

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

AND

IN THE MATTER of

**Hearing of submissions and further submissions on
the Proposed Te Tai o Poutini Plan**

**OUTCOME OF DISCUSSIONS BETWEEN TE TUMU PAEROA, POUTINI NGĀI TAHU
AND THE S42A REPORTING OFFICER REGARDING MĀORI LAND AND THE
ECOSYSTEMS AND BIODIVERSITY TOPIC
28 February 2025**

Introduction

1. This joint witness statement relates to conferencing by submitters on behalf of Poutini Ngāi Tahu (submitter 620) and Te Tumu Paeroa (submitter 440) as suggested by the hearings panel.
2. Issues were raised at the Ecosystems and Biodiversity hearing by the Poutini Ngāi Tahu planner about the definition and use of the term of Poutini Ngāi Tahu Land, and how, more widely the Te Tai o Poutini Plan (**TTPP**) can give effect to the requirements around Specified Māori Land in the National Policy Statement – Indigenous Biodiversity (**NPSIB**).
3. Te Tumu Paeroa also raised issues about this in their evidence presented at the hearing.
4. These two parties met online with the s42A author on 25th February to discuss these matters.
5. The parties confirm that we have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and have acted in accordance with it and in particular those matters under Section 9.4.

Purpose and scope of discussions

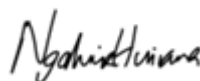
6. The purpose of discussions was:
 - To reach an agreed definition of Māori Land/Poutini Ngāi Tahu Land
 - To identify how best to give effect to the NPSIB provisions in relation to Specified Māori Land within the scope available in submissions.
7. The parties agreed on a definition of Poutini Ngāi Tahu Land, the inclusion of the NPSIB definition of Specified Māori Land, amendments to Policy ECO – P2 and new rule ECO – RXX4 (an output of the previous Joint Witness Conferencing on making the Ecosystems and Biodiversity provisions simpler).
8. The parties agree that there is insufficient scope within the submissions to make more substantial changes to the provisions to reflect the direction on Specified Māori Land within the NPSIB at this stage of the process and recommend a Method is included in the Plan to highlight that this will need to occur when the Plan is updated to reflect the NPSIB requirements. While no submission sought such a Method, as a method is not a regulatory provision, the parties consider that this amendment could be included within the TTPP.
9. The parties also agree an Advice Note could be added to the Rule ECO – R7 (Discretionary Activity Rule) drawing the Plan users' attention to the need to consider the NPSIB provisions on a similar basis.
10. The agreed amended provisions are contained in Annexure 1.



Lois Easton, s42A Author



Rachael Pull, for Poutini Ngāi Tahu



Ngahuia Huirama, for Te Tumu Paeroa

ANNEXURE 1 – Agreed Provisions arising from Discussions on Māori Land definition and provisions in the Ecosystems and Biodiversity Chapter 28 February 2025

[Yellow highlights differences from the s42A report recommended amendments]

Definitions

SPECIFIED MĀORI LAND

Means, ~~in relation to the ecosystems and biodiversity chapter,~~ land that is any of the following:

- a. Māori customary land and Māori freehold land (as defined in Te Ture Whenua Māori Act 1993):
- b. land set apart as a Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993 or its predecessor, the Māori Affairs Act 1953:
- c. land held by or on behalf of an iwi or a hapū if the land was transferred from the Crown, a Crown body, or a local authority with the intention of returning the land to the holders of mana whenua over the land:
- d. land vested in the Māori Trustee that is constituted as a Māori reserve by or under the Māori Reserved Land Act 1955, and remains subject to that Act:
- e. land that forms part of a natural feature that has been declared under an Act to be a legal entity or person (including Te Urewera land within the meaning of section 7 of the Te Urewera Act 2014):
- f. the maunga listed in section 10 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014:
- g. Treaty settlement land, being land held by a post-settlement governance entity (as defined in the Urban Development Act 2020) where the land was transferred or vested and held (including land held in the name of a person such as a tipuna of the claimant group, rather than the entity itself):
 - i. as part of redress for the settlement of Treaty of Waitangi claims; or
 - ii. by the exercise of rights under a Treaty settlement Act or Treaty settlement deed.

