



Te Rūnanga o NGĀI TAHU



Te Rūnanga o Ngāi Tahu

SUBMISSION ON VARIATION 2 OF THE PROPOSED TE TAI O POUTINI PLAN

Date: 13 December 2024

To: Te Tai o Poutini Plan Submissions
PO Box 66
Greymouth 7840
Submission lodged by email: info@tpp.nz

Name of person making submission: Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu

This is a submission in support of: variation 2 (Coastal Hazards) of the proposed Te Tai o Poutini Plan

1. Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (collectively referred to as Poutini Ngāi Tahu) **could not** gain an advantage in trade competition through this submission.
2. Poutini Ngāi Tahu **wishes** to be heard in support of its submission.
3. If others make a similar submission, Poutini Ngāi Tahu **will** consider presenting a joint case with them at a hearing.

1. Te Rūnanga o Ngāi Tahu and Papatipu Rūnanga

- 1.1 This response is made on behalf of Poutini Ngāi Tahu.
- 1.2 Te Rūnanga is the statutorily recognised representative tribal body of Ngāi Tahu whānui (as provided by section 15 of the Te Rūnanga o Ngāi Tahu Act 1996 (**TRONT Act**)) and was established as a body corporate on 24 April 1996 under section 6 of the TRONT Act.

Te Rūnanga o Ngāi Tahu
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- 1.3 Te Rūnanga encompasses five hapū, Kati Kurī, Ngāti Irakehu, Kati Huirapa, Ngāi Te Ruahikihiki, Ngāi Tūāhuriri and 18 Papatipu Rūnanga, who uphold the mana whenua and mana moana of their rohe. Te Rūnanga is responsible for managing, advocating and protecting, the rights and interests inherent to Ngāi Tahu as mana whenua.
- 1.4 Notwithstanding its statutory status as the representative voice of Ngāi Tahu whānui “for all purposes”, Te Rūnanga accepts and respects the right of individuals and Papatipu Rūnanga to make their own responses.
- 1.5 Papatipu Rūnanga who have shared interests across the West Coast Region are: Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio.
- 1.6 Te Rūnanga o Ngāti Waewae is the mandated representative body of Ngāti Waewae, a hapū of Ngāi Tahu. Their takiwā is centred on Arahura and Hokitika and extends from the north bank of the Pouerua River to Kahurangi and inland to the main divide. Ngāti Waewae shares the area between Hokitika and Pouerua with Ngāti Māhaki.
- 1.7 Te Rūnanga o Ngāti Waewae is based at Arahura Marae, where the whare tipuna (meeting house) is Tuhuru, named after a great fighting chief of Poutini Ngāi Tahu.
- 1.8 Te Rūnanga o Makaawhio is the mandated representative body of Ngāti Māhaki, a hapū of Ngāi Tahu. Their takiwā is centred at Makaawhio (Jacobs River) and Mahitahi (Bruce Bay) and extends from the south bank of Hokitika River to Piopiotahi and inland to the main divide. Ngāti Māhaki share the area between Pouerua and Hokitika with Ngāti Waewae.
- 1.9 Te Rūnanga o Makaawhio is based at Te Tauraka Waka a Māui Marae at Mahitahi, where the whare tipuna is Kaipo, named after an ancestor of all Poutini Ngāi Tahu
- 1.10 Te Rūnanga respectfully requests that the Panel accord this response with the status and weight of the tribal collective of Ngāi Tahu whānui comprising over 80,000 registered iwi members, in a takiwā comprising the majority of Te Waipounamu. This submission is to be read with the original submission of the notified Te Tai o Poutini Plan and evidence provided during the hearing process on behalf of Poutini Ngāi Tahu.

