

**IN THE ENVIRONMENT COURT OF NEW ZEALAND  
AT CHRISTCHURCH**

**I TE KŌTI TAIAO O AOTEAROA  
ŌTAUTAHI ROHE**

<b>UNDER</b>	the Resource Management Act 1991
<b>IN THE MATTER OF</b>	an appeal under clause 14(1) of schedule 1 of the Act
<b>BETWEEN</b>	<b>Te Ātiawa o Te Waka-a-Māui Trust</b>  <b>Appellant</b>
<b>AND</b>	<b>MARLBOROUGH DISTRICT COUNCIL</b>  <b>Respondent</b>

**NOTICE OF APPEAL ON THE PROPOSED MARLBOROUGH  
ENVIRONMENTAL PLAN**

**Dated: 7 May 2020**

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**PITT & MOORE**  
SOLICITORS  
NELSON

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**To:** The Registrar  
Environment Court  
Christchurch

1. Te Ātiawa o Te Waka-a-Māui Trust (**Te Ātiawa Trust**) appeals parts of a decision of the Marlborough District Council (**MDC**) on the proposed Marlborough Environmental Plan (**PMEP**).
2. Te Ātiawa Trust made a submission on the PMEP.
3. Te Ātiawa Trust is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Te Ātiawa Trust received notice of the decision on 21 February 2020.
5. Parts of the decision appealed against are:

(a)	Volume 1, Chapter 4 – Sustainable Management of Natural and Physical Resources – Policy 4.1.3
(b)	Volume 1, Chapter 4 – Sustainable Management of Natural and Physical Resources – Methods of Implementation
(c)	Volume 1, Chapter 11 – Natural Hazards – Policy 11.M.14
(d)	Volume 1, Chapter 14 – Use of the Rural Environment - AER
(e)	Volume 1, Chapter 15 – Resource Quality (Water, Air, Soil) - AER
(f)	Volume 2, Chapter 16 – Coastal Marine Zone Rule 16.1.6
(g)	Volume 2, Chapter 16 – Coastal Marine Zone Rule 16.3.2
(h)	Volume 2, Chapter 16 – Coastal Marine Zone Rule 16.4
(i)	Volume 2, Chapter 25 – Definitions – “Māori Cultural values”
(j)	Volume 2, Chapter 25 – Definitions – Lack of Definition: “Māori Cultural sites”
(k)	Volume 3, Appendix 5, Schedule 2 – Water Resource Unit Values & Water Quality Classification Standards
(l)	Volume 3, Appendix 13 - Register of Significant Heritage Resources and Notable Trees: Title
(m)	Volume 3, Appendix 13, Schedule 3 – Sites and places of Significance to Marlborough’s Tangata Whenua Iwi

6. The decision was made by the MDC.

**PARTS OF DECISION APPELED, REASONS FOR APPEAL, AND RELIEF SOUGHT**

7. The parts of the decision that Te Ātiawa Trust appeals include consequential amendments to other plan provisions as necessary for consistency and to give effect to relief sought as set out in Appendix A. Attached as **Appendix A** is a table of:

- (a) The parts of the decision appealed against;
- (b) The reasons for appeal;
- (c) The relief sought.

8. In addition to the reasons set out in Appendix A to this notice, the reason for the appeal are that the parts of the decision appealed against:

- (a) are inconsistent with Part 2 of the Act in particular:
  - i. the requirement to recognise and provide for the relationship of Maori with their ancestral land and sites (s 6) as a matter of national importance;
  - ii. the requirement to have particular regard to Kaitiakitanga (s 7);
  - iii. the requirement to take into account the principles of the Treaty of Waitangi (s 8);

- (b) do not implement MDC's functions under s31 of the Act; and/or
- (c) do not represent best resource management practice.

9. Te Ātiawa Trust seeks the following relief:

- (a) The relief set out in Appendix A;

- (b) Such other changes to the provisions listed in Appendix A that would address the reasons for this appeal;
  - (c) Consequential amendments resulting from granting, or partially granting, the relief sought.
10. Attached as **Appendix B** is a copy of the submission made by Te Ātiawa Trust.



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A M Halloran  
Counsel on behalf of Te Ātiawa o Te Waka-a-Māui Trust

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Date

**TO:** Environment Court  
PO Box 2069  
CHRISTCHURCH

Also by email to: [Christine.McKee@justice.govt.nz](mailto:Christine.McKee@justice.govt.nz)

**AND TO:** Marlborough District Council  
By email only: [Kaye.McIlveney@marlborough.govt.nz](mailto:Kaye.McIlveney@marlborough.govt.nz);

**Address for service of Applicant**

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**Advice to recipients of copy of notice of appeal***How to become a party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal and lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 15 working days after the period for lodging a notice of appeal ends.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

*[How to obtain copies of documents relating to appeal]*

The copy of this notice served on you does not attach a copy of the appellant's submission and/or the decision appealed. These documents may be obtained, on request, from the appellant.] [Delete if these documents are attached to copies of the notice of appeal served on other persons]

*Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington or Christchurch.

# **APPENDIX A**

**Appendix A: Te Ātiawa o Te Waka-a-Māui Trust v Marlborough District Council**

	<b>PART OF DECISION APPEALED</b>	<b>REASONS FOR THE APPEAL</b>	<b>RELIEF SOUGHT</b>
	<b>Topic A: Maori Cultural Platform</b>	There needs to be better recognition of Māori cultural values and sites in the PMP.	
1.	Volume 2, Chapter 25 – Definition: “Māori Cultural values”	The word “resource” should be included in the definition so as to be consistent with the provisions of the Act.	<ul style="list-style-type: none"> <li>Amend the definition to add <b>(in bold)</b> as follows:  “any natural attribute, <b>resource</b>, area, place or thing (tangible or intangible) which is of physical, economic, social, cultural, historic and/or spiritual significance to tangata whenua iwi”</li> </ul>
2.	Volume 2, Chapter 25 – Omission of Definition: “Māori Cultural Sites”	It is important to include a definition of Māori Cultural Sites so as to better protect and provide for those sites that are culturally significant to Māori but are not registered.	<ul style="list-style-type: none"> <li>Add a new definition for “Māori Cultural Sites” as follows:  “Māori Cultural Sites” - Places of specific cultural significance to Māori refer to a large range of sites, places, natural resources, objects, features, and things, including: <ul style="list-style-type: none"> <li>biophysical sites, features (e.g. watercourses, lake beds, river beds, landmarks, mountains, land, soil, and water, vegetation, hydrothermal areas, wetlands);</li> <li>medicinal plants, plants for weaving;</li> <li>cultural/social sites (e.g. marae);</li> <li>historic sites of special significance (e.g. pā);</li> <li>discrete sites of special significance, often spiritual (e.g. urupā, sacred shrines (tūāhu), and other wāhi tapu);</li> <li>Māori place names;</li> <li>temporal changes to rohe boundaries, often based on ancestry, that impact on the natural resources therein;</li> <li>waka landing and anchorage sites (e.g. ūnga waka, tauranga waka);</li> <li>buried art (carvings, including whakairo and pounamu).</li> </ul> </li> </ul>

3.	Volume 3, Appendix 13: Register of Significant Heritage Resources and Notable Trees	The use of the word “Resources” in relation to heritage is inappropriate.	<ul style="list-style-type: none"> <li>Delete “Resources” from the Title and make related deletions</li> </ul>
4.	Volume 3, Appendix 13, Schedule 3: Sites and places of Significance to Marlborough’s Tangata Whenua Iwi	It is important for the PMEP to identify that not all Māori Cultural Sites are registered.	<ul style="list-style-type: none"> <li>Add Note at end of the table as follows:</li> </ul> <p>It is important to note that the majority of the sites/locations of significant value to Marlborough’s Tangata Whenua Iwi are not mapped at this time, so it is vitally important that those involved in managing change to the whenua (land) are aware of the possible presence of significant Māori Cultural Sites and that they respond to the related legal requirements, both regionally and nationally (see Schedule 3A).</p>
5.	Volume 3, Appendix 13, Schedule 3: Sites and places of Significance to Marlborough’s Tangata Whenua Iwi	It is important for the PMEP to identify that not all Māori Cultural Sites are registered and that heritage protection still applies.	<ul style="list-style-type: none"> <li>Add New Schedule 3A as follows:</li> </ul> <p>Schedule 3A: Information to alert the public about their responsibilities regarding Māori Cultural Sites which are not listed /scheduled in the Marlborough Environment Plan</p> <p>This is relevant with regard to:</p> <ol style="list-style-type: none"> <li>Demolition/destruction of any structure associated with human activity prior to 1900, whether or not it is scheduled in the Marlborough Environment Plan as historic heritage.</li> <li>Vegetation clearance / planting, earthworks or other works that may disturb pre-1900 surface or sub-surface sites or material.</li> </ol> <p>A Māori Cultural Site is as defined as:</p> <p>‘[Māori] Cultural Sites’ - Places of specific cultural significance to Māori refer to a large range of sites, places, natural resources, objects, features, and things, including:</p> <ul style="list-style-type: none"> <li>biophysical sites, features (e.g. watercourses, lake beds, river beds, landmarks, mountains, land, soil, and water, vegetation, hydrothermal areas, wetlands);</li> <li>medicinal plants, plants for weaving;</li> <li>cultural/social sites (e.g. marae);</li> </ul>



