



Te Ātiawa o Te Waka-a-Māui Trust
 Waikawa Marina, Beach Road
 Waikawa, Picton 7220
 PO Box 340, Picton 7250
 Toll Free Ph : 0800 284 292
 Ph : (03) 573 5170
 Fax : (03) 573 5180
 Email : office@teatiawatrust.co.nz
 Website : www.teatiawatrust.co.nz

21 February 2018

MEP Hearing Panel
 Attention: Trevor Hook
 C/O Marlborough District Council
 PO Box 443
 Blenheim 7240

Tēnā koutou,
Re: Minute 5 of the MEP Hearing Panel

Thank you for your minute dated 14 February 2018 regarding your concerns of our expert witness (Mr I. Shappcott) producing evidence potentially 'out of scope' of our original submission.

I read your concern to relate to his evidence presented on Topic 6: Indigenous Biodiversity which was presented on 12 February 2018, which called for (and provided some recommendations to) reasonably extensive amendments to the notified provisions of Volume 1, Chapter 8.

Please correct me if I am wrong, but I interpret the panel's question to be: "*What legal basis does Te Ātiawa identify that contention relating to Topic 6: Indigenous Biodiversity is within the scope of their original submission?*" As per your instructions, I will attempt to be '**concise**' but please contact me should you require further information.

I concur that 'Attachment 1' of our submission does not specifically identify Chapter 8 nor all of its individual provisions but 'Attachment 1' does start with an explicit indication of our concern around the **scope** taken by the Marlborough District Council in terms of the definition of 'cultural' values. To be specific, we indicated that 'cultural' values should encompass (at page 1 of Attachment 1):

- Environmental preservation
- Tribal Health and wellbeing;
- Tribal economic development;
- Sustainable development of natural and physical resources;
- Protection of cultural practices and traditions; and
- Inclusion into decision making processes.

Further, Attachment 1 provided a list of general issues and/or matters which we considered were omitted from the PMEP as notified. The principal issue we have identified in our submission is that for cultural values to be adequately incorporated into a Plan, to give effect to the statutory documents including the Treaty of Waitangi, cultural values need to be addressed throughout the entire document rather than in one chapter.

Furthermore, Te Ātiawa has taken the approach in its submissions to show where amendments could be made to address our concerns. We felt this was an important step towards helping the panel in considering and addressing these matters rather than purely criticising the PMEP. To be told at this late stage that explicit links for any and all wording changes to the proposed Plan provisions needed

to be provided in our original submission is a concern as it would of required a far larger submission than we provided and significantly more resources that we had (at the time) or currently have available.

In short, our recommended changes to Chapter 8 (in our expert evidence) were an attempt show the panel how our concerns (identified under the headings 'Scope' and 'General issues/omissions from the MEP') could be addressed. If it is now required that we cross reference every recommended change to the wording of the plan, to our original submission, then please let us know so that future evidence can be accordingly annotated.

If we were so instructed before the presentation of our evidence for Topic 6: Indigenous Biodiversity, then we would have annotated our evidence (and recommended changes) as follows:

"Original submission points:

- *General issues/omissions from MEP*
 - *Partitioning of Cultural Issues*
 - *Kaitiakitanga*
 - *Restoration initiatives*
 - *Iwi emancipation."*

Please let us know if our interpretation of our submission scope does not align with the panel interpretation.

For completeness, our expert witness has provided a supporting explanation for your consideration which is attached.

Please feel free to contact me should you wish to discuss these matters further.

Nga mihi,



Archdeacon Harvey Ruru QSM
Chairperson
Te Ātiawa o Te Waka-a-Māui Trust.

Attachment – Explanation for Te Ātiawa expert witness.

The consideration of this matter of **‘scope and the presentation of Expert Evidence’** on behalf of Te Ātiawa at the Hearing on Monday, 12 February 2018 – relating to the topic of Indigenous Biodiversity - had its genesis in Hearing Block 1. Particularly in regard to the evidence presented on the Iwi Chapter.

The suite of matters in the front end of the submission(s) lodged by Te Ātiawa (Appendix 2) “General issues/omissions from the MEP” is explicitly MEP-wide and is intended to be utilized in that way, as specifically signalled to the Panel by the writer during the Block 1 hearings. And, in response to a related question from one of the commissioners, during the Block 1 hearings, as to; ‘what are you going to do about raising the matter of Māori Culture in the MEP’, the writer cited the intention to infuse Māori cultural aspects, as signalled in the overall submission, as and when applicable to do so, throughout the ongoing process/lodgement and presentation of evidence.

