

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER Proposed Change 1 to the Regional Policy Statement
for the Wellington Region Hearing Stream 7 Small
Topics, Wrap Up and Variation 1

STATEMENT OF PLANNING EVIDENCE OF MAGGIE ROSE BURNS

28 March 2024

INTRODUCTION

1. My name is Maggie Rose Burns.
2. I hold a Bachelor of Environmental Planning from the University of Waikato. I have been a practicing planner since 2018 and I am currently employed as a Senior Planner at Kāhu Environmental.
3. I have prepared and presented expert planning evidence on regional policy statements, district plans and resource consents. I have experience in assessing draft and proposed regional policy statements and regional and district plans and assisting in preparing submissions on policy statements and plan content and resource consents.
4. I have been involved in this matter since July 2022 and was involved in the preparation of the Rangitāne o Wairarapa submission on Plan Change 1 to the Greater Wellington Regional Policy Statement. I have prepared and presented evidence at Hearing Stream 2 – Integrated Management, Hearing Stream 3 – Climate Change, Hearing Stream 5 – Freshwater and Hearing Stream 6 – Indigenous Ecosystems.

CODE OF CONDUCT

5. I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving oral evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

MATERIAL RELIED ON

6. I have read and rely on the evidence of Amber Craig, also prepared on behalf of Rangitāne o Wairarapa.
 - In preparing my evidence I have read the following:
 - The Regional Policy Statement for the Wellington Region
 - The material comprising Proposed Plan Change 1
 - The section 32 Report for Proposed Plan Change 1 where it relates to matters addressed in Hearing Stream 6
 - The submissions and further submissions on PC1 made by Rangitāne o Wairarapa.
 - The section 42A officer reports for Hearing Stream 7 – prepared by Iain Dawe. I refer to this as the Section 42A Report in my evidence.
 - Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines', Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022.

SCOPE OF EVIDENCE

7. For this hearing Rangitāne o Wairarapa have asked me to provide expert planning evidence in relation to the submission and further submissions made by Rangitāne o Wairarapa on the Wellington Regional Policy Statement – Plan Change 1 (Change 1) that will be addressed in Hearing Stream 7.
8. Rangitāne o Wairarapa made submissions and/or further submissions on the following provisions that have been identified in the Section 42A Report as forming part of Hearing Stream 7.
 - Methods 1, 2, 3 and 4
 - Policy 3
 - Definition: Regionally Significant Infrastructure
9. I have not individually addressed each of the submission points. Unless specifically addressed in my evidence, I generally agree with and support the recommendations in the Section 42A Report.
10. In this evidence, I primarily address Policy 3.

STATUTORY CONTEXT

11. I generally agree with and rely on the statutory assessment in the Section 32 Report and the Section 42A Report. I only restate or expand on other higher order documents that are relevant to my evidence below.

POLICY 3

[Further Submission FS2.64, s42A paras 64-126]

12. Rangitāne o Wairarapa further submitted in support of the submission from Ātiawa ki Whakarongotai Charitable Trust (Ātiawa), which "*...seeks that Regional Council partner with mana whenua when identifying areas with high natural character*".
13. The section 42A officer has accepted the further submission from Rangitāne o Wairarapa in part, stating:

"I accept these submissions in part, but do not recommend that the additional words 'partner with mana whenua' are added to the policy as I believe there are other provisions in the RPS that satisfy this relief. In particular, Method 32 in Change 1 has been amended to specifically direct that GWRC partner with mana whenua/tangata whenua in the identification and protection of significant values, which includes those with significant cultural values in M32(b). This is a change from the operative method that uses the term 'engage' with tangata whenua.¹"
14. The Section 42A Report also states that the relief is partly addressed by other objectives and policies in the Plan, including Objective 28 and Policy 49.²
15. While the cited provisions, and others throughout the RPS, do provide some general direction for partnering with mana whenua/tangata whenua, none are specific to natural character identification. The Section 42A Report does not suggest that partnering with mana whenua/tangata whenua shouldn't happen in the identification of natural character, just that there isn't a need for explicit reference to it in Policy 3. I disagree.