			<ul style="list-style-type: none"> <li>• historic sites of special significance (e.g. pā);</li> <li>• discrete sites of special significance, often spiritual (e.g. urupā, sacred shrines (tūāhu), and other wāhi tapu);</li> <li>• Māori place names;</li> <li>• temporal changes to rohe boundaries, often based on ancestry, that impact on the natural resources therein;</li> <li>• waka landing and anchorage sites (e.g. ūnga waka, tauranga waka);</li> <li>• buried art (carvings, including whakairo and pounamu).</li> </ul> <p>Māori Cultural Site discovery without an HNZPT Authority (Protocol)  If an authority has not been obtained from NNZPT and there was no reasonable cause to suspect that Māori Cultural Sites are present (if there is reasonable cause then an authority should be obtained), the following protocol must be followed when a Māori Cultural Site is discovered:</p> <p>If any artefact and/or any historical, cultural or archaeological material of Māori origin, or likely to have significance to Māori, is found or uncovered during the undertaking of this work, the following must be complied with:</p> <ol style="list-style-type: none"> <li>a) Work shall cease immediately, the area secured and any uncovered material must remain untouched;</li> <li>b) Advice of the discovery must be given within 24 hours to the relevant Iwi Authority, representing Marlborough's Tangata Whenua Iwi for the site location.</li> </ol> <p>To enable appropriate cultural procedures and tikanga to be immediately undertaken.  Immediate contact must also be made with Heritage New Zealand (Pouhere Taonga)</p> <p>And:</p> <p>No work shall recommence until both:</p> <ol style="list-style-type: none"> <li>i) Agreement has been reached with the relevant Iwi; and</li> <li>ii) An <i>Authority</i> has been issued by Heritage New Zealand if the find involves an archaeological site.</li> </ol> <p><u>Note</u>  The people of Marlborough's Tangatawhenua Iwi have a deep spiritual association with this area of historic occupation.  There are recorded sites in this area but not all sites are recorded.</p>
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			All Māori Cultural Sites (which includes archaeological sites) are protected under the Heritage New Zealand Pouhere Taonga Act 2014. It is an offence under the Act to modify, damage or destroy any archaeological site, whether the site is recorded or not. Application must be made to Heritage New Zealand for an Authority to modify, damage or destroy an archaeological site. This may include the planting of trees within an archaeological site.
	<b>Topic B: Maori Cultural Indicators and Monitoring</b>	Marlborough's Tangata Whenua Iwi are at various stages of identifying, developing and implementing Māori Cultural Environmental Indicators and associated Monitoring, as a means of progressively understanding the State of the Environment (SOE) in the rohe from a Te Ao Maori perspective. It is important to acknowledge that monitoring and standards may be added to over time to incorporate the outcome of this process.	
6.	Volume 1, Chapter 11 – Natural Hazards, Policy 11.M.14	There is no acknowledgement that the monitoring standards may be added to over time to take into account cultural values.	<ul style="list-style-type: none"> <li>• Add the following or similar to the paragraph 11.M.14 Monitoring:  Further monitoring standards to determine the effectiveness of the management of natural hazards will be prepared in consultation with Marlborough's Tangata Whenua iwi. The Council will support iwi to achieve this outcome and will work collaboratively with iwi to achieve combined and complementary Te Ao Maori and Te Ao Pakeha monitoring.</li> </ul>
7.	Volume 1, Chapter 14 – Use of the Rural Environment - AER	There is no acknowledgement that the indicators may be added to over time to take into account cultural values.	<ul style="list-style-type: none"> <li>• Amend the paragraph above the AER table in Chapter 14 to include:  Further monitoring standards to determine the effectiveness of the management of the use of the rural environment will be prepared in</li> </ul>

			consultation with Marlborough's Tangata Whenua iwi. The Council will support iwi to achieve this outcome and will work collaboratively with iwi to achieve combined and complementary Te Ao Maori and Te Ao Pakeha monitoring.
8.	Volume 1, Chapter 15 – Resource Quality (Water, Air, Soil) - AER	There is no acknowledgement that the monitoring standards may be added to over time to take into account cultural values.	<ul style="list-style-type: none"> <li>Amend the paragraph above the AER table in Chapter 15 to include:</li> </ul> <p>Further monitoring standards to determine the effectiveness of the management of water, air and soil quality will be prepared in consultation with Marlborough's Tangata Whenua iwi. The Council will support iwi to achieve this outcome and will work collaboratively with iwi to achieve combined and complementary Te Ao Maori and Te Ao Pakeha monitoring.</p>
9.	Volume 3, Appendix 5, Schedule 2, Water Resource Unit Values & Water Quality Classification Standards	There is no acknowledgement that the classification standards may be added to over time to take into account cultural values.	<ul style="list-style-type: none"> <li>Amend the introduction of Schedule 2 by inserting the following:</li> </ul> <p>Further classification standards to determine the effectiveness of the management of water quality will be prepared in consultation with Marlborough's Tangata Whenua iwi. The Council will support iwi to achieve this outcome and will work collaboratively with iwi to achieve combined and complementary Te Ao Maori and Te Ao Pakeha monitoring.</p>

	<b>Topic C: Existing Policy and Objectives as it relates to Marlborough's Tangata Whenua Iwi</b>	The policy and objectives of the MDC as it relates to the management of resources ought to be captured in the PMEPP.	
10.	Volume 1, Chapter 4 – Sustainable Management of Natural and Physical Resources, Policy 4.1.3	The acknowledged policy of the MDC should be appropriately recorded in the PMEPP.	<ul style="list-style-type: none"> <li>• Add a fourth paragraph to Policy 4.1.3 as follows:</li> </ul> <p>The Council acknowledges that, particularly as a result of Treaty of Waitangi settlement, Marlborough's Tangata Whenua Iwi are better placed to make a vital and significant contribution achieving these desirable outcomes for Marlborough. The Council intends to engage closely with Marlborough's Tangata Whenua Iwi to support their collaborative involvement, and to particularly engage Iwi, in their cultural role of kaitiaki, with the Council's own activities.</p>
11.	Volume 1, Chapter 4 – Sustainable Management of Natural and Physical Resources, Methods of Implementation	The acknowledged agreement of the MDC to work with Marlborough's Tangata Whenua Iwi should be appropriately recorded in the PMEPP.	<ul style="list-style-type: none"> <li>• Under 'Methods of implementation', add a new non-regulatory method '4.M.6' as follows:</li> </ul> <p>4.M.6 Working collaboratively with Marlborough's Tangata Whenua Iwi The Council will take the initiative to work collaboratively with Marlborough's Tangata Whenua Iwi, as Kaitiaki of Marlborough, where its own activities have implications for issues around the sustainable management of Marlborough's natural and physical resources. Issues of particular relevance involve water quality, both fresh and coastal, land disturbance, pest management and air quality. The Council will involve Iwi in strategic planning for its assets and services and for annual works' plans, along with the strategic and practical management of reserves.</p>
	<b>Topic D: Beach Nourishment and Grooming Activities</b>		
12.	Volume 2, Chapter 16 – Coastal Marine Zone Rule 16.1.6	The proposed rule does not provide for the sustainable management of the beaches of the rohe.	<ul style="list-style-type: none"> <li>• Delete 16.1.16 <del>16.1.16 Deposition of sand for beach replenishment or beach renourishment.</del></li> </ul>

13.	Volume 2, Chapter 16 – Coastal Marine Zone Rule 16.3.2	The proposed rule does not provide for the sustainable management of the beaches of the rohe.	<ul style="list-style-type: none"> <li>• Delete 16.3.12  <del>16.3.12 Deposition of sand for beach replenishment or beach renourishment.</del>  <del>Deposition of sand for beach replenishment or beach renourishment.</del>  <del>16.3.12.1 The activity is undertaken at Shelley Beach, Picton Foreshore or Waikawa Bay.</del>  <del>16.3.12.2. The deposition must be carried out by, or on behalf of, the Marlborough District Council.</del>  <del>16.3.12.3. Sand deposition must be limited to the amount necessary to replace what has been lost through natural processes.</del>  <del>16.3.12.4 Sand used for beach replenishment must be of the same grain size as the beach to be replenished.</del> </li> </ul>
14.	Volume 2, Chapter 16 – Coastal Marine Zone Rule 16.4	The proposed rule as amended would provide for the sustainable management of the beaches of the rohe.	<ul style="list-style-type: none"> <li>• Add to 16.4 Controlled Activities:  16.4.3. Works for the deposition and/or removal of sand for beach replenishment and/or beach recontouring, to manage the visual appearance and recreational utility of a public beach which is intermittently the subject of erosion and/or aggradation of sand.   <u>Standards and terms</u>  16.4.3.1. The works are limited to public beaches located in Picton Harbour, Waikawa Bay, Momorangi Bay, Ngakuta Bay, Tirimoana and Anakiwa;  16.4.3.2. Prior the works taking place, there must be a specific beach replenishment/recontouring plan developed, in conjunction with Tangata Whenua / Tangata Moana iwi. This Plan must draw upon a prior expert assessment of the benthic/intertidal habitat, with reporting and recommendations for the works;  16.4.3.3. The works must only take place annually;  16.4.3.4. The works must be carried out by, or on behalf of, the Marlborough District Council, with regular Council expert supervision; </li> </ul>

			<p>16.4.3.5. The works must be monitored by Tangata Whenua / Tangata Moana iwi;</p> <p>16.4.3.6. Sand deposition must be limited to the amount necessary to replace what has been lost through natural processes;</p> <p>16.4.3.7. Sand that is removed must not be dumped in the area of the works unless it is part of an actual beach replenishment plan;</p> <p>16.4.3.8. Any adverse effects arising from disturbance of the foreshore or seabed must be able to be remedied by natural processes within 7 days of the disturbance;</p> <p>16.6.3.9. The disturbance must be undertaken in a manner which minimises water turbidity;</p> <p>16.4.3.10. There must be no contaminants released from equipment being used for the activity;</p> <p>16.4.3.11. All equipment must be cleaned prior to the works commencing and removed from the coastal marine area on completion of the operation; and</p> <p>16.4.3.12. Debris, such as drift-wood and litter, accumulated by the works, must be removed from the site to an appropriate facility.</p>
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# **APPENDIX B**

## Proposed Marlborough Environment Plan

### Submission by Te Ātiawa o Te Waka-a-Māui

#### Scope issue:

The Trustees of Te Ātiawa o Te Waka-a-Māui consider that the MEP has defined cultural values and issues narrowly and assigned a status (to iwi) similar to that of a 'club'. It is evident, from the content of the MEP, that 'cultural' is taken to mean nothing more than tribal practices and processes. This limited scope is then applied across the MEP, relegating cultural values and concerns to a purely spiritual issue. The Trustees of Te Ātiawa assert that this is not the correct approach and the scope of 'cultural values' is broader than that alluded to in the MEP.

Cultural issues and values are to be defined in light of the Settlement process. This process teased out, debated, and confirmed what the responsibilities under the Treaty entailed, what rights Māori were assured under the Treaty, and what responsibilities the Crown had to Māori. From this process it can be identified that Te Ātiawa 'cultural' values encompass:

- 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.