The matter of the need and intention to infuse Māori cultural matters beyond the iwi Chapter and throughout the MEP, a post-Settlement position, was clearly presented by Te Ātiawa in expert evidence.

As one might expect, at a resourcing level, Te Ātiawa was not in a position to completely rewrite the whole of the MEP in its submission, to infuse it with a core Māori cultural thread. It also did not anticipate the Council had the knowledge, capacity or will to do this in response to its submissions. It rather chose the generic route, as appended, and undertook to spell-out precisely this exact need in its submissions on the overall MEP, viz:

Partitioning of Cultural Issues

*Te Ātiawa was involved in targeted consultation regarding the MEP but the Trust considers that the views and issues raised during this process have been partitioned into just the Cultural chapter. Whilst the Trustees are supportive of the issues identified and the resultant objectives and policies, many of the issues and concerns raised stretch across the plan. The MDC has also failed to appreciate Te Ātiawa as anything more than a club. The MEP provisions are generally only in terms of spiritual concerns and fails to acknowledge Te Ātiawa as a significant cultural commercial entity. **To be truly integrated into the planning process, cultural issues should not be solely contained in one chapter and iwi concerns are not merely spiritual.***

Kaitiakitanga

*Even through the MEP defines kaitiakitanga in a broad way (Volume 1, page 3-5), the MEP applies the concept in a very narrow manner and cannot be said to be integrated across the proposed Plan. **Te Ātiawa seeks that the meaning of Kaitiakitanga is applied across the entire plan, not just one chapter.***

Restoration Initiatives

*The MEP provides much discussion on supporting restoration initiatives but provides little in the way of meaningful support. **Te Ātiawa asks that all the Zones of the MEP be provided with a permitted activity of restoring or rehabilitating habitat, undertaking restoration activities, research and placement of structures/undertaking of works associated with the restoration or rehabilitation of habitat for native vegetation/habitat or animals or both.***

Iwi Emancipation

*The MEP seeks to provide iwi involvement in the planning processes (Volume 1, Chapter 3) but it does not provide any impetus (by way of matters of control, issues of restriction, or standards) that would require iwi values or cultural matters to be assessed by the applicant in the various chapters of the plan (i.e. volume 1, 2, 3 or 4). **The Trustees of Te Ātiawa seek that objectives, policies, methods, rules, standards, matters of control and discretion be created and included in all chapters that relate to cultural values/issues to ensure that they are addressed.***

Discussion

As far as the consideration the Ecologically Significant Marine Site Overlay (in Volume 4) is concerned, it was concluded that the elements of the submissions lodged in regard to the Volume 4, Maps – see specific details below – may well have an either-or position in terms of where the matters subject to submission might be relevantly placed the MEP; see below.

2.2.2 Relevance to Volume 4: Threatened Environments Overlay

Although the submission of Te Ātiawa raised the matters below in the context of the Zoning Maps, with relevance to recognition under the Significant Wetlands delineation, there appears to be direct relevance here between these matters – explained in the two tables below – and the Threatened Environments Overlay.

So, with reference to the Relief Sought, below, Te Ātiawa seeks additions to the Threatened Environments overlay and/or to zoning maps 36 and 41 to:

- **Either extend the area of wetland shown in Map 36 or create a new overlay for ‘significant habitat’ and cover the significant eel grass beds at the head of Shakespeare Bay.**
- **Modify Map 41 to create a new overlay for ‘significant habitat’ and cover the significant eel grass beds at the mouth of the Waikawa Stream/estuary.**

The report referred to in the tables, below, is: “PICTON BAYS ENVIRONMENTAL INFORMATION AND HEALTH ASSESSMENT” – Cawthron Institute Report 2805 (for the MDC) March 2016:

https://www.marlborough.govt.nz/repository/libraries/id:1w1mps0ir17q9sgxanf9/hierarchy/Documents/Environment/Coastal/Picton_Bays_Environmental_Information_and_Health_Assessment_Cawthron_Report_2805.pdf

MEP Ref	Plan Provision	Position and Reason	Relief Sought
Appendix 1 – Values contributing to areas with outstanding natural features and landscapes and areas with high amenity value			

Map 36	Significant wetlands	A recent report commissioned by the MDC identified significant ecological habitat outside the area identified in Map 36. This habitat was identified as critical to the functioning of the Queen Charlotte Sound.	Either extend the area of wetland shown in Map 36 or create a new overlay for 'significant habitat' and cover the significant eel grass beds at the head of Shakespeare Bay.
Map 41	Significant Wetlands	A recent report commissioned by the MDC identified significant ecological habitat at the mouth of the Waikawa Stream. This habitat was identified as critical to the functioning of the Queen Charlotte Sound, and one of the last remaining locations of this habitat.	Modify Map 41 to create a new overlay for 'significant habitat' and cover the significant eel grass beds at the mouth of the Waikawa Stream.

