

Form 7

**Notice of appeal to Environment Court against decision on proposed
policy statement or plan**

Clause 14(1) of Schedule 1, Resource Management Act 1991

To the Registrar
Environment Court
Christchurch

1. Te Rūnanga a Rangitāne o Wairau appeals against decisions/parts of decisions of the MEP Hearing Panel, acting under delegated authority from the Marlborough District Council, on the Proposed Marlborough Environment Plan.
2. Te Rūnanga a Rangitāne o Wairau made a submission on the Proposed Marlborough Environment Plan.
3. Te Rūnanga a Rangitāne o Wairau is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Te Rūnanga a Rangitāne o Wairau received notice of the decision on 3rd March 2020.
5. The decisions were made by the MEP Hearing Panel, acting under delegated authority from the Marlborough District Council.
6. Te Rūnanga a Rangitāne o Wairau is a submitter in relation to the decisions/parts of the decisions appealed, or has referred to the provision in a submission or further submission.
7. The decisions/parts of the decisions that the Te Rūnanga a Rangitāne o Wairau is appealing are set out in Table 1 attached to this appeal notice.
8. As well as the specific reason given for each item in Table 1, the following general reasons are given for the appeals:
 - The decisions/parts of the decisions appealed are contrary to or inconsistent with the provisions of the Resource Management Act, particularly;
 - Section 6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.

- Section 6(e) the relationship of Maori and the culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
 - Section 6(f) the protection of historic heritage from inappropriate subdivision, use, and development.
 - Section 7(a) kaitiakitanga.
 - Section 7(f) the maintenance and enhancement of the quality of the environment.
 - Section 8 Te Tiriti o Waitangi
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- The decisions appealed relate to matters in the regional and district plan components of the Marlborough Environment Plan, which are inconsistent and do not give effect to the provisions of the regional policy statement component, specifically Objectives 3.1, 3.2, 3.3 and 3.4 of Volume One of the Marlborough Environment Plan and how they relate to the protective measures for heritage and waahi tapu sites of significance as outlined in Policies 10.1.5, 10.1.6, 10.1.7, 10.1.8, and 10.1.9 in Volume One of the Marlborough Environment Plan. Further, these policies are restricted to items identified in Appendix 13 and have no relevance to other heritage resources or waahi tapu sites which may not yet have been identified, recorded or registered and have therefore not been included in Appendix 13. Finally, part of the site of great cultural significance at the Wairau Bar has been omitted from listing in Appendix 13.

9. The relief sought by the Te Rūnanga a Rangitāne o Wairau is set out alongside each item in Table 1. In addition, it is noted that alternative wording or relief may be acceptable in relation to any item, along with any necessary consequential relief.



Signature of person authorised to sign
on behalf of appellant

6 May 2020

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TABLE 1

Appeal Point	Provision or Decision	Reason	Relief sought (tracked changes where relevant)
1.	Objective 3.3 Explanation.	The revised objective requires that particular 'regard' be taken to the spiritual and cultural values of tangata whenua iwi. 'Regard' merely considers and appraises these values but does not provide the assurity of recognising and implementing the values of Marlborough tangata whenua iwi as kaitiaki of areas of significance.	<p>Modify Objective 3.3 and the Explanation to read:</p> <p><i>Objective 3.32 – Natural and physical resources are managed in a manner that recognises the spiritual and cultural values of Marlborough’s tangata whenua iwi as kaitiaki and respects and accommodates tikanga Māori in management and development of natural and physical resources . It is important to iwi that in sustainably managing Marlborough’s natural and physical resources, when considering the spiritual and cultural values of iwi, that appropriate recognition is given to tikanga Māori when having regard to the spiritual and cultural values of iwi. This is important for iwi as observing tikanga is part of the ethic and exercise of kaitiakitanga</i></p>
2	Objectives and policies in Chapter 10	The policies relating to heritage are inadequate as they are restricted to items identified in Appendix 13 and have no relevance to other heritage resources or waahi tapu sites which may not yet have been included in Appendix 13.	Provide a general policy which provides for heritage recognition and protection of areas, places or sites of cultural significance and value that are not included in Schedule 13.
3.	Appendix 13	<p>The area defined as Area C in the maps below, contains over 30 registered archaeological sites that date back to earliest period of settlement of the Lower Wairau plain in the 14th and 15th centuries.</p> <p>All sites are of sufficient rarity/uniqueness by their association with the Wairau Bar Archaeological landscape on the south side of the Wairau Bar.</p> <p>All the sites have contextual value as elements of early occupation in the coastal area associated with Wairau Bar and may also associate with a</p>	<p>Relief sought: That the area north of the Wairau Lagoon and Bar (referred to Area “C” in previous documents and copied below) be appropriately identified and protected from inappropriate subdivision and development under the Plan.</p> <p>This could be achieved through amendments to; Include the extents shown in the schedule of category 1 heritage resources.</p> <p>Include appropriate rules to ensure the protection of this area from development.</p>

		<p>period of wider landscape occupation after Wairau Bar was abandoned.</p> <p>Recent archaeological investigations of the sites within Area C classify the archaeological values of the features are potentially very high, there are likely to be in situ stratified deposits below the level of any previous disturbance.</p> <p>The area is of extreme cultural, spiritual and historic significance to the Rangitane o Wairau people who have kaitiakitanga over this area, and therefore the area should be given the same weight and merit in terms of historical significance as the areas to the South of the Wairau Bar.</p>	
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Map 1

Wairau Bar and Lagoons Proposed Extent Map

- Area A, the area covered by the Heritage New Zealand Wāhi Tapu Listing 'Wairau' (List no. 9561)
- Area B, the Wairau Lagoons
- Area C, the historically, culturally, and/or archaeologically significant portion of the bar northwest of the Wairau River outlet



[Map information: Marlborough District Council Smartmaps, with Heritage New Zealand overlay]

Map 2



[Map information: Marlborough District Council Smartmaps, with Heritage New Zealand overlay]