The Trustees of Te Ātiawa consider that the MEP should reconsider its scope/understanding/definition of 'cultural values' in terms of the above. The Trustees **oppose** the current application/interpretation of 'cultural values' within the MEP.

#### General issues/omissions from the MEP

##### 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 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.**

##### 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

## Specific MEP Provisions

## Volume 1: Issues, Objectives, Policies and Methods.

MEP Ref	Plan Provision	Position and Reason	Relief Sought
<b>Chapter 3 – Marlborough’s tangata whenua iwi</b>			
Pages 3-1 to 3-19	The entire chapter	Te Ātiawa <b>support</b> this chapter, including the objectives, policies and methods. This chapter ensures processes will include greater consideration of issues important to iwi (than current processes) and inclusion of iwi in the RMA processes of MDC.	Despite a small change (below), this chapter should remain intact.
Page 3-10	Issue 3D	This issue regards mauri of natural resources but it is unclear as to the scope of this consideration. The MEP describes mauri in terms of water bodies. Water bodies are not defined in the MEP, instead relying on Section 2 of the RMA. Section 2 of the RMA defines water body in terms of fresh water only. Hence coastal waters are excluded from this consideration. Such is unacceptable to Te Ātiawa.	The issue is expanded to include the coastal waters.
<b>Chapter 4 – Use of Natural and Physical Resources</b>			
Page 4-8	Objective 4.3	Te Ātiawa <b>support</b> the objective but appear to be excluded from the commentary. Te Ātiawa are not merely a member of the community, they are the kaitiaki who also seek that the visual, ecological and physical qualities of the Sounds are maintained and enhanced.	Amend the commentary to formally recognise and include Te Ātiawa in the meaning/application of the objective.
<b>Chapter 5 – Allocation of Public Resources</b>			
Page 5-11	Policy 5.3.1	A hierarchy is provided to aid decision makers in determining appropriate allocation of water. While natural and human use values are the highest on the ladder, cultural values are not human use values. Iwi value water not for use but for cultural and spiritual purposes. A hierarchy without cultural values is contrary to the statutory documents, the Te Ātiawa Iwi Management Plan, and the Treaty of Waitangi.	Cultural values are inserted into the hierarchy of water allocation at a) or b).
Page 5-13	Policy 5.3.5	This Policy enables water take and use where it will have no adverse effect on water resources. As mentioned above, water is of significant cultural and spiritual value to all iwi. Cultural values should form part of the consideration.	Amend the Policy but adding ‘cultural values’ to the end of the sentence.
Page 5-14	Policy 5.3.8	This Policy is unclear in terms of how it is to be read. Such is not helped by the typo of two (a)’s. Are the sub-parts of the Policy conjunctive or disjunctive? The Policy has different implications if they are to all apply or if only one has to apply.	Correct the list to read a) to d). Provide clarification in the commentary of this Policy as to whether each subpart is to be read conjunctively or they are disjunctive. Amend the list to have each subpart (a to d) finish with either an ‘and’ or an ‘or’.
Page 5-16	Policy 5.3.14	Te Ātiawa <b>oppose</b> a minimum term of 30 years for water permits. This term is beyond the expected life of the MEP and creates a property right expectation of water which is a public, iwi and community resource which users do not pay for but exploit for commercial gain. Such a term undervalues/ignores the significance of water to the Māori people and is contrary to the treaty of Waitangi and the Māori world view.	Reduce the minimum term for water permits to 10 years.

MEP Ref	Plan Provision	Position and Reason	Relief Sought
Page 5-18	Policy 5.4.3	Te Ātiawa <b>oppose</b> the minimum lapse period of water permits for use to be 10 years. On one hand the MEP is seeking to require separate applications for water take and water use. Te Ātiawa support the need for separate applications. Te Ātiawa does not support the disconnection of the water take permit from the water use permit. If an applicant does not take the water within two years the water permit will lapse. Yet the water use component remains for another 8 years. Te Ātiawa consider the two permits should have the same lapse least the water allocation become less efficient and flexible than it currently is.	Amend the Policy to require water use permits to lapse in no more than two years.
Page 5-19	Policy 5.4.4	Te Ātiawa <b>oppose</b> the creation of a water transfer scheme/system. This turns water into a commodity where it is a public resource of high cultural value. In addition, the consent holder does not pay for the exploitation of this resource. If the water is not used it should remain in the water body.	Delete the Policy from the MEP.
Page 5-26	Objective 5.8	Te Ātiawa <b>oppose</b> the maximisation of the availability of water resource which does not account for any cultural values. The maximum sustainable yield proposed is purely ecologically based and no consideration is provided for cultural or spiritual matters (mana of the waterbody). Availability should account for these values.	Modify the objective to account for cultural values (by way of Policy or wording or commentary) in considering availability.
Page 5-32	Objective 5.10	Te Ātiawa <b>oppose</b> an objective describing the equitable and sustainable allocation of coastal space that does not account for any cultural values. The commentary describes equitable/sustainable allocation in terms of public use and enjoyment with no consideration for cultural and/or spiritual matters.	Modify the objective to account for cultural values (by way of Policy or wording or commentary) in considering availability.
Page 5-32	Policy 5.10.3	This Policy has a caveat, in terms of the right to occupy, only with respect to the public interest. Te Ātiawa is kaitiaki of the Queen Charlotte Sound, Tory Channel and Port Gore and has a statutory recognition for all coastal waters within the region. To be excluded from this objective is contrary to the outcomes of the settlement process, the purpose and principles of the RMA, the IEMP of Te Ātiawa, and the Treaty of Waitangi.	Amend the Policy to include at the end of the Policy the words, ' <i>cultural and environmental values</i> '.
Page 5-33	Policy 5.10.5	Te Ātiawa <b>oppose</b> the inclusion of retaining walls within the exclusion list of occupational charges. These structures are highly visual, interrupt the connection between land and sea, degrade landscape and natural character values and create adverse effects beyond the boundaries of the structure. The list should only make those retaining structures that are sympathetic to the environmental processes and seascape exempt from charge. Also there should be inclusion for restoration efforts/structures that are contributing to the betterment of the ecological environment.	Modify the list of the Policy to delete retaining walls and add the following wording, ' <i>retaining structures that are sympathetic to environmental processes and seascapes, i.e. rock protection works, rock batter seawalls, etc.</i> ' Add to point b) the following wording, ' <i>and structures that facilitate restoration of marine habitat, marine processes, and marine species</i> '.

MEP Ref	Plan Provision	Position and Reason	Relief Sought
Page 5-34	Policy 5.10.8	For reasons identified above, Te Ātiawa <b>opposes</b> the imposition of coastal occupancy charges on cultural and cultural commercial activities. The Policy dictates what the monies collected from coastal occupancy charges can be used for. No part of the Policy identifies that Te Ātiawa will be included in the Board/Committee to decide on the use of funds. No part of the list identifies cultural or spiritual projects, research or works. To be excluded in this way is abhorrent to Te Ātiawa, when it will be required to contribute and is recognised through statute as kaitiaki, and is contrary to the statutory documents.	Modify the list to state that Te Ātiawa will be a member of the Board/Committee that determines how the funds will be distributed. Modify the list to include cultural projects, research and/or works.
Pages 5-35 to 5-36	Anticipated Environmental outcomes	The AER of the MEP does not account for coastal or cultural results.	Create AER for the coastal allocation and cultural values.
<b>Chapter 6 – Natural Character</b>			
Page 6-2	Policy 6.1.1	Te Ātiawa is of the view that cultural values are a component that contributes to the assessment of natural character. The subjective list is devoid of cultural and spiritual values.	Amend the natural character qualities list to include cultural and spiritual values.
<b>Chapter 7 – Landscape</b>			
Page 7-3	Policy 7.1.1	This Policy dictates what values will be considered in determining value in the landscapes of Marlborough. The Trustees of Te Ātiawa consider that the application of ‘cultural values’ is incorrect and should be afforded greater scope.	Reconsider the assessment of associative values to give a broader definition to ‘cultural values’ and more weighting to ‘cultural values’ in the determination of overall site/landscape value.
Page 7-4	Policy 7.1.3	This Policy is directive in deciding whether a site, location, or vista has value as outstanding, high value or of low value. This is a weighting exercise which includes cultural values. It is the view of Te Ātiawa that a fourth level of determination is required in this Policy which identifies sites of high cultural value.	Add a new bullet point after b) stating, <i>whether a landscape is identified as a feature of high cultural value in terms of section 6(e) and 7(a) of the RMA</i> .
<b>Chapter 10 – Heritage resources and notable trees</b>			
Page 10-2	Objective 10.1	The objective contains wording ‘ <i>that contribute</i> ’ which is not qualified anywhere in the supporting commentary. Te Ātiawa are concerned that a strict interpretation of that wording will prevent sites of cultural significance from being protected and retained.	Provide clarification (either within the objective, a new Policy, or the commentary) as to the meaning of ‘ <i>that contributes</i> ’ to allay the concerns of Te Ātiawa.
Page 10-2	Policy 10.1.1	Te Ātiawa is concerned that this Policy accords weighting to different organisations in regards to the management of historic resources. The historic relationship between MDC and Te Ātiawa has not been strong and development has been allowed by MDC over some sites of high cultural significance.	Provide clarification of the relationship, moving forward, between MDC and Te Ātiawa regarding the management of heritage resources.
Page 10-3	Policy 10.1.2	The commentary of this Policy only identifies local-communities. Iwi have heritage projects it wishes to progress.	Amend the commentary of this Policy to include iwi/tangata whenua of Marlborough.
Page 10-4	Policy 10.1.7	The Policy provides a list of matters to be considered in assessing Resource Consent Applications. This list makes the assumption that all sites of significance are registered (in some way) and there is no explicit requirement to consider cultural sites.	Amend Policy and the list to contain explicit consideration of cultural sites of significance to tangata whenua. Add commentary to explain that not all sites of significance to iwi are included in the historic register of MDC.
Page 10-5	Policy 10.1.8	This Policy identifies that, when considering Resource Consent Applications, only sites/areas that are registered are required to be considered.	Remove the word ‘ <i>registered</i> ’ from the Policy.