It is also worth considering that the Panel had the benefit of reading the substantive evidence in question prior to the hearing (*taken as read*) yet, there was nothing, whatsoever, new in the expert evidence presented on the day, simply emphasis placed upon key parts of the substantive evidence, which means that the issue in question is with the Substantive Evidence, which was lodged on Monday, 11 December 2017 and available to all for an extended period. The obvious question that arises is that, given these circumstances: Why wasn't this question put to the witness at the hearing on the day?

Those things said, Te Ātiawa appreciates the constructive tenor of Minute 5 and the opportunity presented to validate its position, and so acknowledges the Panel in this context – ngā mihi.

In the case under consideration, already having emphasized this approach in specific terms earlier (Block 1 evidence), and in keeping with the clear assertions submitted, the evidence prepared by the writer has developed and extended, cultural values into the MEP aspects, by citing the submission points relating to *Kaitiakitanga* and *Restoration Initiatives*.

Summary view-point

1. Explicit, albeit over-view, submission points, lodged by Te Ātiawa, clearly underpin the approach taken by Te Ātiawa in the provision of evidence/expert evidence;
2. These submissions have had/have MEP-process public domain status since lodged;
3. The approach taken is legitimate, practical and transparent, in that the impossible alternative would have been for Te Ātiawa to have fully redrafted the MEP from a Māori cultural perspective. Logically, Te Ātiawa has chosen to clearly frame and present the issue, as detailed above, and proceeded progressively, via evidence, to:

... seek that objectives, policies, methods, rules, standards, matters of control and discretion be created and included in all chapters that relate to cultural values/issues to ensure that they are addressed.

Ian Shapcott MNZPI, on behalf of Te Ātiawa o Te Waka-a-Māui Trust

Appendices

Appendix 1 – Extract from the Summary Expert Evidence presented to the Hearings’ Panel on Monday, 12 February 2018, with relevance to the Expert Evidence under discussion

2.2 Emphasis on important issues raised in evidence

2.2.1 Volume 1:

Generally

Page 3: The Crown’s formal apology leads Māori /Iwi – Te Ātiawa - to reasonably expect that The Crown, the Treaty Partner, will now continue to act with integrity (in good faith), in its duties under the Treaty – to honour its provisions so that there will be no further Treaty breaches. Accordingly, as a tier of government directly empowered by the Crown, it is logically expected that the actions of local government, the Marlborough District Council (MDC), will follow the Crown’s actions - in that its actions will not give rise to any further Treaty breaches – and will actively honour the agreements made.

Page 7: (From the Te Ātiawa submission)

Kaitiakitanga

*Even though the MEP defines kaitiakitanga in a broad way (Volume 1, page 3-5), the MEP applies the concept in a very narrow manner and cannot be said to be integrated across the proposed Plan. **Te Ātiawa seeks that the meaning of Kaitiakitanga is applied across the entire plan, not just one chapter.***

Pages 8 - 12:

Te Ātiawa seeks an amendment to the Introduction of MEP Volume 1, Chapter 8, paragraph 3, to replace the term *kiatiakitanga* with the term *Tikanga Māori*.

(From the Te Ātiawa submission)

Restoration Initiatives

*The MEP provides much discussion on supporting restoration initiatives but provides little in the way of meaningful support. **Te Ātiawa asks that all the Zones of the MEP be provided with a permitted activity of restoring or rehabilitating habitat, undertaking restoration activities, research and placement of structures/undertaking of works associated with the restoration or rehabilitation of habitat for native vegetation/habitat of animals or both.***