2. Te Tiriti o Waitangi

- 2.1 The contemporary relationship between the Crown and Ngāi Tahu is defined by three core documents; Te Tiriti o Waitangi (**the Treaty**), the Ngāi Tahu Deed of Settlement 1997 (**Deed of Settlement**) and the Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**). These documents form an important legal relationship between Ngāi Tahu and the Crown.
- 2.2 Of significance, the Deed of Settlement and NTCSA confirmed the rangatiratanga of Ngāi Tahu and its relationship with the natural environment and whenua within the takiwā.
- 2.3 As recorded in the Crown Apology to Ngāi Tahu, the Ngāi Tahu Settlement marked a turning point, and the beginning for a “new age of co-operation”. In doing so, the Crown acknowledged the ongoing partnership between the Crown and Ngāi Tahu and the expectation that any policy or management regime would be developed and implemented in partnership with Ngāi Tahu.

3 Poutini Ngāi Tahu interests in variation 2 of the proposed Te Tai o Poutini Plan:

- 3.1 Poutini Ngāi Tahu notes the following particular interests in the proposed variation 2 of Te Tai o Poutini Plan:

Treaty Relationship

- Poutini Ngāi Tahu have an expectation that the Crown will honour the Treaty and the principles upon which the Treaty is founded. All persons undertaking duties and responsibilities in accordance with the purpose this document shall recognise and respect the Crown's responsibility to give effect to principles of the Treaty.

Kaitiakitanga

- In keeping with the kaitiaki responsibilities of Ngāi Tahu whānui, Poutini Ngāi Tahu has an interest in ensuring sustainable management of natural resources, including protection of taonga and mahinga kai for future generations
- Ngāi Tahu whānui are both users of natural resources, and stewards of those resources. At all times, Poutini Ngāi Tahu is guided by the tribal whakataukī: “mō tātou, ā, mō kā uri ā muri ake nei” (*for us and our descendants after us*).

Whanaungatanga

- Te Rūnanga has a responsibility to promote the wellbeing of Ngāi Tahu whānui and ensure that the management of Ngāi Tahu assets and the wider management of natural resources supports the development of iwi members.

4. Relief Sought - General

- 4.1 Poutini Ngāi Tahu supports the plan provisions in Variation 2 except where we ask for specific amendments or additions as set out in **Schedule One** attached and the original submission.
- 4.2 Where we are particularly supportive of a section within the variation, we have also indicated that in Schedule One.
- 4.3 The submission has been drafted as a whole, with interlinking submission points. While a submission point may have been made against one provision consequential changes will be required to other related provisions within the plan to ensure consistency across the plan and to address the concerns raised.
- 4.4 The approach of the relief sought in the original submission and this submission on the variation is based on the draft National Policy Statement for Natural Hazard Decision Making 2023. While not operative, it is the most recent government direction on how to undertake planning for natural hazards. It focuses on minimising risks and being able to recover.
- 4.5 It also recognises that Māori Land is more hazard prone than land in general and the tolerance to the risk may vary between different groups and provides a pathway for decision makers to consider this.

4.6 The submission also takes direction from the New Zealand Coastal Policy Statement and the West Coast Regional Policy Statement.

5. Reasons - General

5.1 The amendments and additions sought to this variation by Poutini Ngāi Tahu are to better incorporate the broader interests and aspirations of Ngāi Tahu in Te Tai o Poutini Region. The submitters consider these changes are necessary to:

- Better achieve the purpose of the Resource Management Act 1991 (**RMA**), including matters under s6, having particular regard to kaitiakitanga as required under s7(a) of the RMA, and taking into account the principles of the Treaty as required under s8 of the Act;
- Give effect to the Mana Whakahono ā Rohe (section 3.30) to support Poutini Ngāi Tahu aspirations for development of Poutini Ngāi Tahu lands by the use of permitted activity thresholds, controlled activities and non-notification provisions in district plans.
- Consequently, discharge the council's duties under s32 of the RMA.

5.2 These reasons apply to every decision requested in this submission, along with any additional specific reasons listed under each submission point.