MEP Ref	Plan Provision	Position and Reason	Relief Sought
Page 10-11	AER	The AER contains no targets for cultural or other iwi related sites, features, or structures.	Create AER for cultural or iwi related sites, features, structures or resources.
<b>Chapter 11 – Natural Hazards</b>			
Page 11-3	Policy 11.1.3	This Policy regards the management of flood hazard. It is an enabling Policy for Council infrastructure works. However, many waterways of Marlborough are of significant iwi importance. In this Policy and its commentary there is no statement of iwi consultation, engagement or discussion.	Amend the Policy and the commentary to contain an explicit statement regarding iwi involvement, consultation, and/or discussion.
Page 11-4	Policy 11.1.5	Similarly, this is an enabling Policy regarding the maintenance of existing flood defences. Many of these defences have been erected on, within and adjacent to waterways of high cultural significance. Again there is no statement of iwi consultation, engagement or discussion despite statutory acknowledgements.	Amend the Policy and the commentary to contain an explicit statement regarding iwi involvement, consultation, and/or discussion.
Page 11-11	Policy 11.2.1	This Policy regards the designation and administration of floodway's. The commentary states that, if any person wants to do works within these floodway's, MDC approval is required. These floodways' are part of waterways of cultural significance to local iwi and any works may have a direct effect on those cultural values. Approval should be sought from the relevant iwi.	Amend the Policy and the commentary to contain an explicit requirement that the approval of MDC and the relevant iwi are to be sought.
Page 11-17	11.AER.3	The AER requires the maintenance of the floodway capacity. This is tied to method 11.M.14 which will monitor/survey various environmental components. There should be provision against cultural indicators to ensure cultural values are protected.	Provide for cultural indicators to be used to assess impacts on cultural values.
<b>Chapter 13 – Use of the Coastal Environment</b>			
Page 13-3	Policy 13.1.2	Te Ātiawa <b>supports</b> the concept of mapping to provide some security but asserts that iwi will not provide all sites of cultural significance. There should be provision for protection of sites of cultural significance that are not mapped. Also the commentary does not identify/discuss that cultural considerations are important or worthy of consideration.	Amend Policy (either in the Policy or the commentary) to indicate that iwi sites of significance are also important to take into account but that they may not always be mapped.
Page 13-4	Policy 13.2.2	This Policy provides decision makers with consideration points for applications to use, develop or subdivide the coastal environment. None of this list includes protection of cultural values, resources, beliefs, structures or locations.	Add the consideration of the protection of cultural values, beliefs, structures, resources and/or locations to the decision making framework.
Page 13-6	Policy 13.2.4	The Policy identifies attributes that may be considered on coastal amenity value. There is no mention of cultural values.	Amend the Policy to include cultural values as an attribute that can be considered.
Page 13-8	Method 13.M.5	The method identifies the Harbourmaster and Maritime New Zealand as affected parties to enable assessment of navigation. There is no mention of Te Ātiawa as an affected party in terms of cultural values or kaitiakitanga.	Amend the method to include affected party status for Te Ātiawa in Queen Charlotte Sound, Tory Channel, Port Gore to enable assessment of cultural matters and kaitiakitanga.
Page 13-9	Policy 13.3.1	This Policy creates a caveat to recreational activities being permitted provided some environmental and social issues are met but there is no provision for cultural values (being adversely affected) to be considered.	Add a new point to the list of caveats requiring cultural values to be considered. i.e. g) Adversely affect the cultural values of the area.

MEP Ref	Plan Provision	Position and Reason	Relief Sought
Page 13-9	Policy 13.3.2	This Policy is enabling of recreational use of the coastal marine area. Te Ātiawa have concerns that unfettered recreational use of the coastal marine area will degrade the environment and compromise cultural values.	Amend the Policy to provide balance between recreational use and environmental and cultural preservation.
Page 13-11	Objective 13.4	This objective seeks the sustainable management of fisheries in the Marlborough Sounds. Te Ātiawa seeks the same goal and is recognised as kaitiaki of the Queen Charlotte Sound. This is not acknowledged within the commentary of this objective.	Amend the commentary to recognise that iwi have a significant role in the sustainable management of the Marlborough Sounds as the identity and mana of the iwi are reflected in the quality of the fishery and provide recognition of Te Ātiawa as kaitiaki of the Queen Charlotte Sound.
Page 13-12	Policy 13.4.2	This Policy seeks to provide for support to the community to work towards a sustainable fishery. There is no mention of iwi within this Policy or commentary and no provision or mention of support for restoration proposals or projects.	Amend the Policy to recognise iwi and provide provisions (by way of policies or commentary) for supporting restoration proposals and/or projects.
Page 13-12	Method 13.M.9	This commentary identifies community initiatives but not iwi.	Modify method to explicitly identify iwi.
Page 13-19	Policy 13.8.2	This Policy regards the matters to be considered when looking at a moorings management area. Te Ātiawa believe the list is insufficient and more issues should be considered in justifying whether a MMA should be applied to a site. The considerations should include: the issue of a reduction in effects of seabed disturbance, area of occupation, landscape, natural character, seascape, and amenity.	Amend the list by adding bullet points facilitating the consideration of the reduction in adverse effects on: seabed disturbance; the area to be occupied by moorings; landscape values; natural character values; seascape values; cultural values; and, amenity values.
Page 13-21	Policy 13.9.1	Matters are listed to aid the decision making on the appropriateness of a mooring. The list is insufficient as it assumes that conventional systems are appropriate. Te Ātiawa believes the conventional systems are not appropriate and innovation in mooring design/technology should be supported and the quality of the environment and the seabed disturbance are important considerations.	Add further bullets to the list requiring consideration of alternative mooring designs and systems to be considered; the impact of continual seabed disturbance of the structure(s); and contribution to the quality of the environment.
Page 13-25	Objective 13.10	This Objective provides context of appropriateness in the coastal environment. Its supporting commentary and Policy raise considerations of safety, coastal processes, justification and seascape. However, the commentary excludes moorings from the requirements of this objective and its supporting policies. Te Ātiawa does not support this as these considerations are important for all mooring applications.	Remove the words 'to moorings' at the end of the commentary of the objective.
Page 13-27	Policy 13.10.6	The Policy provides a context for appropriate development on landscape and amenity of the coastal environment. Te Ātiawa consider that the context of appropriate, in terms of scale, design, cladding and colour should avoid or mitigate adverse effects on the biological processes.	Amend the Policy to include biological processes as an important context for appropriate development of structures.
Page 13-32	Policy 13.10.26	The Policy regards the important considerations in deciding upon coastal protection works. It is unclear whether sub-paragraph b) refers to the construction of the protection works or the operation of the protection works. This should be clarified.	Amend the Policy and the commentary to indicate that effects (to be considered under point b)) relate to both the construction of and operation of the structure.

MEP Ref	Plan Provision	Position and Reason	Relief Sought
Page 13-32	Policy 13.10.27	This Policy seeks to discourage the use of some materials in the construction of coastal protection works. Te Ātiawa has long held the view that vertical wooden paling protection works are not appropriate as they are highly visual and are not sympathetic to coastal processes.	Amend the Policy by adding the words, 'vertical wood/timber walls', into the list of coastal protection materials to be discouraged.
Page 13-43	Policy 13.16.2	This Policy recognises the importance of Queen Charlotte Sound and Tory Channel to Te Ātiawa.	The wording of this Policy and its commentary should be retained.
Page 13-52	Policy 13.18.2	This Policy regards the activities within the port, port landing area and marina Zones of the MEP. The associated list identifies standards to be applied and the specific activities to be controlled. It is well known that the port and marine Zones are over cultural sites including the original pā site of Te Ātiawa. Yet there is no consideration of cultural values, sites of significance or cultural resources.	Amend the Policy to ensure that sites of cultural significance and cultural values within the port and marina Zone are preserved.
Page 13-54	Policy 13.18.7	Context is provided regarding resource consent applications to modify, extend or alter port or marina infrastructure. The associated list recognises physical, design, and safety parameters but not any cultural values assessment. Given there are significant cultural values within these zonings, it is important that effects on these values are considered.	Amend the Policy by adding a new matter to be considered being, ' <i>the effects on cultural values</i> '.
Page 13-55	Method 13.M.26	This method identifies that MDC will liaise with port and marina operators to enhance the landscape quality and foreshore connection values. Te Ātiawa is kaitiaki of the Queen Charlotte Sound. MDC should liaise with Te Ātiawa in this respect as well.	Amend the method to ensure MDC liaise with Te Ātiawa in addition to the port and marina operators in terms of landscape quality and integration of the foreshore areas.
Pages 13-59 to 13-62	Anticipated Environmental Result.	There are many AER describing results for aspects and types of coastal development. However, there are no goals/results or monitoring provisions for iwi or cultural values.	Amend the AER to include specific goals and monitoring criteria for cultural values.
<b>Chapter 14 – Use of the Rural Environment</b>			
Page 14-3	Policy 14.1.4	The Policy seeks to manage primary production activities by the implementation of policies and methods to address potential adverse effects on a range of biophysical parameters. However, there is no attempt to consider cultural values.	Amend the Policy to include potential adverse effects on cultural values.
Page 14-7	Policy 14.3.1	This Policy seeks to permit activities within the rural environment for outdoor recreation or short-term events. There is no consideration of impacts on cultural resources or sites of significance and hence, if an activity was permitted, no consideration or protection of these values or resources would be possible.	Amend the Policy to include cultural values and resources to be included in the caveat of permitted activities.
Page 14-20 to 14-21	Anticipated Environmental Result.	There are no goals/results or monitoring provisions for iwi or cultural values.	Amend the AER to include specific goals and monitoring criteria for cultural values.
<b>Chapter 15 – Resource Quality (Water, Air, Soil)</b>			
Page 15-14	Policy 15.1.9	This is an enabling Policy seeking to provide for the discharge of contaminants to water providing certain environmental, chemical and social parameters can be met. However, there is no attempt to account for cultural values.	Amend the Policy by adding a new bullet point stating that any discharge will not result in significant adverse effect on cultural values or resources.

