



NGĀ HAPŪ O ŌTAKI
HE WAKA EKE NOA

Form 33 - Notice of Ngā Hapū o Ōtaki Incorporated's wish to become party to proceedings

Proposed Plan Change 1 and Variation 1 to the Regional Policy Statement for the Wellington region

9 December 2024

Under the Resource Management Act 1991 (**Act**)

In the matter of an appeal under clause 14(1) of the First Schedule of the Act

And in the matter of Section 274 of the Act

BETWEEN

Kāpiti Coast District Council

AND

Winstone Aggregates

AND

Waikanae North Developments Limited

Appellants

AND

Greater Wellington Regional Council

Respondent



NGĀ HAPŪ O ŌTAKI

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To: The Register
Environment Court
WELLINGTON

1. Ngā Hapū o Ōtāki Incorporated (**NHoŌ**) wishes to become a party to the appeals by Kāpiti Coast District Council (**KCDC**), Winstone Aggregates (**Winstone**), and Waikanae North Developments Limited (**WNDL**) against parts of the decisions made by the Greater Wellington Regional Council (**GWRC**) on Proposed Plan Change 1 and Variation 1 to the Regional Policy Statement for the Wellington region (the **RPS**)(the **Plan Change**).
2. Ngā Hapū o Ōtāki Incorporated (NHoŌ) is a mandated iwi organisation that represents the five hapū of Ōtāki registered with the KCDC and GWRC to advance hapū aspirations and care for the environment. The five represented hapū Ngāti Huia, Ngāti Maiōtaki, Ngāti Pare, Ngāti Korokī and Ngāti Kapu are among twenty-five hapū of Ngāti Raukawa ki te Tonga in the Kāpiti-Horowhenua-Manawatū region. We are writing to you on behalf of our NHoŌ hapū members to state our position and response to the recent Appeals made to the Plan Change

Ki Te Tuara o Te Rangihaeata

E kautere atu ana ngā wai tuku kiri

o Ōtāki, o Waitohu

Ki ngā whenua tuku iho i mahuetia ai e rātou mā

E whakawhenua ai te noho a ngā uri whakatupu

o Huia, o Maiotaki, o Pare, o Koroki, o Kapu

E tau nei e!

3. NHoŌ as mana whenua and GWRC Te Tiriti partners, NHoŌ has interests in the Plan Change. The matters in the Plan Change directly relate to NHoŌ ability to express our tino rangatiratanga, our culture, traditions, kaitiakitanga and our whakapapa to our ancestral lands, water, sites, wāhi tapu and other taonga. In our holistic Māori worldviews, atua Māori, ecosystems and people are inextricably interrelated by whakapapa. Whakapapa - the whānau relationships between all things extending from Papatūānuku and Ranginui – comes with understandings that is inclusive of sustenance, biodiversity and sustainability. Whānau and hapū are an integral part of an ecosystem. Our collective whenua, tūpuna wai and taonga species are connected to us. In the same way as our tūpuna were nourished, we now in this rohe as fourth generation are nourished. For mana whenua, resource and environmental planning in Aotearoa should incorporate local iwi and hapū, cultural



identity, kaupapa, tikanga, as well as ancestral and cultural landscapes. The whakapapa relationship between mana whenua, the natural world and our rohe is extremely important to our cultural identity and responsibilities as kaitiaki. NHOŌ has an interest in the proceedings that is greater than the interest of the general public.

4. NHOŌ is not a trade competitor for the purposes of Section 308C or 308CA of the Act.

Proceedings

5. NHOŌ is interested in all of the proceedings.
6. In particular, NHOŌ is interested in the following issues:
 - a. Urban development: To achieve well-functioning urban environments by avoiding or mitigating potential adverse effects on the natural environment, including on freshwater.
 - b. Climate change: The need to mitigate adverse effects from climate change.
 - c. Indigenous Biodiversity: The need to mitigate adverse effects on indigenous biodiversity.

Position on the relief sought

7. Without limiting the above, NHOŌ opposes the relief sought in the notice of appeal of:

Kāpiti Coast District Council

8. In regard to Chapter 3.1A: Climate Change, the relief sought by KCDC does not have particular regard for other matters under Section 7 of the Act, including ‘the effects of climate change’ (Section 7(i)). KCDC is responsible for managing land use, including urban growth and development. Land use planning has a significant role in providing policies and rules that reduce car dependency, promote mixed-use development and facilitate active transport to minimise the effects of climate change. KCDC has an obligation to consider the effects of climate change, the relief sought by KCDC do not align with NHOŌ’s values to ensure that the environment and natural world are protected and safeguarded from the effects of human activities and land use that would result in climate change effects.



