



Te Rūnanga o NGĀI TAHU

Resource Management (Form, Fees and Procedure) Regulations - Schedules 2003

Form 5

Clause 6 of the First Schedule, Resource Management Act 1991

Submission on a publicly notified proposal for a plan

To: West Coast Regional Council
PO Box 66
Greymouth 7840

Name of Submitter:

Te Rūnanga o Makaawhio and Te Rūnanga o Ngāti Waewae (“ngā rūnanga”) and Te Rūnanga o Ngāi Tahu (“Te Rūnanga”)

This is a submission on: the West Coast Proposed Regional Coastal Plan

We could not gain an advantage in trade competition through this submission.

1. Introduction and Background

- 1.1 Ngāi Tahu means “people of Tahu”. Ngāi Tahu is the iwi comprised of Ngāi Tahu Whānui; that is the collective of the individuals who descend from the five primary hapū; Ngāti Kurī, Ngāti Irakehu, Kati Huirapa, Ngāi Tūāhuriri and Ngāi Te Ruahikihiki. The Ngāi Tahu takiwā extends over 80 per cent of Te Waipounamu. Te Waipounamu has been home to Ngāi Tahu for over 800 years.
- 1.2 Te Rūnanga o Ngāi Tahu (Te Rūnanga) is statutorily recognised as the representative tribal body of Ngāi Tahu whānui and was established as a body corporate on 24th April 1996 under section 6 of Te Rūnanga o Ngāi Tahu Act 1996 (the Act).
- 1.3 Poutini Ngāi Tahu is the section of Ngāi Tahu who are tangata whenua of Te Tai o Poutini (West Coast). The Act recognises Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio as the

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two papatipu marae-based rūnanga which have mana whenua over Te Tai o Poutini from Piopiotahi (Milford Sound) in the south, to Kahurangi in the north, and into the middle of the Kā Tiritiri o te Moana (the Southern Alps).

- 1.3 We note the following relevant provisions of our constitutional documents:

Section 3 of the Act States:

“This Act binds the Crown and every person (including any body politic or corporate) whose rights are affected by any provisions of this Act.”

Section 15(1) of the Act states:

“Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as the representative of Ngāi Tahu Whānui.”

- 1.4 The Charter of Te Rūnanga o Ngāi Tahu constitutes Te Rūnanga as the kaitiaki of the tribal interests.
- 1.5 Te Rūnanga respectfully requests that West Coast Regional Council accord this submission the status and weight due to the tribal collective, Ngāi Tahu whānui, currently comprising over 55,000 members, registered in accordance with section 8 of the Act.
- 1.6 Notwithstanding its statutory status as the representative voice of Ngāi Tahu whānui “for all purposes”, Te Rūnanga accepts and respects the right of individuals and Papatipu Rūnanga to make their own responses in relation to this matter.
- 1.7 It should be noted that in Section 15 (2) of the Act, the provision provides for; where any enactment requires consultation with any iwi or with any iwi authority, that consultation shall, with respect to matters affecting Ngāi Tahu Whānui, be held with Te Rūnanga o Ngāi Tahu. Section 15 (3) of the Act requires that in carrying out any consultation Te Rūnanga o Ngāi Tahu shall in turn consult with Papatipu Rūnanga. In practice, Te Rūnanga takes into account the views of Papatipu Rūnanga when determining its position. In the case of issues of local significance only, Te Rūnanga may defer a response completely to Papatipu Rūnanga.

2. Manawhenua Statement

- 2.1 This is a submission from the representative bodies of the tangata whenua who hold mana whenua in their traditional takiwā within the West Coast Region to which this proposed

regional coastal plan relates. Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio are supported by Te Rūnanga o Ngāi Tahu.

3. Te Rūnanga and Papatipu Rūnanga Interests in the Proposed Regional Coastal Plan

3.1. Te Rūnanga and ngā rūnanga note the following particular interests in the Proposed Regional Coastal Plan:

Treaty Relationship

- Te Rūnanga o Ngāi Tahu have an expectation that the Crown will honour Te Tiriti o Waitangi (the Treaty) and the principles upon which the Treaty is founded. All persons undertaking duties and responsibilities in accordance with the Proposed District Plan shall recognise and respect the Crown's responsibility to give effect to principles of the Treaty of Waitangi.

Kaitiakitanga

- In keeping with the kaitiaki responsibilities of Ngāi Tahu whānui, Te Rūnanga has an interest in ensuring sustainable management of natural resources, including protection of taonga and mahinga kai for future generations
- Ngāi Tahu whānui are both users of natural resources, and stewards of those resources. At all times, Te Rūnanga is guided by the tribal whakataukī: “mō tātou, ā, mō kā uri ā muri ake nei” (*for us and our descendants after us*).

Whanaungatanga

- Te Rūnanga has a responsibility to promote the wellbeing of Ngāi Tahu whānui and ensure that the management of Ngāi Tahu assets and the wider management of natural resources supports the development of iwi members.

3.2 Te Rūnanga has a specific interest by virtue of the Ngāi Tahu Claims Settlement Act 1998 (the NTCSA). The NTCSA provides for Ngāi Tahu and the Crown to enter an age of co-operation.

3.3 The Crown apology to Ngāi Tahu is a recognition of the Treaty principles of partnership, active participation in decision-making, active protection and rangatiratanga.

- 3.4 With regards to the Ngāi Tahu takiwā, Section 5 of the Te Rūnanga o Ngāi Tahu Act 1996 statutorily defines the Ngāi Tahu takiwā as those areas “south of the northern most boundaries described in the decision of the Māori Appellate Court ...” which in effect is south of Te Parinui o Whiti on the East Coast and Kahurangi Point on the West Coast of the South Island.
- 3.5 All land and waters subject to the proposed West Coast Regional Coastal Plan are within the Ngāi Tahu takiwa (as defined in s 5 of the Act) and the Ngāi Tahu claim area as defined in the Ngāi Tahu Claims Settlement Act 1998.
- 3.6 Section 2 of the Ngāi Tahu Claims Settlement Act 1998 statutorily defines the Ngāi Tahu claim area as being:
- “the area shown on allocation plan NT 504 (SO 19900), being—*
- (a) the takiwā of Ngāi Tahu Whānui; and*
- (b) the coastal marine area adjacent to the coastal boundary of the takiwā of Ngāi Tahu Whānui; and*
- (c) the New Zealand fisheries waters within the coastal marine area and exclusive economic zone adjacent to the seaward boundary of that coastal marine area;—*
- and, for the purposes of this definition, the northern sea boundaries of the coastal marine area have been determined using the equidistance principle, and the northern sea boundaries of the exclusive economic zone have been determined using the perpendicular to the meridian principle from the seaward boundary of the coastal marine area (with provision to exclude part of the New Zealand fisheries waters around the Chatham Islands).”*
- 3.7 The Treaty settlement has enabled Ngāi Tahu to invest within the takiwā in order to rebuild the economic and social base for the tribe, and to provide contemporary opportunities to practice mahinga kai and kaitiakitanga.

4. Engagement with Te Rūnanga and Papatipu Rūnanga

- 4.1 Ngā rūnanga and Te Rūnanga have been involved in discussions with West Coast Regional Council staff in development of the Proposed Regional Coastal Plan. They would like to acknowledge the positive approach of the Council in these discussions.

5. Submission - general

The specific provisions of the proposal that our submission relates to are:

The entire plan and section 32 report.

Our submission is:

We support the provisions in the Proposed Regional Coastal Plan (“the Proposed Plan”) and section 32 report as notified, except where we have made specific requests for changes below.

The body of this submission addresses key concerns for Ngāi Tahu. Please note that references in the submission to Ngāi Tahu should be read as including both ngā rūnanga and Te Rūnanga unless otherwise specified.

Specific amendments requested to the Proposed Plan are set out in Schedule 1.

KEY CONCERNS

1. Provision for Poutini Ngāi Tahu resource management issues and values

We support recognition of Poutini Ngāi Tahu values, and the need to address effects on these, throughout the Plan. However we consider that in some places understanding would be improved by replacing or expanding general references with reference to specific values that are of importance to Poutini Ngāi Tahu. We also request some amendments to make it clear that Poutini Ngāi Tahu values are not confined to the areas listed in Schedule 3A, and that adverse effects on these values must also be addressed in other areas.

We consider it would be appropriate to include a specific objective and policies relating to Poutini Ngāi Tahu resource management issues and values to provide clearer direction for resource management decision-making.

Our reasons are:

Recognition and provision for Poutini Ngāi Tahu values and uses will enable Poutini Ngāi Tahu to maintain and continue to strengthen their culture, practices and way of life, and is consistent with section 6(e) and section 8 of the Resource Management Act (“RMA”).

We support specific incorporation of Statutory Acknowledgement Areas in Schedule 3A and recognition of these areas in policies and rules. This will help to give effect to the intent of the Ngāi Tahu Claims Settlement Act 1998. We also support recognition of other wāhi taonga, wāhi tapu and

tauranga waka and areas that have important mahinga kai values. We consider that Schedule 3A is helpful in drawing attention to these values; however a focus on the schedule should not result in a failure to consider and manage adverse effects on Poutini Ngāi Tahu values outside the areas included in Schedule 3A.

In general, we support the description of Poutini Ngāi Tahu values in Chapter 2 of the Proposed Plan. However we consider that some further explanation of concepts including kaitiakitanga and mauri, and values associated with mahinga kai and pounamu, will assist users to be aware of and understand the importance of managing adverse effects on Poutini Ngāi Tahu values. We also consider there is a need to state Poutini Ngāi Tahu resource management issues more clearly than by reference to identification of issues in the Proposed Regional Policy Statement (“PRPS”). Our submission on the PRPS requests that further detail be provided in that document, and we also note that the PRPS has a different function than the Proposed Plan. It is important that the issues in the coastal marine area are clearly set out in the Proposed Plan to support interpretation of policies and rules referring to Poutini Ngāi Tahu values.