MEP Ref	Plan Provision	Position and Reason	Relief Sought
Page 15-18	Policy 15.1.19	This Policy seeks to progressively eliminate the discharge of human sewage discharges to coastal waters, except regionally significant discharges (i.e. MDC discharges). The discharge of human sewage to the coast, specifically the Picton discharge, is culturally abhorrent and cultural insensitive. MDC sewage discharges should not be exempt from this Policy.	Amend this Policy by deleting the caveat ' <i>with the exception of regionally significant infrastructure</i> '.
Page 15-20	Policy 15.1.22	This Policy seeks to set the context that the Waikawa stream and Waitohi river, and the coastal environment of Waikawa and Picton will continue to receive urban storm water, and accepting that water quality will be low. The streams and coastal environment identified are of significant cultural value and their continued degradation reflects badly on the identity of Te Ātiawa, its spiritual and cultural relationship with the land and sea. Te Ātiawa does not accept that these areas are to continue to be degraded, exploited, and contaminated.	Delete this Policy.
Page 15-21	Method 15.M.9	The method regards research undertaken by the Council regarding storm water management. Given the significance of the receiving environments to Te Ātiawa, it is considered appropriate that Te Ātiawa is explicitly included in this method.	Amend the method to include consultation and discussion with Te Ātiawa in the research, preparation, and implementation of storm water management plans.
Page 15-27	Method 15.M.18	The method regards the extent of liaison of MDC with community groups regarding the maintenance and enhancement of riparian margins and water quality in respect of non-point discharges. The method explains that liaison will be with rural industry groups, land owners and community groups. There is no mention of iwi in this method where the iwi have statutory acknowledgements, statutory provisions, and a kaitiaki status over the relevant environs.	Amend the method to include iwi within the liaison framework.
Page 15-30	Issue 15D	The last paragraph of the commentary states that Picton air quality has been monitored. No data or results or reports have been presented to Te Ātiawa or the Picton community about this monitoring and it falsely implies that there is no issue with Picton air quality. Te Ātiawa are of the opinion that an issue exists.	Delete the offending paragraph from the MEP.
Pages 15-47 to 15-50	Anticipated Environmental Result.	There are no goals/results or monitoring provisions for iwi or cultural values.	Amend the AER to include specific goals and monitoring criteria for cultural values.
<b>Chapter 16 – Waste</b>			
Page 16-12	Policy 16.3.5	The Policy requires decision makers to 'have regard' to cultural values when considering discharge permit applications. This is a very low form of consideration. Te Ātiawa seeks a higher requirement such as 'have particular regard' or 'recognise and provide for'. Water quality is of utmost cultural value. Cultural concerns should not be diluted.	Amend the Policy by deleting ' <i>have regard</i> ' and replace with either, ' <i>shall recognise and provide for</i> ' or ' <i>shall have particular regard</i> '.
Pages 16-15 to 16-16	Anticipated Environmental Result	There are no goals/results or monitoring provisions for iwi or cultural values.	Amend the AER to include specific goals and monitoring criteria for cultural values.



MEP Ref	Plan Provision	Position and Reason	Relief Sought
<b>Chapter 17 – Transportation</b>			
Page 17-16	Method 17.M.14	This method regards the identification of affected party status. The method only identifies NZTA and NZ Rail when resource applications are considered on or near state highways or the rail network (respectively). However much of the infrastructure of both NZTA and NZ Rail is built over cultural sites and Te Ātiawa should be listed as an affected party (within its rohe).	Amend the method to include iwi being recognised as an affected party where land use activities or subdivisions are being considered adjacent to road or rail infrastructure.
Pages 17-17 to 17-18	Anticipated Environmental Result.	There are no goals/results or monitoring provisions for iwi or cultural values.	Amend the AER to include specific goals and monitoring criteria for cultural values.
<b>Chapter 18 – Energy</b>			
Page 18-3	Policy 18.1.3	The Policy regards matters to be considered when determining proposals to develop renewable energy resources. The list identifies: benefits, biophysical qualities, degree of effects, and environmental values but no regard is had to cultural values.	Amend the Policy by adding cultural values in the matters to be considered.
Page 18-5	Method 18.M.6	The method regards the extent of liaison of MDC with government agencies regarding renewable energy sources. There is no mention of iwi in this method where the iwi have statutory acknowledgements, statutory provisions, and a kaitiaki status over the relevant environs.	Amend the method to include iwi within the liaison framework.
<b>Chapter 19 – Climate Change</b>			
Page 19-3	Policy 19.1.5	Te Ātiawa <b>oppose</b> the creation of a water transfer regime. It is the view of Te Ātiawa that if water is not used by a consent holder it should remain in the resource for the mauri or good of the water body, and the environment.	Delete issue (b) from the Policy.

## Volume 2: Rules.

MEP Ref	Plan Provision	Position and Reason	Relief Sought
<b>Chapter 2 – General Rules</b>			
Page 2-1	Rule 2.2.1	Allocation limit for domestic needs is set at 5 cubic metres per day. Te Ātiawa believe the limit is set too high and the amount should be no more than 2 cubic metres per day as per previous consent decisions of MDC.	Amend the domestic allocation permitted to 2 cubic metres per day.
Page 2-1	Rule 2.2.2	Allocation limit for Papakāinga needs is set at 5 cubic metres per day. Te Ātiawa believe the limit is set too high and the amount should be no more than 2 cubic metres per day.	Amend the Papakāinga allocation permitted to 2 cubic metres per day.
Page 2-1	Rule 2.2.3	Allocation limit for marae activities is set at 1825 cubic metres per year. Which equates to 5 cubic metres per day. Te Ātiawa <b>supports</b> this allocation on the basis that a yearly maximum provides for peak demands.	Retain the allocation limit for marae.
Page 2-3	Rule 2.3.2	Te Ātiawa <b>oppose</b> the inclusion of 2.3.2.1. Given the historical tensions between the crown and iwi Papakāinga may have been constructed out of necessity a considerable time ago and the process of establishing existing use rights adds necessary complication to the caring of iwi people in need.	Delete rule 2.3.2.1
Page 2-11	Rule 2.7.2	Te Ātiawa <b>opposes</b> protection works for existing structures in the bed of lakes or rivers as permitted activities. Such water bodies are of significant cultural value and iwi should be consulted.	Remove rule 2.7.2 from the permitted activity list.
Page 2-11	Rule 2.7.5	Te Ātiawa opposes the construction of new structures in the beds of ephemeral rivers as permitted activities. Such water bodies are of significant cultural value and iwi should be consulted.	Remove rule 2.7.5 from the permitted activity list.
Page 2-11	Rule 2.7.7	Te Ātiawa opposes the installation of culverts in, on, under or over the bed of a river as a permitted activity. Such water bodies are of significant cultural value and iwi should be consulted.	Remove rule 2.7.7 from the permitted activity list.
Page 2-13	Rule 2.9.2	Standards relating to rule 2.7.2 are ignorant of cultural values.	Amend the standard to include consultation with iwi and consideration of adverse effects on cultural values.
Page 2-13	Rule 2.9.3	Standards for suction hoses in rivers or lakes. Part of rivers or lakes may hold higher cultural values than other parts. These cultural values should be protected	Amend the standard list to restrict suction hoses being located within cultural sites/areas.
Page 2-13	Rule 2.9.4	The standard list allows for a dam to be constructed on an ephemeral river without any consideration or consultation around cultural values. This is contrary to the Deed of Settlement and the protection of iwi values.	Amend the standard list to include a consideration/restriction around cultural values, cultural areas, and cultural sites.
Page 2-13	Rule 2.9.5	Standards relating to rule 2.7.5 are ignorant of cultural values.	Amend the standard to include consultation with iwi and consideration of adverse effects on cultural values.
Page 2-14	Rule 2.9.7	Standards relating to rule 2.7.7 are ignorant of cultural values.	Amend the standard to include consultation with iwi and consideration of adverse effects on cultural values.
Page 2-26	Rule 2.18.1.6	Providing for storm water discharges as a controlled activity where there is no cultural values or matters that Council has reserved control.	Amend the ' <i>matters over which the Council has reserved control:</i> ' to include cultural values and issues.
Page 2-55	Rule 2.34	The permitted activity list for signage does not provide for the establishment of Pouwhenua or other cultural signage or marking of cultural areas within the rohe.	Amend the permitted activity list to include, as permitted, the establishment of pou and/or cultural signage within the rohe of Te Ātiawa.
<b>Chapter 3 – Rural Environment Zone</b>			

Page 3-5	Rule 3.2	The standards that apply to all permitted activities within the Rural Zone do not consider or account for cultural areas, sites, locations or values.	Amend the <i>'standards that apply to all permitted activities'</i> in the Rural Zone, to account for cultural matters and protect cultural sites, areas and resources.
Page 3-10	Rule 3.3.6.2	Commercial forestry should not be allowed to be planted on or within 5 metres of urupā, wāhi tapu or other sacred sites.	Amend the standards to protect cultural sites.
Page 3-13	Rule 3.3.8	Woodlot forestry should not be allowed to be planted on or within 5 metres of urupā, wāhi tapu or other sacred sites.	Amend the standards to protect cultural sites.
Page 3-17	Rule 3.3.13	Cultivation should not be permitted on or over urupā, wāhi tapu or other sacred sites.	Amend the standards to protect cultural sites.
Page 3-17	Rule 3.3.14	Excavation should not be permitted on or over urupā, wāhi tapu or other sacred sites.	Amend the standards to protect cultural sites.
Page 3-29	Rule 3.3.47	Papakāinga is being restricted to five units on a computer register. There is no provision for expansion to provide for our aging members.	Delete 3.3.47.1
Page 3-31	Rule 3.5	The <i>'matters of restricted discretion'</i> that apply to excavations over 1000 cubic metres, within the Rural Zone, do not consider or account for cultural areas, sites, locations or values.	Amend the <i>'matters of restricted discretion'</i> in the Rural Zone, to account for cultural matters and protect cultural sites, areas and resources.
<b>Chapter 4 – Coastal Environment Zone</b>			
Page 4-4	Rule 4.1.48	The inclusion of Papakāinga within the coastal environment Zone is supported by Te Ātiawa.	Retain the permitted activity status for Papakāinga.
Page 4-9	Rule 4.3.6	Commercial forestry replanting <b>should not</b> be allowed to be planted on or within 5 metres of urupā, wāhi tapu or other sacred sites.	Amend the standards to protect cultural sites.
Page 4-9	Rule 4.3.7	Woodlot forestry <b>should not</b> be allowed to be planted on or within 5 metres of urupā, wāhi tapu or other sacred sites.	Amend the standards to protect cultural sites.
Page 4-12	Rule 4.3.11	Vegetation clearance <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that vegetation clearance on or adjacent to cultural sites/areas are not permitted.
Page 4-13	Rule 4.3.12	Cultivation <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that cultivation on or adjacent to cultural sites/areas are not permitted.
Page 4-13	Rule 4.3.13	Excavation <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that excavation on or adjacent to cultural sites/areas are not permitted.
Page 4-23	Rule 4.3.45	Papakāinga is being restricted to five units on a computer register. There is no provision for expansion to provide for our aging members.	Delete 4.3.45.1
<b>Chapter 5 – Urban Residential 1 and 2 Zones</b>			
Page 5-1	Rule 5.1.3	Te Ātiawa <b>support</b> the recognition and provision of marae activity on the identified lots as permitted. However, an addition property (Sec 1 SO 426964) was recently gifted to Te Ātiawa through the settlement process. This was the original marae site after the displacement of Te Ātiawa from Picton. This lot should be included in the permitted list for marae activities.	<b>Retain</b> the identified appellations of the lots for marae activity. <b>Add</b> Sec 1 SO 426964 to the permitted list and the associated standard (5.3.2b).
Page 5-1	Rule 5.1.4	Te Ātiawa <b>support</b> the inclusion of Papakāinga as a permitted activity within the Urban Residential 1 and 2 Zones.	Retain Papakāinga as permitted within this Zone.
Page 5-6	Rule 5.3.2	Papakāinga is being restricted to five units on a computer register. There is no provision for expansion to provide for our aging members.	Delete 5.3.2.1
Page 5-6	Rule 5.3.3	Papakāinga is being restricted to five units on a computer register. There is	Delete 5.3.3.1