Comment

The Council holds information on the state of indigenous biodiversity in the Rohe which confirms its continued degradation. This is of deep concern to kaitiaki and is a primary reason to support restoration initiatives in parallel to National Policy Statements. Kaitiakitanga is the Cultural Aotearoa Policy Statement for the responsible management of our natural world, nationally and in Marlborough. And, it does not delineate significance. The whole of the natural world of Aotearoa is significant. Accordingly, a number of amendments to MEP Volume 1, Chapter 8 are put forward, in **bold text**, below:

Objective 8.1 opening paragraph:

*Objective 8.1 – Marlborough’s remaining indigenous biodiversity in terrestrial, freshwater and coastal environments is protected. As there has been considerable loss of indigenous biodiversity in Marlborough, it is important that remaining areas are protected and that their condition is maintained and improved ~~where opportunities arise~~. **Proactive measures must continue to be undertaken to secure and initiate strategic protection and maintenance/improvement opportunities.***

And for Objective 8.2:

Objective 8.2 – An increase in area/extent of Marlborough’s indigenous biodiversity and restoration or improvement in the condition of areas that have been degraded.

*While protection of remaining areas of indigenous biodiversity is important, so too is the restoration and re-establishment of some of what has been lost or degraded. Restoration means the active intervention and management of degraded biotic communities, landforms and landscapes to enhance biological character, ecological and physical processes. If restoration and re-establishment does not occur then indigenous biodiversity will remain seriously threatened and be vulnerable to further decline, especially in lowland southern Marlborough. **Proactive measures must continue to be undertaken to secure and initiate strategic restoration opportunities.***

And, for Policy 8.1.1:

Identification of sites, areas and habitats with significant indigenous biodiversity value

Policy 8.1.1 – When assessing whether wetlands, marine or terrestrial ecosystems, habitats and areas have significant indigenous biodiversity value, the following criteria will be used:

- (a) Māori cultural values** (change the criteria references consequentially)
- (a) representativeness;*

- (b) rarity;
- (c) diversity and pattern;
- (d) distinctiveness;
- (e) size and shape;
- (f) connectivity/ecological context;
- (g) sustainability; and
- (h) adjacent catchment modifications.

*For a site to be considered significant, one of the first ~~four~~ five criteria (**Māori cultural values**), representativeness, rarity, diversity and pattern or distinctiveness/special ecological characteristics) must rank medium or high.*

*To determine whether a site is significant for the purposes of Sections 6(c) and 6(e) of the RMA, an assessment needs to be made by the Council or others against consistently applied criteria. The criteria identified in this policy (further explained in Appendix 3), have been used by the Council previously to identify and encourage opportunities for the conservation of natural features on private land in Marlborough and will enable assessments to be made in the future where none have occurred to date. The same criteria have also been used in identifying wetlands of significance in Marlborough and in identifying areas in the coastal marine area with significant indigenous biodiversity value. **To determine the relevance of Māori cultural values reference will be made to lodged Iwi Management Plans, along with specific consultation with Tangata Whenua Māori.***

These changes will influence how Policy 8.1.2 is interpreted and administered.

And, for Policy 8.2.1

*Protecting and enhancing indigenous biodiversity Policy 8.2.1 – A variety of means will be used to assist in the protection and enhancement of areas and habitats with indigenous biodiversity value, including **collaboration with Tangata Whenua Iwi as kaitiaki**, partnerships, support and liaison with landowners, regulation, pest management, legal protection, education and the provision of information and guidelines.*

*A variety of methods are necessary to achieve the protection and enhancement of areas and habitats with indigenous biodiversity value. Sometimes, simply fencing an area is the most effective means of protection and in this case, it is the Council's role to support landowners (including financially). In other cases, it may be appropriate that regulation is **used or Māori cultural protection mechanisms applied periodically**¹. It is important to acknowledge, however that rules on their own do not protect important areas. The Council can also take an active role in enhancement activities,*

¹<http://www.doc.govt.nz/Documents/science-and-technical/sap242entire.pdf>

again through supporting landowners with education, the provision of information and guidelines and through working in **collaboration with kaitiaki and partnerships**.

And Policy 8.2.9:

Policy 8.2.9 – Maintain, enhance or restore ecosystems, habitats and areas of indigenous biodiversity even where these are not identified as significant in terms of the criteria in Policy 8.1.1, but are important for:

(a) **the support of Māori cultural values**; (change the criteria references consequentially)

And Policy 8.3.4:

*Policy 8.3.4 – Improve the management of drainage channel maintenance activities to mitigate the adverse effects from these activities on the habitats of indigenous freshwater species **and Māori cultural values**.*

The Council operates and maintains a historic network of drainage channels on the Wairau Plain. This network reduces groundwater levels and improves the productive potential of the rural land resource. Some of the drainage channels are modified rivers, while others are artificial watercourses. The drainage channels often provide habitat to indigenous freshwater fauna, including eel (tuna) and other freshwater fish and kōura. These species are a source of mahinga kai to Marlborough's tangata whenua iwi and contribute to Marlborough's overall biodiversity.