¹ Section 42A Report Paragraph 114

² Section 42A Report Paragraph 115

16. The Section 42A Report cites Method 32, which relates to identification and protection of significant values. The method details directives for partnering with mana whenua/tangata whenua (and partnering where appropriate or engaging with landowners, community or other stakeholders). This includes outstanding natural features and landscapes and indigenous ecosystems and habitats with significant biodiversity values, amongst other things. The method specifically refers to the types of assessments to which the method applies. Nothing in this method requires partnership with mana whenua/tangata whenua in natural character identification. I therefore do not agree with the Section 42A officer that this method satisfies the relief sought.
17. I agree that provisions within the RPS should be read and must work together to guide implementation and decision making. To ensure the intended outcomes are achieved, individual policies should be explicit on critical matters. In my opinion, adding specific reference to 'partnership with tangata/manua whenua' into Policy 3 will make that policy clear that partnership is expected. It will ensure that there isn't any ambiguity as to whether partnership is anticipated in the process of natural character identification. It will also ensure consistency with other issue-specific policies in the RPS that specifically direct a partnership approach. For example, partnership is explicitly referenced in Policy 12, relating to management of surface water bodies and Policy IE.1, for management of indigenous biodiversity specifically reference partnership in their directives.

18. A method is a means of implementing policy. Policy IE.1 and Method 32, for example, both explicitly require partnership with mana whenua/tangata whenua. Referencing partnership in Policy 3 *and* in Method 32 would therefore be consistent with other provisions in the RPS. Amending Method 32 (as a consequential amendment) to specifically refer to partnership with mana whenua/tangata whenua when assessing natural character would ensure consistency across other provisions, including Policy 3 (as amended).

Partnership

19. *Te Tangi a te Manu-Aotearoa New Zealand Landscape Assessment Guidelines* outline Treaty principles, including partnership, and promoting a Te Ao Māori and Te Ao Pākehā partnership approach to landscape, binding together the layers of people and land across time and place: past, present, and future (page 5).
20. I have talked in more detail about partnership in previous evidence for this process, namely for Hearing Stream 2 (paras 58-59 of my evidence). In that evidence I discuss that partnership does not dictate an exact level of engagement or input from mana whenua/tangata whenua. It is a mutually beneficial relationship between mana whenua/tangata whenua and the council. A partnership arrangement may mean that mana whenua/tangata whenua have minimal involvement or input, if that is what they decide. In the context of identifying natural character, a policy direction requiring a partnership approach allows the parties to subsequently agree on their respective contributions to the process.

Natural character and the value of mātauranga

21. Partnership with mana whenua/tangata whenua can ensure a more fulsome assessment and identification of natural character values. Mātauranga has significant value in terms of understanding naturalness, species dynamics and interactions, natural processes and habitat characteristics. Mātauranga can contribute ways of the understanding the environmental state of an area.
22. Mana whenua/tangata whenua have an obligation to act as kaitiaki in the management of Te Taiao. Ms Craig in her evidence on Hearing *Stream 2* states: *kaitiakitanga is a role our whanau are born into through their whakapapa* (paragraph 20). Having particular regard for kaitiakitanga is consistent with Section 7 (a). Through the exercise of kaitiakitanga, mana whenua/tangata whenua have an inherent understanding of the environment, its state and health. That is relevant to understanding the natural character of an area. Western analytical and evaluative methods are not the only way to measure naturalness and therefore should not be the only knowledge source drawn from to identify natural character.
23. Change 1 amends the RPS to include more consideration of integrated management, including through Objective A and Policy IM.1. Policy IM.1 states: *(b) recognising the interconnectedness between air, freshwater, land, coastal marine areas, ecosystems and all living things – ki uta ki tai*. Explicitly directing a partnership approach in Policy 3 means that mātauranga Māori can be drawn on in the management of natural character, within the wider context of integrated management.

Experiential attributes

24. Policy 13 of the NZCPS includes subclause (h) as part of the description of what can contribute to natural character: *experiential attributes, including the sounds and smell of the sea; and their context or setting*. Experiential attributes are particularly relevant to mātauranga and kaitiakitanga and where mana whenua/tangata whenua can provide valuable insight through their relationships with the natural world.
25. The Section 42A officer notes that *'...it is standard practice in natural character assessments to incorporate mana whenua/tangata whenua values, as outlined in the guidance document "Te Tangi a te Manu-Aotearoa New Zealand Landscape Assessment Guidelines" by the New Zealand Institute of Landscape Architects (2022).*³
26. The guidelines are not referred to in the RPS itself, and there is no explicit direction to apply them when undertaking natural character assessments. The guidelines are focussed on landscape elements, and do not necessarily provide comprehensive guidance on all aspects of natural character assessments, including how to involve tangata whenua/mana whenua in the process of understanding associative elements. The guidelines are also subject to change over time, which may or may not be consistent with the outcomes envisaged in the RPS.