The ability to access and use mahinga kai resources is fundamental to maintaining the identity and culture of Poutini Ngāi Tahu. We consider that it would be appropriate to make specific reference to avoiding adverse effects on mahinga kai in policies and rules to ensure that these resources are sustained for future generations.

The absence of any objectives and policies in Chapter 2 results in poor linkage between the issues and values described in this chapter and the management response in other chapters. We consider that decision-making would be assisted by inclusion of clear objectives and policies providing direction as to how Poutini Ngāi Tahu values will be considered and maintained.

We seek the following decision from the Council:

- a) Retain content of Chapter 2 except as follows:
 - i. Include additional explanation of kaitiakitanga and mauri, and values associated with mahinga kai and pounamu;
 - ii. Include a clearer statement of the resource management issues of significance to Poutini Ngāi Tahu;
 - iii. Include an objective and policies providing direction for management of the issues described.
- b) Include amendments to policies and rules to make it clear that adverse effects on Poutini Ngāi Tahu values must also be considered and managed outside the areas identified in Schedule 3A.

- c) Include specific reference to avoiding adverse effects on mahinga kai in relevant policies and rules.

Detailed amendments requested to address these matters are set out in in Schedule 1 below.

2. Provision for involvement of Poutini Ngāi Tahu in resource management processes

We support the recognition, in Chapter 2, of the mana whenua role of Poutini Ngāi Tahu in the West Coast Region, and the rights accorded to ngā rūnanga by the Ngāi Tahu Claims Settlement Act 1998. We support the consultation approach in Section 2.12 but request amendment to reflect and intent to pursue a partnership relationship. We also request inclusion of an objective and policies to provide clear direction about expectations for Poutini Ngāi Tahu involvement in resource management processes.

We consider that some amendments are necessary in other chapters to reflect the role of Poutini Ngāi Tahu described in Chapter 2.

Our reasons are:

Recognition of the mana whenua role of Poutini Ngāi Tahu, together with the commitment to consultation described in Section 2.12, is consistent with section 8 of the RMA. However we consider that it would be desirable for the wording of section 2.12 to reflect an intent to move towards a partnership relationship reflecting Treaty of Waitangi principles.

As discussed in 5.1 above, the absence of any objectives and policies in Chapter 2 results in poor linkage between the content of this chapter and the management response in other chapters.

Although Section 2.12 describes a process providing Poutini Ngāi Tahu opportunity for involvement in all resource consent processes, this is not clearly reflected in statements about notification and affected parties in some other parts of the Proposed Plan.

We also consider there is a need to amend the reference to iwi management plans in Chapter 1 to clearly describe their relationship to the Proposed Plan.

We seek the following decision from the Council:

- a) Amend the wording of section 2.12 to reflect an intent to move towards a partnership relationship with Poutini Ngāi Tahu.
- b) Include an objective and policies in Chapter 2 providing direction for involvement of Poutini Ngāi Tahu in resource management processes for matters in the Proposed Plan.

- c) Include amendments where necessary in the rules to clarify that nga rūnanga will be identified as affected parties wherever an application has potential for adverse effects on Poutini Ngāi Tahu values.
- d) Include reference in Section 1.3 to the need to take into account iwi management plans.

Detailed amendments requested to address these matters are set out in in Schedule 1 below.

3. Protection of aotea and waitai

We request amendments to rules to provide for protection of important taonga. Aotea, which only occurs in the Makaawhio River, and waitai occurring on Māori Beach are culturally significant and rules should not allow for these taonga to be removed.

We also request that the guiding policy for gravel extraction be strengthened to require that adverse facts on Poutini Ngāi Tahu values be avoided rather than just considered.

Our reasons are:

We have concerns about the potential for adverse effects on Poutini Ngāi Tahu values from removal of taonga. Specific matters of concern include gravel extraction from the Makaawhio River and removal of waitai (white stones) from Māori Beach, Bruce Bay.

Aotea (kyanite) occurring in the Makaawhio River is the taonga of paramount importance to Ngāti Māhaki ki Makaawhio. The relationship of Ngāti Māhaki o Makaawhio to this taonga is described in Schedule 2 to this submission. Its cultural significance is similar to that of pounamu. Provision for gravel extraction in the Makaawhio River would be culturally offensive because of its effect on aotea. The Proposed Plan does not treat gravel extraction in the Makaawhio River differently from other rivers. We consider that restricted discretionary activity status for gravel extraction in the Makaawhio River does not adequately recognise the values held by Poutini Ngāi Tahu for this taonga, and request that gravel extraction in the Makaawhio River be made a non-complying activity.

Policy 6.3.4, which is the key guiding policy for gravel extraction, only requires that adverse effects on Poutini Ngāi Tahu values be considered, not avoided. We consider that Policy 6.3.4 should be strengthened to provide for more effective protection of Poutini Ngāi Tahu values.

Waitai (white stones) that are present on Māori Beach, Bruce Bay, are also a taonga of considerable cultural significance. From time immemorial, waitai have been life sustaining as they have always been used as cooking stones in hāngī. No other stone locally is suitable for this purpose. Rule 15 permitting removal of natural material from beaches allows removal of stones up to 250 mm in diameter, and up

to 1 m³ per year by any person. This poses a significant threat to the taonga, and we request that Rule 15 be amended to ensure that removal of waitai is not permitted.

We seek the following decision from the Council:

- a) Amend Policy 6.3.4 to require that adverse effects of gravel extraction on Poutini Ngāi Tahu values be avoided.
- b) In Rule 24, exclude the Makaawhio River from the rule.
- c) Include a new rule making gravel extraction from the bed of the Makaawhio River a non-complying activity.
- d) Amend Rule 15 to exclude the ability to remove waitai (white stones) from Māori Beach (CSA21).

Detailed amendments requested to address these matters are set out in in Schedule 1 below.

4. Management of sewage effluent discharges

We request a clear framework, in policies and rules, discouraging discharges of human sewage effluent directly to coastal waters and encouraging appropriate alternative treatment and disposal.

Our reasons are:

The Proposed Plan does not distinguish between the wide range of discharges that may be proposed, apart from some small-scale discharges and stormwater/ land drainage. This provides no direction as to the acceptability or unacceptability of particular types of discharges, and the discretionary activity status applied to most discharges suggests that any discharge is equally acceptable subject to appropriate conditions.

Direct discharges of human sewage to water are culturally offensive to Ngāi Tahu. It is a fundamental principle of Ngāi Tahu natural resource management that contaminants should be minimised (as the most preferred option) and that they should not be discharged into water without passing through land or artificial wetlands for treatment, except in circumstances where this would introduce a risk of groundwater contamination.

We recognise that immediate upgrade of existing discharges that use some other form of treatment is not practical and that time needs to be allowed for this to be addressed. We request that provisions be included in the Proposed Plan to require serious consideration of alternatives to direct discharge. Where direct discharge is the only practicable option, it should be designed to avoid adverse effects on

Poutini Ngāi Tahu values and treated to a standard that ensures there will not be adverse effects on kaimoana. We request that direct discharges of human sewage effluent be clearly discouraged by giving them non-complying activity status.

Method 8.4.1 encourages improved management of sewage effluent from coastal subdivision and development. We support the intent of this but consider that converting this method into a policy would provide clearer and stronger direction for consideration by district councils in developing district plans and considering resource consent applications.

We seek the following decision from the Council:

- a) Amend the activity status for direct discharge of human sewage effluent to coastal waters from discretionary to non-complying.
- b) Include a policy in Chapter 8 providing clear direction for consideration of applications for direct discharge of human sewage effluent to coastal waters.
- c) Delete Method 8.4.1 and replace it with a policy addressing the same matter.
- d) Include wording in Chapter 2 to clearly reflect the cultural objection to such discharges.

Detailed amendments requested to address these matters are set out in in Schedule 1 below.

5. Management of mining in the coastal marine area

We request a clear framework, in policies and rules, to avoid potential adverse effects of mining on fishing grounds and other areas of cultural, recreational and commercial significance.

Our reasons are:

Mining in the coastal marine area can include disturbance and deposition of significant material, as well as potential for large scale discharges of sediment and contaminants. This has potential to disrupt ecosystems or smother benthic communities, with adverse effects on fish and other marine species and impacts on ecological, mahinga kai, recreational and commercial values. The absence of a history of this activity in the West Coast region means that the nature and scale of such effects are uncertain.

As notified, the Proposed Plan makes no specific reference to the adverse effects of mining activities. Conversely, objective and policy references identify mining as an example of sustainable use and emphasise its potential positive effects in providing employment. We acknowledge the importance of employment sources for sustaining communities, but we consider that the Proposed Plan places undue emphasis on mining in this regard, without any balancing consideration of potential adverse effects.

Because of the uncertainty and potential scale of adverse effects, we consider it would be appropriate to take a precautionary approach to mining proposals and to discourage them in areas where disturbance, deposition or discharges could adversely affect recognised values and uses. To implement this precautionary approach, we consider that offshore mining activity should be subject to non-complying activity status, supported by clear policy direction.

We seek the following decision from the Council:

- a) Include policies in Chapter 6 and Chapter 8 providing specific direction for consideration of mining proposals.
- b) Amend the activity status for disturbance, deposition and discharges associated with offshore mining from discretionary to non-complying.
- c) Amend Policy 3.3.1 and the explanations to Objective 3.2.1 and Policy 3.3.2 to remove reference to mining.

Detailed amendments requested to address these matters are set out in in Schedule 1 below.

6. Reclamations and damming in the coastal marine area

We request a clear framework, in policies and rules, to discourage reclamations in the coastal marine area and damming of open coastal waters, and in particular to avoid potential adverse effects of these activities on mahinga kai and other Poutini Ngāi Tahu values, ecosystems, water quality and other values identified in Chapter 3.

