

Tēnā koutou,

Ko Rachael Pull ahau. My role is Senior Environmental Advisor, Te Rūnanga o Ngāi Tahu (Te Rūnanga).

I have prepared planning evidence with regard to submissions on the proposed variation to include landscape schedules by Te Rūnanga. I also attended the pre-hearing expert conferencing for planners on 3 October.

The main submission points by Te Rūnanga on this variation relate to the potential impacts on the South Island Landless Natives Act (SILNA) land known as the Hāwea-Wānaka block or Sticky Forest within the Dublin Bay Outstanding Natural Landscape (ONL) under Schedule 21.22.22. I support the evidence of Kāi Tahu and Te Arawhiti and do not repeat their points here.

To summarise, the main outstanding concerns I wish to raise:

- I reference the re-zoning of Sticky Forest in my evidence only for completeness in describing the unique legal situation around the site. I agree with the Council officers that for this variation it is not relevant to changing any provisions.
- Good practice planning guidelines and the Plain Language Act 2022 promote the idea that regulations need to be in 'plain English'. While not mandatory for Council, I still have concerns about the readability and understanding of the schedules when combined with the plan provisions.

I do note the limitations of this variation in being able to address much of this concern but suggest that the panel consider recommending to Council that the advice note in Chapter 3 to create guidance to assist in the application of the landscape assessment is prioritised.

- Part of this concern has been addressed by the changes to the preamble through the conferencing which confirms that values are protected and not attributes, however I am unclear when I read the schedules what is a value and what is an attribute. As a result of the submissions and conferencing, paragraph 35 of the Dublin Bay ONL confirms that forestry is an attribute but does not contribute to the naturalness value of the PA (Priority Area). However, this issue is wider than one activity on one site, so I wish to highlight it for your consideration.
- There has been much discussion about the forestry activity at the SILNA site. I support the legal submission of Te Arawhiti to clarify that the capacity statement for forestry applies to new forestry activities only. Forestry can be an existing use right, so this addition will provide clarity for all plan users.
- Paragraph 25 of the schedule for the Dublin Bay ONL notes that mana whenua considers the enablement to use the Sticky Forest site is in accordance with the Te Tiriti o Waitangi. Paragraph 21 notes that the site is part of the Ngāi Tahu Claims Settlement Act 1998 (the Act). I highlight these two paragraphs as in Chapter 5 page 4 of the Plan it inaccurately claims that *the Ngāi Tahu Claims Settlement Act 1998 relates to remedying breaches of the Treaty of Waitangi and does not cover Maori Freehold and South Island Landless Natives Act lands*. This creates the situation where the Council states the SILNA land is not a remedy to treaty breaches under the Settlement Act and the schedule states that mana whenua considers that it is. For clarity, the Act covers the SILNA lands in Part 15, and Sticky Forest is identified as treaty claim 14 in sections 447-449 of the Act.

The proposed Otago Regional Policy Statement (RPS) calls for the District Plan to provide for the use of 'māori land' and 'native reserves', and if the use adversely effects a matter of national importance such as an ONL, to enable development of alternative approaches to preserve the values. Given the proposed RPS direction, the evidence you have heard about re-dress to breaches of the treaty and enablement being consistent with the principles of the treaty, I put forward that these two paragraphs in the schedule do not go far enough to enable use of the site. It does not provide any Council acknowledgement of the need to enable use at Sticky Forest and the Tangata Whenua Chapter denies its settlement status and has no enabling provisions. The inclusion of reference to Council and the proposed RPS direction in these two paragraphs of the schedule would provide clarity to the plan users how to apply the Settlement Act in relation to the Dublin Bay ONL.

Therefore I propose the following:

21. Sticky Forest is land being held by the Crown under the Ngāi Tahu Claims Settlement Act 1998 for successors to SILNA beneficiaries to be identified by the Māori Land Court. The Sticky Forest land is in substitution for SILNA land at 'The Neck' which their tūpuna were allocated but did not receive. While currently in plantation forest future Kāi Tahu owners may seek different uses for this whenua. **Enablement of the use of this land by successors to achieve the purpose of SILNA shall be provided for. Where uses may adversely effect a value of the PA, alternative approaches, led by Kāi Tahu, will be enabled.**

25. The mamae (pain) generally felt by Kāi Tahu associated with land dispossession and alienation from traditional resources is represented by the Sticky Forest substitute land and the difficulty in accessing and using this whenua. **Council and Kāi Tahu considers** that allowing for future uses of the land to realise whānau aspirations is in accordance with the principles of Te Tiriti o Waitangi.

As additions to the schedule, these paragraphs do not have the weight of a policy or objective, however it will become a matter to have regard to under section 21.21.1.1 of the Plan which identifies the assessment criteria for resource consents in the Outstanding Natural Landscape overlay.

I hope that the above summary is of assistance, and I am happy to remain for any questions that the Panel may have.