		no provision for expansion to provide for our aging members.	
Page 5-8	Rule 5.3.10	Excavation <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that excavation on or adjacent to cultural sites/areas are not permitted.
<b>Chapter 6 – Urban Residential 3 Zone</b>			
Page 6-5	Rule 6.3.3	Excavation <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that excavation on or adjacent to cultural sites/areas are not permitted.
<b>Chapter 7 – Coastal Living Zone</b>			
Page 7-1	Rule 7.1.4	Te Ātiawa <b>support</b> the inclusion of Papakāinga as a permitted activity within the Coastal Living Zone but asks that Marae be also provided for as permitted within this Zone.	Retain Papakāinga as permitted within this Zone and add marae.
Page 7-3	Rule 7.2.1.11	The standards that apply to all permitted activities within the Coastal Living Zone do not consider or account for cultural areas, sites, locations or values.	Amend the <i>'standards that apply to all permitted activities'</i> in the Coastal Living Zone, to account for cultural matters and protect cultural sites, areas and resources.
Page 7-4	Rule 7.3.3	Papakāinga is being restricted to five units on a computer register. There is no provision for expansion to provide for our aging members.	Delete 7.3.3.1
Page 7-5	Rule 7.3.7	Indigenous Vegetation clearance <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that vegetation clearance on or adjacent to cultural sites/areas are not permitted.
Page 7-7	Rule 7.3.8	Non-indigenous Vegetation clearance <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that vegetation clearance on or adjacent to cultural sites/areas are not permitted.
Page 7-7	Rule 7.3.9	Excavation <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that excavation on or adjacent to cultural sites/areas are not permitted.
<b>Chapter 8 – Rural Living Zone</b>			
Page 8-1	Rule 8.1.4	Te Ātiawa <b>support</b> the inclusion of Papakāinga as a permitted activity within the Rural Living Zone but asks that Marae be also provided for as permitted within this Zone.	Retain Papakāinga as permitted within this Zone and add marae.
Page 8-2	Rule 8.2.1	The standards that apply to all permitted activities within the Rural Living Zone do not consider or account for cultural areas, sites, locations or values.	Amend the <i>'standards that apply to all permitted activities'</i> in the Rural Living Zone, to account for cultural matters and protect cultural sites, areas and resources.
Page 8-5	Rule 8.3.3	Papakāinga is being restricted to five units on a computer register. There is no provision for expansion to provide for our aging members.	Delete 8.3.3.1
Page 8-6	Rule 8.3.7	Woodlot forestry <b>should not</b> be allowed to be planted on or within 5 metres of urupā, wāhi tapu or other sacred sites.	Amend the standards to protect cultural sites.
Page 8-7	Rule 8.3.9.2	Conservation planting <b>should not</b> be allowed to be planted on or within 5 metres of urupā, wāhi tapu or other sacred sites as a permitted activity.	Amend the standards to protect cultural sites.
Page 8-7	Rule 8.3.10	Vegetation removal <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that vegetation removal on or adjacent to cultural sites/areas is not permitted.
Page 8-7	Rule 8.3.11	Excavation <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that excavation on or adjacent to cultural sites/areas are not permitted.
<b>Chapter 9 – Business 1 Zone</b>			
Page 9-9	Rule 9.3.4	Excavation <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that excavation on or adjacent to cultural sites/areas are not permitted.
<b>Chapter 10 – Business 2 Zone</b>			

Page 10-3	Rule 10.2	The standards that apply to all permitted activities within the Business 2 Zone do not consider or account for cultural areas, sites, locations or values.	Amend the ' <i>standards that apply to all permitted activities</i> ' in the Business 2 Zone, to account for cultural matters and protect cultural sites, areas and resources.
Page 10-5	Rule 10.3.4	Excavation <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that excavation on or adjacent to cultural sites/areas are not permitted.
Page 10-6	Rule 10.3.5	Te Ātiawa <b>support</b> the inclusion of permitted activity status for geotechnical bores but seeks a direction that a copy of the bore log is also provided to Te Ātiawa where the investigation is within the rohe of Te Ātiawa.	Amend rule 10.3.5.2 to include a copy of the bore log to be sent to Te Ātiawa when the investigation is within the rohe of Te Ātiawa.
<b>Chapter 11 – Business 3 Zone</b>			
Page 11-1	Rule 11.2.1	The standards that apply to all permitted activities within the Business 3 Zone do not consider or account for cultural areas, sites, locations or values.	Amend the ' <i>standards that apply to all permitted activities</i> ' in the Business 3 Zone, to account for cultural matters and protect cultural sites, areas and resources.
Page 11-3	Rule 11.3.3	Excavation <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that excavation on or adjacent to cultural sites/areas are not permitted.
Page 11-4	Rule 11.3.4.2	Te Ātiawa <b>support</b> the inclusion of permitted activity status for geotechnical bores but seeks a direction that a copy of the bore log is also provided to Te Ātiawa where the investigation is within the rohe of Te Ātiawa.	Amend rule 11.3.4.2 to include a copy of the bore log to be sent to Te Ātiawa when the investigation is within the rohe of Te Ātiawa.
<b>Chapter 12 – Industrial 1 and 2 Zones</b>			
Page 12-3	Rule 12.2.1	The standards that apply to all permitted activities within the Industrial 1 and 2 Zones do not consider or account for cultural areas, sites, locations or values.	Amend the ' <i>standards that apply to all permitted activities</i> ' in the Business 3 Zone, to account for cultural matters and protect cultural sites, areas and resources.
Page 12-11	Rule 12.3.18	Excavation <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that excavation on or adjacent to cultural sites/areas are not permitted.
Page 12-12	Rule 12.3.20	Te Ātiawa <b>support</b> the inclusion of permitted activity status for geotechnical bores but seeks a direction that a copy of the bore log is also provided to Te Ātiawa where the investigation is within the rohe of Te Ātiawa.	Amend rule 12.3.20.2 to include a copy of the bore log to be sent to Te Ātiawa when the investigation is within the rohe of Te Ātiawa.
<b>Chapter 13 – Port Zone</b>			
Page 13-4	Rule 13.2	The standards that apply to all permitted activities within the port Zone do not consider or account for cultural areas, sites, locations or values.	Amend the ' <i>standards that apply to all permitted activities</i> ' in the Port Zone, to account for cultural matters and protect cultural sites, areas and resources (specifically standards 13.2.1 and 13.2.2).
Page 13-8	Rule 13.3.6	Te Ātiawa <b>opposes</b> the maintenance, repair or replacement of a building or structure in the CMA as a permitted activity. Such water bodies are of significant cultural value Te Ātiawa and iwi should be consulted.	Either remove rule 13.1.15 from the permitted activity list or provide extra points in standard 13.3.6 requiring works within cultural areas to be excluded from the permitted activity status.
Page 13-9	Rule 13.3.12	Te Ātiawa <b>support</b> the inclusion of permitted activity status for geotechnical bores but seeks a direction that a copy of the bore log is also provided to Te Ātiawa where the investigation is within the rohe of Te Ātiawa.	Amend rule 13.3.12.2 to include a copy of the bore log to be sent to Te Ātiawa when the investigation is within the rohe of Te Ātiawa.
Page 13-9	Rule 13.3.13	Te Ātiawa <b>opposes</b> the dredging and associated disturbance to the foreshore and seabed for the maintenance of berthage and manoeuvring in the Port Zone as a permitted activity. Some areas of the Port Zone are of significant	Either remove rule 13.1.24 from the permitted activity list or provide extra points in standard 13.3.13 requiring works within cultural areas to be excluded from the permitted activity status.