Our reasons are:

Policy 10 of the New Zealand Coastal Policy Statement provides a strong direction to avoid reclamation unless there are no practical alternatives and the reclamation will provide significant regional or national benefit. We do not consider that this direction is clearly reflected in the Proposed Plan.

Reclamation has potential to directly displace benthic communities or to disrupt coastal and marine ecosystems by altering the natural coastal processes. This could have significant impacts on ecological, mahinga kai, recreational and commercial values. Inappropriate location of reclamations could also have adverse effects on wāhi tapu, wāhi taonga or natural character values.

Damming of open coastal waters also has potential to disrupt natural coastal processes and adversely affect aquatic life and mahinga kai.

To reflect the direction of the New Zealand Coastal Policy Statement and avoid adverse effects on cultural and natural values, we consider that reclamation in the coastal marine area and damming of open coastal waters should be subject to non-complying activity status, supported by clear policy direction.

We seek the following decision from the Council:

- a) Amend Policy 6.3.6 to include specific direction discouraging reclamations where these could have adverse effects on important values, including Poutini Ngāi Tahu values.
- b) Amend Policy 9.3.1 to provide clear direction to avoid adverse effects of damming.
- c) Amend the activity status for reclamation in the coastal marine area and for damming of open coastal waters from discretionary to non-complying.

Detailed amendments requested to address these matters are set out in in Schedule 1 below.

7. Clarity and consistency of approach in policies, rules and information requirements

We request amendments to make policies clearer and more directive and to ensure conditions in permitted activity rules are certain and appropriately reflect the policy direction.

We request amendments to ensure that positive effects on environmental and cultural values are given the same recognition to as positive economic and social effects.

Our reasons are:

We consider that the wording of some objectives and policies throughout the Proposed Plan (particularly in Chapter 6) fails to provide clear direction. Rather than just saying what effects, factors or mitigation measures will be considered in assessing resource consent applications, we consider that policies should make it clear which effects must be avoided, and which may be managed by remedying or mitigation.

Where significant values may be potentially affected, the management approach in policies for the various activities should be consistent with the level of protection afforded to the significant values in Chapter 3. We consider that the policy direction in Chapter 3 also needs to be more clearly reflected in the conditions applying to some permitted activities by restrictions on the location of these activities in areas with significant values or by other measures to protect the values identified in Chapter 3.

Conditions applying to discharges permitted by Rules 31 and 34 require that the activity “does not give rise to adverse effects on aquatic life” or “render the receiving water unsuitable for contact

recreation". These conditions are uncertain and would rely on assessment after the effect has been created. Similarly a condition referring to "reasonable mixing" in Rule 36 relies on subjective judgement in the absence of any quantitative measures. We consider that these conditions should be replaced by clear standards and/or exclusions from sensitive areas to ensure that water quality is maintained.

Objectives, policies and information requirements emphasise the need to consider positive economic and social effects of use and development, but references to effects on environmental and cultural values only mention adverse effects. We consider that the positive effects of projects for enhancement of environmental or cultural values, such as enhancement of mahinga kai habitats, should be given similar recognition to the positive effects of projects for economic development.

We seek the following decision from the Council:

- a) Amend objectives and policies where necessary to ensure they provide clear direction as to which effects must be managed and how they should be managed.
- b) Amend policies in Chapters 4 to 10 where necessary to make them consistent with the policies in Chapter 3.
- c) Amend rules where necessary to ensure they appropriately provide for protection of the values identified in Chapter 3.
- d) Amend conditions in permitted activity Rules 31, 34 and 36 to make them clear and certain.
- e) Amend Section 13.2 of the Information Requirements to recognise that activities may have positive effects on environmental and cultural values, and ensure that this is also reflected in relevant policies.

Detailed amendments requested to address these matters are set out in in Schedule 1 below.

8. Decisions sought:

The specific decisions sought are listed in Schedule 1 by chapter. Text to be deleted is either described in narrative or shown as strikethrough (except where whole sections are to be replaced). Replacement text is either described narratively or shown in underlining.

We also seek any consequential amendments necessary to give effect to the decisions sought.

The reasons for our support or opposition are also set out in Schedule 1.

We DO wish to be heard in support of our submission.



Signature of person (s) making submission

(or person authorised to sign on behalf of person (s) making submission)

**Kara Edwards
General Manager – Te Ao Tūroa
Te Rūnanga o Ngāi Tahu**

Date: 21 March 2016

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SCHEDULE 1: SPECIFIC DECISIONS SOUGHT

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
General			
Throughout Proposed Plan	Support in part	The Proposed Plan includes spelling mistakes and use of incorrect words. A thorough spelling and grammar check is needed, with particular focus on the use and spelling of Māori words including use of tohūtō (macrons).	Make all necessary corrections to the use and spelling of Māori words.
1. Introduction			
1.1 Purpose and Scope of the Plan	Support in part	The description of the scope of the Plan does not make it clear what range of activities is controlled by the Plan.	<p>Amend Section 1.1 to read as follows: <i>The West Coast Regional Council (the Council) has prepared this Plan to provide a framework to promote the integrated and sustainable management of the West Coast's coastal marine area.</i></p> <p><i>The Plan controls the following activities in the coastal marine area:</i></p> <ul style="list-style-type: none"> • <u>Reclamation</u> • <u>Erection, modification and removal of structures</u> • <u>Disturbance of the foreshore, seabed, or beds of lakes, rivers, estuaries or lagoons</u> • <u>Deposition of any substance on the foreshore, seabed, or beds of lakes, rivers, estuaries or lagoons</u> • <u>Introduction or planting of vegetation</u> • <u>Removal of sand, shingle, shell, vegetation or other natural material</u> • <u>Occupation of space</u> • <u>Taking, use, damming, or diversion of water</u> • <u>Discharge of water or contaminants to land or water</u> • <u>Generation of noise.</u>

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
			<p><u>These activities in the coastal marine area need resource consent unless Activities in the coastal marine area do not need resource consent provided they meet the conditions of a relevant permitted rule. Other activities can only occur if they are authorised by a resource consent.</u></p> <p><u>There are a number of Transitory activities that take place in the coastal marine area, such as swimming, walking, horse riding, diving, surfing, kayaking, boating, launching and retrieval of vessels, fishing, beach combing, that do not require any authorisation under the Resource Management Act 1991 (the Act), or this Plan. For example, swimming, walking, horse riding, diving, surfing, kayaking, boating, launching and retrieval of vessels, fishing, beach combing.</u></p> <p><u>This Plan does not apply to managing fishing or fisheries resources controlled under the Fisheries Act 1996. The Plan but does may control aquaculture activities for the purpose of avoiding, remedying, or mitigating the their effects of aquaculture activities on fishing and fisheries resources.</u></p> <p><u>Activities in the coastal marine area may have adverse effects above the mean high water spring line, and these are addressed in this Coastal Plan. This However the Plan does not apply to activities above the mean high water spring line that may have effects in the coastal marine area. These are managed under other regional and district plans. Activities in the coastal marine area may have adverse effects above the mean high water spring line, and these are addressed in this Coastal Plan. Some development may involve activities both above and within the coastal marine area ..</u></p>
1.3 Relationship to other Resource Management Documents Figure 3	Support in part	See Section 5.2 above. We support the identification of iwi management plans in Figure 3, and recognition of future iwi management plans that may be	<p><u>Amend first paragraph of Section 1.3 to read as follows:</u></p> <p><u>This Plan fits within a framework of national, regional and local resource management policies, standards and plans (see Figure 3). The Coastal Plan should be read in conjunction with the Regional Land and Water Plan and the relevant district plan. The Regional Coastal Plan</u></p>

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
		prepared. However, the relationship of the Proposed Regional Coastal Plan to iwi management plans is not clearly described.	<i>must also take into account the iwi management plans listed in Figure 3. Further iwi management plans may be prepared during the life of this Plan.</i>
1.4 Structure of the Coastal Plan		There is an error in chapter numbering in the discussion of the structure.	Amend paragraph headings to read as follows: <i>Chapters 3-4012</i> ... <i>Chapters 4-13-16</i> ...
2. Poutini Ngāi Tahu values			
General	Support	See Section 5.1 above. We support the recognition of Poutini Ngāi Tahu, their role, rights, traditions and values.	Retain Chapter 2 with the amendments requested elsewhere in this submission.
2.6 Pounamu	Support in part	See Section 5.1 above. We support the recognition of Poutini Ngāi Tahu ownership rights in relation to pounamu. However we consider that further explanation of the Poutini Ngāi Tahu values associated with pounamu would assist understanding. Reference to the pounamu resource management plans also needs to be corrected to reflect that the Māwhera Incorporation is a landowner trust, not one of the Papatipu Rūnanga.	(a) Amend first paragraph to read as follows: <i>Pounamu is a taonga of utmost importance to Poutini Ngāi Tahu that lies within the coastal marine area. For generations, pounamu has been discovered, identified, collected, worked, traded and protected, and in turn provided for the livelihood, mana and mauri of those whānau and hapū where it was associated with the taonga. It was pounamu that in essence fed those whānau and hapū, where it was traded for kai and resources from other regions. The traditions and customs involved in the collection working and trading pounamu remain important, particularly for those who uphold the ahi kā of where pounamu is found.</i> <i>On 14 June 1996, the Crown entered into a Deed of "On Account" Settlement ...</i>

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
			<p>(b) Amend second paragraph to read as follows:</p> <p><u>The three Rūnanga o Ngāiti Waewae, Te Rūnanga o Mākaawhio and the Mawhera Incorporation have each prepared a resource management plan to manage appropriate use and protection of pounamu. Council must have regard to these management plans in this Regional Coastal Plan, and when considering resource use activities in the coastal marine area that might affect pounamu resources.</u></p>
2.7 Kaitiakitanga and Rangatiratanga		See Section 5.1 above. We consider that further explanation of the concept of kaitiakitanga, and an explanation of Poutini Ngāi Tahu values associated with mahinga kai would assist understanding.	<p>(a) Amend the second and third paragraphs of Section 2.7 to read as follows:</p> <p><u>The exercise of kaitiakitanga (guardianship) rests with the two papatipu Rūnanga who are responsible to future generations for the protection of their cultural values. Poutini Ngāi Tahu consider kaitiakitanga as a much wider cultural concept than pure guardianship. To Poutini Ngāi Tahu, kaitiakitanga entails an active exercise of power in a manner beneficial to the resource. The outcomes of kaitiakitanga are likely to include the management of natural resources in a way that ensures that all taonga (which includes all natural resources) are available for future generations in as good, if not better, quality than they currently exist.</u></p> <p><u>The exercise of rangatiratanga (customary authority) also rests with the two papatipu Rūnanga.</u></p> <p><u>To give effect to the concepts of kaitiakitanga and rangatiratanga it is important to consult with the appropriate Papatipu Rūnanga.</u></p> <p>(b) Include a new section headed 'Mahinga kai', incorporating content from Section 2.9 of the Operative West Coast Land and Water Plan and the fourth paragraph of Section 2.7 (regarding mātaītai reserves).</p>
New section 2.X Mauri		See Section 5.1 above. We consider that explanation of the concept of	Include new section, following Section 2.7, consistent with Section 2.8 (Mauri) of the Operative West Coast Land and Water Plan.

