

**BEFORE THE INDEPENDENT HEARINGS PANELS APPOINTED TO HEAR AND MAKE
RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS ON PROPOSED
CHANGE 1 TO THE REGIONAL POLICY STATEMENT FOR THE WELLINGTON REGION**

UNDER Schedule 1 of the Resource
Management Act 1991 (the Act)

IN THE MATTER OF Hearing Submissions and Further
Submissions on Proposed Change 1 to
the Regional Policy Statement for the
Wellington Region

RESPONSE TO REQUEST FOR INFORMATION IN

MINUTE 23 PARAGRAPH 6(b)

[Use of Te Rito o te Harakeke]

IAIN DAWE AND PAMELA GUEST

ON BEHALF OF WELLINGTON REGIONAL COUNCIL

HEARING STREAM 7 -

SMALL TOPICS, WRAP UP AND VARIATION 1

8 April 2024

TABLE OF CONTENTS

INTRODUCTION.....	3
RESPONSE TO MINUTE 23 AND EXPERT EVIDENCE OF MS MAGGIE BURNS.....	3
TE RITO O TE HARAKEKE AND THE DECISION-MAKING PRINCIPLES FOR INDIGENOUS BIODIVERSITY	4
Background	4
Consideration of Te Rito o te Harakeke in Hearing Stream 6: Indigenous Ecosystems.....	6
Consideration of Te Rito o te Harakeke in Hearing Stream 3: Climate Change Natural Hazards.....	7
Further consideration of Te Rito o te Harakeke in Hearing Stream 7	7
<i>Climate Change Issue 5 (Ms Guest)</i>	7
<i>Natural Hazards – Objective 20 (Dr Dawe)</i>	7
<i>Natural Hazards – Policy 52 (Dr Dawe)</i>	8
<i>Natural Hazards – Policy CC.16 (Dr Dawe)</i>	8
<i>Indigenous ecosystem provisions - Objective 16A, Policy IE.2, Policy IE.3, Method IE.1, Method IE.4 (Ms Guest)</i>	8
RECOMMENDATIONS	9
APPENDIX 1: RECOMMENDED AMENDMENTS TO CHANGE 1 PROVISIONS THAT REFER TO TE RITO O TE HARAKEKE.....	10
Climate Change Issue 5	10
Climate Change Policy CC.16.....	10

INTRODUCTION

- 1 This evidence has been prepared jointly by Dr Iain Dawe and Ms Pam Guest (Senior Policy Advisors, GWRC) in response to a request for information contained in Minute 23 paragraph 6(b):

“References to Te Rito o Te Harakeke in PC1

In paragraphs 9-10 of his Reply evidence dated 21 September 2023 for HS3, Mr Wyeth for the Council said that the reference in Issue 5 – Climate Change to Te Rito o Te Harakeke is best addressed in either HS6 or HS7. Mr Wyeth sets out the reasons for this in his evidence (paragraph 10). 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 “decisionmaking principles for indigenous biodiversity” or any alternative wording? See for example Policy 52(e) - (HS3). Is ‘taonga species’ an appropriate replacement in Objective 20 (which was a term agreed during caucusing – see paragraph 21 of the Reply evidence of Dr Dawe and Mr Beban, HS3 dated 13 November 2023).”

- 2 The qualifications and experience of Iain Dawe are set out in paragraphs 17-25 of the Section 42A report Climate Change: Natural Hazards, dated 14 August 2023 and the qualifications and experience of Pam Guest are set out in paragraphs 18-20 of the Section 42A report Indigenous Ecosystems, dated 11 December 2023.
- 3 We repeat the confirmation given in these reports that we have read and agree to comply with the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023.

RESPONSE TO MINUTE 23 AND EXPERT EVIDENCE OF MS MAGGIE BURNS

- 4 In Minute 23, the Independent Hearings Panel (‘the Panel’) for Proposed Change 1 to the Regional Policy Statement (‘Change 1’) sought information from Greater Wellington Regional Council (‘the Council’) in relation to use of the term Te Rito o te Harakeke across Change 1. In paragraph 6(b), the Panel posed the following question: *“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?”*
- 5 This question is discussed in the planning evidence received from Ms Maggie Burns on behalf of Rangitāne o Wairarapa (Rangitāne) for Hearing Stream 7, where she recommends

that Te Rito o te Harekeke is replaced with the decision-making principles from the NPS-IB throughout the provisions in Change 1, including in natural hazard provisions Objective 20 and Policy 52 clause (e).