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Programme Leader - Mauri,
Te Ao Tūroa,
Te Rūnanga o Ngāi Tahu



Francois Tumahai
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Encl:

Schedule One: Submissions on variation 2 (Coastal Hazards) of the Te Tai o Poutini Plan

	B	C	D	E	F
1	 Te Tai o Poutini PLAN <small>A combined district plan for the West Coast</small>				Submitter name: Poutini Ngāi Tahu
2					Contact person: See attached letter
3					Contact email: See attached letter
10	Plan section	Provision	Support Oppose	Reasons	Decision sought: (amendments are shown in strikethrough and bold underline)
11	Interpretation Section				
12	Interpretation	Critical Response Facility	Amend	<p>A large number of the proposed natural hazard rules have a harder rule framework for marae as a 'Critical Response Facility', even though it is not the main function of the building/activity and is a community service offered by rūnanga. The rules read that marae would be more permitted in the hazard overlays if they were not offered during civil defence emergencies, which is not reasonable. Therefore this amendment would exclude facilities where providing a critical response is not the main purpose of the building.</p>	<p>CRITICAL RESPONSE FACILITIES -means, in relation to natural hazards, hospitals, fire, rescue, police stations, buildings intended to be used in an emergency for shelter, operations or response, aviation control towers, air traffic control centres, emergency aircraft hangars, fuel storage, community scale potable water treatment facilities and wastewater treatment facilities.</p> <p><u>Note: This definition does not apply to Community Emergency Centres when it is not the main purpose of the building.</u></p>
13	Interpretation	Hazard Sensitive Activity	Amend	<p>This definition repeats 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'.</p>	<p>HAZARD SENSITIVE ACTIVITY - means buildings accommodating:</p> <ul style="list-style-type: none"> 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 <u>g. Marae</u> h. Critical Response Facility i. Visitor Accommodation j. Sleep Outs k. Childcare services, including kohanga reo
14	Natural Hazards				
15	Natural Hazards	NH - O2	Amend	<p>Support an objective that sets out the risk management and the need to reduce it, however not all risk can be reduced or avoided and it is recommended that an approach similar to the draft National Policy Statement for Natural Hazard Decision Making is used that focuses on minimising risk and the ability to recover</p>	<p>Reword the objective as follows:</p> <p><u>NH – O2 To reduce the risk to life, property and the environment from natural hazards, thereby promoting the well-being of the community and environment. The risks from natural hazards to people, communities, the environment, property, and infrastructure, and on the ability of communities to quickly recover after natural hazard events, are minimised.</u></p>
16	Natural Hazards	NH - O3	Amend	<p>Support an objective recognising the tolerance of risk for critical infrastructure in hazard areas, but ask that that approach is also considered for Māori Land (most of which is in hazard overlays) and Crown Assets (such as DOC park facilities) as per the National Policy Statement for Natural Hazard Decision Making (policy 2), the WCRPS (provide for papakāinga as per Chapter 3) and the NZCPS which recognises papakāinga, marae and development within the Coastal Environment (Policy 6) and offers designing for relocatability or recoverability for hazard events (Policy 25 (c)).</p>	<p>Reword the objective as follows:</p> <p><u>NH – O3 To only locate critical infrastructure within areas of significant natural hazard risk where there is no reasonable alternative, and to design infrastructure so as not to exacerbate natural hazard risk to people and property. Where development for Regionally Significant Infrastructure or within Māori Land are within a natural hazard overlay, that it is designed to minimise risk and enable recovery.</u></p>
17	Natural Hazards	NH - O4	Support in part	<p>The intent of the objective is supported however this objective needs to provide a pathway to consider the values of green infrastructure over traditional hard infrastructure (NZCPS Policy 26). There are benefits to green infrastructure that should be a consideration in making the decision for natural hazards, beyond cost effectiveness, especially when looking at discretionary and non-complying activities. Would like to see consideration of the social/recreational, environmental and cultural benefits (such as mahinga kai/traditional food sources).</p>	<p>Reword the objective as follows:</p> <p><u>NH – O4 To ensure the role of hazard mitigation played by natural features that minimise impacts of hazards including wetlands and dunes is recognised and protected. Recognise that Green Infrastructure may reduce the susceptibility of people, buildings, and regionally significant infrastructure to damage from natural hazards and can result in environmental benefits that should be enabled, enhanced, or protected.</u></p>