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
<p>2.9 Resource Management Issues in the Coastal Marine Area for Poutini Ngāi Tahu</p>	<p>Support in part</p>	<p>mauri would assist understanding.</p> <p>See Section 5.1, 5.3 and 5.4 above. We support the identification of Poutini Ngāi Tahu resource management issues, but consider that further detail is needed to ensure the issues are clearly understood and to support interpretation of policies and rules referring to Poutini Ngāi Tahu values. In particular, we consider that clearer explanation is needed of the following issues:</p> <ul style="list-style-type: none"> • Potential effects on mahinga kai • Concerns about discharge of sewage effluent into coastal waters • Concerns about removal of taonga, including aotea and waitai 	<p>Amend Section 2.9 to read as follows:</p> <p><i>... Poutini Ngāi Tahu consider that Te Tai o Poutini coastal environment is still rich with natural resources which, despite the impacts of modern civilisation, have remained intact. For past generations, coastal resources were a pātaka (food storage) that was of central importance to the survival of the coastal dwelling communities. These are of such importance that protocols of access, take and management are deeply embedded in the culture and attitude of Poutini Ngāi Tahu.</i></p> <p><i>The coastal environment holds many values for Poutini Ngāi Tahu that range from the spiritual realm to the practical use of coastal resources. It is a taonga (treasure) that has sustained the generations. Poutini Ngāi Tahu wish to ensure that mahinga kai and other resources of importance to them are protected from the effects of other activities in the coastal marine area. Effects of particular concern include degradation of water quality and the effects of disturbance or deposition of material on fishing grounds and shellfish beds.</i></p> <p><i>Removal of taonga is also a significant concern. In particular, aotea in the Makaanui River is of paramount importance to Ngāi Tahu, and is valued in the same way as pounamu. Waitai on Māori Beach are highly valued as life-sustaining because of their traditional and continuing importance as cooking stones. Poutini Ngāi Tahu wish to ensure both of these taonga are protected from activities that could lead to their removal.</i></p> <p><i>Important sites associated with Poutini Ngāi Tahu's values, history, customs and traditions are listed in Schedule 3A of this Plan. The objectives, policies, and Rules of this Coastal Plan aim to protect such sites and values from the adverse effects of resource use in the coastal marine area.</i></p> <p><i>In the preparation of this Plan Poutini Ngāi Tahu have expressed</i></p>

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
New section 2.Y Objectives and policies		See Section 5.1 and 5.2 above. We consider that inclusion of objectives and policies providing direction on Poutini Ngāi Tahu values would assist decision-making.	<p><u>concern about some activities in the coastal marine area, for example discharges and certain types of disturbance, being consider direct discharges of human sewage effluent to water to be culturally offensive in relation to their spiritual and other Poutini Ngāi Tahu values of associated with coastal water, and potentially adversely affecting their Other discharges and disturbances are also of concern to Poutini Ngāi Tahu where they have potential to adversely affect mahinga kai resources and other important cultural sites and values. These concerns are addressed as much as practically possible in the relevant Chapters on discharges and disturbance.</u></p> <p>Add a new section after Section 2.12, including the following objectives and policies:</p> <p>Objectives</p> <ol style="list-style-type: none"> <u>1. The principles of the Treaty of Waitangi/Te Tiriti o Waitangi are taken into account through effective involvement of Poutini Ngāi Tahu in resource consent and plan development processes.</u> <u>2. Wāhi tapu, wāhi taonga and sites of significance are protected and mahinga kai and customary resources are sustained so they are healthy, abundant and accessible to Poutini Ngāi Tahu.</u> <p>Policies</p> <ol style="list-style-type: none"> <u>1. Enable and facilitate Poutini Ngāi Tahu involvement in resource management decision-making processes, in a manner that is consistent with the principles of the Treaty of Waitangi/Te Tiriti o Waitangi.</u> <u>2. When making resource management decisions, have regard to tikanga Māori and Poutini Ngāi Tahu values, and recognise and provide for:</u> <ol style="list-style-type: none"> <u>(a) continuation and further development of Poutini Ngāi Tahu customary practices relating to natural resources;</u> <u>(b) the kaitiaki role of Poutini Ngāi Tahu;</u>

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
			<p>(c) <u>maintaining healthy mahinga kai resources;</u></p> <p>(d) <u>protection of sites and areas of spiritual or cultural value to Poutini Ngāi Tahu.</u></p>
2.12 Consultation	Support in part	See Section 5.2 above. We consider that, to appropriately reflect the requirements of s. 8 RMA, an approach that provides for development of an active partnership with Poutini Ngāi Tahu is required.	<p>Amend first sentence to read as follows:</p> <p><u>Through consultation, Poutini Ngāi Tahu will continue to develop a good working relationship, working towards active partnership with the Regional Council.</u></p>
3. Natural and human use values			
3.1 Introduction	Support in part	See Section 5.1 above. The section does not recognise the cultural, mahinga kai, ecological and water quality values that exist outside the areas identified in Schedule 3. Amendments are also needed to make the intent and scope of Section 3 clearer. In particular “protection” should be separated from “use and development” in describing the approach of the Plan.	<p>Amend Section 3.1 to read as follows:</p> <p><u>This Plan recognises the values, uses, and natural processes of the West Coast’s coastal marine area. and It recognises the need for continued use; and development, and as well as the need for protection of important values. However, in enabling continued use; and development, and protection, it is important that adverse effects on the existing natural and human use values supported by the coastal marine area are avoided, remedied, or mitigated.</u></p> <p><u>This Chapter ...</u></p> <p><u>Schedule 3 ...</u></p> <p><u>In addition to the natural and human use values identified in Schedule 3, the West Coast coastal marine area has other natural and human use values which are also protected by the Plan, including water quality, cultural, mahinga kai, historic heritage, public access, ecological and amenity values and existing lawful uses.</u></p>
Objective 3.2.1	Support in part	See Sections 5.1 and 5.5 above. We support the intent of the objective	<p>Amend Explanation to Objective 3.2.1 to read as follows:</p> <p><u>This Objective recognises that traditionally people have made use of</u></p>

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
		<p>in enabling sustainable use and development. This is consistent with the exercise of kaitiakitanga. However Ngāi Tahu does not consider that it is appropriate, in the explanation, to use extraction of mineral reserves in the coastal marine area as an example of sustainable use, as mineral reserves are not renewable.</p>	<p><i>resources in the coastal marine area and the ability to continue to sustainably use and develop these resources is vitally important. Extraction of mineral reserves, for example, contributes significantly to the regional economy, and provided that environmental impacts can be avoided, remedied, or mitigated, this is considered appropriate.</i></p>
Objective 3.2.2	Oppose	<p>We support recognition of employment opportunities as a positive effect. However this should be a policy that is subsidiary to achieving sustainable use rather than an objective to be given equal weight to Objective 3.2.1.</p>	<p>Delete Objective 3.2.2 and include its intent in Policy 3.3.1 as shown in the submission point on Policy 3.3.1.</p>
Objective 3.2.3	Support	<p>We support protection of the natural values within and adjacent to the coastal marine area, the life supporting capacity of marine ecosystems, and the integrity, functioning and resilience of natural coastal processes. This is consistent with the NZ Coastal Policy Statement and the exercise of kaitiakitanga.</p>	<p>Retain Objective 3.2.3</p>
Objective 3.2.4	Support	<p>See Section 5.1 above. We support the intent of the objective to maintain and enhance the spiritual and cultural values and uses of</p>	<p>Retain Objective 3.2.4, and amend the Explanation to read as follows: <i>Poutini Ngāi Tahu values are identified for specific parts of the coastal marine area in Schedule 3A of this Plan. Further explanation of important values can be found in Chapter 2.</i></p>