*The maintenance of the drainage network involves the control and/or removal of aquatic plants, wetland plants and accumulated sediment from the bed of the channels that would otherwise reduce the efficiency of water flow and increase water levels. Such maintenance can adversely affect aquatic animals within the channel, **and the mauri of the natural world**, either through direct removal or a reduction of habitat. While it is difficult to completely avoid the adverse effects of drainage channel maintenance on aquatic biodiversity, it is possible, using good environmental practice guidelines, to mitigate the nature and degree of effect from maintenance activities.*

And Policy 8.3.5:

Policy 8.3.5 – In the context of Policy 8.3.1 and Policy 8.3.2, adverse effects to be avoided or otherwise remedied or mitigated may include:

(a) *fragmentation of or a reduction in the size and extent of indigenous ecosystems and habitats;*

(b) *fragmentation or disruption of connections or buffer zones between and around ecosystems or habitats;*

(c) changes that result in increased threats from pests (both plant and animal) on indigenous biodiversity and ecosystems;

(d) the loss of a rare or threatened species or its habitat;

(e) loss or degradation of wetlands, dune systems or coastal forests;

(a) (f) **impacts on Māori cultural values, including loss of mauri and/or taonga species;** (change the criteria references consequentially)

Comment on Policy 8.3.8

The concept of biodiversity offsetting offends Māori cultural values, with respect to the continuity and integrity of the mauri of the natural world.

And, Methods of implementation: Add a new Method, 8.M.11, as follows; bold text:

8.M.11 Collaboration with Tangata Whenua Iwi

The Council will continue to collaborate closely with Marlborough' Tangata Whenua Iwi, to support Māori cultural values as they relate to the management of indigenous biodiversity, and particularly with the role of iwi as kaitiaki. This collaboration will include:

- a) Supporting the implementation of kaitiakitanga as promoted in *lodged Iwi Management Plans*;**
- b) Supporting the development and implementation of cultural indicators and related monitoring; and**
- c) Supporting these processes with dedicated, expert, Council officer time.**
(change the subsequent references consequentially)

And, Anticipated environmental results and monitoring effectiveness:

Anticipated environmental results and monitoring effectiveness. The following table identifies the anticipated environmental results of the indigenous biodiversity provisions of the MEP. The anticipated environmental results are ten year targets, unless otherwise specified. For each anticipated environmental result, a series of indicators will be used to monitor the effectiveness of the indigenous biodiversity provisions.

<i>Anticipated environmental result</i>	<i>Monitoring effectiveness</i>
8.AER.5 Effective co-management with Tangata Whenua Iwi implementing kaitiakitanga (change the subsequent references consequentially)	Measured against the combined/complementary monitoring results of cultural and scientific indicators

Te Ātiawa is seeking changes – or like - to MEP - Volume 1, Chapter 8, Indigenous Biodiversity.

Significant Marine Site Buffers

*The MDC is in receipt of a report that identifies significant reduction/loss in the ecological sites of significance within the Queen Charlotte Sound. The MEP makes no attempt to protect these (much degraded, endangered, but significant) sites. In addition, the preservation of the significant sites does not account adequately for mahinga kai, traditional processes and practices (in relation to these significant sites). **Te Ātiawa seeks that there be an appropriate buffer provided around these sites within the Queen Charlotte Sound, Tory Channel, and Port Gore so that no further destruction can occur and some restoration/expansion within these sites can occur. Further, the Trustees seek preservation of customary practices and processes within these sites (specifically around Arapaoa Island).***

Appendix 2 - Broad submission lodged by Te Ātiawa: General issues/omissions from the MEP

Note: Highly relevant submission points in yellow highlighter.