		cultural value Te Ātiawa and iwi should be consulted.	
Page 13-9	Rule 13.3.15	Te Ātiawa <b>opposes</b> the Clearance of sand, shell, shingle or other natural material from a river mouth (for flood mitigation) in the Port Zone as a permitted activity. Some areas of the Port Zone are of significant cultural value Te Ātiawa and iwi should be consulted.	Either remove rule 13.1.26 from the permitted activity list or provide extra points in standard 13.3.15 requiring works within cultural areas to be excluded from the permitted activity status.
Page 13-9	Rule 13.3.17	Excavation <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that excavation on or adjacent to cultural sites/areas are not permitted.
Page 13-9	Rule 13.3.19	Non-indigenous Vegetation clearance <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that vegetation clearance on or adjacent to cultural sites/areas are not permitted.
Page 13-12	Rule 13.3.20	Indigenous Vegetation clearance <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that vegetation clearance on or adjacent to cultural sites/areas are not permitted.
Page 13-17	Rule 13.4.1	The ' <i>matters of restricted discretion</i> ' that apply to buildings or structures, within the CMA, do not consider or account for cultural areas, sites, locations or values.	Amend the ' <i>matters of restricted discretion</i> ' in the CMA of the Port Zone, to account for cultural matters and protect cultural sites, areas and resources.
Page 13-17	Rule 13.4.2	The ' <i>matters of restricted discretion</i> ' that apply to any 'other' commercial activity, within the Port Zone, do not consider or account for cultural areas, sites, locations or values.	Amend the ' <i>matters of restricted discretion</i> ' in the Port Zone, to account for cultural matters and protect cultural sites, areas and resources.
Page 13-17	Rule 13.4.3	The ' <i>standards and terms:</i> ' and the ' <i>matters of restricted discretion</i> ' that apply to foreshore and seabed disturbance within the Port Zone, do not consider or account for cultural areas, sites, locations or values.	Amend the ' <i>standards and terms:</i> ' and the ' <i>matters of restricted discretion</i> ' in the Port Zone, to account for cultural matters and protect cultural sites, areas and resources.
Page 13-17	Rule 13.4.5	The ' <i>standards and terms:</i> ' and the ' <i>matters of restricted discretion</i> ' that apply to reclamation of the foreshore and seabed within the Port Zone, do not consider or account for cultural areas, sites, locations or values.	Amend the ' <i>standards and terms:</i> ' and the ' <i>matters of restricted discretion</i> ' in the Port Zone, to account for cultural matters and protect cultural sites, areas and resources.
Page 13-17	Rule 13.4.6	The ' <i>matters of restricted discretion</i> ' that apply to excavations over 1000 cubic metres with a slope greater than 20 degrees, within the Port Zone, do not consider or account for cultural areas, sites, locations or values.	Amend the ' <i>matters of restricted discretion</i> ' in the Port Zone, to account for cultural matters and protect cultural sites, areas and resources.
<b>Chapter 14 – Port Landing Area Zone</b>			
Page 14-5	Rule 14.3.8	Excavation <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that excavation on or adjacent to cultural sites/areas are not permitted.
Page 14-6	Rule 14.3.10	Non-indigenous Vegetation clearance <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that vegetation clearance on or adjacent to cultural sites/areas are not permitted.
<b>Chapter 15 – Marina Zone</b>			
Page 15-3	Rule 15.2	The standards that apply to all permitted activities within the Marina Zone do not consider or account for cultural areas, sites, locations or values.	Amend the ' <i>standards that apply to all permitted activities</i> ' in the Marina Zone, to account for cultural matters and protect cultural sites, areas and resources (specifically standards 15.2.1 and 15.2.2).
Page 15-7	Rule 15.3.12	Te Ātiawa <b>support</b> the inclusion of permitted activity status for geotechnical bores but seeks a direction that a copy of the bore log is also provided to Te Ātiawa where the investigation is within the rohe of Te Ātiawa.	Amend rule 15.3.12.2 to include a copy of the bore log to be sent to Te Ātiawa when the investigation is within the rohe of Te Ātiawa.

Page 15-7	Rule 15.3.13	Te Ātiawa <b>opposes</b> the dredging and associated disturbance to the foreshore and seabed for the maintenance of berthage and manoeuvring in the Marina Zone as a permitted activity. Some areas of the Marina Zone are of significant cultural value Te Ātiawa and iwi should be consulted.	Either remove rule 15.1.23 from the permitted activity list or provide extra points in standard 15.3.13 requiring works within cultural areas to be excluded from the permitted activity status.
Page 15-8	Rule 15.3.14	Te Ātiawa <b>opposes</b> the Clearance of sand, shell, shingle or other natural material from a river mouth (for flood mitigation) in the Marina Zone as a permitted activity. Some areas of the Port Zone are of significant cultural value Te Ātiawa and iwi should be consulted.	Either remove rule 15.1.24 from the permitted activity list or provide extra points in standard 15.3.14 requiring works within cultural areas to be excluded from the permitted activity status.
Page 15-8	Rule 15.3.16	Excavation <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that excavation on or adjacent to cultural sites/areas are not permitted.
Page 15-9	Rule 15.3.18	Non-indigenous Vegetation clearance <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that vegetation clearance on or adjacent to cultural sites/areas are not permitted.
Page 15-12	Rule 15.5.1	The ' <i>matters of restricted discretion</i> ' that apply to buildings or structures, within the CMA, do not consider or account for cultural areas, sites, locations or values.	Amend the ' <i>matters of restricted discretion</i> ' in the CMA of the Marina Zone, to account for cultural matters and protect cultural sites, areas and resources.
Page 15-13	Rule 15.5.2	The ' <i>standards and terms:</i> ' and the ' <i>matters of restricted discretion</i> ' that apply to foreshore and seabed disturbance within the Marina Zone, do not consider or account for cultural areas, sites, locations or values.	Amend the ' <i>standards and terms:</i> ' and the ' <i>matters of restricted discretion</i> ' in the Marina Zone, to account for cultural matters and protect cultural sites, areas and resources.
Page 15-13	Rule 15.5.3	The ' <i>standards and terms:</i> ' and the ' <i>matters of restricted discretion</i> ' that apply to reclamation of the foreshore and seabed within the Marina Zone, do not consider or account for cultural areas, sites, locations or values.	Amend the ' <i>standards and terms:</i> ' and the ' <i>matters of restricted discretion</i> ' in the Marina Zone, to account for cultural matters and protect cultural sites, areas and resources.
<b>Chapter 16 – Coastal Marine Zone</b>			
Page 16-1	Rule 6.1	There is no permitted standard to allow for structures or activities involving ecological restoration projects, research or works.	Insert a permitted activity to allow for ecological restoration initiatives to be undertaken without resource consent.
Page 16-2	Rule 16.2	The standards that apply to all permitted activities within the CMZ do not consider or account for cultural areas, sites, locations or values.	Amend the ' <i>standards that apply to all permitted activities</i> ' in the Coastal Marine Zone, to account for cultural matters and protect cultural sites, areas and resources (specifically standards 16.2.1 and 16.2.2).
Page 16-5	Rule 16.3.10	Te Ātiawa <b>opposes</b> the Clearance of sand, shell, shingle or other natural material from a river mouth (for flood mitigation) in the Coastal Marine Zone as a permitted activity. Some areas of this Zone are of significant cultural value Te Ātiawa and iwi should be consulted.	Either remove rule 16.1.14 from the permitted activity list or provide extra points in standard 16.3.10 requiring works within cultural areas to be excluded from the permitted activity status.
Page 16-5	Rule 16.3.12	Te Ātiawa <b>opposes</b> the deposition of sand (for beach nourishment) as a permitted activity.	Delete rule 16.1.15 and standard 16.3.12.
Page 16-5	Rule 16.3.14	The standard requires mere notification of a dead marine mammal, this is contrary to kawa and tikanga.	Amend standard 16.3.14 to require early notification and consultation with iwi on discovery of dead mammal and provide iwi approval before burial.
<b>Chapter 17 – Open Space 1 Zone</b>			
Page 17-2	Rule 17.2	The standards that apply to all permitted activities within the Open Space 1 Zone do not consider or account for cultural areas, sites, locations or values.	Amend the ' <i>standards that apply to all permitted activities</i> ' in the Open Space 1 Zone, to account for cultural matters and protect cultural sites, areas and resources (specifically standard 17.2.1).
Page 17-3	Rule 17.3.2	Indigenous Vegetation clearance <b>should not</b> be permitted without adequate consideration of the potential adverse	Amend the permitted standards to ensure that vegetation clearance on or

		effects on cultural resources, values or sites.	adjacent to cultural sites/areas are not permitted.
Page 17-3	Rule 17.3.3	Non-indigenous Vegetation clearance <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that vegetation clearance on or adjacent to cultural sites/areas are not permitted.
Page 17-4	Rule 17.3.4	Excavation <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that excavation on or adjacent to cultural sites/areas are not permitted.
Page 17-6	Rule 17.3.10	Te Ātiawa <b>support</b> the inclusion of permitted activity status for geotechnical bores but seeks a direction that a copy of the bore log is also provided to Te Ātiawa where the investigation is within the rohe of Te Ātiawa.	Amend rule 17.3.10.2 to include a copy of the bore log to be sent to Te Ātiawa when the investigation is within the rohe of Te Ātiawa.
<b>Chapter 18 – Open Space 2 Zone</b>			
Page 18-2	Rule 18.2.1	The standards that apply to all permitted activities within the Open Space 2 Zone do not consider or account for cultural areas, sites, locations or values.	Amend the <i>'standards that apply to all permitted activities'</i> in the Open Space 2 Zone, to account for cultural matters and protect cultural sites, areas and resources (specifically standard 18.2.1).
Page 18-4	Rule 18.3.3	Indigenous Vegetation clearance <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that vegetation clearance on or adjacent to cultural sites/areas are not permitted.
Page 18-4	Rule 18.3.4	Non-indigenous Vegetation clearance <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that vegetation clearance on or adjacent to cultural sites/areas are not permitted.
Page 18-4	Rule 18.3.5	Excavation <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that excavation on or adjacent to cultural sites/areas are not permitted.
Page 18-7	Rule 18.3.11	Te Ātiawa <b>support</b> the inclusion of permitted activity status for geotechnical bores but seeks a direction that a copy of the bore log is also provided to Te Ātiawa where the investigation is within the rohe of Te Ātiawa.	Amend rule 18.3.11.2 to include a copy of the bore log to be sent to Te Ātiawa when the investigation is within the rohe of Te Ātiawa.
<b>Chapter 19 – Open Space 3 Zone</b>			
Page 19-3	Rule 19.2.1	The standards that apply to all permitted activities within the Open Space 3 Zone do not consider or account for cultural areas, sites, locations or values.	Amend the <i>'standards that apply to all permitted activities'</i> in the Open Space 3 Zone, to account for cultural matters and protect cultural sites, areas and resources (specifically standard 19.2.1).
Page 19-4	Rule 19.3.2	Conservation planting <b>should not</b> be allowed to be planted on or within 5 metres of urupā, wāhi tapu or other sacred sites as a permitted activity.	Amend the standards to protect cultural sites.
Page 19-5	Rule 19.3.3	Indigenous Vegetation clearance <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that vegetation clearance on or adjacent to cultural sites/areas are not permitted.
Page 19-6	Rule 19.3.4	Non-indigenous Vegetation clearance <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that vegetation clearance on or adjacent to cultural sites/areas are not permitted.
Page 19-7	Rule 19.3.5	Excavation <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that excavation on or adjacent to cultural sites/areas are not permitted.
Page 19-12	Rule 19.3.20	Disposal of farm rubbish (into a pit) <b>should not</b> be permitted where leachates or other contaminates could adversely affect the mauri or cultural values associated with a waterway or other cultural site, without adequate consideration of the potential adverse	Amend the permitted standards to ensure that disposal of waste to pits is a sufficient distance from cultural sites and the cultural values of the site are not compromised.