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
		<p>significance to Poutini Ngāi Tahu. This is consistent with s. 6(e) and s. 8 RMA.</p> <p>However we consider that understanding would be assisted by including a cross-reference to the discussion of Poutini Ngāi Tahu values in Chapter 2 and by clarifying that effects on Poutini Ngāi Tahu values must be considered wherever they exist, not just in the areas identified in Schedule 3A.</p>	<p><u>This Objective seeks to avoid the loss or degradation of Poutini Ngāi Tahu values and uses and, where practicable, enhance them. This Schedule is not exhaustive, and effects on Poutini Ngāi Tahu values that are found outside the areas in Schedule 3A also need to be considered.</u></p>
Policy 3.3.1	Support in part	<p>See Section 5.5. We support recognition of the positive effects of use and development of the coastal marine area. However We consider that identification of mineral extraction in the coastal marine area as “critically important” to social, economic and cultural wellbeing gives this activity inappropriate emphasis over other uses of resources.</p> <p>Recognition of employment opportunities as a positive effect would be more appropriate in this policy than as Objective 3.2.2.</p>	<p>Amend Policy 3.3.1 to read as follows:</p> <p>3.3.1 Recognise the positive effects of the use and development of the coastal marine area, including:</p> <p><u>(a) The critical importance of provision of infrastructure to the social, cultural and economic wellbeing of communities;</u></p> <p><u>(b) the importance of employment opportunities for sustaining communities;</u></p> <p><u>(c) the potential for renewable marine energy, and mineral extraction, are critically important to the social, economic and cultural wellbeing of people and communities.</u></p> <p>Explanation</p> <p><u>This Policy recognises that use and development of the coastal marine area, including the activities listed in the Policy, can provide significant community benefits, both locally and nationally, particularly employment opportunities. Where renewable energy, infrastructure, or mineral other developments provide significant community benefits (locally or nationally), it may be sufficient to remedy or mitigate</u></p>

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
Policy 3.3.2	Support in part	<p>See Section 5.5. We support recognition of the functional need for some activities to locate in the coastal marine area, but do not consider it is necessary for the Plan to provide for all such activities. Some activities that are confined to the coastal marine area may not be appropriate in the area covered by the Plan. Ngāi Tahu does not consider it is appropriate to consider mineral extraction in the same way as activities such as channel clearance, as is suggested by the explanation to Policy 3.3.2.</p>	<p><i>unavoidable effects.</i></p> <p>Amend Policy 3.3.2 to read as follows: 3.3.2 Recognise there is a functional need for some activities to locate within the coastal marine area and that these activities need to be provided for in this Plan.</p> <p><i>Explanation</i></p> <p><i>Some activities need to occur in the coastal marine area ...</i></p> <p><i>Mineral deposits in the coastal marine area are fixed in location and can only be extracted from where they are found.</i></p>
Policy 3.3.6	Support in part	<p>Clearer and stronger policy direction is needed to reflect the direction in s. 6 RMA on the matters of national importance included in Policy 3.3.6.</p> <p>The Explanation states that proposals affecting significant values will be assessed "in accordance with recognised criteria that are relevant to the regional context of the West Coast coastal marine area", but it is not clear what these criteria are.</p> <p>We consider that understanding would also be assisted by including</p>	<p>1. Amend Policy 3.3.6 to read as follows: 3.3.6 In the management of any activity in the coastal marine area, avoid give priority to avoiding, in preference to remedying of mitigating:</p> <p>1) Adverse effects on:</p> <p>(a) Spiritual and cultural values and uses of significance to Poutini Ngāi Tahu identified in Schedule 3A; ..</p> <p>2. Clarify, in the second paragraph of the Explanation, what "recognised criteria" will be applied to proposals affecting significant values.</p> <p>3. Add a further paragraph to the Explanation as follows: <u>Explanation of values and uses important to Poutini Ngāi Tahu can be found in Chapter 2.</u></p>

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
		a cross-reference to the discussion of Poutini Ngāi Tahu values in Chapter 2.	
Policy 3.3.7	Support in part	See Section 5.1 above. We support management of adverse effects on the values listed in Policy 3.3.7, but consider that mahinga kai should also be specifically included. Maintenance and enhancement of mahinga kai is important to sustain the wellbeing of Poutini Ngāi Tahu. Although some mahinga kai areas are recognised in Schedule 3A, the Plan recognises that the Schedule is not comprehensive. Adverse effects of activities on mahinga kai outside the areas in Schedule 3A also need to be managed. We consider that understanding would also be assisted by including a cross-reference to the discussion of Poutini Ngāi Tahu values in Chapter 2.	<p>1. Amend Policy 3.3.7 to read as follows:</p> <p>3.3.7 In the management of any activity in the coastal marine area:</p> <p>1) Avoid, remedy, or mitigate adverse effects on:</p> <p>(a) Water quality;</p> <p>(b) Indigenous biodiversity, <u>mahinga kai</u>, cultural and amenity values, natural character, landscapes, and historic heritage values not described in Policies 3.3.5 or 3.3.6; ...</p> <p>2. Add a further paragraph to the Explanation as follows:</p> <p><u>Explanation of mahinga kai and other cultural values and uses important to Poutini Ngāi Tahu can be found in Chapter 2.</u></p>
Policy 3.3.9	Support in part	See Section 5.2 above. We support provision for involvement of Poutini Ngāi Tahu in resource consent processes. However wording of the explanation to Policy 3.3.9 could be interpreted as only providing for involvement where spiritual and cultural values	<p>Amend last sentence of the Explanation to Policy 3.3.9 to read as follows:</p> <p>... This will allow Poutini Ngāi Tahu to assess the implications of each resource consent application on their spiritual and cultural values, and uses as they relate to the coastal marine area (identified in Schedule 3A).</p>

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
		are identified in Schedule 3A.	
4. Public access and occupation of space			
Policy 4.3.5	Support	Vehicles can cause significant damage to shellfish beds, and we support provision to restrict vehicle access to kaimoana beds to avoid such adverse effects.	Retain Policy 4.3.5
5. Structures			
Policy 5.3.1	Support	See Section 5.1 above. We support recognition of the need to manage adverse effects on Poutini Ngāi Tahu values. This is consistent with s. 6(e) and s. 8 RMA.	Retain Policy 5.3.1
6. Disturbance, excavation/ removal, deposition, reclamation			
6.1 Introduction	Support in part	See Section 5.1 above. We consider that potential for adverse effects on mahinga kai should be identified in addition to effects on the other values described. Maintenance and enhancement of mahinga kai is important to sustain the wellbeing of Poutini Ngāi Tahu.	Amend third paragraph of Section 6.1 to read as follows: <i>Other disturbances to the foreshore or seabed can have potentially more than minor adverse effects. Foreshore disturbance can damage mahinga kai, sites of cultural significance or indigenous species' habitat, or ...</i>
Objective 6.2.1	Support in part	See Section 5.7 above. The objective does not provide clear direction as to what places are appropriate for these activities, and what limits might be appropriate. We consider the objective should refer to the	Amend Objective 6.2.1 to read as follows (or similar), and amend Explanation to reflect this: <i>6.2.1 To provide for disturbance, extraction, removal of natural material, deposition, and reclamation in the coastal marine area, in appropriate places and forms, and within appropriate limits that to manage adverse effects ensure:</i>

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
		effects that must be avoided.	<p><u>(a) water quality is maintained or enhanced;</u></p> <p><u>(b) the natural functioning of coastal processes is maintained;</u></p> <p><u>(c) the life-supporting capacity of the coastal marine area is maintained or enhanced;</u></p> <p><u>(d) adverse effects on significant indigenous habitats and Poutini Ngāi Tahu values are avoided;</u></p> <p><u>(e) public access and navigation safety is not impeded.</u></p>
Policy 6.3.1	Support in part	See Section 5.7 above. Inclusion of the qualifier “where appropriate” weakens the policy and makes it uncertain. We consider the qualifier is unnecessary and unhelpful.	<p>Amend Policy 6.3.1 to read as follows:</p> <p>6.3.1 Provide, where appropriate, for the protection, restoration or enhancement of natural or man-made defences that protect coastal land uses, or sites of significant biodiversity, cultural or historic heritage or geological value, from coastal hazards.</p>
Policy 6.3.3	Support in part	See Section 5.7 above. The policy is unclear; although it requires consideration of a variety of factors and mitigation measures, it does not state what effects these measures are intended to manage. We consider that the types of effects discussed in the Explanation to the policy should be referred to in the policy itself to make the direction clearer. Adverse effects on water quality and aquatic ecosystems should also be considered and addressed.	<p>Amend Policy 6.3.3</p> <p>6.3.3 When processing resource consent applications for disturbance, removal of natural material, or deposition, consider whether the following may be effective to avoid, remedy, or mitigate adverse effects:</p> <p><u>(a) Buffers or setbacks to protect adjacent indigenous habitats or Poutini Ngāi Tahu values;</u></p> <p><u>(b) Limits on the activity, including the location, rate, volume, size of material, area, timing, duration, methods, or equipment used, to avoid adverse effects on water quality, coastal processes, aquatic or estuarine ecosystems, indigenous habitats, mahinga kai or other Poutini Ngāi Tahu sites or values;...</u></p> <p>Explanation</p> <p>Disturbance, removal of natural material, and depositions have the potential to change beach sediment volumes and budgets, affect wave</p>

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
Policy 6.3.4	Support in part	See Sections 5.1, 5.3 and 5.7. The policy only requires that the listed matters be considered, rather than providing clear direction as to how effects are to be managed. In particular, we consider that there should be a clear policy direction to avoid effects of gravel extraction on Poutini Ngāi Tahu values. This would be consistent with the requirements of section 6(e) of the RMA.	<p>flow and energy, degrade shore stability along the harvested shore and adjacent coast, and increase the risk of creating a hazard. Disturbance can also affect other values such as <u>water quality, aquatic ecosystems, mahinga kai, birds nesting, nearby residences, and sites important to Poutini Ngāi Tahu</u></p> <p>Amend Policy 6.3.4 to read as follows:</p> <p>6.3.4 When processing a resource consent application to extract <u>Extraction of gravel from a river bed in the coastal marine area should be managed to consider:</u></p> <p>(a) The <u>Maintain the capacity of rivers to carry flood flows;</u> (b) The <u>Maintain the sustainable yield of the river system;</u> (c) <u>Avoid, remedy or mitigate adverse effects on bed levels and channel location;</u> (d) <u>Avoid, remedy or mitigate adverse effects on riverbank stability and riverbank vegetation;</u> (e) <u>Avoid adverse effects on Poutini Ngāi Tahu values;</u> (f) <u>Maintain navigation safety;</u> (g) <u>Maintain fish passage;</u> (h) <u>Avoid potential spread of pest plants and invasive, aquatic micro-algae.</u></p>
Policy 6.3.6	Oppose	See Sections 5.6 and 5.7 above. The policy requires consideration of alternatives, and the need for the reclamation, but does not provide any direction as to the effects that need to be addressed. The explanation says these are dealt with in Chapter 4, but that chapter only deals with public access to and	<p>Amend Policy 6.3.6 to read as follows:</p> <p>6.3.6 For Reclamations, and deposition of material other than rock for erosion protection works will be avoided in locations identified in Schedules 3A, 3C, 3D, 3E, 3F, 6 or 10, or where the activity may have significant adverse effects on:</p> <p>(a) <u>the functioning of coastal processes in the wider environment, or</u> (b) <u>significant indigenous habitats, or</u> (c) <u>Poutini Ngāi Tahu values.</u></p>