³ Section 42A report paragraph 116

27. I disagree with the amendment recommended in the 42A report to cite only Policy 13 of the NZCPS in the explanation of Policy 3. While I agree this is the central policy to be implemented, it is not accurate to suggest in the explanation that this is the only NZCPS policy that is relevant. Policies in the NZCPS should be read and implemented together. For example, Policy 2 and Policy 14 of the NZCPS are also particularly relevant to Policy 3 of the RPS. I agree with the Section 42A report at paragraph 46 that states that Policy 14 is a companion of policy 13. These policies, along with the others in the NZCPS should therefore be read together when implementing this policy.

28. I therefore suggest the following amendments to Policy 3:

Policy 3:

Protecting high natural character in the coastal environment – district and regional plans

District and regional plans shall include policies, rules and/or methods to protect high natural character in the coastal environment from inappropriate subdivision, development and/or use. [In partnership with mana whenua/tangata whenua](#). ~~An~~atural character should be assessed considering the following matters, with a site determined as having high natural character when the landscape is slightly modified or unmodified, the land-cover is dominated by indigenous vegetation and/or the vegetation cover is natural and there are no apparent buildings, structures or infrastructure:

...

Explanation

...

Policy 3 implements ~~Policy 13 of~~ the New Zealand Coastal Policy Statement by requiring requires district and regional plans to protect areas considered to have 'high' natural character from inappropriate subdivision, use and development. Councils must assess land in the coastal environment to ascertain which areas have high natural character, in order to protect these areas, and to determine what would be inappropriate activities on this land, depending on the attributes associated with an area's high natural character.

Te Rito o te Harekeke and the Decision-Making Principles

29. I note the comments in Minute 23 from the Hearing Panel, paragraph 6 (b) with regard to references to Te Rito o te Harekeke in Change 1 and the following question:

Given the provisions in HS6 and the evidence/submissions heard during that hearing stream, should Te Rito o te Harakeke be replaced in places or throughout Change 1 with the words "decision-making principles for indigenous biodiversity" or any alternative wording?

30. In my evidence for Hearing Stream 3, I discussed the need to replace Te Rito o te Harekeke throughout the Change 1 provisions. At paragraph 36 of this evidence I stated:

"The NPSIB has moved away from the use of Te Rito o te Harekeke as a fundamental concept. I therefore recommend it is deleted from the subclause. I note there are other references to Te Rito o te Harekeke throughout Plan Change 1. While I have not identified them in this statement of evidence, I would support amendments being made to those other provisions to bring them into line with the NPSIB"

31. Through planner caucusing, the planners agreed that subclause (e) of Policy 52 should be amended to include the term 'taonga species'. Dr Dawe's reply evidence (paragraph 21) also recommended amending Objective 20 to include taonga species. The decision-making principles from the NPSIB as a replacement for Te Rito o te Harekeke was not a matter the planners were asked to consider at caucusing on Policy 52.
32. The replacement of Te Rito o te Harekeke with the decision making principles for indigenous biodiversity was recommended by Section 42A officer's in their reports for provisions in Hearing Stream 6. On reflection, and following the recommendations in the Section 42A Report for Hearing Stream 6, I recommend Te Rito o te Harekeke is replaced with the decision-making principles from the NPSIB throughout the provisions in Change 1, including subclause (e) of Policy 52 and for Objective 20. The decision-making principles provide a more fulsome analysis, including prioritising mauri, taking into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), recognising the whakapapa bond and the obligation as kaitiaki that tangata whenu have for indigenous biodiversity, enabling te ao and mātaurangi māori and forming strong and effective partnerships with tangata whenua.
33. Doing so ensures consistency as far as is possible in the scope of Change 1 to the RPS.

Signature of Maggie Rose Burns

Dated 28 March 2024



Maggie Rose Burns