6 This statement responds to this matter on the Council’s behalf. Dr Dawe has taken the lead for responses to the natural hazard provisions and Ms Guest has taken the lead for those related to the indigenous biodiversity provisions. This will be indicated in paragraphs 15-18 below.

TE RITO O TE HARAKEKE AND THE DECISION-MAKING PRINCIPLES FOR INDIGENOUS BIODIVERSITY

Background

7 The term Te Rito o te Harakeke was a core concept in the National Policy Statement for indigenous biodiversity (NPS-IB) exposure draft, supported by a definition including six “essential elements” as presented in Table 1.

Table 1: Concept of Te Rito o te Harakeke as set out in the NPS-IB exposure draft.

Te Rito o te Harakeke	<p>Te Rito o te Harakeke is a concept that refers to the need to maintain the integrity of indigenous biodiversity. It recognises the intrinsic value and mauri of indigenous biodiversity as well as people’s connections and relationships with it.</p> <p>It recognises that our health and wellbeing are dependent on the health and wellbeing of indigenous biodiversity and that in return we have a responsibility to care for it. It acknowledges the web of interconnectedness between indigenous species, ecosystems, the wider environment, and the community.</p> <p>Te Rito o te Harakeke comprises six essential elements to guide tangata whenua and local authorities in managing indigenous biodiversity and developing objectives, policies, and methods for giving effect to Te Rito o te Harakeke:</p> <p>(a) the intrinsic value and mauri of indigenous biodiversity:</p> <p>(b) the bond between people and indigenous biodiversity through whakapapa (familial) relationships and mutual interdependence:</p> <p>(c) the responsibility of care that tangata whenua have as kaitiaki, and that other New Zealanders have as stewards, of indigenous biodiversity:</p> <p>(d) the connectivity between indigenous biodiversity and the wider environment:</p> <p>(e) the incorporation of te ao Māori and mātauranga Māori:</p>
-----------------------	--

	(f) the requirement to partner with tangata whenua.
--	---

8 The term Te Rito o te Harakeke is referred to in nine provisions across Change 1:

- **Issue 5** of the Climate Change Chapter - Climate change threatens tangible and spiritual components of Māori well-being;
- **Objective 20** – addressing natural hazard mitigation measures and climate change adaptation activities;
- **Policy CC.16** - Climate change adaptation strategies, plans and implementation programmes;
- **Policy 52** - Avoiding or minimising adverse effects of hazard mitigation measures;
- **Objective 16A** - addressing the maintenance and restoration of indigenous ecosystems;
- **Policy IE.2** - Giving effect to mana whenua / tangata whenua roles and values when managing indigenous biodiversity;
- **Policy IE.3** - Maintaining, enhancing, and restoring indigenous ecosystem health;
- **Method IE.1** - Partnering with mana whenua / tangata whenua to give local effect to Te Rito o te Harakeke, and;
- **Method IE.4** - Kaitiaki indigenous biodiversity monitoring programme.

9 Subsequent to notification of Change 1, the NPS-IB was gazetted in July 2023 and the term *Te Rito o te Harakeke* was replaced by reference to a set of ‘Decision-making principles for indigenous biodiversity’ with a definition that is similar to that for Te Rito te Harakeke, but with several important additions, including reference to Te Tiriti o Waitangi (Table 2).

Table 2: Decision-making principles for indigenous biodiversity.

Decision-making principles for indigenous biodiversity	<p>The following decision-making principles must inform the management of indigenous biodiversity:</p> <ul style="list-style-type: none"> (a) prioritise the mauri, intrinsic value and well-being of indigenous biodiversity, (b) take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), (c) recognise the bond between mana whenua/tangata whenua and indigenous biodiversity based on whakapapa relationships, (d) recognise the obligation and responsibility of care that mana whenua/tangata whenua have as kaitiaki of indigenous biodiversity, (e) recognise the role of people and communities (including landowners) as stewards of indigenous biodiversity, (f) enable the application of te ao Māori and mātauranga Māori, and
--	--

	(g) form strong and effective partnerships with mana whenua /tangata whenua.
--	--

Consideration of Te Rito o te Harakeke in Hearing Stream 6: Indigenous Ecosystems

- 10 Use of the term Te Rito o te Harakeke in the indigenous biodiversity provisions is addressed in the Hearing Stream 6 Section 42A Report: Indigenous Ecosystems. At paragraph 101, in response to a submission from Rangitāne, Mr Wyeth notes that he has recommended that this concept be replaced with the ‘Decision-making principles for indigenous biodiversity’ where relevant in the Change 1 provisions to be better aligned with the NPS-IB. This amendment is explained in more detail in Appendix 3 to the Section 42A report and was generally supported by mana whenua/tangata whenua representatives that attended pre-hearing discussions focused on giving effect to the NPS-IB in Change 1.

