

Summary of Evidence – Ecosystems and Indigenous Biodiversity – proposed Te Tai o Poutini Plan

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

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Tēnā koutou, ko Rachael Pull tōku ingoa and I am providing an oral summary of my planning evidence on behalf of Poutini Ngāi Tahu for the Ecosystems and Indigenous Biodiversity hearing for the proposed Te Tai o Poutini Plan.

On the whole, I've supported the recommendations of the s42A report and have made only minor changes to improve clarity within my evidence. In particular, I'd like to emphasise the following in relation to my evidence:

1. My evidence has noted that the s42A report recommendations has tried to incorporate the National Policy Statement for Indigenous Biodiversity where possible, due to the scope of submissions asking for this. While not opposed to this approach, the NPS-IB cannot be implemented without engaging Tangata Whenua – in this case Poutini Ngāi Tahu. This is specifically stated in section 3.3 of the NPS-IB where local authorities MUST involve Tangata Whenua. I understand this has not happened due to the NPS-IB coming out after notification of the Plan and the s42A report needing to respond to those submissions requesting incorporation. My evidence does not recommend removing the s42A report recommendations that implement the NPS-IB but seeks acknowledgement from the Panel that the NPS-IB has not been implemented and a further planning process will be required to implement it fully. The remedies sought in my evidence are based on this approach. Alternatively Māori land could be excluded from provisions relating to the NPS until the Plan implements the process set out in the NPS.
2. The NPS-IB requires the Plan to manage Indigenous Biodiversity differently on 'Specified Māori Land'. The s42A report has accidentally done the opposite of providing for Māori Land by including Specified Māori land within the definition of Poutini Ngāi Tahu land. This definition has excluded specified Māori land that is not owned by Ngāi Tahu as well as excluded Ngāi Tahu land holdings that did not originate from settlement. Within my evidence it has been recommended that an alternative approach is considered in regard to the Poutini Ngāi Tahu land definition and related rules. The Ngāi Tahu submissions did not have scope to consider the issue for Specified Māori land that was not also Poutini Ngāi Tahu land, but as noted in point one, this is an implementation/process issue that will require engagement with Poutini Ngāi Tahu, The Office of the Māori Trustee and other parties as well as determining how the TTPP will reflect any engagement. Therefore, potentially excluding these sites until this can be carried out as per the NPS-IB is a potential option for the Panel, if the remedies in my evidence and the Māori Trustee are seen as not effective enough to meet the objectives of the NPS.
3. Changes since my evidence was submitted include the Joint Statement between Poutini Ngāi Tahu and the Office of the Māori Trustee dated August 2024, which was agreed after the date of my evidence in chief. It covers all the hearing topics where Poutini Ngāi Tahu further submitted in opposition to the Māori Trustee submission. Particular to this hearing is the definition of Poutini Ngāi Tahu land (as discussed easier) and reference to Taonga Species as an advice note. The Joint Statement between the parties focuses on agreed solutions for

particular provisions while retaining the original intent of the submissions. The Statement seeks the enablement of Māori Land and recognising Poutini Ngāi Tahu as Tangata Whenua- which is also the approach of the NPS-IB. The Māori Trustee I understand will be speaking on their submission tomorrow and I support their aim to enable Specified Māori Land as per section 3.18 of the NPS. I am open to working further with the reporting officer and the Māori Trustee if they wish to explore these potential solutions further.

4. The supplementary evidence by the reporting officer notes the Regional Policy Statement direction in terms of indigenous biodiversity and SNAs. The RPS Chapter 7 (indigenous biodiversity) policy 9 provides a pathway for subdivision, use and development in a SNA where it is for the purpose of papakāinga, cultural harvest or mahinga kai gathering by papatipu rūnanga in a manner that accords with tikanga and kaitiakitanga. Excluding Māori Land from these provisions and recognising cultural activities in the permitted rules is a way to achieve this as sought by my evidence.
5. Another common theme throughout my evidence to the Panel and particularly during the Coastal Environment hearing is the enablement of Māori land. In the Coastal Environment s42A recommendations, there is a permitted rule for Poutini Ngāi Tahu activities (CE-R3) and they are a RDA (CE-R13) when the standards are not met. The advice note refers to the Indigenous Biodiversity rules (ECO-R2) where it is recommended that if the land is within category 1 or 2 of the Threatened Environment Classification, the activity will change to discretionary (ECO-R7) only as long as if there is no loss of ecosystem or biodiversity values, otherwise its non-complying. This is a significant change from the notified version of the rule which Ngāi Tahu supported with minor amendments which left the status as Permitted. I understand its about implementing policy ECO-P6 which seeks to avoid activities that impact this land classification; however I suggest that this is better balanced against policy ECO-P6 which seeks to enable Māori Land. I recommend that if the Threatened Environmental Classification is kept in rule ECO-R2 in order to be consistent with the NZCPS, NPS and RPS, that a consequential amendment is made to rule ECO-R5 (RDA) to enable Māori Land within this category to be considered. This would provide the balance that all the higher documents mentioned ask District Plans to consider on a site-specific basis, with the ability to decline or add conditions, and it will have the same activity status as buildings and other Poutini Ngāi Tahu activities on Māori Land in the Coastal Zone.¹ One further note here, I'd appreciate if the Threatened Environment Classification layer could be added to the maps – this would improve clarification to Plan users.

In conclusion, I retain my comments in my evidence in chief that Taonga species needs to be better recognised in this chapter as per the NPS and noted in the Joint Statement between Poutini Ngāi Tahu and the Māori Trustee. I update paragraphs 32-34 to refer to the Joint Statement of position between Ngāi Tahu and the Māori Trustee and continue to seek that the definition of Poutini Ngāi Tahu Land is deleted and instead land managed or owned by Poutini Ngāi Tahu is enabled in the Permitted Activities or has a more appropriate activity status that balances the need to protect indigenous biodiversity and to enable Māori Land for the economic, social and cultural wellbeing of Ngāi Tahu.

Thank you for your time and I am happy to take any questions.

¹ Submissions: S620.146 (ECO-R2), S620.421 (ECO-P5), 620.205 (CE-R3), FS41.036 (CE-R13)