		effects on cultural resources, values or sites.	
Page 19-12	Rule 19.3.21	Disposal of offal (into a pit) <b>should not</b> be permitted where leachates or other contaminants could adversely affect the mauri or cultural values associated with a waterway or other cultural site, without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that disposal of offal to pits is a sufficient distance from cultural sites and the cultural values of the site are not compromised.
Page 19-13	Rule 19.3.22	The making of compost or silage (in a pit) <b>should not</b> be permitted where leachates or other contaminants could adversely affect the mauri or cultural values associated with a waterway or other cultural site, without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that the making of compost/silage is a sufficient distance from cultural sites and the cultural values of the site are not compromised.
Page 19-13	Rule 19.3.23	The storing of compost or silage (not in a pit) <b>should not</b> be permitted where leachates or other contaminants could adversely affect the mauri or cultural values associated with a waterway or other cultural site, without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that the storing of compost/silage is a sufficient distance from cultural sites and the cultural values of the site are not compromised.
<b>Chapter 20 – Open Space 4</b>			
Page 20-3	Rule 20.3.3	Excavation <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that excavation on or adjacent to cultural sites/areas are not permitted.
Page 20-3	Rule 20.3.5	Vegetation clearance <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that vegetation clearance on or adjacent to cultural sites/areas are not permitted.
Page 20-5	Rule 20.4.1	The <i>'matters of restricted discretion'</i> that apply to excavations over 1000 cubic metres with a slope greater than 20 degrees, within the Open Space 4 Zone, do not consider or account for cultural areas, sites, locations or values.	Amend the <i>'matters of restricted discretion'</i> in the Open Space 4 Zone, to account for cultural matters and protect cultural sites, areas and resources.
<b>Chapter 21 – Floodway Zone</b>			
Page 21-3	Rule 21.3.1	The standards that apply to all permitted activities within the Floodway Zone do not consider or account for cultural areas, sites, locations or values.	Amend the <i>'standards that apply to all permitted activities'</i> in the Floodway Zone, to account for cultural matters and protect cultural sites, areas and resources (specifically standards 21.3.1, 21.3.3, 21.3.6, 21.3.7, 21.3.8, 21.3.9, and 21.3.14).
<b>Chapter 23 – Airport Zone</b>			
Page 23-3	Rule 23.2	The standards that apply to all permitted activities within the Floodway Zone do not consider or account for cultural areas, sites, locations or values.	Amend the <i>'standards that apply to all permitted activities'</i> in the Floodway Zone, to account for cultural matters and protect cultural sites, areas and resources (specifically standard 23.2.1).
Page 23-6	Rule 23.3.2	Excavation <b>should not</b> be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites.	Amend the permitted standards to ensure that excavation on or adjacent to cultural sites/areas are not permitted.
Page 23-6	Rule 23.3.3	Te Ātiawa <b>support</b> the inclusion of permitted activity status for geotechnical bores but seeks a direction that a copy of the bore log is also provided to Te Ātiawa where the investigation is within the rohe of Te Ātiawa.	Amend rule 23.3.3.2 to include a copy of the bore log to be sent to Te Ātiawa when the investigation is within the rohe of Te Ātiawa.
<b>Chapter 25 – Definitions</b>			
Pages 25-1 to 25-28	No definition for cultural areas/sites, cultural values, or cultural commercial.	Te Ātiawa believe a new definitions should be inserted into the plan to define cultural sites, cultural values, and cultural commercial activities.	Amend the definition section but inserting three new definitions, one for 'cultural values', another for 'cultural sites', and another for 'Cultural commercial activities'. Cultural values should identify those important values of iwi that need to be taken into

			account. Cultural sites should state that locations of specific cultural significance. Cultural commercial activities should state those activities undertaken in accordance
Pages 25-13	Marae activity	Te Ātiawa seek clarification as to meaning of <i>'economic activity'</i> within the definition. It would appear that the definition is narrow and relates to principally health, education and marae admin. The marae is the centre for all Māori activity. To restrict offices only to marae administration is unfairly restrictive and fails to understand the breadth of Māori commercial interests.	Delete <i>'administration offices ancillary to the marae activity'</i> and replace with <i>'Māori commercial offices'</i> .
Page 25-17	Papakāinga unit	Te Ātiawa <b>opposes</b> the definition employed in the MEP. It is ambiguous, archaic and incorrect.	Delete the current definition and replace with: <i>'a self-contained residential unit, used or intended to be used for a permanent residential activity, associated with a marae or tribal housing for kaumatua'</i> .

## Volume 3: Appendices.

MEP Ref	Plan Provision	Position and Reason	Relief Sought
<b>Appendix 1 – Values contributing to areas with outstanding natural features and landscapes and areas with high amenity value</b>			
Page 1-12	Associative values	The MEP provides only two associative values to the discussion of Cape Jackson, Cape Lambert and Alligator Head. Te Ātiawa consider the area to be of significant cultural values and contains sites of historical occupation and significance	Amend the Associative values list and record the cultural significance of the area.
Page 1-15	Associative values	Te Ātiawa considers that the description underplays/undervalues the significance of this location to Te Ātiawa.	Amend the ‘ <i>Associative values</i> ’ list to record that the location is of ongoing cultural significance, occupation and cultural traditions.
<b>Appendix 2 – Values contributing to high, very high and outstanding natural character</b>			
Page 2-11	Coastal Terrestrial Area 4: Arapawa.	The title is <b>incorrect</b> . If it is to indicate the areas around the island, then the correct spelling should be used.	Change ‘Arapawa’ to ‘Arapaoa’.
<b>Appendix 5 – Water Resource Unit Values &amp; Water Quality Classification Standards</b>			
Pages 5-1 to 5-17	Water Resource unit values	Te Ātiawa considers that, although the appendix provides for the identification of cultural values, the MEP does not represent rivers of significance to Te Ātiawa as holding cultural value	Amend the various tables to include a ‘C’ under the “Water Quality Classifications” of the following rivers: <ul style="list-style-type: none"> <li>• Kaituna (Page 5-8);</li> <li>• Rai (Page 5-11);</li> <li>• Tuamarina (Page 5-14);</li> <li>• Small Coastal Complex (Page 5-16);</li> <li>• Small Sounds Streams (Page 5-16);</li> <li>• Waitohi (Page 5-17); and</li> <li>• Wakamarina (Page 5-17).</li> </ul>
Pages 5-1 to 5-17	Water Resource unit values	Te Ātiawa considers that the Waikawa stream is of significant value and should be included in this table.	Amend the table to include the Waikawa stream and, at the very least, identify it as having the following “Water Quality Classifications”: <ul style="list-style-type: none"> <li>• C – Cultural</li> <li>• A – Aesthetic</li> </ul>
Pages 5-19 to 5-22	Schedule 2 – Water Quality Classification Standards	The schedule does not contain any provision for cultural water quality indicators.	Amend the schedule by inserting cultural water quality indicators.
<b>Appendix 13 – Register of Significant Heritage Resources</b>			
Pages 13-1 to 13-25	Title of register	Te Ātiawa consider that the title of this section is inappropriate. The ‘resources’ listed are either buildings, structures or trees. In the true sense, ‘resources’ are those things (natural and physical) that can be modified into other things such as tools, materials, goods, or food. In that sense, the MEP has not identified any ‘resources’ of significance to iwi (i.e. pakohe, harakeke, kaimoana, etc.)	Either modify the title of the section to reflect that the register is a list of significant buildings, structures and trees; or, another list identifying sites of significant cultural resources.
Page 13-1	Note	The introduction of this section seeks to define the features recorded in this section but also provides a note, referencing the mapping of such items. This section should contain a caveat that not all ‘resources’ of significance to the Marlborough region are within this register.	The introduction should be amended to identify that the register is not complete and indicate that there are significant resources within Marlborough that are not contained within the register.

## Volume 4: Maps.

MEP Ref	Plan Provision	Position and Reason	Relief Sought
<b>Appendix 1 – Values contributing to areas with outstanding natural features and landscapes and areas with high amenity value</b>			
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 36	Zoning	Te Ātiawa <b>opposes</b> the extension of the Port Zone to encompass the entire coastal area of Shakespeare Bay. The area is of cultural and ecological significance and a Port Zoning would lower the anticipated environmental (and cultural) threshold below what it currently is.	Reduce the Port Zoning within Shakespeare Bay to reflect the existing Zones of the MSRMP (i.e. only half the bay is Port Zone).
Map 37	Heritage Resource	Map 37 shows the foreshore area of Picton with identification of European Heritage resources. It is well known to the MDC that the map also encompasses the original pā site of Te Ātiawa. However, this is not indicated on the map.	Amend map 37 to indicate the area/location of the original Te Ātiawa pā site.
Map 40	Heritage Resources	Map 40 encompasses the area where the existing marae of Te Ātiawa is located. This is a significant cultural resource and should be identified.	Amend map 40 to outline the area of the Waikawa Marae.
Map 41	Heritage Resources	Map 41 shows the foreshore area of Waikawa with identification of European Heritage resources. It is well known to the MDC that the map also encompasses a significant waka launching site and access for Te Ātiawa. However, this is not indicated on the map.	Amend map 41 to indicate the area/location of the original Te Ātiawa pā site.
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.
Map 42	Heritage Resources	Map 42 encompasses the area where Te Ātiawa established a marae after being displaced from Picton. This area is of significant cultural value and should be identified.	Amend map 42 to indicate the area/location of the marae site within Waikawa Bay.