p>

⁴ Taken from Relationships between Spatial Layers. Te Tai o Poutini Plan notified version.

Submission Point No.	Provision	Position	Decision Requested	S42A report recommendation	Discussion
					relationship with the coastal environment I recommend that the submission by Forest and Bird on CE-R3 is rejected and this rule applies across the coastal environment to be consistent with the NZCPS and policy CE-P3.
S620.206	CE - R12	Amend	Include archaeological sites as a matter of control.	Activity Status <u>Controlled Restricted Discretionary</u> Where:... Matters of control <u>are Discretion is Restricted to:</u> a. Effects on habitats of any threatened or protected flora or fauna species <u>indigenous vegetation and habitats of indigenous fauna;</u> ... f. Effects on Poutini Ngāi Tahu values, any Sites and Areas of Significance to Māori identified in Schedule Three, <u>any archaeological sites, or any heritage items identified in Schedule One;</u>	Support The submission is limited to consideration of archaeological sites during a resource consent assessment, but the change in activity status will provide the ability to decline the consent if the effects on the activity are not appropriate.
FS41.036 on S560.302 (Forest & Bird)	CE – R13	Oppose	Māori Purpose Activities are not limited to the MPZ. The Restricted Discretionary status is appropriate as it provides for beneficial cultural effects while balancing the environmental effects.	Accept in Part P308 Retained	Support

Submission Point No.	Provision	Position	Decision Requested	S42A report recommendation	Discussion
S620.207	RDA	Amend	Include archaeological sites as a discretion for all restricted discretionary activities within this chapter.	Accept P225 Accepted in rules CE-R12 to R15	Support
FS41.021 on S608.080 (GDC)	Chapter as Whole	Oppose	Cross referencing within the Plan is important for clarity.	Accept P65 Retained	Support

APPENDIX B: Community Emergency Centres in Te Tai o Poutini

Taken from: [West Coast Civil Defence Emergency Management Group » Community Emergency Centres \(westcoastemergency.govt.nz\)](#)

Westland Community	Location
Arahura	Arahura Marae, 1 Old Christchurch Road
Bruce Bay 1	Te Tauraka Waka a Māui Marae, 4851 Haast Highway
Bruce Bay 2	Bruce Bay Hall, 4660 Haast Highway
Fox Glacier	Fox Glacier Community Centre, 45 Cook Flat Road
Franz Josef	Franz Josef Community Centre, 6 Main Road
Haast 1	Haast Hall, 9 Pauareka Road
Haast 2	Okuru Hall, 86 Johnston Crescent
Harihari	Harihari Community Hall, 37 Main Road
Hokitika 1	Westland High School, 140 Hampden Street
Hokitika 2	Boys Brigade Hall, 6 Dalton Street
Hokitika 3	Seaview Estate, 7 Seaview Hill Road
Kokatahi	Kokatahi Hall
Kumara 1	Kumara Memorial Hall, 58 Seddon Street
Kumara 2	Kumara Racecourse, Otira Highway
Okarito	Donovans Store, 17 The Strand
Otira	KiwiRail, State Highway 73
Ross	Ross Centennial Hall, Moorhouse Street
Whataroa	Whataroa Hall, 62 Main Road

Emergency Director's Guideline [Welfare-Services-in-an-Emergency-Directors-Guideline.pdf \(civildefence.govt.nz\)](#) Page 153:

“Emergency shelter

An emergency shelter is a place of safety for displaced people. This is a very short-term situation where a displaced person may be located for a few hours (e.g. to shelter safely from a nearby chemical spill or fire) but not longer than a few days. A CDC may provide emergency shelter. Emergency shelter may also be set up at:

- *village, sports or church hall*
- *community centre*
- *school*
- *marae*
- *club rooms, or*
- *any facility run by the community.*

People may transition from emergency shelter to emergency accommodation.”