9. In regard to the relief sought by KCDC relating to the Indigenous Biodiversity provisions. The relief sought by KCDC does not recognise and provide for matters of national importance under Section 6 of the Act, in particular:
 - a. The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (Section 6(c)); and
 - b. The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga (Section 6(e)).
 - c. Additionally, the relief sought is inconsistent with KCDC's functions under Section 31 of the Act, in particular, the maintenance of indigenous biological diversity (Section 31(1)(b)(iii)).
10. Recent amendments to the Act (via the Resource Management (Freshwater and Other Matters) Amendment Act) have provided a three-year suspension of the identification of new significant natural areas (**SNAs**), NHOŌ oppose in part the relief sought by KCDC to remove timeframes in their entirety from the Plan Change, a new date should be identified that is consistent with the three-year suspension timeframe and is achievable for KCDC to implement. NHOŌ position is that timeframes are a critical mechanism to ensure that the policy framework is adhered to within a clearly identified timeframe
11. NHOŌ also opposes the relief sought by KCDC to delete the definition and use of the term 'ecosystem processes'. Ecosystem processes recognise and provide for the interdependency and interconnectedness of the environment and natural world. The Plan Change must provide for these important and complex interactions; this supports a 'ki uta ki tai' approach. The NHOŌ worldview identifies our indigenous biodiversity, including ecosystems, habitats and flora and fauna, as taonga that must be protected. The relief sought by KCDC will not safeguard our taonga from inappropriate use and development.
12. NHOŌ opposes the relief sought by KCDC regarding the Urban Development provisions, particularly the relief sought regarding Objective 22. NHOŌ disagrees that the drafting of Objective 22 introduces policy-level detail and constraints / prescribes how the objective is to be achieved. In NHOŌ's view, the objective articulates what is to be achieved and provides clear targets for subsequent policies to achieve. It is important that Objective 22 recognises and provides for the relationship mana whenua has with their culture and traditions, as well as our relationship to our ancestral land, water, sites and wāhi tapu and other taonga. The direction provided by subclauses (a)-(j) provides important and significant direction to plan users about what is to be achieved by implementing the relevant policies.



13. NHoŌ opposes the relief sought by KCDC regarding the Natural Hazard provisions, in particular Policy 29. The relief sought by KCDC does not recognise and provide for matters of national importance under the Section 6 Act, in particular, the management of significant risks for natural hazards (Section 6(h)). Additionally, the relief sought is inconsistent with KCDC's functions under Section 31 of the Act, in particular, the control of any actual or potential effects of the use, development or protection of land, including for – the avoidance or mitigation of natural hazards (Section 31(1)(b)(i)). KCDC has a significant role in avoiding or minimising the risk to taonga, the environment, human life, and other infrastructure from natural hazards by managing subdivision, use, and development. KCDC must take a leadership role in developing policy that ensures a risk-based approach is applied to assess the consequences of natural hazards in the rohe to manage land use in a way that avoids, minimises and does not increase risks from natural hazards. Natural hazards are a particularly relevant and potentially disastrous phenomenon that we have witnessed across Aotearoa in recent times. NHoŌ opposes KCDC relief sought, which will weaken the Natural Hazard provision's effectiveness in protecting our taonga, including our people and the community, from the risk of natural hazards.

Winstone Aggregates

14. NHoŌ opposes the relief sought by Winstone to Policy 7 and 39. NHoŌ does not support gravel extraction within the NHoŌ rohe / tribal boundary, in particular near / in proximity to our tupuna awa - the Ōtaki awa. We would hope that the concerns that were known in 2002 are taken into account on all proposed work and subsidiary companies. It is NHoŌ view that the intention of Policy 7 and 39 is to recognise regionally significant infrastructure that promotes sustainability and the social, economic, cultural and environmental benefits. NHoŌ does not agree that mineral resource utilisation (particularly large-scale extraction) results in any cultural benefit. The relief sought by Winstone does not provide a balanced approach to managing social, economic, cultural and environmental benefits (and costs). It is in our view that extraction businesses are often contrary to sustainability. Additionally, Winstone Relief seeks to introduce additional wording in Policy 39(g) that seeks to establish an operational and functional need for quarrying activities to be located where significant mineral resources exist. NHoŌ opposes this relief sought, which will perpetuate ongoing significant adverse cultural effects on NHoŌ values by implying that quarrying is required to be in its existing locations within considering whether there are appropriate alternative locations.
15. NHoŌ opposes the relief sought by Winstone to amend Policy 23. The relief sought significantly reduces the effectiveness of Policy 23 and will not provide for the protection of indigenous ecosystems and habitats with significant biodiversity values. The suggested changes by Winstone do not enable GWRC and KCDC to give effect to Section 6(c), (e), Section 7(a), (d) and (f). In addition, the relief sought seeks to delete from Policy 23 reference to Appendix 1B (Criteria for identifying



areas that qualify as an area with significant indigenous biodiversity in the terrestrial environment (a significant natural area)). NHoŌ opposes this relief as Appendix 1B provides important and helpful criteria to ensure consistency and accuracy. Appendix 1B also includes a reference to partnering with mana whenua when classifying SNAs. As GWRC Te Tiriti partner and as mana whenua, the provisions mustn't be minimised, which reduces our ability to exercise our tino rangatiratanga as guaranteed by Te Tiriti o Waitangi.