Partitioning of Cultural Issues

Te Ātiawa was involved in targeted consultation regarding the MEP but the Trust considers that the views and issues raised during this process have been partitioned into just the Cultural chapter. Whilst the Trustees are supportive of the issues identified and the resultant objectives and policies, many of the issues and concerns raised stretch across the plan. The MDC has also failed to appreciate Te Ātiawa as anything more than a club. The MEP provisions are generally only in terms of spiritual concerns and fails to acknowledge Te Ātiawa as a significant cultural commercial entity. **To be truly integrated into the planning process, cultural issues should not be solely contained in one chapter and iwi concerns are not merely spiritual.**

Outstanding Natural Character, Landscapes and Features.

The New Zealand Coastal Policy Statement requires protection, preservation and maintenance of all things that contribute to the outstanding landscape, features and amenity of the Coastal Marine Environment. The MEP seeks to codify one landscape assessment process which is to be (if it becomes operative) beyond challenge. The Trustees of Te Ātiawa **object**, not to the preservation, protection or enhancement, of those features and landscapes that are important to the Marlborough Sounds, but to the codification of an assessment process that inadequately incorporates cultural values into the assessment of those features and to an assessment process that has not consulted with iwi in any meaningful way. Such is a breach of the required statutory process and fails to accurately apply the obligations of the Treaty of Waitangi and the correct meaning of 'cultural values'. **The Trustees of Te Ātiawa seek a peer review of the landscape assessment process and methodology and specific consultation with iwi on the approach taken.**

Kaitiakitanga

Even through the MEP defines kaitiakitanga in a broad way (Volume 1, page 3-5), the MEP applies the concept in a very narrow manner and cannot be said to be integrated across the proposed Plan. **Te Ātiawa seeks that the meaning of Kaitiakitanga is applied across the entire plan, not just one chapter.**

Restoration Initiatives

The MEP provides much discussion on supporting restoration initiatives but provides little in the way of meaningful support. **Te Ātiawa asks that all the Zones of the MEP be provided with a permitted activity of restoring or rehabilitating habitat, undertaking restoration activities, research and placement of structures/undertaking of works associated with the restoration or rehabilitation of habitat for native vegetation/habitat or animals or both.**

Iwi Emancipation

The MEP seeks to provide iwi involvement in the planning processes (Volume 1, Chapter 3) but it does not provide any impetus (by way of matters of control, issues of restriction, or standards) that would require iwi values or cultural matters to be assessed by the applicant in the various chapters of the plan (i.e. volume 1, 2, 3 or 4). **The Trustees of Te Ātiawa seek that objectives,**

policies, methods, rules, standards, matters of control and discretion be created and included in all chapters that relate to cultural values/issues to ensure that they are addressed.

Pouwhenua

The MEP discusses facilitating the identification of sites/areas of cultural significance to the different tribes of Marlborough but does not provide any meaningful rules to support this. **Te Ātiawa seeks the inclusion of a permitted rule within all Zones of the MEP whereby a pou or other structure/carving/sign can be erected to identify an area of Māori significance. Least Te Ātiawa is left with no option but to oppose the recognition of all significant sites within the MEP.**

Significant Marine Site Buffers

The MDC is in receipt of a report that identifies significant reduction/loss in the ecological sites of significance within the Queen Charlotte Sound. The MEP makes no attempt to protect these (much degraded, endangered, but significant) sites. In addition, the preservation of the significant sites does not account adequately for mahinga kai, traditional processes and practices (in relation to these significant sites). **Te Ātiawa seeks that there be an appropriate buffer provided around these sites within the Queen Charlotte Sound, Tory Channel, and Port Gore so that no further destruction can occur and some restoration/expansion within these sites can occur. Further, the Trustees seek preservation of customary practices and processes within these sites (specifically around Arapaoa Island).**

Zoning of Shakespeare Bay

Shakespeare Bay is of significance to Te Ātiawa. Recent ecological reports have identified that the estuarine and foreshore areas of this bay contain significant habitat that is of utmost importance to the health of the wider Queen Charlotte Sound and the fisheries of the Sound. However, only the estuarine habitat is identified as significant and the entire bay is identified within a Port Zone. **Te Ātiawa seek the reduction of the Port Zoning to that of the current Marlborough Sounds Plan and the identification of the sea-grass beds along the foreshore as being significant habitat (as per the recommendation of the MDC ecological report).**

Sedimentation Issues

The MDC is in receipt of a report (funded by the MDC) identifying the significant impacts of terrestrial sedimentation on coastal water quality and benthic habitats yet the MEP does not incorporate these findings or recommendations. **Te Ātiawa seeks objectives, policies, methods, rules, standards, matters of control and discretion relating to terrestrial sedimentation on coastal water quality and benthic habitats.**