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
		<p>along the coastal marine area. There is no reference to effects on coastal processes or the values identified in Chapter 3.</p>	<p><u>In assessing any proposal for reclamation or deposition of material, consideration will be given to the reasons for undertaking the activity in the coastal marine area, and to any other available alternatives.</u></p> <p><u>Explanation</u></p> <p><u>Reclamations can have significant adverse effects on natural values, Poutini Ngāi Tahu values and physical coastal processes. This policy requires that reclamations be avoided in areas that are significant for these values, and enables Council to consider the adverse effects of reclamations, and deposition involving disposal of materials such as cleanfill in the coastal marine area. These activities may change the form of the foreshore, or have effects in other locations depending on the size of area or quantity of material involved. Effects of exception of-space-by reclamations and depositions on public access is dealt with in Chapter 4.</u></p>
New Policy 6.3.X	Support	<p>See Section 5.5. We consider that a precautionary approach to mining in the coastal marine area is required because of the uncertainty and potential scale of adverse effects of on ecological, mahinga kai, recreational and commercial values.</p>	<p>Add new policy to read as follows:</p> <p><u>To ensure that fishing grounds and coastal areas of cultural, recreational and commercial significance are appropriately protected from disturbance and deposition associated with mining in the coastal marine area by:</u></p> <p><u>(1) avoiding establishment of mining activity in locations in or near recognised fishing grounds and areas identified in Schedule 3; and</u></p> <p><u>(2) placing limits on the scale and intensity of potential mining activity.</u></p>
7. Vegetation removal and planting			
Objective 7.2.1	Oppose	<p>See Section 5.7 above. The objective does not provide clear direction as to what effects need to be managed to achieve. We consider the objective should refer to desired outcomes.</p>	<p>Amend Objective 7.2.1 to read as follows:</p> <p><u>7.2.1 To avoid, remedy or mitigate adverse effects associated with the ensure planting or removal of vegetation in the coastal marine area:</u></p> <p><u>(a) maintains or enhances water quality;</u></p> <p><u>(b) maintains the natural functioning of coastal processes;</u></p> <p><u>(c) maintains or enhances the life-supporting capacity of the coastal</u></p>

Specific provisions that submission relates to	Support/ oppose	Reasons	Amendments sought
Policy 7.3.1	Support in part	We consider that Policy 7.3.1 does not fully reflect the direction on values protected in Chapter 3. Adverse effects on significant wetlands and whitebait spawning sites should be required to be <u>avoided</u> , rather than 'avoided, remedied or mitigated'. We consider it would also be appropriate to <u>avoid</u> adverse effects on wāhi tapu and to manage effects on plant species that are important for mahinga kai.	<p><u>marine area</u>;</p> <p><u>(d) avoids adverse effects on significant indigenous habitats and Poutini Ngāi Tahu values</u>;</p> <p><u>(e) does not create or exacerbate natural hazards</u>.</p> <p>Amend Policy 7.3.1 to read as follows:</p> <p>7.3.1 To manage vegetation removal in the coastal marine area in order to avoid, remedy, or mitigate:</p> <p>1) <u>avoid</u> adverse effects on:</p> <p>(e) the stability of estuary and lagoon foreshore, and river banks, mouths, beds, and channels;</p> <p><u>(a) sites that meet the ecological criteria for significant wetlands in Schedule 2;</u></p> <p><u>(b) whitebait spawning sites listed in Schedule 6;</u></p> <p><u>(c) wāhi tapu;</u></p> <p><u>(d) water quality;</u></p> <p>(e) the integrity of property or structures;</p> <p>2) <u>avoid, remedy or mitigate</u>:</p> <p><u>(a) adverse effects on the stability of estuary and lagoon foreshore, and river banks, mouths, beds, and channels;</u></p> <p><u>(b) adverse effects on water quality;</u></p> <p><u>(c) adverse effects on the abundance of mahinga kai species;</u></p> <p><u>(d) adverse effects on the integrity of property or structures;</u></p> <p><u>(e) any increase in the risk of causing or exacerbating a coastal hazard.</u></p>
8. Discharges			
Objective 8.2.1	Oppose	See Section 5.7 above. The objective does not provide clear direction as to what effects need to	<p>Amend Objective 8.2.1 to read as follows:</p> <p>8.2.1 To avoid, remedy, or mitigate adverse effects of contaminants directly discharged to the coastal marine area on:</p>

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
		<p>be managed to achieve. We consider the objective should refer to desired outcomes.</p>	<p><u>(a) water quality;</u> <u>(b) the life-supporting capacity of the coastal marine area;</u> <u>(c) mahinga kai resources and other Poutini Ngāi Tahu values;</u> <u>(d) significant indigenous habitats.</u></p>
<p>Policy 8.3.2</p>	<p>Support in part</p>	<p>See Section 5.7 above. The policy requires regard to be had to a range of effects, including effects on Poutini Ngāi Tahu values, but provides no direction as to whether these effects are to be avoided or addressed in some other way.</p>	<p>Amend Policy 8.3.2 to read as follows: <u>8.3.2 (1) Discharge of contaminants to the coastal marine area shall have no more than minor effects on:</u> <u>(a) any estuary, lagoon, or intertidal area;</u> <u>(b) Poutini Ngāi Tahu values;</u> <u>(c) The matters identified in Policies 8.3.1, 3.3.5, 3.3.6, and 3.3.7;</u> <u>(d) The quality of the receiving waters;</u> <u>(2) When considering applications for resource consent to discharge contaminants to the coastal marine area, have regard to:</u> <u>(e) Whether adverse effects of the discharge on any estuary, lagoon, or intertidal area can be shown to be minor;</u> <u>(f) Poutini Ngāi Tahu values and the effects of the discharge on these values;</u> <u>(g) The financial implications, and the effects on the environment, of the proposed method of discharge when compared with other methods;</u> <u>(h) The current environmental mitigation technology and the likelihood that the proposed method can be successfully applied;</u> <u>(i) Alternative sites for the discharge within and outside the coastal marine area, and whether the adverse effects would be greater or lesser than the proposed site;</u> <u>(j) The matters identified in Policies 8.3.1, 3.3.5, 3.3.6, and 3.3.7;</u> <u>(k) An appropriate standard of water quality for the receiving waters;</u> <u>(l) The best practicable option for the treatment and disposal of</u></p>

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
			<i>human sewage wastewater, including the use of land disposal or wetland treatment.</i>
Policy 8.3.3	Support	We support the requirement to meet water quality standards in shellfish gathering areas.	Retain Policy 8.3.3
Policy 8.3.4 (identified in Plan as 8.3.3)	Support	We support the consideration of opportunities for improvement of water quality when resource consents are being renewed.	Retain Policy 8.3.4 and correct error in numbering.
New Policy 8.3.X	Support	See Section 5.5. We consider that a precautionary approach to mining in the coastal marine area is required because of the uncertainty and potential scale of adverse effects of on ecological, mahinga kai, recreational and commercial values.	<p>Add a new policy as follows:</p> <p><u>To ensure that fishing grounds and coastal areas of cultural, recreational and commercial significance are appropriately protected from discharges associated with mining in the coastal marine area by:</u></p> <p><u>(1) avoiding establishment of mining activity in locations in or near areas identified in Schedule 3; and</u></p> <p><u>(2) placing limits on the scale and intensity of potential mining activity.</u></p> <p><u>Explanation</u></p> <p><u>A precautionary approach to mining in the coastal marine area is required because of the uncertainty and potential scale of adverse effects of on ecological, mahinga kai, recreational and commercial values.</u></p>
New Policy 8.3.Y	Support	See Section 5.4 above. Direct discharge of human sewage effluent to coastal water is culturally offensive to Ngāi Tahu and we consider this should be reflected by inclusion of a strong policy direction to discourage such discharges unless there are no	<p>Add a new policy to Section 8.3 to read as follows:</p> <p><u>Human sewage should not be discharged directly into the coastal marine area where alternative methods, sites and routes for undertaking discharges are practicable. Where the human sewage is to be discharged to the coastal marine area:</u></p> <p><u>(2) Particular regard shall be had for Pouini Ngāi Tahu values and the effects of discharges on those values; and</u></p> <p><u>(3) The discharge shall be treated to meet a "Shellfish Gathering"</u></p>