- 11 Amendments recommended in the Section 42A report included replacing *Te Rito o te Harakeke* with the ‘Decision-making principles for indigenous biodiversity’ in; Policy IE.2, Policy IE.3, Method IE.1 and Method IE.4. However, this change was not recommended by Ms Guest in relation to Objective 16A for the reasons set out in paragraph 205 of the Section 42A report:

“I do agree with Meridian that providing for Te Rito o te Harakeke (recommended by Mr Wyeth in Issue 2 to be replaced by reference to “the decision-making principles for indigenous biodiversity”) is more of a process matter than an outcome in itself, setting out the principles that must inform and be given effect to in managing indigenous biodiversity. I consider that use of these decision-making principles is already provided for in a number of Change 1 policies and methods, e.g., In giving effect to Policy 23 (identification of SNAs), Policy IE.2 (Giving effect to mana whenua/tangata whenua roles and values when managing indigenous biodiversity), Policy IE.3 (Maintaining, enhancing, and restoring indigenous ecosystem health), and Methods IE.2 and IE.4. I therefore recommend that this concept is deleted from Objective 16A.”

Consideration of Te Rito o te Harakeke in Hearing Stream 3: Climate Change Natural Hazards

12 Ms Burns' planning evidence to Hearing Stream 7 (para. 31) refers to the use of Te Rito o te Harakeke in the Climate Change: Natural Hazards provisions addressed in Hearing Stream 3, and notes:

“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.”

Further consideration of Te Rito o te Harakeke in Hearing Stream 7

13 We have given further consideration to replacement of the term Te Rito o te Harakeke in the Change 1 provisions in response to the question raised by the Panels in Minute 23 and the planning evidence of Ms Burns. Our responses are as follows.

Climate Change Issue 5 (Ms Guest)

14 I do not consider that replacing reference to *Te Rito o te Harakeke* with the ‘Decision-making principles for indigenous biodiversity’ is appropriate in Climate Change Issue 5, as the issue is focussed on the threats that climate change poses to the tangible and spiritual components of Māori well-being. Rather, we recommend an amendment to the policy to include: “The relationship of mana whenua/tangata whenua with indigenous biodiversity”. I consider this is more appropriate in the context of the issue statement rather than reference to a set of decision-making principles.

Natural Hazards – Objective 20 (Dr Dawe)

15 I consider that the text in the recommended amendments to Objective 20, which refers to “taonga species, sites of significance to mana whenua/tangata whenua, natural processes, indigenous ecosystems and biodiversity”, adequately addresses the matters to be considered in relation to indigenous biodiversity when identifying appropriate natural hazard mitigation and adaptation measures. I consider that referring to “the decision-making principles for indigenous biodiversity” adds unnecessary and unhelpful complexity to the objective.

Natural Hazards – Policy 52 (Dr Dawe)

16 The matters in Policy 52 recognise a wide range of māori and indigenous biodiversity values including, effects on Te Mana o te Wai, mahinga kai, taonga species, local indigenous ecosystems and biodiversity and sites of significance to mana whenua/tangata whenua that need to be taken into consideration when determining the appropriateness of a particular hazard mitigation response. Similar to the reasoning for Objective 20, I consider that including reference to “the decision-making principles for indigenous biodiversity” would add unnecessary complexity to implementing the policy and consider that the elements in the policy adequately cover concerns about impacts on māori values and indigenous biodiversity.

Natural Hazards – Policy CC.16 (Dr Dawe)

17 Policy CC.16 promotes climate change adaptation strategies, plans and implementation programmes. Te Rito o te Harakeke was included originally so to encourage a consideration of effects on indigenous biodiversity and ecosystems in climate adaptation strategies. As it stands, the policy references a consideration of Te Ao Māori, Mātauranga Māori and Te Mana o te Wai. To cover a consideration of effects on indigenous biodiversity, I recommend that in matter CC.16 (e) Te Rito o te Harakeke is replaced with: “The relationship of mana whenua/tangata whenua with indigenous biodiversity”. I consider that this provides a useful adjunct to the concept of Te Mana o te Wai for the terrestrial environment. Policy CC.16 is not targeted at biodiversity management *per se*, thus I consider that adding reference to “the decision-making principles for indigenous biodiversity” adds unnecessary complexity and that the proposed amendment adequately covers consideration of indigenous biodiversity.