Occupation Charges

The MEP seeks the imposition of a coastal occupation charge for the use of public space for private benefit. The Trustees **oppose** this charge on a number of grounds. Firstly, the Trustees are of the belief that cultural and cultural commercial activities/structures should be exempt from the charge on the basis that Te Ātiawa hold rangatiratanga, manamoana and kaitiaki status over the coastal waters of Tory Channel, Queen Charlotte Sound, and Port Gore. The tribe controlled and managed these waters before their authority was usurped by the Crown. Whilst MDC now controls aspects of the coastal marine area, Te Ātiawa would essentially be providing monies to

use their own water space. Secondly, Te Ātiawa is not being represented on the Board determining how these funds are to be used/spent. Thirdly, the Trustees consider the imposition of a charge only on coastal users is unfair when other public resources are being used for private gain. **If the MDC is to apply a charge on coastal users, then a similar charge should be imposed on those that use public resources for private gain.** Examples of this are takers and users of water for commercial gain, and discharges of pollutants to air.

Cultural Indicators

Cultural indicators have been developed around the country for freshwater quality and water quantity, air quality and coastal values. These take into account the values that are important to iwi, specifically cultural and spiritual issues. The application of these indicators ensure that those matters of significance to iwi are protected. Whilst the MEP considers cultural values and discusses cultural indicators, it takes no steps to provide for or incorporate any cultural indicator to be applied with any resource. The indicators used in the MEP are purely scientific. **The Trustees of Te Ātiawa seek that cultural indicators are incorporated into the water allocation regime, the air shed management, and management of the coast.**

Papakāinga/Marae Sites

The MEP makes much of providing for iwi development in terms of marae and Papakāinga. However, in reality the plan provides no meaningful ability to iwi to develop such activities. Marae developments and Papakāinga provisions are hugely restrictive and essentially relate to what is currently existing. Hence, no provision is ability to improve, modernize, extend or upgrade these existing services to the Māori people. **The Trustees of Te Ātiawa seek the removal of such restrictions and the provision of permitted standards such that marae and Papakāinga services can be provided on iwi land without unnecessary hurdles.**

Water Transfer regime

The Trustees of Te Ātiawa oppose the establishment of a water transfer regime. Te Ātiawa oppose the creation of a water right whereby the right to take and use of water becomes a commodity that can be bought and sold. If water is not to be used by a consent holder then it should remain for the benefit of the whenua and the mauri of that waterbody. Water is a Public Resource and a sacred taonga that consent holders do not pay for. It is transient and finite and is not a resource that should be exploited to the maximum economic potential. **The Trustees of Te Ātiawa seek that the water transfer regime is removed from the plan and consent holders reduced to the amount necessary to provide for their (intended) land use.**

Register of Iwi Sites

The MEP provides differing levels of protection for registered sites. Although there are some registered archaeological and cultural sites within the MEP, the vast majority of significant archaeological and cultural sites are not registered. Iwi are generally reluctant to provide details of significant sites to the Public and/or Councils. However, the provisions of the MEP seek to only provide protections to registered sites. **The Trustees of Te Ātiawa seek all cultural sites of significance (whether registered or not) to be protected by the MEP provisions.**

Manamoana

The MEP makes much of the significance of mahinga kai and traditional practices to local iwi and considers that such should be protected. MDC should recognise that the settlement process has identified Te Ātiawa as kaitiaki of the Queen Charlotte Sound. However there is very little meaningful protection mechanisms within the MEP to deliver such protection. **The Trustees of Te Ātiawa seek the inclusion of objectives, policies, methods, rules, standards, matters of control and discretion relating to the protection of significant areas of mahinga kai and traditional practices.**

Seabed Disturbance

The MEP makes light reference to the potential adverse effects of seabed disturbance, from different activities, on the quality and health of the coastal environment. It is the opinion of the Trustees of Te Ātiawa that activities that disturb the seabed (whether intermittently, regularly, or constantly) require greater management if any improvement or enhancement of the coastal environment is to be successful. **The Trustees seek the inclusion of objectives, policies, methods, rules, standards, matters of control and discretion relating to the disturbance of the seabed by structures and activities, with the purpose of ensuring a reduction in the associated adverse effects yet providing for mahinga kai and customary practices.**

Designations

The Trustees of Te Ātiawa oppose the designation of the following sites:

- The Picton Police Station