	B	C	D	E	F
18	Natural Hazards	NH - P3	Support	This policy helps implement Objective 4 in relation to prioritising natural features in mitigating natural hazards. This is consistent with higher order documents.	<p>Retain:</p> <p>NH – P3 When managing natural hazards:</p> <p>a. Promote the use of natural features and appropriate risk management approaches in preference to hard engineering solutions in mitigating natural hazard risks; and</p> <p>b. Avoid increasing risk to people, property and the environment; while</p> <p>c. Recognising that in some circumstances hard engineering solutions may be the only practical means of protecting existing communities and critical infrastructure.</p>
19	Natural Hazards	NH - P10	Amend	Support the intention, however would like to see a discretion to consider Māori Land development as per submission on NH-O3	<p>Amend as follows:</p> <p>NH – P10 Avoid development of sensitive activities within the Coastal Severe Hazard and Flood Severe Hazard overlays unless it can be demonstrated that:</p> <p>a. The activity has an operational and functional need to locate within the hazard area or is on Māori Land; and</p> <p>b. That the activity incorporates mitigation of risk to life, property and the environment, and</p> <p>c. there is significant public or environmental benefit in doing so;</p> <p>d. It does not exacerbate natural hazard risk to people or property;</p> <p>e. It is designed for relocatability or recoverability;</p> <p>f. The social, economic or environmental risk from natural hazards is reduced from the current land use;</p> <p>g. The risk is as low as reasonably practicable for Hazard Sensitivity Activities</p>
20	ALL NATURAL HAZARD OVERLAYS				
21	Natural Hazards	NH - R3	Support in part	This permitted rule clause referring to the overlays is not required. The advice note refers Plan users to the overlay chapters and rule states that when the structure is within the overlays that the rules of the overlay chapter applies. Removal of this clause will not affect any assessment of an activity and will provide more clarity by solely referring to the advice note.	<p>Amend as follows:</p> <p>NH – R3</p> <p>Where:</p> <p><u>1. The structure is located outside of any Overlay Chapter area identified in Schedules 1-8; ...</u></p> <p>Advice Note: ...</p> <p>2. Natural Hazard Mitigation Structures constructed in the Coastal Environment, or within the Riparian Margins of Waterbodies or within areas identified in Schedules 1 - 8 will be subject to the provisions in the relevant Overlay Chapters.</p> <p>3. If the Overlay Chapters don't provided for this activity then NH-R3 prevails.</p>
22	FLOOD SEVERE OVERLAY AND FLOOD SUSCEPTIBILITY OVERLAY				
23	Natural Hazards	NH - R4	Support	Support development and use in Flood Susceptibility Hazard Overlay	Retain
24	Natural Hazards	NH - R5	Support	Support development and use in Flood Susceptibility Hazard Overlay	Retain