POUTINI NGĀI TAHU LAND

~~means land owned by Poutini Ngāi Tahu~~ means specified Māori Land that is owned or managed by Poutini Ngāi Tahu.

Policies and Rules

[Green highlights differences from the recommended amendments from the Ecosystems and Biodiversity Joint Witness Statement]

Amendments to policy ECO – P2 ECO - P2

Provide for activities within areas of significant indigenous biodiversity where the activity has no more than minor adverse effects on the values of the area of significant biodiversity and:

- a. This is for a lawfully established activity and adverse effects are no greater in intensity, scale, or character over time than at the operative date and do not result in the loss of ecosystem representation or degradation of ecological integrity; or
- b. This is for maintenance of improved pasture as part of a regular cycle of periodic maintenance; or
- c. It is for a Poutini Ngāi Tahu Activities; or
- d. This is undertaken on Poutini Ngāi Tahu land in accordance with an Iwi/Papatipu Rūnanga Management Plan; or
- e. This is for the construction or upgrade of regionally significant infrastructure.
- f. This is clearance of kanuka, manuka or bracken on Specified Māori land

Amendments to Rule ECO – R4

ECO – R4 Indigenous vegetation clearance on Māori Purpose Zoned Land, Poutini Ngāi Tahu Land for Poutini Ngāi Tahu Activities or on Specified Māori Land outside of Significant Natural Areas

Activity Status: Permitted

Where

1. It is cultural harvest undertaken by Poutini Ngāi Tahu; or
2. It is for Poutini Ngāi Tahu Activities on Māori Purpose Zoned land or Poutini Ngāi Tahu land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or
3. It is clearance of kanuka, manuka or bracken on Specified Māori Land.

Activity status where compliance not achieved: Restricted Discretionary

Advice Note for Rule ECO – R7 ECO - R7

Indigenous vegetation clearance not meeting Permitted, Controlled or Restricted Activity Rules

Activity Status Discretionary

Where:

1. An ecological assessment undertaken by a suitably qualified and experience ecologist identifies that the clearance will not result in any of the following:
 - a. Loss of ecosystem representation and extent
 - b. Disruption to sequences, mosaics or ecosystem function
 - c. Fragmentation of Significant Natural Areas or the loss of buffers or connections with a Significant Natural Area
 - d. A reduction in the function of the Significant Natural Area as a buffer or connection to important habitats or ecosystems
 - e. A reduction in the population size or occupancy of any threatened or at risk (declining) species that use the Significant Natural Area.

OR

2. This is for mineral extraction (~~other than coal~~) that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand; or
3. This is for a single residential dwelling on an allotment created before 4 August 2023; or
4. This is for a commercial forestry activity and is required for the commercial forestry activity to continue;
5. This is for a renewable electricity generation activity, the national grid or regionally significant infrastructure.

Advice Note:

1. Where assessing resource consents for indigenous vegetation clearance under this rule, assessment against the relevant objectives and policies of the Ecosystems and Biodiversity Chapter, ~~and~~ Natural Features and Landscapes Chapter, the Coastal Environment Chapter, the Energy, Infrastructure and Transport Chapters and the MINZ and BCZ Zone Chapters will be required.
2. In relation to Significant Natural Areas, this rule also applies to commercial forestry activities, where this provision is more stringent than the NES - CF.

3. When assessing resource consents for indigenous vegetation clearance on Specified Māori Land under this rule, the provisions of subclause 3.18(2) of the NPSIB in relation to Specified Māori Land must be taken into account.

Activity status where compliance not achieved: Non-complying

Draft New Method

Method ECO – M1

Method ECO – M1: The TTPP Committee will

- a. Identify in conjunction with Specified Māori Land owners how best to implement the NPSIB in relation to Specified Māori Land in accordance with the decision making principles in Schedule xxx of the TTTP and the provisions of the NPSIB; and
- b. Identify in partnership with Poutini Ngāi Tahu how best to to fully implement the NPSIB in relation to the decision making principles, tangata whenua provisions and the Ngāi Tahu Claims Settlement Act; and
- c. As part of giving effect to the NPSIB, the TTPP Committee will consider a Plan Change to implement the actions of this method and Policy ECO-P1.