Indigenous ecosystem provisions - Objective 16A, Policy IE.2, Policy IE.3, Method IE.1, Method IE.4 (Ms Guest)

18 I remain of the opinion that the amendments recommended in Hearing Stream 6 to Objective 16A, Policy IE.2, Policy IE.3, Method IE.1, Method IE.4, as discussed in paragraphs 10-11 above, are appropriate. In summary, the recommendation is to replace *Te Rito o te Harakeke* with ‘Decision-making principles for indigenous biodiversity’ in Policy IE.2, Policy IE.3, Method IE.1 and Method IE.4, but to make no change in Objective 16A as the decision-making principles are already provided for in a number of Change 1 provisions.

RECOMMENDATIONS

- 19 We recommend that Climate Change Issue 5 be amended to include the clause: "The relationship of mana whenua/tangata whenua with indigenous biodiversity", for the reasons set out in paragraph 14. This amendment can be viewed in Appendix 1.
- 20 We recommend that Policy CC.16 be amended to include the clause: "The relationship of mana whenua/tangata whenua with indigenous biodiversity", for the reasons set out in paragraph 17. This amendment can be viewed in Appendix 1.
- 21 We recommended that Objective 20 and Policy 52 retain reference to 'taonga species' as discussed in paragraphs 15 and 16.
- 22 We recommended that the amendments proposed to Objective 16A, Policy IE.2, Policy IE.3, Method IE.1, Method IE.4, as discussed in the Hearing Stream 6 Section 42A Report: Indigenous Ecosystems and paragraphs 10-11 above, remain appropriate.

DATE:

8 April 2024

IAIN DAWE AND PAMELA GUEST

**SENIOR POLICY ADVISORS, GREATER WELLINGTON
REGIONAL COUNCIL**

APPENDIX 1: RECOMMENDED AMENDMENTS TO CHANGE 1 PROVISIONS THAT REFER TO TE RITO O TE HARAKEKE

The text of the notified version of the Change 1 provisions is shown in underline or ~~strike through~~. Amendments recommended in the Section 42A Report “Climate Change: Natural Hazards” are shown in red underline or ~~strike through~~, further amendments recommended in the rebuttal evidence for Climate Change: Natural Hazards are shown in blue underline or ~~strike through~~ and in the Right of Reply in green underline or ~~strike through~~. Amendments recommended through this rebuttal evidence are shown as purple underline or ~~strike through~~.

Climate Change Issue 5

The regionally significant issues, and the issues of significance to the Wellington Rregion’s iwi authorities for climate change are ...:

5. Climate change threatens tangible and spiritual components of mana whenua/tangata whenua Māori well-being

Climate change threatens both the tangible and spiritual components of mana whenua/tangata whenua Māori well-being, including Te Mana o Te Wai, their relationship with indigenous biodiversity and Te Rito o Te Harakeke, mahinga kai, and taonga species, and the well-being of future generations. Significant sites for mana whenua/tangata whenua Māori, such as marae, wāhi tapu and urupā, are particularly vulnerable as they are frequently located alongside the coast and fresh waterbodies.

Climate Change Policy CC.16

Policy CC.16: Climate change adaptation strategies, plans and implementation programmes – non-regulatory

Regional, city and district councils should, ~~under the Local Government Act 2002~~, partner with mana whenua / tangata whenua and engage local communities in a decision-making process to develop and implement strategic *climate change adaptation* plans that map out management options over short, medium and long term timeframes, using a range of tools and methods that may include including, but are not limited to:

- (a) Te Ao Māori and Mātauranga Māori approaches;
- (b) Dynamic adaptive planning pathways or similar adaptive planning approaches;
- (c) ~~City, d~~istrict or regional plan objectives, policies and rules that address subdivision, use and development for areas impacted by climate change and sea level rise;
- (d) Options for managed retreat or relocation;
- (e) A consideration of *Te Mana o te Wai and Te Rito o te Harakeke* the relationship of mana whenua/tangata whenua with indigenous biodiversity;
- (f) Hazard mitigation options including soft engineering, green infrastructure or room for the river nature-based solutions and methods to reduce the risks from natural hazards exacerbated by climate change and sea level rise; and
- (g) Equitable funding options required to implement the programme.

Explanation

Policy CC.16 provides a range of options for development and implementation of adaptation strategies or plans to suit a particular programme or local circumstances. In some instances, the outcomes may require implementation as objectives, policies, and rules in regional or district plans, but this is not expected to be a requirement.

[This policy should be read in conjunction with Policy CC.15 and Method CC.8 that address rural resilience to climate change, food and water security.](#)