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
		practicable alternatives.	<u>standard.</u> <u>Explanation</u> <u>Direct discharge of human sewage effluent to coastal water is culturally offensive to Ngāi Tahu. Such discharges should be avoided wherever there is a practicable alternative available. Where there is no practicable alternative, measures will be required to avoid adverse effects on Poutini Ngāi Tahu values and food sources.</u>
Method 8.4.1	Support in part	See Section 5.4 above. We support the intent of Method 8.4.1 to encourage better management of sewage effluent. However framing this as a policy would provide clearer and stronger direction to district councils.	Delete Method 8.4.1 and replace it with the following policy in Section 8.3: <u>In developing district plans and in considering resource consents for coastal subdivision and development, district councils should require an assessment of whether a centralised sewage effluent treatment and disposal system is appropriate to avoid or minimise effects on the water quality and cultural values of the coastal marine area.</u>
9. Taking, use, damming or diversion			
Objective 9.2.1	Support in part	See Section 5.7 above. The objective does not provide clear direction as to what effects need to be managed to achieve. We consider the objective should refer to desired outcomes.	Amend Objective 9.2.1 to read as follows: 9.2.1 To provide for the appropriate taking, use, damming and diversion of coastal water while <u>avoiding, remedying, or mitigating adverse effects-ensuring that:</u> (a) <u>water quality is maintained or enhanced;</u> (b) <u>the natural functioning of estuaries, lagoons and river mouths is maintained;</u> (c) <u>the life-supporting capacity of the coastal marine area is maintained or enhanced;</u> (d) <u>adverse effects on significant indigenous habitats, mahinga kai and other Poutini Ngāi Tahu values are avoided.</u>
Policy 9.3.1	Support in part	See Section 5.6 and 5.7 above. The policy provides no direction about the effects that need to be	9.3.1 To allow <u>small-scale takes, uses, and diversions of coastal water</u>

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
		considered or managed.	<i>with no more than minor effects, and restrict other takes, uses, damming and diversion of coastal water to avoid adverse effects on water quality, functioning of river mouths, lagoons and estuaries, fish passage, mahinga kai or ecological values that may have potentially more than minor adverse effects, or where the effects are uncertain.</i>
11. Introduction to the rules (and summary of rules)			
11.2 Status of Activities	Oppose	See Sections 5.3, 5.4 and 5.6 above. The Plan does not provide for use of non-complying activity status. We consider this should be amended to reflect requests in this submission for non-complying activity status for sewage effluent discharges, offshore mining activities, gravel extraction in the Mākāwhio River, reclamation and damming of coastal waters.	Amend first sentence of Section 11.2 to read as follows: <i>Each rule specifies whether a particular activity is permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited.</i>
Summary of rules	Support in part	The summary table would be clearer if the activity column was placed at the left of the table.	Amend table to relocate the column describing activities so it is the first column.
12. Rules			
12. Advice notes for rules	Support	See Section 5.1 and 5.2 above. We support inclusion of the advice note alerting Plan users to the ownership and protocols affecting pounamu.	Retain reference to Ngāi Tahu ownership of pounamu and to the accidental discovery protocols.
12.1.1 Rule 1 Temporary occupation of the	Oppose	The rule is solely concerned with public access and amenity. Events on the foreshore may also have adverse effects on the significant	Amend Rule 1 to include an additional condition as follows: <i>Any event which restricts or excludes public access within the foreshore, including military exercises, is a permitted activity provided</i>

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
coastal marine area		values protected in Chapter 3. We consider it would be appropriate to exclude these activities from areas identified as Culturally Significant Areas in Schedule 3A.	that all of the following conditions are met: <u>(X) The activity shall not be located in an area identified in Schedule 3A;</u> <u>(a)...</u>
12.1.1 Rule 2 Occupation by other permitted activities	Support in part	An error in numbering needs to be corrected.	Amend Rule 2 to read as follows: <i>The occupation of the coastal marine area by any structure which is a permitted activity under Rules 4-10, or by any disturbance activity permitted under Rules 14-2115-22, is a permitted activity.</i>
Rule 10 Maintenance of existing structures	Support	We support inclusion of a condition avoiding disturbance of spawning habitat of inanga and other indigenous fish. This will assist to sustain healthy populations of these species.	Retain condition (k)
Rule 15 Small-scale removal of natural material	Oppose	See Sections 5.1 and 5.3 above. Waitai (white stones) on Māori Beach, Bruce Bay, are culturally significant to Poutini Ngāi Tahu because of their traditional and continuing importance as the only suitable cooking stones available. Provision for their removal by the public or commercial operators is culturally offensive.	Amend Rule 15 to ensure it does not permit removal of waitai (white stones) from Māori Beach, Bruce Bay.
Rule 19 Clearing blocked river and creek mouths	Support	See Section 5.1 above. We support inclusion of a condition requiring access to minimise disturbance to sites of importance to Poutini Ngāi	Retain condition (d)

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
Rule 20 Channel clearance in Otumahana Estuary and Granite Creek	Support	Tahu. We support inclusion of a condition avoiding disturbance of spawning habitat of inanga. This will assist to sustain healthy populations of these species.	Retain condition (g)
Rule 21 Temporary geotechnical testing in riverbeds	Support	We support conditions avoiding impedance of fish passage and disturbance of spawning habitat of inanga and other indigenous fish. This will assist to sustain healthy populations of these species.	Retain conditions (a)(ii) and (d)
Rule 23 Disturbance and deposition associated with coastal State Highway drop out repair structures	Support in part	See Section 5.2 above. Reference to 'iwi values' in matters for control in Rule 23 (disturbance and deposition associated with repair of highway drop outs) needs to be amended to Poutini Ngāi Tahu	Amend Rule 23, Matter for control (d) to read as follows: <i>Accidental discovery of iwi-Poutini Ngāi Tahu values and artefacts;</i>
Rule 24 Gravel extraction in riverbeds	Support in part	See Section 5.1, 5.2 and 5.3 above. Aotea in the Makaawhio River is a taonga of paramount importance to Ngāti Māhaki ki Makaawhio. Gravel extraction from the Makaawhio River is culturally offensive to Poutini Ngāi Tahu because of the effect this would have on aotea, and we consider that it would be appropriate to exclude the Makaawhio River from	1. Amend Rule 24 to read as follows: <i>The extraction of gravel from the dry part of a riverbed in the coastal marine area, except for the bed of the Makaawhio River, is a restricted discretionary activity.</i> 2. Retain matter for discretion (f) 3. Amend Rule 24 to provide for notification to the relevant Papatipu Rūnanga in Statutory Acknowledgement Areas or where pounamu may be affected.

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
		<p>this rule.</p> <p>We support restricted discretionary activity status for gravel extraction from the beds of other rivers subject to retention of matter for discretion (f) regarding effects on Statutory Acknowledgement Areas or pounamu resources.</p> <p>To ensure these effects are appropriately addressed, the relevant Papatipu Rūnanga should be notified of any resource consent applications in Statutory Acknowledgement Areas or where pounamu may be affected.</p>	
Rule 25 Other disturbance activities	Oppose	<p>See Sections 5.3, 5.4 and 5.6 above. Rule 25 does not provide for use of non-complying activity status. We consider this should be amended to reflect requests in this submission for non-complying activity status for offshore mining activities, gravel extraction in the Makaanui River, and reclamation.</p>	<p>Amend Rule 25 Other disturbance activities to read as follows: <i>Unless permitted by Rules 15-22, or controlled by Rule 23, or the activity is a restricted discretionary activity under Rule 24 or a non-complying activity under Rules [A], [B] or [C], any disturbance, extraction, removal of natural material, reclamation, or deposition in the coastal marine area is a discretionary activity.</i></p>
12.3 Disturbance activities New rule A	Support	<p>See Section 5.5. We consider that a precautionary approach to mining in the coastal marine area is required because of the uncertainty and potential scale of adverse effects of on ecological, mahinga kai, recreational and</p>	<p>Add new Section 12.3.4 Non-complying disturbance and deposition activities, with a rule as follows: <u>Rule [A] Disturbance and deposition associated with offshore exploration and extraction of minerals</u> <u>Disturbance and deposition of material associated with offshore exploration and extraction of minerals is a non-complying activity.</u></p>

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
12.3 Disturbance activities New rule B	Support	commercial values. See Section 5.6 above. We consider that non-complying activity status for reclamation is appropriate to reflect the direction of the New Zealand Coastal Policy Statement and to protect significant values in the coastal marine area.	Add new <u>Section 12.3.4 Non-complying disturbance and deposition activities</u> , with a rule as follows: <u>Rule [B] Reclamation</u> <i><u>Reclamation in the coastal marine area is a non-complying activity.</u></i>
12.3 Disturbance activities New rule C	Support	See Section 5.3 above. Aotea in the Makaanwhio River is a taonga of paramount importance to Ngāti Māhaki ki Makaanwhio. Gravel extraction from the Makaanwhio River is culturally offensive to Poutini Ngāi Tahu because of the effect this would have on aotea. We consider that non-complying activity status for gravel extraction from the Makaanwhio River is appropriate to protect the taonga.	Add new <u>Section 12.3.4 Non-complying disturbance and deposition activities</u> , with a rule as follows: <u>Rule [C] Gravel extraction in the Makaanwhio River</u> <i><u>Gravel extraction in the bed of the Makaanwhio River is a non-complying activity.</u></i>
12.4 Vegetation planting and removal Rules 26-29	Support	We support the approach in the Proposed Plan to management of vegetation in the coastal marine area, which will encourage retention and planting of indigenous vegetation to enhance natural and cultural values. We support conditions to avoid disturbance of spawning habitat of inanga. This will assist to sustain healthy populations of these	Retain rules 26-29, including Rule 27(a) and Rule 28(a).

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
Rule 31 Stormwater and drainage water discharges	Support in part	<p>species.</p> <p>See Section 5.7. Conditions requiring that the activity does not give rise to any significant adverse effects on aquatic life (iv), or render the receiving water unsuitable for contact recreation (v), are uncertain and would rely on assessment after the effect has been created. They should be replaced by water quality, treatment and/or location standards that ensure that the effect will not happen.</p>	Amend Rule 31 to replace conditions (iv) and (v) with clear and measurable standards.
Rule 34 incidental discharge of contaminants from maintenance of structures	Support in part	See Section 5.7 above. Condition (iv) requiring that the activity does not give rise to any significant adverse effects on aquatic life is uncertain and would rely on assessment after the effect has been created. It should be replaced by water quality, treatment and/or location standards that ensure that the effect will not happen	Amend Rule 34 to replace condition (iv) with clear and measurable standards.
Rule 36 Discharges from hull cleaning and anti-fouling	Support in part	See Section 5.7 above. Condition (b) on discharges from hull cleaning and anti-fouling provides for 'reasonable mixing' but does not say how this will be measured Condition (b)(iii) requiring that the activity does not give rise to any	<p>Amend Rule 36 to include, in condition (b), measurable standards to:</p> <ul style="list-style-type: none"> State what distance from the discharge point is considered adequate to provide for 'reasonable mixing' Ensure there will not be significant adverse effects on aquatic life.