16. NHoŌ oppose the relief sought by Winstone regarding Policy 24A-24D. The Plan Change provided technical evidence to support the inclusion of biodiversity offsetting provisions (i.e. Policy 24A-24D) to ensure that biodiversity offsetting was undertaken appropriately and effectively that would result in a 'measurable conservation outcome'. It is within GWRC's discretion to adopt a more restrictive measures / policy framework than the National Policy Statement for Indigenous Biodiversity (**NPS-IB**) if they deem it necessary to protect biodiversity in the Wellington region better. NHoŌ has an enduring intimate relationship with the environment and natural world. We are first-hand witnesses to the adverse effects of land use and activities on indigenous biodiversity over many generations. It is evident that GWRC should take a stringent approach to managing indigenous biodiversity, including the use of biodiversity offsetting as drafted in Policy 24A-24D.
17. NHoŌ oppose the relief sought by Winstone to delete Appendix 1A in its entirety. The relief sought is inconsistent with the NPS-IB, and does not recognise and provide for matters of national importance under Section 6 of the Act, in particular:
 - a. The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (Section 6(c)); and
 - b. The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga (Section 6(e)).
18. The Indigenous Biodiversity provisions, including Appendix 1A, aim to support, protect, enhance, and restore indigenous ecosystems and habitats. As a result of Plan Change, resource users may be required to change how they use and engage with the environment. This change is required as the region's indigenous ecosystems and habitats are threatened by human use and development, as well as the effects of climate change and invasive species. Appendix 1A provides appropriate rigour and robustness to ensure that our taonga species, indigenous ecosystems and habitats are appropriately protected.
19. Winstone has proposed several changes to definitions. NHoŌ opposes Winstone's request to delete the definitions of 'ecological connectivity,' 'ecosystem health,' and 'ecosystem processes.' These definitions are critical for ensuring positive outcomes for indigenous biodiversity. They provide the necessary direction for applying a whole-systems and integrated approach to



biodiversity management, acknowledging the interdependence of ecosystems, species, and ecological processes. Winstone's proposed changes perpetuate the status quo, which treats indigenous biodiversity as a collection of isolated elements that can be fragmented. This outdated approach has historically resulted in poor environmental outcomes, undermining the values of NHoŌ and harming the natural world.

20. Additionally, NHoŌ oppose the consequential amendments to the definitions (a)-(r) listed on p. 17-18 of the Winstone Notice of Appeal. The relief sought is not the most appropriate way to achieve the purpose of the Act and will not achieve positive, meaningful outcomes for the protection, enhancement and restoration of indigenous biodiversity and the wider environment and natural world.

Waikanae North Developments Limited

21. NHoŌ note the WNDL is located within the shared area of interest with Ātiawa ki Whakarongotai. NHoŌ acknowledge the tino rangatiratanga and mana of Ātiawa ki Whakarongotai in their rohe, and provide these comments within the context of our deep and ongoing relationship. NHoŌ is concerned that the relief sought by WNDL will establish a policy framework that enables and prioritises greenfield development and will not create well-functioning urban environments. The purpose of the Urban Development provisions in the Plan Change is to ensure that urban development occurs in a way that promotes 'well-functioning urban areas that have compact, urban form, through urban intensification and are well-designed and planned through the use of spatial and development strategies and use of design guidance'. The relief sought is inconsistent with this as WNDL seek to delete reference to the requirement to create 'compact' urban areas and other wording that weakens the policy framework that would result in urban development that promotes private vehicle dependency, reduces dependency on public transport, contributes to the generation of greenhouse gas emissions and the effects of climate change, and loss of productive land. The proposed relief sought is inconsistent with the direction of the NPS-IB and does not align with NHoŌ values and aspirations for urban development.

Mediation

22. NHoŌ agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Kupu whakamutunga

23. NHoŌ stand strong in our mana, rangatiratanga and raukawatanga having held ahi kā in our rohe since before 1840. NHoŌ assert that it is critical that mana whenua interests and Treaty



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partnerships are honoured by our kāwanatanga partners, such as Greater Wellington Regional Council. We wish to have representatives speak and be heard in support of our submission on the appeals next year. We take the opportunity to thank Greater Wellington Regional Council for the opportunity to comment, submit and become a Section 274 party to future RPS Change 1 proceedings.

Ka hāhā te tuna ki te roto, ka hāhā te reo ki te kāinga, ka hāhā te tangata ki te whenua.

Date: 9 December 2024

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Denise Hapeta
Chairperson Ngā Hapū o Ōtaki
Incorporated

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Advice

If you have any questions about this notice, contact the Environment Court, Wellington.