	B	C	D	E	F
25	Natural Hazards	NH - R6	Amend	Request provision in this framework to provide for Māori Land to be used and developed as per the draft National Policy Statement for Natural Hazard Decision Making with a new Restricted Discretionary rule that provides for a site specific consideration and Māori Land is excluded from this rule.	<p>NH-R6 Additions to Existing Buildings and New Buildings containing Potentially Hazard Sensitive Activities or Hazard Sensitive Activities in the Flood Severe Hazard Overlay (Non-complying) Where: <u>1. The activity does not occur on Māori Land</u> or a new rule: <u>NH-RX Additions to Existing Buildings and New Buildings containing Potentially Hazard Sensitive Activities or Hazard Sensitive Activities in the Flood Severe Hazard Overlay on Māori Land (Restricted Discretionary Activity)</u> <u>Matters of discretion:</u> <u>a. The extent to which the proposal complies with any Iwi/Papatipu Rūnanga management plan in place for the site;</u> <u>b. It does not exacerbate natural hazard risk to people or property;</u> <u>c. It is designed for relocatability or recoverability;</u> <u>d. The social, economic or environmental risk from natural hazards is reduced from the current land use;</u> <u>e. The risk is as low as reasonably practicable for Hazard Sensitive Activities</u></p>
26	EARTHQUAKE SUSCEPTIBILITY AND EARTHQUAKE SEVERE HAZARD OVERLAY				
27	Natural Hazards	NH - R8	Amend	It is unclear why Critical response facilities are more restricted in this overlay than sensitive activities such as papakāinga. Given their nature, they are likely more aware of and designed to mitigate risk of hazards - otherwise they would not meet the building standards for the area or be able to get insurance which is often a necessity for these facilities. Critical response facilities are needed where people are displaced or hurt which are often in hazard areas. It is also recommended considering a pathway for new activities in an existing building to be assessed for increase in risk	<p>Amend: NH-R8 <u>New Activities or</u> Additions to Existing Buildings containing Potentially Hazard Sensitive Activities or Hazard Sensitive Activities in the Earthquake Susceptibility and Earthquake Severe Hazard Overlays Where: 1. The additions are not to a Critical Response Facility.</p>
28	Natural Hazards	NH - R9	Amend	It is unclear why Critical response facilities are more restricted in this overlay than sensitive activities such as papakāinga. Given their nature, they are likely more aware of and designed to mitigate risk of hazards - otherwise they would not meet the building standards for the area or be able to get insurance which is often a necessity for these facilities. Critical response facilities are needed where people are displaced or hurt which are often in hazard areas.	<p>Amend: NH-R9 New Buildings containing Potentially Hazard Sensitive Activities or Hazard Sensitive Activities in the Earthquake Susceptibility Hazard Overlay Where: 2. The new building is not to a Critical Response Facility.</p>
29	Natural Hazards	NH - R10	Amend	It is unclear why Critical response facilities are more restricted in this overlay than sensitive activities such as papakāinga. Given their nature, they are likely more aware of and designed to mitigate risk of hazards - otherwise they would not meet the building standards for the area or be able to get insurance which is often a necessity for these facilities. Critical response facilities are needed where people are displaced or hurt which are often in hazard areas.	<p>Amend: NH-R10 New Buildings containing Potentially Hazard Sensitive Activities or Hazard Sensitive Activities in the Earthquake Severe Hazard Overlay Where: 2. The new building is not a Critical Response Facility on a Greenfield site.</p>
30	LAND INSTABILITY OVERLAY				
31	Natural Hazards	NH - R12 (formally R33)	Oppose in part	Amend the rule to focus more on resilience than avoidance of natural hazards (as per evidence in chief for this topic). Allow for consideration of downstream effects on adjoining overlays (including SASM) which cannot be assessed solely by a geotechnical certification and if determined to be potentially affected, this will need to be assessed by the appropriate expert, which for SASM is someone versed in Poutini Ngāi Tahu values.	<p>Amend: NH-R12 Additions to Existing Buildings and New Buildings for containing Potentially Hazard Sensitive and Hazard Sensitive Activities in the Land Instability Overlay 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>

	B	C	D	E	F
32	HOKITIKA COASTAL HAZARD OVERLAY				
33	Natural Hazards	NH - R14	Support in part	Support the rule, but recommend that change of activity is also included in this rule	Amend: New Activities , Additions to Existing Buildings and New Buildings containing Potentially Hazard Sensitive and Hazard Sensitive Activities in the Hokitika Coastal Hazard Overlay
34	WESTPORT HAZARD OVERLAY				
35	Natural Hazards	NH - R15	Support in part	Support the rule, but recommend that change of activity is also included in this rule	Amend: New Activities , Additions to Existing Buildings and New Buildings containing Less Hazard Sensitive Activities in the Westport Hazard Overlay
36	Natural Hazards	NH - R16	Support in part	Support the rule, but recommend that change of activity is also included in this rule	Amend: New Activities , Additions to Existing Buildings and New Buildings containing Potentially Hazard Sensitive Activities and Hazard Sensitive Activities in the Westport Hazard Overlay