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
		significant adverse effects on aquatic life is uncertain and would rely on assessment after the effect has been created. It should be replaced by water quality, treatment and/or location standards that ensure that the effect will not happen	
Rule 37 Discharge of stormwater and land drainage water not meeting permitted Rule 31	Support in part	See Section 5.1 and 5.2 above. Reference to 'iwi values' in matters for control (c) needs to be amended to Poutini Ngāi Tahu, and there should be provision for notifying the relevant Papatipu Rūnanga of applications affecting these values	Amend Rule 37, condition (c) to read as follows: <i>(c) Adverse effects on biodiversity, <u>iwi-Poutini Ngāi Tahu values</u>, recreational values, water quality, and coastal hazard risk:...</i>
Rule 38 Discretionary discharges	Oppose	See Section 5.4 above. Rule 38 does not provide for use of non-complying activity status. We consider this should be amended to reflect requests in this submission for non-complying activity status for direct discharge of human sewage effluent to coastal water and for discharges associated with offshore mining.	Amend Rule 38 Discretionary discharges to read as follows: <i>Unless permitted by Rules 31-36, or non-complying under Rules [D] or [E], any discharge into or onto the coastal marine area is a discretionary activity.</i>
12.5 Discharges New rule D	Support	See Section 5.4 above. Direct discharge of human sewage effluent to coastal water is culturally offensive to Ngāi Tahu and we consider this should be	Add new Section 12.5.4 Non-complying discharges , with a rule as follows: <u>Rule [D] Discharge of human sewage effluent</u> <i>The direct discharge of human sewage effluent to coastal water is a</i>

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
		reflected by non-complying activity status to discourage such discharges unless there are no practicable alternatives.	<u>non-complying activity.</u>
12.5 Discharges New rule E	Support	See Section 5.5. We consider that a precautionary approach to mining in the coastal marine area is required because of the uncertainty and potential scale of adverse effects of on ecological, mahinga kai, recreational and commercial values.	Add new Section 12.5.4 Non-complying discharges, with a rule as follows: <u>Rule [E] Discharges associated with offshore exploration and extraction of minerals</u> <u>Any discharge associated with offshore exploration and extraction of minerals is a non-complying activity.</u>
Rule 40 Temporary taking or diversion of coastal water	Support in part	See Sections 5.1 and 5.2 above. We consider it would be appropriate to require resource consent for temporary takes and diversions in statutory acknowledgement areas in order to provide an opportunity for input by papatipu rūnanga and consideration of any adverse effects on Poutini Ngāi Tahu. This would be consistent with the rights accorded by the Ngāi Tahu Claims Settlement Act 1998. We support condition (c) requiring maintenance of fish passage. This will assist to sustain healthy populations of migratory fish species.	Amend Rule 40 to read as follows: <i>The temporary taking or diversion of water in a riverbed in the coastal marine area for the purpose of the erection, maintenance, alteration, replacement, reconstruction, removal or demolition of any lawfully existing structure (excluding any whitebait stand), is a permitted activity provided that all of the following conditions are met:</i> <i>(x) The activity shall not be located in a Statutory Acknowledgement Area identified in Schedule 3A:</i> <i>(a) ...</i> <i>(b) ...</i> <i>(c) Fish passage through the diversion area is maintained and any fish stranded during the works are transferred to the flowing part of the river;...</i>
Rule 41 Permanent diversion of coastal	Support in part	Temporary takes and diversions are subject to a condition requiring	Amend Rule 4.1 to include a new condition as follows:

Specific provisions that submission relates to	Support/ oppose	Reasons	Amendments sought
water		maintenance of fish passage. We consider it would be appropriate to include a similar condition in the permitted activity for permanent diversions from structures. This will assist to sustain healthy populations of migratory fish species.	... <u>(y) The diversion shall not impede fish passage.</u>
Rule 43 Damming, and diversion of open coastal water	Oppose	See Section 5.6 above. We consider it would be appropriate to make damming of open coastal waters a non-complying activity to avoid adverse effects on natural coastal processes, aquatic life and mahinga kai.	Amend Rule 43 to make damming and diversion of open coastal water a non-complying activity under a new Section 12.6.3 Non-complying damming and diversion
Rule 46 Seismic surveys	Support	We support inclusion of reference to Department of Conservation's "Code of Conduct for Minimising Disturbance to Marine Mammals from Seismic Survey Operations". This will help to ensure that marine mammals are not unduly disturbed by noise and vibration from seismic surveys.	Retain advice note regarding the Code of Conduct.
13. Information requirements			
13.2 General Information Required	Support in part	See Section 5.7 above. Information required includes assessment of any positive social or economic effects (13.2.10(a)), but not positive environmental or cultural	Amend Section 13.2 to include, after 10(a), an additional point as follows: <u>Any positive environmental or cultural effects, including opportunities for enhancement of indigenous habitats, mahinga kai resources or other Poutini Ngāi Tahu values</u>

Specific provisions that submission relates to	Support/oppose	Reasons	Amendments sought
Schedules			
Schedule 3A: Culturally Significant Areas	Support in part	See Section 5.1 and 5.2 above. The introductory text for Schedule 3A should refer to Poutini Ngāi Tahu values, not Māori values. Reference to Poutini Ngāi Tahu values outside Schedule 3A areas also needs to be made clearer. No values are identified in the Schedule in relation to CSA25 Popotai/Taumaka (Open Bay Islands)	1. Amend introductory text to read as follows: <i>The Culturally Significant Areas include these areas below the mean high water springs that are considered to be culturally significant to Poutini Ngāi Tahu. They include: mahinga mātaītai, tauranga waka, wāhi tapu, and wāhi taonga. Nga wāhi pounamu is also significant to Poutini Ngāi Tahu. The map in Schedule 8 shows the parts of the coastal marine area which are pounamu areas. The identification of these areas does not diminish the importance of the entire coastal marine area to Poutini Ngāi Tahu, and effects of activities on Poutini Ngāi Tahu values outside the areas identified in this schedule must also be considered. Refer to Chapter 2 for further explanation of the values important to Poutini Ngāi Tahu in the coastal marine area. The Chapter 16 Glossary has definitions for the Māori Poutini Ngāi Tahu values listed here.</i> 2. Amend CSA25 Popotai/Taumaka (Open Bay Islands) to include a listing of the values applying to this area.
4. Statutory Acknowledgement areas in the coastal marine area	Support	See Sections 5.1 and 5.2 above. We support inclusion of information about the effect of Statutory Acknowledgement Areas in Resource Management Act processes.	Retain Schedule 4
8. Pounamu accidental discovery protocol	Support	See Sections 5.1 and 5.2 above. We support inclusion of information about protocols to be followed if pounamu is discovered.	Retain Schedule 8
10. Shellfish gathering areas and	Support	See Section 5.1 above. Shellfish beds are important mahinga kai	Retain Schedule 10

Specific provisions that submission relates to	Support/ oppose	Reasons	Amendments sought
standards		resources. We support their identification and setting of water quality standards to ensure the health of the resource.	

SCHEDULE 2: SIGNIFICANCE OF AOTEA TO KĀTI MĀHAKI KI MAKAAWHIO

The significance of Aotea to Kāti Māhaki ki Makaawhio is best expressed in our waiata, “Mana Pounamu”, a waiata which identifies and names important awa and landmarks following the journey our tipuna made to Piopiotahi to gather tangiwai. Aotea is described as being te aiorangi, the most precious or more literally as being “sourced from the heaven”; the highest placed; the pinnacle of stones far and wide (to the multitudes).

An apt description when considering the distinct beauty of Aotea (whose name is derived from the blue form of the stone) and its many hues from green through to the lightest blue.

In 1912, Eldon Best said, “That Ngāti Māhaki Māoris of Jacobs River District, apply the name Aotea to malachite, which is found in the Makaawhio creek, south of Bruce Bay, about 200 miles south of Hokitika. These natives are still stone worked to a limited extent, and fashion pendants of the above material. Toki were made of this stone in former times.”

Our kōrero pounamu speaks of Hine Aotea, one of four wives of Tamaahua who were all kidnapped, turned to stone and hidden in the rivers of Westland, becoming precious pounamu. Hine Aotea was hidden in our awa tuturu, Makaawhio, the source, to this day of our highly prized taonga and the only place in the Southern hemisphere where Aotea is found.

Just as our tipuna prized the stone in 1912, this generation continues to acknowledge the cultural significance of Aotea to our people. We celebrate our relationship to the stone within our Whare tipuna, Kaipo and in a koru mosaic on our Marae-ātea, we acknowledge our ties to its source, “Ko Makaawhio te awa tuturu”, our ancestral river and we continue to gather aotea to this day.

Unfortunately knowledge of the beauty, rarity and qualities of the stone have not been restricted to only Kāti Māhaki and for years there has been indiscriminate gathering of Aotea, with pieces appearing with some regularity on the market, either in jewellery form or as healing stones through crystal merchants.

Additionally when negotiation began with the crown, in relation to pounamu, Aotea was not included as a variety within those returned under the Pounamu Vestment Act. In order to protect Aotea from unsustainable gathering and inappropriate commercial development, Te Rūnanga o Makaawhio applied for and was granted a 40 year exclusive mining permit (02 July

2004) for Aotea. The licence area currently extends along the full length of the Makaawhio River from the mountains to the sea and includes all of the tributaries.

The license has provided the vehicle for us to protect aotea, however, to further protect it and our awa tapu-sacred river, further, we need it to be excluded from gravel extraction also.